



The Barossa Council

NOTICE OF MEETING

**Notice is hereby given that the next ordinary meeting of Council
will be held on Tuesday 19 March 2019
in the Council Chambers,
43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am.**

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL

- 1.1 Welcome by Mayor Lange - meeting declared open
- 1.2 Present
- 1.3 Leave of Absence
- 1.4 Apologies for Absence
- 1.5 Minutes of previous meetings – for confirmation:
 - Ordinary Council meeting held on 19 February 2019 at 9.00am
 - Confidential Council meeting held on Tuesday 19 February 2019 at 11.36am
 - Confidential Council meeting held on Tuesday 19 February 2019 at 11.43am
- 1.6 Matters arising from previous minutes
 - Nil
- 1.7 Petition:
 - For the Repair of Wirra Wirra Road, Blockers Road and Tower Road, Pewsey Vale
- 1.8 Deputations
 - Nil
- 1.9 Notice of Motion
 - Nil
- 1.10 Questions – With or Without Notice

2.	MAYOR	
2.1	Mayor's report - <u>attached</u>	10
3.	COUNCILLORS' REPORTS	
3.1	Nil	
4.	CONSENSUS AGENDA	
4.1	MAYOR	
4.1.1	Local Government Association of SA (LGA) – Value of LGA Membership – The Barossa Council	12
4.1.2	Meeting with Representatives of the City of Grapevine, Texas – Opportunity for Strategic Collaboration	22
4.2	EXECUTIVE SERVICES	
4.2.1	CHIEF EXECUTIVE OFFICER	
4.2.1.1	Legatus Group Meeting 15 February 2019 – Unconfirmed Minutes	25
4.2.2	COMMUNICATION AND ENGAGEMENT OFFICERS	
4.2.2.1	Communication and Engagement – Quarterly Report	32
4.3	CORPORATE & COMMUNITY SERVICES	
4.3.1	DIRECTOR CORPORATE AND COMMUNITY SERVICES	
	Nil	
4.3.2	MANAGER COMMUNITY PROJECTS	
	Nil	
4.4	WORKS AND ENGINEERING	
4.4.1	DIRECTOR'S REPORT	
4.4.1.1	Trees for Life	33
4.5	DEVELOPMENT & ENVIRONMENTAL SERVICES	
4.5.1	DEVELOPMENT SERVICES	
4.5.1.1	Planning Reforms – Draft development Assessment Regulations and Practice Directions – Comments Made	36
4.5.2	ENVIRONMENTAL SERVICES	
4.5.2.1	Gawler River Floodplain Management Authority	112
4.5.2.2	Progress Report	118
4.5.3	HEALTH SERVICES	
4.5.3.1	Food Recalls	119
4.5.3.2	Food Premises Inspections	120
4.5.4	REGULATORY SERVICES	
	Nil	

4.5.5 WASTE SERVICES

Nil

5. CONSENSUS AGENDA ADOPTION

- 5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA**
- 5.2 RECEIPT OF CONSENSUS AGENDA**
- 5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA**

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

10.00am Presentations:
Volunteer Recognition Certificate:
Kym Connell – Service to the Barossa Visitor Centre;
Youth Grant certificates:
Jayde McGrath, Matthew Jacks, Ashley Sonntag,
Hayden Schiller, Katie Koch, Eliza King, Kendra Petney

6.2 ADJOURNMENT OF COUNCIL MEETING

9.30am Strategic Planning and Development Policy Committee
meeting

7. DEBATE AGENDA

7.1 MAYOR

Nil

7.2 EXECUTIVE SERVICES

7.2.1 CHIEF EXECUTIVE OFFICER

7.2.1.1	Elected Members' Allowances and Benefits Policy	121
7.2.1.2	Quarterly Update to Delegations Register – March 2019	139
7.2.1.3	Public Consultation: Revocation of Community Land Status – Mount Pleasant and District Golf Club Inc.	158
7.2.1.4	Barossa and Districts Health Advisory Council Inc – Appointment of Local Government Representative	199
7.2.1.5	Local Government Electricity Tender for 2019	202

7.2.2 FINANCE

7.2.2.1	Monthly Finance Report (as at 28 February 2019)	205
---------	---	-----

7.3 CORPORATE AND COMMUNITY SERVICES

7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1	Land Only Lease – Approval in Principle – Tanunda Kindergarten	208
---------	--	-----

7.3.2 MANAGER COMMUNITY PROJECTS

7.3.2.1	Cycling Australia – Masters Road National Championships and Australian Masters Games – Request to Host Events	213
7.3.2.2	Stockwell Recreation Park – Draft Master Plan – Feedback from Community Consultation – 30 January 2019 to 1 March 2019	228
7.3.2.3	Dog Parks – Assessment of Location Concerns – Nuriootpa	249
7.3.2.4	Minutes of Community Assistance Scheme Committee Meeting and Updated Terms of Reference	263

7.4 WORKS AND ENGINEERING

7.4.1 DIRECTOR'S REPORTS

7.4.1.1	Proposed Road Closure – 2019 Barossa Vintage Festival Parade	283
---------	--	-----

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES

7.5.1 DEVELOPMENT SERVICES

Nil

7.5.2 ENVIRONMENTAL SERVICES

7.5.2.1	Consideration and Adoption of Committee Resolutions	286
---------	---	-----

7.5.3 HEALTH SERVICES

Nil

7.5.4 REGULATORY SERVICES

Nil

7.5.5 WASTE SERVICES

Nil

8. CONFIDENTIAL AGENDA

8.1 Nil

8.2 CORPORATE AND COMMUNITY SERVICES – MANAGERS' REPORT

8.2.1	Barossa Visitor Centre/Tanunda Library – Tender for Upgrade of Works – T0093-2018	297
-------	---	-----

9. URGENT OTHER BUSINESS

9.1 LEAVE OF ABSENCE REQUEST

9.1.1	Cr Miller – 20 March 2019 to 14 April 2019
-------	--

10. NEXT MEETING

Tuesday 16 April 2019 at 9.00am

11. CLOSURE

COUNCIL

WORKS AND ENGINEERING SERVICES

DIRECTOR'S REPORT

19 MARCH 2019

1.7 PETITION – DIRECTOR WORKS AND ENGINEERING SERVICES

PETITION – REQUEST FOR REPAIRS – WIRRA WIRRA ROAD – BLOCKERS ROAD – TOWER ROAD – PEWSEY VALEY **B6082 19/12897**

Author: Director, Works and Engineering Services

PURPOSE

A petition containing 19 signatories has been received requesting for repairs to Wirra Wirra Road, Blockers Road and Tower Road – Pewsey Vale. Refer to petition letter *attached*.

RECOMMENDATION

That:

- (1) The petition be received and the Director – Works and Engineering Services provide an appropriate response to the author of the petition.
- (2) Council staff complete the recommended maintenance activities, rip and reform of Wirra Wirra Road (Springton Road to Blockers Road), rip and reform of Blockers Road (Wirra Wirra Road to Tower Road) and vegetation clearance along a nominated section of Towers Road.
- (3) Council staff further assess the road safety at the intersection of Springton Road and Wirra Wirra Road.
- (4) Council staff include the resurfacing of a section of Tower Road for consideration in the FY19-20 Annual Budget and Business Plan.

REPORT

Background

The petition requests Council to undertake road maintenance activities on Wirra Wirra Road, Blockers Road and Tower Road, Pewsey Vale.

Tower Road is sheeted, classified as a Class 4: Local Access road with maintenance interventions of 3 grades per year.

Wirra Wirra Road is sheeted, classified as Class4: Local Collector with maintenance interventions of 4 grades per year.

Blockers Road is sheeted, classified as Class 4: Local Access with maintenance interventions of 3 grades per year.

Discussion

All roads have been patrol graded to their required interventions with the most recent grade undertaken on 6 February 2019. Council officers completed an inspection of the roads identifying the following maintenance requirements:

Wirra Wirra Road (Springton Road to Blockers Road)

- Line of sight is reduced at Springton Road due to the location of the intersection, curves on Springton Road and established trees. Removal of established trees may improve sight distance, further road safety assessments are to be completed.
- Pot holes to approximately 60% of the roadway and at a depth that a patrol grade would not rectify so a rip and reform in this area is warranted.

Wirra Wirra Road (Blockers Road to Ross Fire Track)

- No areas of concern, patrol grade as normal scheduling required

Blockers Road (Wirra Wirra Road to Tower Road)

- Extensive coverage of minor corrugation for the first 300m approximately. Rip and reform in this area is warranted.

Blockers Road (Tower Road to end)

- No action required.

Tower Road (Blockers Road to end)

- Vegetation and debris particularly along sealed section to be cleared to return the road to full width.
- Existing sealed area nearest Blockers Road is in poor condition. This section of road has already been identified for resurfacing and will be considered in the FY19-20 Annual Budget & Business Plan. The second sealed section is acceptable for its level of service when balanced against the maintenance priorities region wide.
- The unsealed section of road is in an acceptable condition, no action is required until next scheduled grade.

For all three locations the windrows are of no concern and drain shoots are clear and active.

Summary and Conclusion

It is recommended to schedule maintenance activities as follows:

Wirra Wirra Road (Springton Road to Blockers Road)

- Rip and Reform

Blockers Road (Wirra Wirra Road to Tower Road)

- Rip and Reform

Tower Road (Blockers Road to end)

- Vegetation clearance along sealed section

It is also recommended to further assess the road safety at the Springton end of Wirra Wirra Road and also include a recommendation for the resurfacing of a section of Blockers Road for consideration in the FY19-20 Annual Budget & Business Plan.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Petition

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

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

Legislative Requirements

Enter relevant legislative instruments

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The recommended maintenance activities will be completed within existing operating budgets. Resurfacing work to be considered as part of the Annual Budget and Business Plan.

COMMUNITY CONSULTATION

Nil.

PETITION TO BAROSSA COUNCIL SOUTH AUSTRALIA

Tanunda Road Nuriootpa SA 5355

RECEIVED

27 FEB 2019

20 February 2019

PETITION ORGANISER: Chris Knight

ADDRESS: 161 Tower Road Pewsey Vale SA 5351 MOBILE: 0432 176 511

THE BAROSSA COUNCIL

URGENT REQUEST

We understand that the Barossa Council is responsible for the condition and good repair of Wirra Wirra Road, Blockers Road and Tower Road Pewsey Vale.

We would like Council to repair these back to a safe condition as soon as is reasonably possible and before a serious accident occurs.

WIRRA WIRRA ROAD

- Wirra Wirra Road to be ripped or rerolled
- Remove windrows to prevent existing water build up
- Clean vegetation and trees on intersection of Wirra Wirra Road and Springton Road 100kms speed limit causing poor or no visibility

BLOCKERS ROAD

- To be ripped or rerolled

TOWER ROAD

- Resurface gravel section because it's down to the base as grader ripping the bedrock up causing damage to vehicles
- Clean the side of the tarred sections as they are getting narrower
- Complete resurface of existing bitumen not just random fixing of individual potholes

NAME	ADDRESS	SIGNATURE
Phil & Kaye Clavin	159 Tower Rd	
Ron & Cherie Whitford	162A Tower Rd	
Jeffery Lind	115 Tower Road	
Jean Spurr	101 Tower Rd	
Peter Schoessow	80 Blouin Rd	
Tarrant Smith	123 Blockers Road	
Jody Smith	123 Blockers Rd	
Angie Marie Fuss	12 Walter Randall Glen	
Caline & Steve Leal	183 Blockers Rd	
Tristan Throup	157 Blockers Rd	
Wayne Lester	213 Blockers Rd	
Rob Newis	18 Walter Randall Glen	
Jane Newis	10 Walter Randall Glen	
Daniel Sarton	15 Walter Randall Glen	
Heidi Korossy	13 Walter Randall Glen	
Johan Phillips	13 Walter Randall Glen	

2

Mayor's Report to Council – March 2019 Meeting

February

- 13/02/2019 Regional Mayor/CEO meeting held at Mallala involving Adelaide Plains, Barossa, Gawler and Light Regional Councils. Topics included;
- Boundary reform
 - Overview of Key Issues from each Council area
 - Regional Grouping of Councils relative to LGA constitutional reform (GAROC, SAROC) – Form a peri urban group.
 - Status of Regional Planning Board deliberations
 - Regional collaboration – Procurement, Health Services, Library Services
 - Regional growth pressure points – Roseworthy, Concordia, Two Wells
 - Regional Councils working together – Stakeholder communication approach
 - Gawler River Flood Management Authority – current status
- 13/02/2019 RDA Chinese New Year Event – Rolf Binder Wines Cellar
- 23/01/2019 Meeting with Planners and Tim Smith Development Process
- Meeting with Rebecca Tappert, Cathy Wills and phone connect Max Stevens re possible National Cycling Masters stage in the Barossa
- Meeting with CEO, James March BGWA and Paul McCallum, Texas – Grapevine Convention & possible Sister City relationship
- Triple BFM radio interview
- 15/02/2019 Legatus Group Meeting attended with CEO – Peterborough
- Redheads Wines official opening – Angaston
- 17/02/2019 Barons of Barossa Vintage Dedication
- 18/02/2019 Meeting with Cr Troup
- Meeting with CEO & representative from Brauer – Tanunda
- 19/02/2019 Good Shepherd Primary School Presentation
- 20/02/2019 GRFMA tour of the Flood Wall – Gawler River CRs Shilling & Johnston also attended
- LGA President's Mayor's Networking Event – Premier Hon Steven Marshall & Hon Stephan Knoll in attendance
- 21/02/2019 Meeting with Cr Haebich
- Presentation Faith College- Role of Council
- Foundation Barossa Awards Presentation & discussion with various industry leaders – Seppeltsfield Barossa
- 22/02/2019 Communicate to Captivate LGA Professionals attended with CEO & Director Corporate Services – Adelaide

22/02/2019	Meeting with Hon John Darley MLC with CEO & Planning Office to discuss “right to farm” issue Concordia and adjacent areas – Parliament House
23/02/2019	Angaston Show Auswan Creek Ambassador New Vintage Release - Tanunda
24/02/2019	Official Opening – New Faith Middle School Building Official Opening Atze’s Corner Wines Nuriootpa
25/02/2019	Meeting with Cr Barrett Meeting with Cr Shilling Tanunda Town Band AGM
26/02/2019	Site meeting Angaston resident with Matt Elding Meeting with Carers and Disability Link - Council office Meeting with Cr Boothby
27/02/2019	Meeting with Cr Wiese-Smith
28/02/2019	ICAC Forum – Dep Mayor Angus and Cr Schilling & Cr Schilling also attended, Adelaide
1/03/2019	Superloop Adelaide 500 State Premier’s invitation – CEO also attended
4/03/2019	Tech Savvy Seniors – Today Tonight Filming, Nuriootpa Library Sturt Highway Service Centre – DPA Public Meeting, Council Office
5/03/2019	Meeting with Cr de Vries BIL Pty Ltd representative’s meeting, CEO attended
6/03/2019	Concordia Working Group Meeting Community Assistance Grant Meeting

COUNCIL

MAYOR

CONSENSUS

19 MARCH 2019

4.1 CONSENSUS AGENDA – MAYOR

4.1.1

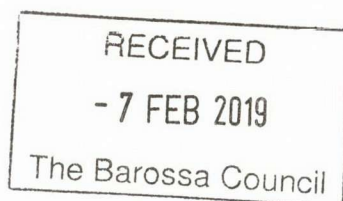
**LOCAL GOVERNMENT ASSOCIATION OF SA (LGA) – VALUE OF LGA MEMBERSHIP –
THE BAROSSA COUNCIL
B9229**

Correspondence from LGA President, Mayor Sam Telfer providing a summary of benefits for Council of being a member of the LGA. A copy of the summary is provided as an attachment for information.

RECOMMENDATION:

That the summary of Value of LGA Membership – The Barossa Council be received and noted.

In reply please quote our reference: ECM 670009 DH/AL



31 January 2019

Mayor Michael (Bim) Lange OAM
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mayor Lange

The LGA is the peak body for local government in South Australia. We provide leadership, support, representation and advocacy for the sector, and provide services that save money for member councils.

The value of services provided by the LGA to its members has been independently verified as being \$139 million per year.

This year we have, for the first time, developed an individual summary of the membership benefits for each member council based on the specific services and programs accessed. I am pleased to provide you with a copy of the LGA Value Proposition for The Barossa Council.

If you have questions or feedback on any of the information provided in the attached document please do not hesitate to get in touch with me directly.

I am excited to work with you over the next two years as LGA President to further improve our sector, and the value that we collectively deliver to our communities.

Yours sincerely



Mayor Sam Telfer

President

Telephone: (08) 8224 2039

Email: lgapresident@lga.sa.gov.au

Value of LGA membership – The Barossa Council

January 2019

Membership of your LGA

The Local Government Association of South Australia is a membership organisation established by councils to provide leadership, support, representation and advocacy on behalf of South Australian councils, for the benefit of the community.

The object of the LGA, as defined in our Constitution, is to achieve public value through the promotion and advancement of the interests of local government by:

- **advocating** to achieve greater influence for local government in matters affecting councils and communities;
- **assisting** members to build capacity and increase sustainability through integrated and coordinated local government; and
- **advancing** local government through best practice and continuous improvement.

In 2016 the LGA set out to calculate the value of its services and activities for member councils. In 2017 we commissioned respected accountancy firm UHY Haines Norton to independently verify this work, and will continue to review and update our value proposition every year.

Our 2018 value proposition identifies value delivered by the LGA to the local government sector exceeding \$139 million, and notes that on average this represents more than \$2 million benefit to each council. That report can be found on the LGA's website at www.lga.sa.gov.au/lgamembership.

I am pleased to provide for the first time a tailored value proposition that builds on UHY Haines Norton's methodology to provide specific data for your council, based on the programs, activities and services relevant to you.

By being a member of the LGA, The Barossa Council – including ratepayers – is receiving significant financial benefits from savings and in contributions.









We look forward to working with you and your council to deliver even more positive outcomes that will benefit South Australian communities.



Mayor Sam Telfer
President

Highlights

The following key outcomes were delivered by the LGA for The Barossa Council in 2017/18.

LGA service	Value
 Regional Youth Traineeship Program for one trainee.	\$9,667
 Fee-based and free LGA training days attended by The Barossa Council staff and members. Note: due to the variety of course types and lengths a value for savings is not included.	15 days
 Estimated savings from access to aggregated procurement opportunities through LGA Procurement primarily in the following areas: Access to model documents tools and advice; savings from using VendorPanel; savings on electricity tender; savings on LGAP contracts.	\$384,990
 State Local Government Infrastructure Partnership: a grant was provided via LGA from this program for the Our Better Barossa Connection Project.	\$640,000
 Supplementary Local Road Funding: the LGA secured \$40m over two years (17/18 & 18/19) with Australian Local Government Association support. Each council receives a formula share of 85% and ability to apply for the remaining 15%. The Barossa Council received this grant in 2017/18.	\$233,165
 The LGA Workers Compensation Scheme savings vs Return To Work SA, special distribution, risk incentive allocation, claims reductions, health checks, WHS risk training and specialist advice, use of Skytrust risk management software, and investment income.	\$189,153
 LGA Mutual Liability Scheme special distributions, risk incentive allocation, risk program and specialist advice, claims reductions and investment income.	\$110,437
 LGA Asset Mutual Fund performance bonus, special distribution, risk management services and investment income.	\$84,623
Total	\$1,652,035

In addition to the above, the following benefits are available to all LGA member councils. These programs provide benefits to all councils, or where asterisked, at the discretion of each council.

LGA service	Value/savings
Awareness campaign – savings	\$50,000
Public health funding – contribution*	\$2,378
State wage case – savings	\$1,500
On-line services – election candidate's website	\$10,000
Building upgrade finance – savings*	\$10,000
Emergency management – savings*	\$50,000
Energy efficiency audit – savings*	\$10,000
Legal delegation templates – savings*	\$10,000
Planning – implementation of legislation changes – savings*	\$19,000
Policies and guidelines – savings*	\$31,000
LGFA banking – savings	\$109,221
Total per council	\$303,099

The full value report by UHY Haines Norton also identifies a long list of LGA services that are provided as a part of LGA subscriptions but are challenging to accurately value for councils. These include the LGA's ongoing relationships and advocacy to state and federal governments and parliaments.

The LGA has an extensive suite of templates, manuals, codes and guidelines available to member councils that include council specific guidance on a broad range of council functions, including:

- Audit Committees
- Treasury Management
- Internal Financial Controls
- Community Engagement
- Emergency Management
- Governance
- Planning
- Climate Change
- Child Protection
- Social Media
- Legislative Updates
- Standard Operating Procedures for activities such as: barking and wandering dogs, fire hazards, removing vehicles, parking, evidence collection, expiating offences and unclaimed goods

Other LGA services that may be accessed by councils include:

Additional LGA services

- Access to significant grant programs can be achieved such as the State Local Government Infrastructure Partnership program, which delivered \$24m direct contribution of funds into local government in 2017/18. The LGA manages a number of government grant programs.
- The LGA hosts 56 council websites using the LGA's content management system, *Unity*, which is available to members at a discounted fee. The LGA is working with Squiz over the next 12 months to provide members with a flexible, technically superior and sustainable platform at a price that delivers even better value for money.
- Council and the community can use the LGA's My Local Services App to log issues (i.e. graffiti removal) and find out local information. My Local Services is provided to member councils at a highly competitive discounted fee.
- Access to 499 circulars issued by the LGA in 2017-18 – including policy updates, regulation and legislation changes, nominations to industry bodies and other general notifications.
- Ability to post jobs on the LGA local careers website that received over 49,921 views in 2017-18.
- Access to over 40 forums in 2017-18 covering topics such as Fund My Neighbourhood, Sustainable Urban Growth, Land Use Codes, and Public Health Planning.
- Access to other aggregated procurement opportunities through LGA Procurement. The more group procurement engaged in by councils, the more savings which can be made including in the following areas:

○ Customer Contact Services	○ Office and Workplace Supplies
○ Debt Collection Services	○ Salary Packaging
○ Document Output Devices	○ Telecommunications
○ Engineering Services	○ Temporary Staff Services
○ Fuel (Oil and Lubricants)	○ Trucks
○ ICT	○ Trucks (Specialised Build)
○ Microsoft licencing	○ Tyres and Batteries
○ Mobile Garbage Bins	

A suite of new commercial services are available now to member councils including:

- LGASA Legal Connect (HWL Ebsworth)
- LGASA Travel (Corporate Traveller)
- LGASA Energy (Peak) and public lighting tariffs

These services are set to deliver significant savings and create efficiencies for the local government sector. They will reduce spends and deliver a unique value proposition that will be of significant benefit to councils, which in turn will benefit ratepayers through the delivery of greater public value.

LGA Membership Proposition

The LGA's Constitution sets out a framework for two-way engagement between the LGA and its members. Central to this has been the adoption of a Membership Proposition, which articulates the relationship between the LGA and its members, and our obligations to each other.

The LGA Membership Proposition, which is ancillary to the LGA Constitution, reinforces the objects of the LGA of advocate, assist and advance, and confirms the right of members to contribute to policy development and the LGA's advocacy strategies, to obtain assistance to build capacity and increase sustainability, and to access the services provided by the LGA.

As the LGA is an association owned by councils, your council has a say in its operations via the LGA Board of Directors, South Australian Region Organisation of Councils (SAROC), Greater Adelaide Region Organisation of Councils (GAROC), committees and general meetings. There are a number of avenues available to councils to formally present issues and ideas for the LGA to consider.

The requirement to develop an annual value proposition to set out the value of membership benefits provided to members and to publish an annual pricing methodology for LGA services is embedded within the Membership Proposition.

To find out more about the LGA, how we operate and the services we provide, visit the LGA website at www.lga.sa.gov.au.

LGA Strategic Plan



LGA Structure



148 Frome St
Adelaide SA 5000
GPO Box 2693
Adelaide SA 5001
T (08) 8224 2000
E lgasa@lga.sa.gov.au

www.lga.sa.gov.au

COUNCIL

MAYOR

CONSENSUS

19 MARCH 2019

4.1 CONSENSUS AGENDA – MAYOR

4.1.2

MEETING WITH REPRESENTATIVE OF THE CITY OF GRAPEVINE, TEXAS - OPPORTUNITY FOR STRATEGIC COLLABORATION

B543

In late February I and the Barossa Grape and Wine Association Chief Executive Officer hosted (after being approached by BGWA), a representative of the City of Grapevine, Texas. Grapevine is seeking a strategic alliance with an area in Australia and with BGWA supporting the concept and opportunities and similar goals including heritage, culture, wine, food, events and tourism as explained further I will hold further discussions supported by the Chief Executive Officer.

Introductory and follow up correspondence has been received and is attached for member's information.

The City of Grapevine has been extremely successful in developing a cultural and heritage based economic base through events and tourism. Further due to an event in the Barossa at time of Mr McCallum's visit I was able to introduce him to the Minister for Trade, Tourism and Investment the Hon David Ridgeway and as can be seen in the correspondence there is the potential for further collaboration at State levels. The conversations have only commenced and once further discussions are had with BGWA, RDA Barossa and potentially the Minister a full report will be presented for Council should the opportunities prove to be fruitful for all parties.

RECOMMENDATION:

That the information and correspondence tabled regarding the meeting and hosting of the representative from the City of Grapevine Texas be noted.



February 8, 2019

Mayor Bim Lange
The Barossa Council
P.O. Box 867
Nuriootpa, SA 5355

Dear Mayor Lange:

I send you and Barossa Valley greetings from Grapevine, Texas. I have asked the bearer of this letter, Mr. Paul W. McCallum, to act on my behalf as my official representative.

We are excited at the opportunity to explore the potential for a future sister city relationship between Barossa Valley and Grapevine. We currently have successful and warm ongoing relationships with the small village of Parras, de la Fuente, Mexico, the historic community of Krems, Austria and the picturesque town of Linlithgow, Scotland.

Our research of the Barossa Valley finds it to be a region with a long, proud history and deep roots in the soil from which the Shiraz vines have grown with abundance for so long. We share many common elements in both the past and present industries of commerce and educational and cultural pursuits.

Much like Barossa, Grapevine is a community which had its beginnings in the mid nineteenth century as a farming community and then evolved over time into a regional center, in Grapevine's case, with the coming of the railroad. Our citizens are great volunteers, and we enjoy many festivals and events much like your Barossa Vintage Festival and Barossa Gourmet Weekend. These similarities enhance the potential cultural, educational and economic exchanges between your community and ours which can only serve to enrich the citizens of both.

I look forward to hearing the outcome of the initial discussions and anticipate with pleasure inviting you and your representatives to visit Grapevine. I welcome the opportunity to meet you in person but until then, please feel free to contact me at any time.

Sincerest regards,

William D. Tate
Mayor, City of Grapevine

WDT/lb





March 5, 2019

Mayor Bim Lange
The Barossa Council
P.O. Box 867
Nuriootpa SA 5355

Dear Mayor:

It was such a great pleasure to meet with you and to discuss the opportunities that exist between the Barossa and Grapevine. I also want to thank you for the introduction to the Minister. I have forwarded his information to the office of the Governor in Austin for them to invite the South Australian government to locate their North American office in Texas.

Martin McCarthy and Paul Mickan were very helpful in our meeting and provided information that I will pass on to Mayor Tate and the Grapevine Council.

I have already spoken to Mayor Tate about our conversations, and he is very enthused about the possibility of you and your associates visiting in 2020. With that possibility, we are now discussing featuring Barossa wines at the 2020 GrapeFest which will be held September 17-20. This annual wine festival draws over 260,000 people over four days and captures media attention throughout Texas and around the United States.

The Angaston Depot project that Martin and Rebecca walked me through is a great Council investment in future tourism that also benefits the local citizens. Grapevine undertook a similar project in the 1990s and today, that depot restoration project has morphed into one of Grapevine's major visitor attractions.

Please let me know of any additional information that you might require to help you and the Council make an affirmative decision to visit Grapevine and to pursue a Sister City relationship.

Sincere regards,

Paul W. McCallum
Executive Director

PWMc/lb

Cc: Martin McCarthy
Chief Executive Officer



GRAPEVINE CONVENTION & VISITORS BUREAU

636 S. Main Street, Grapevine, Texas 76051

www.GrapevineTexasUSA.com

(817) 410-3185 (800) 457-2448 (817) 410-3038 Fax

COUNCIL

CHIEF EXECUTIVE OFFICER

CONSENSUS

19 MARCH 2019

4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.1

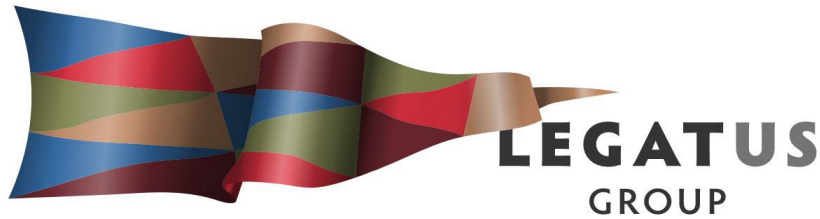
**LEGATUS GROUP MEETING 15 FEBRUARY 2019 – UNCONFIRMED MINUTES
B9103**

Unconfirmed minutes of the Legatus Group meeting held on 15 February 2019 at Peterborough.

Copy attached for information.

RECOMMENDATION:

That the unconfirmed minutes of the Legatus Group meeting held on 15 February 2019 received and noted.



Unconfirmed Minutes of the Legatus Group Ordinary Meeting

15 February 2019

Peterborough Golf Club Park Street Peterborough

I Meeting Preliminaries

Present

Board members: Mayor Peter Matthey – Chairman (Goyder), Mayor Ruth Whittle (Peterborough), Mayor Leon Stephens (Port Pirie), Mayor Wayne Thomas (Clare & Gilbert Valleys), Mayor Peter Slattery (Flinders Ranges), Mayor Bill O'Brien (Light), Mayor Denis Clark (Northern Areas), Mayor Rodney Reid (Wakefield), Mayor Roslyn Talbot (Copper Coast), Mayor Leonie Kerley (Barunga West), Mayor Bim Lange (Barossa) and Mayor Phillip Heaslip (Mt Remarkable)

In Attendance

Mr Martin McCarthy (CEO Barossa), Mr Andrew Cole (CEO Barunga West), Mr John Coombe (A/CEO Copper Coast), Dr Helen Macdonald, (CEO Clare & Gilbert Valleys), Mr David Stevenson (CEO Goyder), Mr Steven Griffiths (A/CEO Wakefield), Mr Darryl Whicker (A/CEO Flinders Ranges), Mr Wayne Hart (CEO Mt Remarkable), Mr Dylan Strong (CEO Orroroo/Carrieton), Mr Peter McGuinness (CEO Peterborough), Mr Steve Nolis (LGA Executive Director), Ms Kay Matthias (Director NRM), MP Geoff Brock, Ms Kelly-Anne Saffin (CEO RDA YMN) and Mr Simon Millcock (CEO Legatus Group).

Apologies

Chairman Kathie Bowman (Orroroo/Carrieton), Mayor Darren Braund (Yorke Peninsula) and Mayor Mark Wasley (Adelaide Plains). Council CEO's Mr Brian Carr (Light), Mr Peter Ackland (Port Pirie), Mr Colin Davies (Flinders Ranges), Mr James Miller (Adelaide Plains), Mr Colin Byles (Northern Areas), Mr Andrew Cameron (Yorke Peninsula) and Mr Eric Sommerville (Chair NRM)

The Chairman declared the meeting open at 10.35am and welcomed State Member of Parliament for the seat of Stuart and Minister for Energy and Mining Hon Dan van Holst Pellekaan MP and State Member of Parliament for the seat of Frome Geoff Brock MP.

I.1 Welcome and invite to present

Chair Mayor Peter Matthey invited Minister van Holst Pellekaan to speak to the meeting and take questions.

Key topics discussed:

- Drought – Minister is aware of the issues raised by Legatus Group re the equity for the 3-member councils not funded and he has discussed this with Minister Tim Whetstone.

Discussions have also been held on the drought including water saving measures for infrastructure funding as support for further droughts. He encouraged the Legatus Group to continue to lobby re equity in funding for those councils who were not funded.

- Rating Equity Major Projects – is aware this is being discussed and open to continued discussions noting that social and economic costs to councils need to be considered.
- Interconnector – SA & NSW is being progressed which will add value to the current SA and Vic interconnector. The Govt is supportive of the ability to trade with other states. Noting that NSW and SA have different weather patterns whilst Vic is similar to SA. Final report from ElectraNet has been received and the \$1.52 Billion investment is projected to provide a \$66 per year net benefit to households in SA. The SA Govt is investing \$14m into early works for the interconnector project which will be useful irrespective of the project getting the green light.
- Horrocks Highway - is being discussed in cabinet and Minister Knoll has this on his agenda.
- Royalties Funding – majority of the projects will be through Infrastructure SA and targeting big projects and advice is being provided to State Govt which will then be made public.
- Barrier Highway – was discussed and Minister noted that some funding for shoulder work is occurring but that there is a need for upgrades.
- Port at Port Augusta upgrades – was discussed and recognised that if successful would provide big opportunities for the region.

The Minister was thanked for his attendance and his apology was noted as he had to leave the meeting.

2 Welcome to District Council of Peterborough

Mayor Ruth Whittle welcomed everyone to Peterborough which is one of South Australia's smallest councils and acknowledged MP Geoff Brock and the assistance he has provided to the council during his time as Member of Parliament. Mayor Whittle outlined that they are sharing some resources with Orroroo/Carrieton, Mt Remarkable and Flinders Ranges Councils. Mayor Whittle provided a detailed list of the past 4 years of achievements which included:

- Underground power and removal of stobie poles.
- Main street redevelopment to support businesses.
- Tourism – RV Park, dump point, safe parking, Visitor Information Centre yellow i status, Peterborough Museum, virtual reality train journey, free wifi and setting up business association.
- Community assets – skate park and youth club.
- New Community Waste Water Management Scheme and 9 holes of the golf club will benefit from this development.

Mayor Whittle outlined that many of these were made possible through grants and from contributions by council and supported through the Community Development Officer. Mayor Whittle acknowledged RDA Yorke Mid North and Councils CEO Peter McGuinness for their leadership. She noted that Peterborough is struggling due to the drought and thanked everyone for their support.

Future development outlined included River Murray water soon coming to Peterborough and that they are exploring social media opportunities for the town.

3 Confirmation of Previous Minutes

Minutes of the Legatus Group Meeting held on 14 December 2018 at Nuriootpa.

Motion: That the minutes of the Legatus Group Meeting held on the 14 December 2018 at The Barossa Council Chambers 43-51 Tanunda Road Nuriootpa be taken as read and confirmed.

Moved: Mayor Rodney Reid Seconded: Mayor Denis Clarke

CARRIED

4 Presentations

4.1 Brand SA

CEO Karen Raffin provided the meeting with background on Brand SA and invited communities to consider stories that could be featured in their Regional Showcase program and Agriculture Town of the Year. Brand SA provides support via journalist working with the community to write the stories to support the voice of regions. This year's event will be in Mount Gambier on 15 October and they hope to hold the 2020 event within the Legatus Group region.

Chairman Matthey thanked Karen and Brand SA for sponsoring the meetings lunch.

4.2 Flinders Ranges World Heritage Nomination

Apology received from Jodie Gregg-Smith and Jason Irving and to be agenda item for next meeting.

4.3 CEO Kelly-Anne Saffin RDA Yorke and Mid North provided a written report which was distributed at the meeting and will be to all Mayors and CEO's in an email following the meeting. Key points discussed were:

- Nomination for the RDA YMN Board and been finalised and waiting on announcements and noted that the local government representation is: Mayor Denis Clark (Northern Areas), Cr Malcolm May (Wakefield) and CEO's Helen Macdonald (Clare & Gilbert Valleys) and Peter Ackland (Port Pirie).
- The Peterborough community development has been a successful example of bringing economic and community development together.
- Expanded on the written notes re designated area migration agreements and looking at these opportunities for regional SA likely to be in agriculture and food and looking at role of local government in settlement services.
- Regional employment trials applications will occur in the next month and this has been discussed with some council CEOs.
- Assistance offered to the drought funding via project management.

5 Business arising no otherwise on the agenda

5.1 Drought response

Legatus Group CEO provided a report with the agenda which included the response from the Prime Minister to Chair's letter from Legatus Group December 2018. Mayors Slattery, Stephens and Whittle outlined their concerns regarding the equity issues on the assessment to their councils not be considered for funding and the need for policy change at a national level. Geoff Brock MP advised he was also following the issues raised by the councils. Kay Matthias advised of grants for farmers through infrastructure water grants.

Motion: That the Legatus Group Chair writes to the Prime Minister with a copy to the South Australian Minister for Primary Industries expressing disappointment on responses to the issues of equity and timelines and recommends the need for policy changes to the assessment criteria.

Moved: Mayor Leon Stephens Seconded: Mayor Wayne Thomas

CARRIED

5.2 Horrocks Highway

Legatus Group CEO provided a report with the agenda and noted that there had not been a response from Minister Knoll to the Chair's letter sent in December 2018. General discussion held on the need for this matter to progress and to gain a response. Geoff Brock MP advised that he had written to Minister re an audit to be undertaken.

Motion: That the issue of Horrocks Highway be raised at the Premiers forum and the Chair to consider inviting Minister Knoll to present at the next Legatus Group meeting.

Moved: Mayor Bim Lange Seconded: Mayor Ruth Whittle

CARRIED

6 Chairman's Report

Chair Mayor Peter Matthey advised that he had attended all the required SAROC and LGA meetings on behalf of Legatus Group. He advised that the structure around the LGA Board is being finalised and outlined roles for SAROC and GAROC. He noted this will provide a greater voice for SAROC. There are still questions on financing of both SAROC and GAROC to be considered.

7 Items referred by Councils

7.1 Audit Committee Exemption – The Barossa Council

Motion: That the Legatus Group supports an application to the Minister for an exemption from the requirement in clause 30 of Schedule 2 of the Act to establish an audit committee subject to receiving a resolution from all constituent councils supporting this application.

Moved: Mayor Bim Lange Seconded: Mayor Bill O'Brien

CARRIED

7.2 Little Corellas – Flinders Ranges Council

Motion:

- 1) That the Legatus Group write to the Premier, Minister Spiers and all local Members of Parliament in the Legatus Group region requesting the State Government acknowledge the position that Little Corellas are and have been, a state-wide issue requiring a state-wide approach, and that the State take immediate action regarding the management of the Little Corellas.
- 2) That the Legatus Group Chair issues a media release outlining the concerns of the Legatus Group regarding the Little Corella issues facing its constituent councils.
- 3) That the Legatus Group establishes a working group to monitor and review regional and or subregional implementation plan/s for the effective management of little corellas.

Moved: Mayor Peter Slattery Seconded: Mayor Leonie Kerley

CARRIED

8 2018/2019 Business Plan

8.1 Project updates the Legatus Group CEO's report was provided with the agenda and the Chair invited questions.

Motion:

- 1) The Legatus Group notes the progress of the 2018/2019 projects.
- 2) That the Legatus Group supports the Legatus Group managing the Yorke and Northern Coastal Management Action Plan if successful with the expression of interest.

Moved: Mayor Denis Clark

Seconded: Mayor Wayne Thomas

CARRIED

9 Audit and Risk Management Committee

Chairman Kathie Bowman provided a report with the agenda which contained the minutes of the Audit and Risk Management Committee meeting 30 January 2019.

Motion:

1. That the Legatus Group notes the audit committee's motions regarding:
 - The appointment of Ian McDonald to the Legatus Group Audit and Risk Management Committee subject to the committee continuing.
 - Noting of the budget update and the report on the expression of interest for the delivery of a Northern & Yorke Coastal Management Action Plan.
 - Their support to the proposed motion by Mayor Lange as outlined in the letter from the Barossa Council for the exemption by the Minister of the Legatus Group having an audit committee if the board is satisfied it has adequate controls and oversights in its structure.
2. That the Legatus Group appoint Dean Newberry & Partners as their independent auditors for the 2018/2019 financial year.

Moved: Mayor Denis Clark

Seconded: Mayor Bim Lange

CARRIED

10 Financial Report

The Legatus Group CEO provided a report with the agenda containing the: (1) Profit and Loss (2) Balance Sheet (3) Movements in Equity (4) Statement of Cash Flow and (5) Budget Variance for the period 1 July 2018 till 3 January 2019.

Motion:

1. That the Legatus Group notes the budget update and the Legatus Group CEO's reimbursement for January 2019.
2. That Legatus Group supports if the expression of interest is successful the delivery of a Northern & Yorke Coastal Management Action Plan submitted by the Legatus Group CEO.

Moved: Mayor Bim Lange

Seconded: Mayor Leon Stephens

CARRIED

11 Legatus Group Regional Management Group

Northern Areas Council CEO Colin Byles provided a report with the agenda which contained the minutes of the Legatus Group Regional Management Group meeting held 1 February 2019.

Motion: That the Legatus Group notes the report and appoints Dr Helen Macdonald and Wayne Hart to the Legatus Group Road and Transport Infrastructure Advisory Committee.

Moved: Mayor Bim Lange

Seconded: Mayor Rodney Reid

CARRIED

12 Legatus Road and Transport Infrastructure Advisory Committee

Legatus Group CEO Simon Millcock provided a report with the agenda which contained the minutes of the Legatus Group Road and Transport Infrastructure Advisory Committee held 5 February 2019.

Motion:

1. That the Legatus Group endorses the Legatus 2030 Regional Transport Plan Road Deficiency Action Plan 1 and Compliant Roads report.
2. That the Legatus Group notes:
 - a. That the Legatus Group CEO calls for up to 3 roads from each council from the Legatus 2030 Regional Transport Plan Road Deficiency Action Plan 1 to be nominated using an abridged format than would be used for full application to HDS for prioritising prior to 7 March 2019.
 - b. That HDS use the LGTAP formula for their ranking of priority as stage 1 of the process and that the Legatus Group Road and Transport Infrastructure Advisory Committee will consider as stage 2 any other methodology for ranking at their next meeting.

Moved: Mayor Bim Lange

Seconded: Mayor Denis Clark

CARRIED

13 Legatus Group CWMS Advisory Committee

The Legatus Group CEO provided a report with the agenda and updated the meeting on the signing of agreement for PhD Intern and employment of Project Officer. The meeting noted the report.

14 LGA and SAROC

The Legatus Group CEO provided a report with the agenda which contained the LGA topical report and update on the recent SAROC workshops and meetings. Steve Holis from the LGA updated the meeting on the LED replacement project which is using redundant stock into regional councils and councils could consider gaining greater clarity and financial modelling on the value of this process. The meeting noted the report.

15 Other Business

15.1 Murray Darling Association

Mayor Denis Clark provided a report and an update that he attended a strategic planning session with a focus on membership including for Region 8. He will liaise with the Legatus Group CEO for a meeting with member councils. The meeting noted the report.

15.2 LGA and SAROC Regional SA meetings 2019

The meeting noted the Legatus Group CEO's report.

15.3 Legatus Group CEO's annual leave and disclosed outside interest.

The meeting noted the Legatus Group CEO's report.

16 Close of Meeting

The dates for the remaining 2019 Legatus Group meetings are: Friday 31 May – Wakefield Regional Council, Friday 30 August – Port Pirie Regional Council and Friday 29 November – Barunga West Council.

Meeting closed by the Chair at 12.47pm

Signed as a true and correct record by:

Chairman Mayor Peter Matthey

Date

COUNCIL
EXECUTIVE SERVICES
COMMUNICATIONS AND MARKETING REPORT
MARCH 2019

4.2.2 CONSENSUS AGENDA – COMMUNICATIONS AND ENGAGEMENT OFFICERS

4.2.2.1

COMMUNICATION AND ENGAGEMENT – QUARTERLY REPORT

This report provides a quarterly snapshot of C&EO activity for Elected Member information:

- Australia Day event support and video content
- Santos Tour Down Under event support
- The Big Project – Stockwell Recreation Park consultation
- Grassroots Football, Cricket and Netball Facilities Program grant funding application
- Community engagement:
 - Sturt Highway Development Plan Assessment
 - Customer Service Policy
 - Williamstown cycling events

RECOMMENDATION

That Report 4.2.2 be received

COUNCIL

WORKS AND ENGINEERING SERVICES

DIRECTOR'S REPORT

19 MARCH 2019

4.4.1 CONSENSUS AGENDA – DIRECTOR'S REPORT

4.4.1.1

TREES FOR LIFE

B9228 19/12236

Trees for Life have provided Council with Bush for Life site activity reports for the period October to December 2018 which provides details of activities undertaken at various sites for Members' information – see attached.

RECOMMENDATION:

That the report be received and noted.

BUSH FOR LIFE

QUARTERLY REPORT

October to December 2018



Site Owner: The Barossa Council

BFL Coordinator: Megan Lock

Email/Phone: meganl@treesforlife.org.au / 0408 878 075

Profile

Number of BFL sites owned	6
Number of site carer allocations (at end of quarter)	9
Staff on-ground work hours this quarter	4
Volunteer on-ground work hours this quarter	4 (group activities) + estimated 95 (unsupervised)
Carer movements this quarter	No new carers and 1 retirement



Cutting and swabbing Plantain at Altmann Road



Altmann Road

Comments:

Due to injury, Altmann Road was the only Barossa site to receive a visit during this period. Although dry, the site is looking great. Plantain was the main weed targeted during the activity with volunteers needing to be careful not to treat Native Plantain. The Cape Tulip patch that was treated during the last activity looks great. 95% of the plants were treated.. Monadenia is scattered through the site with the main patch located up from the Cape Tulip. Monadenia was hand removed with the bulbs taken off site for disposal.

Site activities during the quarter							
Date	Sitecode	Site Name	Activity	OGW time (hrs)	Number of volunteers	Total hours (staff + vols)	Main weed species
14/11/2018	BR006	ALTMANN RD	MiniBAT	4	1	8	Plantain & Monadenia

On-ground Works Summary			
# BATs	0	# support visits	0
# miniBATs	1	Total hours OGW (staff+vols)	103

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

19 MARCH 2019

4.5.1 CONSENSUS AGENDA – DEVELOPMENT SERVICES REPORT

4.5.1.1 PLANNING REFORMS – DRAFT DEVELOPMENT ASSESSMENT REGULATIONS AND PRACTICE DIRECTIONS – COMMENTS MADE B3624

The *Planning, Development and Infrastructure Act 2016* (the Act) establishes a new assessment framework for development applications.

Draft *Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019* (draft Regulations) were released for comment in mid-January. The draft Regulations support the Act to prescribe further detail on the operation of the new development assessment framework, covering planning, building and land division assessment.

The draft Regulations were informed through practitioner discussions and feedback on an earlier Discussion Paper titled *Assessment Pathways: How will they work?*, and a series of Working Groups to assist in identifying the key issues and opportunities of the 'assessment pathways'.

A number of accompanying Practice Directions were also released which will assist with future interpretation and implementation.

A guide to the draft Regulations and Practice Directions is contained in Attachment 1. A copy of the draft Regulations and other documents can be provided on request or downloaded the Planning Portal [here](#).

Due to the limited consultation period it was determined the best approach was for officers to review and comment on the documents. A copy of the comments provided is contained in Attachment 2

RECOMMENDATION:

That the report item 4.5.1.1 be received.



STATE
PLANNING
COMMISSION

GUIDE TO THE DRAFT DEVELOPMENT ASSESSMENT REGULATIONS & PRACTICE DIRECTIONS

January 2019



Contents

Introduction	1
Relevant authorities	4
Application Timeframes	10
Application information requirements	11
Public notification	15
Assessing separate elements of development (in any order)	18
Variations	20
Exempt Development	22
Exempt State Agency development	25
Development assessed by the Commission	26
ePlanning	29
Building regulations	30
What is not in these Regulations?	33
Glossary of terms	34
Proposed Development Assessment timeframes under the Draft Regulations	35

Introduction

The [*Planning, Development and Infrastructure Act 2016*](#) (the Act) establishes a new assessment framework for development applications.

Draft [*Planning, Development and Infrastructure \(General\) \(Development Assessment\) Variation Regulations 2019*](#) (the draft Regulations) have been prepared for comment. The draft Regulations support the Act to prescribe further detail on the operation of the new development assessment framework, covering planning, building and land division assessment.

The Department of Planning, Transport and Infrastructure (the Department) has developed an engagement approach to support the drafting and implementation of the Regulations. To date, the engagement has involved the preparation of a discussion paper titled [*Assessment Pathways: How will they work?*](#) (the Discussion Paper), which was consulted with accompanying workshops, presentations and information sessions from August to October 2018. The Department has also established a series of working groups to assist in identifying the key issues and opportunities of the ‘assessment pathways’. Following from these collaborative activities, the draft Regulations have been prepared and are now ready for consultation.

Feedback from engagement activities has not only informed the preparation of the draft Regulations, but also four draft practice directions¹ which support the development assessment framework.

¹ The Act enables practice directions to be issued by the State Planning Commission to specify procedural requirements or steps in connection with any matter arising under the Act.

An overview of the regulatory framework established under the Act is illustrated in Figure 1, showing the series of regulations that will support the Act.

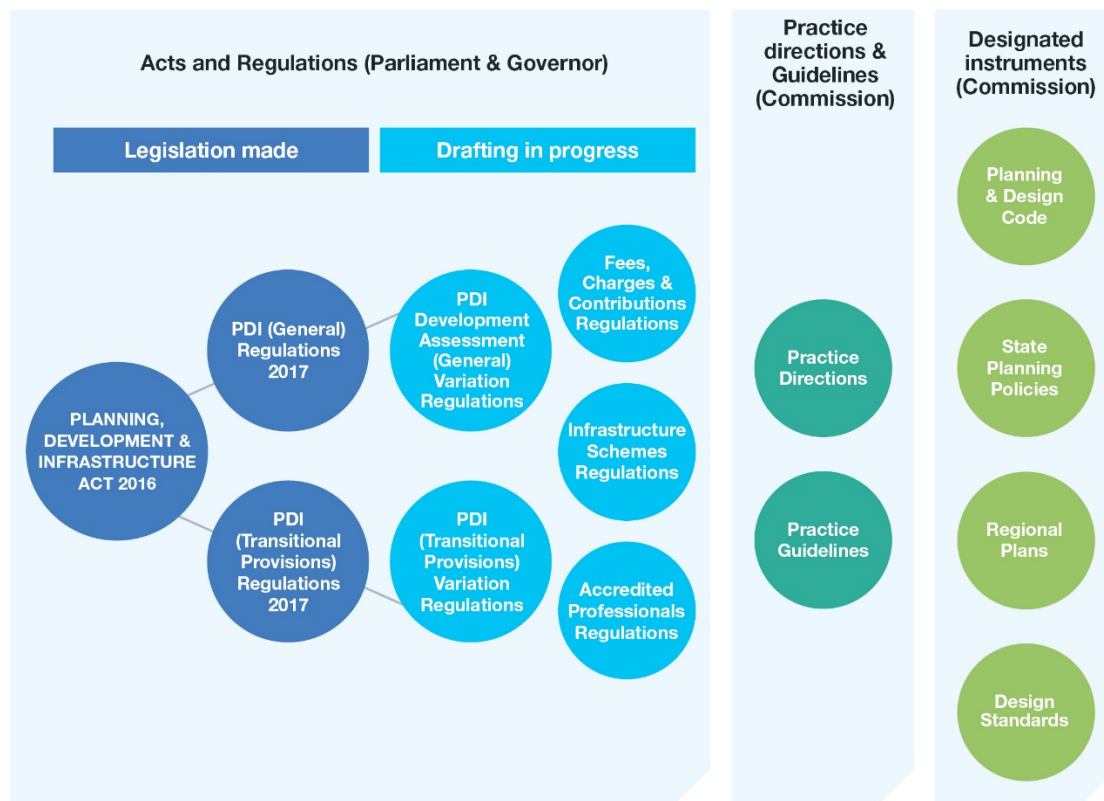


Figure 1. Overview of the Act and supporting documents/legislation/instruments

Although there is no statutory requirement to consult on regulations or practice directions, the State Planning Commission (the Commission) and the Department have elected to undertake engagement on these particular Regulations and practice directions to enhance understanding of the key elements of the new development assessment framework, and to seek feedback on any areas for improvement.

The four practice directions for consultation are:

1. **Notification of performance assessed development applications**
This practice direction specifies the form of notices to be given to the public where a notice of a performance assessed development application is required. This includes posting letters to adjacent land owners/occupiers and placing a notice on the subject land.
2. **Restricted and impact assessed development**
 - a) Restricted development – This practice direction describes the circumstances under which the Commission would be prepared to assess restricted development and how the Commission would proceed with the assessment
 - b) Impact assessed development – This direction specifies what is required in relation to an Environmental Impact Statement (EIS): the requirements for assessing the level of impact, the information that must be provided by the proponent, the period of consultation, and the process for amending an EIS.

3. [Deemed planning consent – standard conditions](#)

This practice direction prescribes the standard conditions that apply to deemed planning consents.²

4. [Conditions](#)

This practice direction:

- provides clear direction about the type of conditions that may be validly imposed by a relevant authority, including the prohibition of certain conditions or classes of conditions
- specifies the conditions that must be imposed on the granting of a development authorisation for certain classes of development.

In relation to building assessment, a building working group was formed to seek feedback and advice on a range of issues to improve compliance and enforcement under the new Act and ensure the delivery of a safe and high performing built environment.

This group was comprised of council building officers, private certifiers, engineers and the Housing Industry Association who provided valuable feedback and input. These proposals have been considered by the Department and incorporated in the draft Regulations as appropriate.

This Guide provides a summary of the key themes in the draft Regulations and practice directions, identifying how they have been shaped by feedback received from the development industry, planning/building practitioners and the community.

² A deemed planning consent notice can be served on the relevant authority by an applicant once the assessment timeframe has elapsed.

Relevant authorities

What we've heard

The Act establishes that assessment panels will be the relevant authority for code assessed applications for planning consent, except where the Regulations prescribe an assessment manager or accredited professional as the relevant authority.

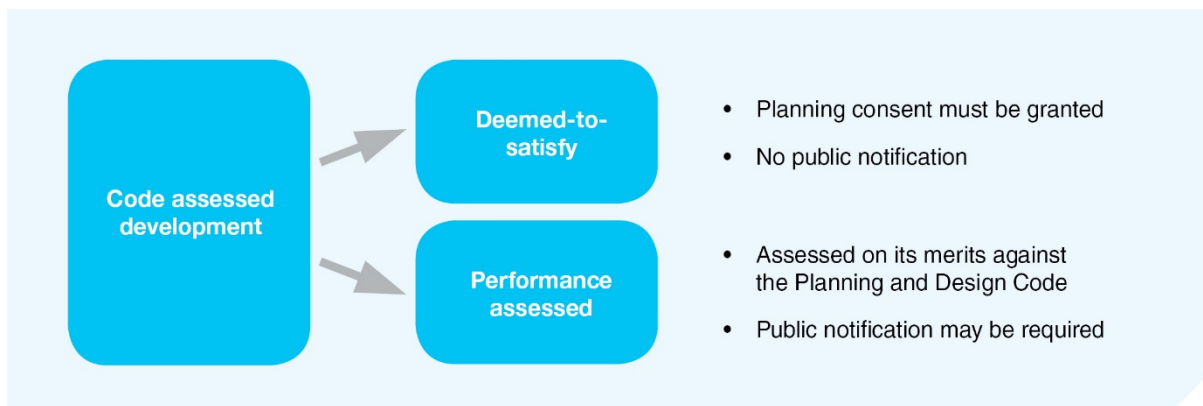


Figure 2. Pathways associated with code assessed development

Respondents to the Discussion Paper made the following comments in relation to how code assessed development should be distributed between these relevant authorities:

- Concern was raised by the majority of submissions regarding the level of discretion required to assess performance assessed applications (as well as minor variations to deemed-to-satisfy criteria) and the incompatibility of this discretionary approach with private accredited professionals.
- Most respondents were of the view that accredited professionals should be the relevant authority for deemed-to-satisfy developments where clear assessment parameters can be employed.
- Some respondents identified that assessment managers should be the relevant authority for performance assessed applications, including in circumstances where public notification has been undertaken and no representations raising concerns have been received.
- Respondents identified a number of circumstances where assessment panels should be the relevant authority for performance assessed development, such as:
 - Where representations raising concern with the proposed development have been received
 - Medium/high rise residential development
 - Large land divisions
 - Developments over a certain value
 - Developments of environmental significance
 - Development involving the demolition of heritage items.

What we've done

The intention of the planning reforms has been to ensure standard developments with minimal impacts follow a streamlined assessment process while more complex developments require a more involved assessment process focussed on design and impact.

Draft regulation 22 outlines cases where assessment managers and accredited professionals are the relevant authority while regulations 24 and 25 set out additional cases specific to assessment managers and accredited professionals.

The draft Regulations limit the role of **Level 4 accredited professionals** to deemed-to-satisfy developments (without any variations from the deemed-to-satisfy criteria). This is considered to uphold the aspirations of the new planning system as standard development types that meet prescriptive criteria should be able to be assessed by a range of private accredited planners thereby speeding up the assessment process via competitive options. Deemed-to-satisfy development is expected to encompass development where external impacts are low and there is no need for advice on more complex issues such as stormwater, waste management and traffic.

Where development falls slightly outside the deemed-to-satisfy criteria, a **Level 3 accredited professional** (with a greater level of experience than Level 4) would be able to assess minor variations to the deemed-to-satisfy criteria (as well as deemed-to-satisfy development able to be assessed by Level 4 accredited professionals).

Accredited professionals who are qualified **land surveyors** would also be able to assess land division applications for planning consent where such land division is deemed-to-satisfy (regulation 22(1)(d)).

Development that doesn't fall within the deemed-to-satisfy pathway would be assessed by the relevant assessment manager or assessment panel.

Draft regulation 22(1)(a)(ii) establishes **assessment panels** as the relevant authority for performance assessed development which is subject to public notification. Such development would involve a level of public interest that benefits from decision-making by a panel of experts instead of an individual (and that panel may choose to hear verbal representations). Assessment panels will also assess more complex forms of development that require a mixed specialist skillset that only they can provide. These include:

- Developments exceeding \$5 million
- Developments exceeding 3 storeys
- Land divisions creating more than 20 additional allotments
- Developments that have been referred to a Design Panel under section 121 of the Act
- Developments that propose demolition of a local or State heritage place
- Certain developments in the 'Hills Face' area of the Planning and Design Code
- Activities of environmental significance (Schedules 16 and 17 of the draft Regulations)

Assessment managers can act as the relevant authority for all remaining forms of performance assessed development where public notification isn't required. They are also prescribed as the relevant authority for the assessment of land division consent (under section 102(1)(c)&(d) of the Act) where the technical advice of council is needed to assess infrastructure impacts/demands. Assessment managers could also assess any proposed offset schemes or encroachments (under section 102(1)(e) or (f) of the Act).

Some feedback suggested that assessment managers could be a relevant authority for notified performance assessed applications where there are no representations or all representations are in favour; however this would be contrary to one of the principles identified in the Discussion Paper:

'The relevant authority will be determined at the time of application lodgement.'

The draft Regulations have been prepared to provide certainty in assessment approach, and for this reason, assessment panels have been proposed as authority for all notified performance assessed development. That being said, assessment panels could choose to establish delegations (similar to many panels' current delegations) which delegate applications without representations to assessment managers or council staff.

 ACCREDITED PROFESSIONAL SURVEYOR	 ACCREDITED PROFESSIONAL PLANNING LEVEL 4	 ACCREDITED PROFESSIONAL PLANNING LEVEL 3	 ASSESSMENT MANAGER PLANNING LEVEL 1	 ASSESSMENT PANELS PLANNING LEVEL 2
Deemed-to-satisfy land divisions (planning consent only)	Deemed-to-satisfy development	Deemed-to-satisfy development	Deemed-to-satisfy development	Notified performance assessed development
		Deemed-to-satisfy development with minor variations	Deemed-to-satisfy development with minor variations	Development exceeding \$5 million
			Performance assessed development not assigned to assessment panels	Buildings exceeding 3 storeys in height
			Land division consent	Land division creating more than 20 additional allotments
				Development which has been referred to a Design Panel
				Demolition of local or state heritage items
				Certain development in Hills Face area of the future Code
				Development involving acts/activities of environmental significance

Figure 3. Role of relevant planning authorities for code assessed development

In relation to **building consent**, draft regulation 25 establishes the particular level of accreditation required for a building certifier to assess particular types of development (which align with the accreditation scheme of the Australian Institute of Building Surveyors). Further, regulation 118 establishes that each council must appoint an accredited building professional to carry out inspections of building work under section 144 of the Act.





Legislation	Level and function			
New Development Assessment (General) Regulations 2019	NEW LEVELS			
	 BUILDING LEVEL 4 BUILDING INSPECTOR	 BUILDING LEVEL 3 ASSISTANT BUILDING SURVEYOR	 BUILDING LEVEL 2 BUILDING SURVEYOR LIMITED	 BUILDING LEVEL 1 BUILDING SURVEYOR
	Undertake inspections.	Assess and provide consent for class 1 or 10 buildings not exceeding 2 storeys and a floor area not exceeding 500m ² .	Assess and provide consent for buildings (all classes) not exceeding 3 storeys and a floor area not exceeding 2000m ² .	Assess and provide consent for any class of development. Planning consent for certain deemed-to-satisfy development, as determined by the Minister (similar to the current scope of 'Residential Code' development under the existing Regulations).
Outgoing Development Regulations 2008	OUTGOING LEVELS			
	N/A	Building Surveying Technician	Assistant Building Surveyor	Building Surveyor
	Not in outgoing regulations.	Assess class 1a or 10 buildings not exceeding 2 storeys. Assess class 2 to 9 buildings not exceeding 1 story and not having a floor area exceeding 500m ² .	Assess any class of buildings not exceeding 3 storeys and not having a floor area exceeding 2000m ² .	Assess any development. Building consent for any class of development if registered as a private certifier. Planning consent for 'Residential Code' development.

Figure 4. Role of accredited building certifiers

Under section 99 of the Act, a **council** may act as a relevant authority for the granting of building rules consent. So while council officers need not necessarily be accredited to make decisions in respect to building consent, regulation 26 establishes that the council or the Commission must seek and consider the advice of an accredited professional in accordance with the above levels for each building consent application.

Application Timeframes

What we've heard

Submissions on the Discussion Paper observed the following in relation to decision timeframes:

- Decision timeframes under the *Development Act 1993* are generally appropriate and should be used as a guide for the new timeframes. However, increases to the timeframes could be considered to ensure a reasonable assessment time before a deemed planning consent notice could be served.
- Additional time should be added to the overall timeframe to account for periods of public notification, agency referrals and determination by an assessment panel.
- There needs to be a period of verification by the relevant authority before the 'clock' starts on an application to ensure the application has been categorised correctly, all base information has been provided, and the correct fees are charged.
- Timeframes should exclude public holidays and be prescribed in business days to avoid confusion.

What we've done

Overall assessment timeframe

The time within which a decision must be made on an application (regulation 56) has been based on the timeframes prescribed in the *Development Act 1993* as well as baseline data on current assessment timeframes.

The draft Regulations have adopted the recommendations from submissions to base timeframes on business days, and provide additional time when notification, agency referral or a panel meeting is required.

The Department also heard queries regarding when the 'clock' starts for assessment. Given that all applications will be lodged on the SA planning portal and sent to the relevant authority for checking, the clock should not start until the authority has:

- checked all mandatory information has been submitted
- confirmed the application has been categorised correctly and that they are the relevant authority and agree to act as such (e.g. a private accredited professional may be on leave or not have the capacity to assess)
- received the relevant assessment fees.

Draft regulation 35 assigns a maximum period of **5 business days** for these checks to occur.

The application timeframes once the 'clock' starts are prescribed in proposed regulation 56 and illustrated on the chart at the end of this Guide.

Application information requirements

What we've heard

Some respondents to the Discussion Paper believed the current information requirements for development applications (prescribed by Schedule 5 of the *Development Regulations 2008*) were sufficient. Others thought they should be expanded to apply to a variety of development types, including standardised information for commercial/industrial businesses, multi-level dwellings and changes of land use.

What we've done

Baseline information for planning consent

The baseline information required for lodgement has been expanded in the new 'Schedule 8 – Plans'.

In the current *Development Regulations 2008*, the base information for planning consent is prescribed for complying developments only, which means that merit applications technically have no minimum requirements for plans and rely instead on the authority's request for information or the relevant council's guidelines.

By outlining the baseline information for planning consent based on different forms of development, the draft Regulations will provide a more streamlined and consistent application process. This information will be automatically requested from the applicant when they lodge their application on the SA Planning Portal.

That being said, the Department understands that no two applications are the same and it would be inappropriate to require the exact details for every application. This is why relevant authorities can choose to waive information prescribed by Schedule 8 of the draft Regulations and must do so if the information is not directly relevant to the application (provided reasons for doing so are documented – see regulation 31).

The proposed Schedule 8 lists the basic information required for applicants seeking planning consent:

TYPE OF APPLICATION FOR PLANNING CONSENT	BASELINE INFORMATION FOR LODGEMENT
<p>Outbuildings, carports, garages, verandahs or pergolas</p> 	<p>+ Schedule of cladding colour</p> 
<p>Residential alterations/additions and new dwellings</p> 	<p>+ For new dwellings: declaration regarding potential contamination</p> 
<p>Non-residential development</p> 	<p>+ Descriptive information regarding proposed activities (e.g. hours of operation, number of employees/patrons, waste management, etc.)</p> 
<p>Swimming pools</p> 	<p>(showing dimensions, pool pump/equipment location and pool setbacks from boundaries)</p> 


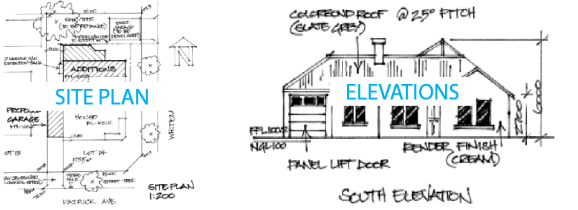
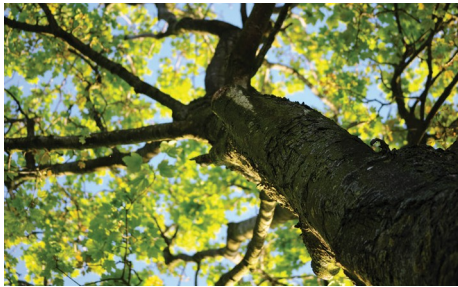

TYPE OF APPLICATION FOR PLANNING CONSENT	BASELINE INFORMATION FOR LODGEMENT
<p>Retaining walls</p> 	<p>+ Schedule of wall materials</p> 
<p>Tree-damaging activity</p> 	<p>+ Tree species and trunk circumference</p> <p>+ For tree pruning, photographs of tree showing the proposed pruning points</p> 
<p>Advertising signs</p> 	<p>+ Sign material and form of illumination</p> 

Figure 5. Baseline information required to be lodged with applications for planning consent

Requests for additional information

The proposed regulation 36 prescribes that a relevant authority cannot request further information (exceeding the baseline information prescribed in Schedule 8) for deemed-to-satisfy applications where the development proposes residential development. However, the relevant authority can request information on one occasion for all other classes of deemed-to-satisfy development and in relation to any performance assessed development.

Time to provide additional information

Once the relevant authority receives an application, regulation 36(5) prescribes they will have **10 business days** in which to request information (as described above). This regulation ensures that any extra information needed is requested upfront thereby providing the applicant a complete understanding of what's required at the initial stages of the assessment process.

Draft regulation 37 allows a period of **60 business days** for an applicant to respond to a request from a relevant authority for further information. While an authority has the right to refuse an application if the requested information is not provided after this time, applicants can request an extension of time. If the extension of time is granted, any time in excess of **one year** taken by the applicant will be included in the time in which the relevant authority decides on the application (regulation 37(2)). In other words an application can remain on hold for a maximum of one year before the clock starts again and a decision needs to be made.

An application can be lapsed by the relevant authority **one year** from the date of lodgement (regulation 41), however the relevant authority must take reasonable steps to notify the applicant of the intent to lapse an application before doing so.

Further requests

Once the information is submitted to the authority, the authority may decide they cannot make a decision on the application due to some outstanding matter. Draft regulation 36(6) then allows them to make a further request for information, but only with the agreement of the applicant. If the applicant believes the additional request for information is unwarranted they can opt not to provide the requested information and wait until the assessment timeframe has expired. At this point they could serve a deemed planning consent notice. In such cases, the relevant authority can appeal a deemed planning consent to the Environment, Resources and Development Court if they are of the view that consent should not have been granted.

Public notification

What we've heard

Responses to the Discussion Paper included the following views regarding public notification of development applications:

- Opposing views were raised about who should be responsible for placing a notice on the subject land (57% nominated the applicant; 43% nominated the relevant authority). All agreed that the cost of the sign should be borne by the applicant.
- Most respondents agreed that evidence of the sign should be recorded via a photograph. If the applicant is responsible for erecting the sign, a statutory declaration could also be an appropriate method of verification.
- To minimise the risk of interference with the sign, it was suggested that a penalty could be prescribed in the legislation.
- Local government representatives were generally of the view that the current 10 business day timeframe was reasonable for the public to respond to a publicly notified application. However, members of the community observed that a longer period was needed.
- Most respondents agreed that, for more complex applications, a longer timeframe should apply.
- Respondents observed that the period for notification should take into account any delays in postage and should not include public holidays.
- It was observed that assessment panels should have the discretion to hear persons notified of a development who wish to make verbal submissions.
- Concern was raised around the concept of comments on performance assessed development being limited to the performance assessed elements of the development only, and how the different elements eligible for comment should be clearly communicated to the public.
- Local government respondents advised there may be cases where an application is of a minor nature and shouldn't require notification. In those cases, an assessment manager should be able to determine that public notification isn't required.

What we've done

Responsibility for notification

Draft regulation 50 and the draft practice direction titled *Notification of Performance Assessed Development Applications* establishes that the applicant will be responsible for preparing and placing a notice on the land unless they (a) request the relevant authority to do so and (b) pay the relevant fee (to be prescribed in future regulations).

If the applicant accepts responsibility to place the notice on the land, the relevant authority will still confirm the location, the number of notices required and the notice content and must provide this information to the applicant at least 5 business days prior to the commencement of the notification.

The details surrounding notification of a performance assessed development application are contained in the practice direction, including a template of both the letter to adjacent land and the notice on the land.

Period of notification

Regulation 53(1) prescribes that a representation in relation to a performance assessed development must be made within **15 business days** of the day when all forms of notice have been given. For a restricted development, a longer period of **20 business days** applies. For impact assessed development, the period of consultation of an EIS is at the discretion of the Minister, however the practice direction titled *Restricted and Impact Assessed Development* prescribes a period of **30 business days**.

The period of notification commences from the day when letters to adjacent land owners/occupiers are expected to be received (allowing 3 business days for postage) or when the notice has been erected on the subject land (whichever is the later).

Notice on land details

The practice direction outlines that the notice on the development site must be:

- placed on or within a reasonable distance of the public road frontage for the premises, ensuring that it is visible to members of the public from the public road (as per the determination of the assessment manager)
- mounted at least 300mm above ground level
- made of weatherproof material (laminated print attached to fence, corflute print on star droppers, or other)
- at least A2 in size.

Following the conclusion of the public notification period, two time-stamped photographs of the sign – one at the beginning and one at the end of the notification period – are required to be uploaded to the application record to confirm the sign was present for the duration of the notification period, as well as written statement confirming that the notice was undertaken in accordance with the requirements of the legislation.

A maximum penalty of up to \$2500 and an expiation fee of \$500 are prescribed in regulation 50 for anyone found guilty of interfering with the sign during the notification period.

Deemed-to-satisfy elements

Both the letter and sign templates (which are attached to the practice direction) include an area for the relevant authority to highlight any deemed-to-satisfy elements of the proposal that are not subject to public notification, as well as standard text reminding representors that, under the Act, comments must be limited to the performance assessed elements of the application only.

Availability of plans

Regulation 52 requires the relevant authority to make copies of the application's plans available to the public for inspection without charge at their principal office during the public notification period. In addition, plans must be available to view on the SA planning portal.

Minor nature – notification not required

Part 5 of the practice direction allows the relevant authority to dispense with the need to undertake public notification for a performance assessed development if they are of the view that the application is of a minor nature and will not unreasonably impact on nearby land. This is a similar mechanism to Schedule 9 (Part 1 – 2 (g)) of the current *Development Regulations 2008*, which allows a relevant authority to determine an application to be Category 1 if it is of a minor nature.

Applicant's response

Regulation 54 prescribes that the applicant must provide a response to representations within 10 business days after the relevant authority forwards copies of the representations to them. However the relevant authority may permit an extension of time to provide a response if deemed appropriate.

Verbal representations

Draft regulation 53(5) prescribes that the relevant authority may, if it wishes, grant a person who has made a representation (and indicated an interest in appearing before the relevant authority) an opportunity to appear in person or by a representative.

In such cases, the applicant will also be provided an opportunity to respond in person to any verbal representation(s).

This provides a similar avenue for the relevant authority to hear verbal submissions as the Category 2 public notification process under the *Development Act 1993*.

Assessing separate elements of development (in any order)

What we've heard

Section 102 of the Act allows elements of a development to be lodged separately with different authorities and in any order. There is however confusion around what comprises an 'element' of development as well as who will be checking for consistency between the consents for each element.

Some respondents also raised concerns about consents being able to be granted in any order and the potential for confusion after obtaining a building consent.

What we've done

Elements of development

It is the Department's understanding that the term 'element' relates to a component part of a development. For example, a dwelling, detached garage and swimming pool would each be separate 'elements'. In contrast, front setback, building height or building materials are not considered 'elements', and therefore cannot be separated for assessment purposes. Further, something that is related to the development cannot be assessed as a separate element (e.g. a car park associated with a shop is not a separate 'element' where the shop requires car parking and could not be properly assessed without the car park).

Consents in any order

Regulation 66 prescribes further procedures around how this will work in practice. Previously under the *Development Regulations 2008*, the responsibility to check for consistency lay with the building certifier. Now however all relevant assessing authorities must take into account any prior development authorisation that relates to the proposed development when deciding whether to grant authorisation.

The existence of any other related applications will be made clear through the SA planning portal application record.

For example, if an applicant chooses to apply for building consent at the same time as planning consent and the building consent is issued first, the building certifier would no longer need to undertake a consistency check. Rather, the relevant planning authority would need to take into account the building consent before issuing planning consent.

That being said, it is noted that it often makes good sense to apply for planning consent first to confirm that the overall concept and form of the proposal fits within the planning rules.

Advisory material will be included in the SA planning portal to communicate these issues and ensure the sequencing of consents provides the most efficient assessment pathway.

Development approval

While the various relevant authorities issuing consents need to take into account any prior related consent under regulation 66, the council will ultimately be responsible for ensuring that all elements of the development have been approved before issuing development approval under section 99(3) of the Act.

Variations

What we've heard

Respondents generally agreed that minor variations should be kept in the new planning system because it provides a practical method by which to approve these variations to a development post-decision.

However, respondents also observed that a fee should be required to cover the administrative costs and time required to process such minor variations. In doing so, the need for consistent documentation of the minor variation was also identified. Suggestions to achieve this included the generation of an amended decision notification form.

Some respondents were of the view that the development application number should be modified to keep track of any minor variations approved.

Submissions also raised the need for clear advice regarding what constitutes a 'minor variation'.

What we've done

Minor variations

Draft regulation 71 provides a similar mechanism as regulation 47A of the *Development Regulations 2008*, which enables a relevant authority to accept a minor variation to a development authorisation without requiring the lodgement of a new application. However, the new regulation now specifies that:

- an administrative fee may be charged for a minor variation in accordance with the future *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*
- the authority must endorse the notice that was given for the original authorisation by noting the date and nature of the minor variation (e.g. by issuing an amended Decision Notification Form)
- the plans subject to the minor variation shall be stamped or otherwise endorsed by the relevant authority.

It is intended that the ePlanning application tracking system will provide a function for a minor variation to be processed by the relevant authority, including the generation of a minor variation reference number.

With whom is a variation application lodged?

Regulation 71(1) prescribes that an application for variation shall be lodged with the relevant authority that originally issued the development authorisation. This ensures that any variations are assessed by the person/body who has knowledge of all considerations relevant to the assessment.

The exception to this is where an accredited professional was the relevant authority. This is because accredited professionals may operate as a sole person, not as part of an organisation or panel (as would be the case for all other relevant authorities), and may be on leave or have extenuating circumstances that make them unable to reassess a particular application.

What is a minor variation?

The Commission will publish a practice guideline to clarify what constitutes a minor variation. While the guideline will be based on the concept of a minor variation to deemed-to-satisfy criteria, the principles could also be applied to post-decision requests for variations on all application types.





Exempt Development

What we've heard

Most of the respondents to the Discussion Paper were of the view that there is scope to increase the types of development that do not require any form of development approval ('exempt' development). This was based on the understanding that these developments will have negligible impacts and are standard, expected development commonly undertaken in its setting. Suggestions included children's cubby houses and tree houses, small verandas, aviaries, cat runs and wood fire pizza ovens.

What we've done

Schedule 4 of the draft Regulations lists some 94 types of buildings, works and activities that do not require development approval. Those exemptions include the following key changes from the current scope of exempt development under Schedule 3 of the *Development Regulations 2008*.

TYPE OF DEVELOPMENT	PROPOSED EXEMPTION	REASON
Fence / retaining wall combinations 	Fences on top of retaining walls.	Given that 1.0m high retaining walls can be constructed without needing approval, it makes sense to permit fences to be constructed on top of such structures to provide for a reasonable level of privacy between properties.
Water tanks 	All water tanks up to 15m ² (or 60,000 litres maximum) in areas outside of Metropolitan Adelaide.	To enable appropriate bushfire protection measures to be undertaken without requiring approval.
Tree houses 	Tree houses of less than 5m ² .	Small structures built for child recreation should not require approval.
Woodfire pizza oven 	Woodfire pizza ovens (and similar domestic masonry ovens) less than 2m in height.	Domestic kitchens are becoming increasingly common, and result in minimal planning and building impacts (noting that such ovens would still need to meet the Environment Protection Authority's requirements regarding chimney/flue location and smoke impacts).




TYPE OF DEVELOPMENT	PROPOSED EXEMPTION	REASON
<p>Demolition</p> 	<p>Demolition of certain single-storey buildings. However, this does not apply to partial demolition, where the building involves a party wall, or in relation to heritage places.</p>	<p>There are limited relevant assessment considerations in the planning or building rules when assessing demolition of an entire structure/building. Relevant considerations are covered by Safework SA legislation Work Health and Safety Regulations 2012 (SA).</p>
<p>Advertising in the City of Adelaide</p> 	<p>Remove separate provisions regarding advertising signs in the City of Adelaide. This means that, within the City of Adelaide, non-illuminated advertising signs could be displayed on the front facade of businesses (provided they are no higher than the verandah/fascia) without needing approval.</p>	<p>Consolidate the rules for advertising signs to achieve consistency across the state.</p>
<p>Renewable energy infrastructure</p> 	<p>Renewable energy infrastructure on existing council buildings.</p>	<p>Encourage energy saving methods associated with council and community buildings.</p>

Figure 6. Summary of key changes to Schedule 4 – Exclusions from the definition of development in the draft Regulations compared to Schedule 3 of the *Development Regulations 2008*

Exempt State Agency development

What we've heard

Respondents to the Discussion Paper were generally of the view that the current scope of Schedule 14 under the *Development Regulations 2008* was appropriate to guide the types of state agency development that should not require approval.

What we've done

Some minor changes have been proposed in Schedule 14 of the draft Regulations to align the types of developments able to be undertaken by state agencies with modern development standards.

The key changes are summarised in the below table:

PROPOSED CHANGES	REASON
Include telecommunications facilities where the facility is required to support emergency services communications.	As community expectations grow regarding direct notification of emergencies, there may be significant black spots that need to be addressed but don't fall within the exemptions for ordinary aerials and towers.
Continue to allow the construction of single storey outbuildings, classrooms associated with schools and other buildings, but specify that such buildings must accord with setback requirements prescribed in the Code, or if there are no setbacks prescribed, a minimum setback of 0.9 metres (currently 5 metres) is required.	Non-compliance with boundary setback generates a significant number of development applications with relatively minor impacts. It is more appropriate for boundary setback criteria to accord with the Code, or in the absence of criteria, be sited a minimum of 0.9 metres from a boundary. Retaining the provision relating to a maximum of one storey ensures an appropriate level of impact for development not requiring approval.
Allow all classrooms and learning areas to be exempt (subject to conditions), not just those of a temporary/transportable nature.	The impacts of a temporary/transportable classroom are similar to that of a permanent building. Such structures will still need to be certified for compliance with the Building Rules.
Remove reference to a maximum total of 150% floor area for building additions/alterations.	Floor area ratios are not necessarily an effective indicator of impact.
Introduce a new provision which allows the construction of playground structures and equipment without approval.	Playgrounds and similar structures are generally low impact and should be excluded from requiring approval where constructed by a state agency (they are currently exempt when constructed by a council).
Allow the construction of shade structures/sails not exceeding 5 metres in height.	Shade structures are relatively common and have limited impacts beyond the site, such that they should be excluded from requiring approval where constructed by a state agency.
Allow the construction of a beacon/antennae related to the provision of global navigation/positioning systems	Such infrastructure is likely to be increasingly developed in the future to enhance the accuracy of global navigation/positioning systems, and is unlikely to result in unreasonable amenity impacts.

Development assessed by the Commission

Schedule 10 of the *Development Regulations 2008* prescribes cases where the Commission is the relevant authority. The draft Regulations prescribe such cases in Schedule 6.

Some of the key principles that were considered when reviewing the classes of development assessed by the Commission included:

1. Development that is likely to result in impacts or outcomes that are of **significance to the State** should be assessed by the Commission.
2. If the Commission maintains **specific expertise** relevant to the class of development that would assist the assessment process (compared to if the development were assessed by an assessment panel), the Commission should be the relevant authority.
3. Classes of development that are no longer commonly developed in South Australia such as commercial forestry but have been maintained through **historical legislation**, should no longer be prescribed to the Commission.
4. If a **pathway under the Act** provides for assessment by the Commission in any case (e.g. restricted development or 'call in' by the Minister), the Commission should not be prescribed as the relevant authority.
5. If the anticipated key assessment considerations for that class of development would be **dealt with through direction of an agency/body** under section 122 of the Act, the Commission should no longer be prescribed as the relevant authority.

The below table provides an overview of the proposed draft changes between proposed Schedule 6 of the draft Regulations and the current Schedule 10 of the *Development Regulations 2008*.

PROPOSED DRAFT CHANGES IN CLASSES OF DEVELOPMENT FOR WHICH THE COMMISSION WILL BE THE RELEVANT AUTHORITY		
PROPOSED CHANGE	REASON	PRINCIPLES
In relation to development undertaken by the Urban Renewal Authority , exclude the Commission from acting as the relevant authority for applications proposing the construction of dwellings following the approval of a land division on the relevant land for residential purposes.	<p>Large scale land division of government-owned land (or under contact to a third party) should continue to be assessed by the State Commission Assessment Panel (SCAP) to ensure a coordinated approach to development in renewing areas. However, if dwellings are not proposed at the same time as the land division, the assessment of the dwellings after the land division is approved should be assessed by the relevant council.</p> <p>Alternatively, such projects could be progressed through a precinct authority under the Urban Renewal Act, in which case the precinct authority would assess all applications within the precinct.</p>	1 2

PROPOSED CHANGE	REASON	PRINCIPLES
Landfill depots no longer assessed by the Commission.	Council assessment panels are equipped with assessing landfill depots, particularly as they have been operating for some time. These are also assessed by the Environment Protection Authority, providing another layer of assessment. In addition, major landfill depots may meet the criteria for declaration as 'impact assessed' by the Minister, which involves an Environmental Impact Statement (EIS) assessment in conjunction with the Commission.	3 4 5
Works in the Metropolitan Hills Face Zone no longer assessed by the Commission.	The Hills Face zones currently extend across multiple council areas. There is strong policy already in place and councils play a role in the assessment of a range of applications. The State's interest is limited to the creation of new allotments and this is likely to be assigned to the Commission as restricted development in the Code in any event.	1 4
Commercial forestry on over 20 hectares in prescribed areas no longer assessed by the Commission.	State interests in commercial forests are less relevant now than when this provision was first introduced. These developments should be assessed by a non-State authority as the primary considerations are environmental and will be addressed via a permit required under the <i>Natural Resources Management Act 2004</i> in any case.	3 5
Only development exceeding \$3 million in the Port Adelaide Regional Centre Zone assessed by the Commission.	The current situation captures all forms of development in specific policy areas in the Port Adelaide Regional Centre Zone, no matter how minor. By limiting the cases where the Commission is the relevant authority to developments over \$3 million, assessment of developments which are not of significance to the State can be done by the local authority.	1 2
The division of land in the Mount Lofty Ranges Water Protection Area no longer assessed by the Commission.	While the area represents the state's water catchment area, there is currently strong policy in place to determine land division applications, as well as referrals to the Environment Protection Authority in certain circumstances. The State's interest is limited to the creation of new allotments, and these should still be assigned to the Commission as restricted development in any case.	1 4 5

PROPOSED CHANGE	REASON	PRINCIPLES
Only development exceeding \$3 million in the Urban Core Zone of the Bowden Urban Village assessed the Commission.	The current provision currently captures all forms of development. Alignment with a trigger based on value similar to that in Port Adelaide is proposed. NB: land division will still be assessed by the Commission if lodged by the Urban Renewal Authority.	1 2 4
Only tourism development exceeding \$3 million in conservation zones on Kangaroo Island assessed the Commission.	Currently all forms of tourism development in these areas are assigned to the Commission, including small scale developments. The introduction of a cost trigger should ensure that only development of significance to the State is assessed by the Commission.	1 2

ePlanning

What we've heard

A number of matters were raised by respondents in relation to ePlanning, including:

- Scope for error by applicants entering incorrect information to guide their proposal's categorisation and the relevant assessment authority
- The need for the system to automatically advise people who have lodged a representation about the application's outcome (i.e. withdrawn, approved, or split into elements).
- How sensitive material can be obscured from public view (e.g. floor plans).
- How relevant authorities' assessment reports, plans and decision notification forms can be made available to the public
- Alternative options for submitting applications should be available for applicants without reliable internet connection or the technology to prepare/copy electronic plans.

What we've done

Unlike the *Development Regulations 2008*, the draft Regulations allow for the transmission of documents via the SA planning portal and in electronic format. There will no longer be a need to provide multiple hard copies of plans, as plans will all be digitised.

Regulation 30 specifies that, while all applications must be lodged on the SA planning portal, an applicant can still elect to lodge an application in hard copy at the office of the relevant authority. It is anticipated that the future *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* will establish a separate fee structure to cover the administrative costs for an authority to lodge an application on the SA planning portal on the applicant's behalf (scanning plans, entering data into the portal, etc.). This will account for cases where applicants may not have access to a computer or reliable internet connection.

It is anticipated that while the SA planning portal will prompt information from an applicant when lodging an application to assist in its categorisation and allocation to the relevant authority, there will also be an option for the applicant to lodge their application without this information. In such cases, it is likely that the application will be automatically allocated to the assessment manager or assessment panel relevant to the location of the proposed development.

Regulation 35 allows an authority to re-allocate an application if they believe that the application has been sent to them erroneously or if they are unable to act as relevant authority for any reason.

The other matters raised are under active consideration by the Department's ePlanning team as they continue to work on building the SA planning portal's functionality.

Building regulations

What we've heard

A 'Building Reform Working Group' (the Group), comprised of council officers, engineers and certifiers was formed during the consultation period to examine building related issues under the draft Regulations.

The Working Group provided a range of advice to the Department on the formation of the draft Regulations under the Act.

Proposals from the Working Group were divided into following themes:

- Accountability / integrity
- Owner builders
- Assessment
- During construction
- Pre-occupancy / approval phase
- Enforcement
- Essential Safety Provisions.

What we've done

Approximately 50 proposals were received from the Group and the Department is now keen to test some of these with a wider audience.

Key examples of changes included in the draft Regulations are set out in the below table. As a general rule, the focus has been on improving the draft Regulations to deliver a clear line of sight from the approval phase, through to construction and approval, with a view to improving compliance with the Building Rules. NB: no commentary is provided where current regulations have been largely carried over 'as is'.

A range of additional expiations have also been added throughout the draft Regulations to enable councils to more effectively ensure compliance without having to undertake cost-prohibitive legal action.

A range of other proposals suggested by the Group may be implemented via other means, such as new forms, practice guidelines and/or directions, or new Ministerial Building Standards.

DRAFT REGULATION	KEY CHANGE AND REASON
25(2) – Accredited Professionals	It is proposed that Accredited Professionals – Building Level 1 - may continue to grant planning consents, but only within the scope of the existing complying development known as “Residential Code”. The intention is to allow building certifiers with existing authority to determine ‘Residential Code’ applications to continue to hold those powers.
25(7) – Independent technical expert	The draft Regulations prescribe that independent technical experts must have engineering or other qualifications to the satisfaction of the relevant authority.
99 – Notifications during building work	<p>This regulation has been rewritten to support the development of new inspection policies under the Act. Notifications are still required for commencement, commencing a specified stage, installing a designated building product, and at the completion of building work.</p> <p>Current notifications in relation to swimming pools and roof framing will be incorporated into new inspection policies, along with any other new inspections required, subject to development of these policies. Once developed, this new notification and inspection system will be integrated with the ePlanning system.</p> <p>This regulation has also made it clearer that the name and details (including licence number) of the licensed building work contractor who will carry out the relevant work, and the name and details of the persons proposed to sign the Statement of Compliance (generally building work contractor again, and the owner), are required on the notice.</p>
100 – Essential Safety Provisions (ESPs)	<p>It is proposed that there will continue to be three Essential Safety Provision forms that will perform the same approximate functions as now: specification, installation, and maintenance. However, these will now be published on the SA planning portal in a form specified by the Department and approved by the Chief Executive, rather than in a schedule to the draft Regulations. This provides the flexibility to amend these forms as necessary.</p> <p>Current references to ‘within a reasonable time’ and ‘as soon as practicable’ have been replaced with ‘20 business days’ for notification of installation, and ‘within 60 business days after the end of each calendar year’, for notification of maintenance.</p> <p>An expiation fee of \$750 has also been added to penalise those who do not comply with Essential Safety Provision requirements, with a maximum penalty of \$10,000. The addition of this expiation is considered important to ensure councils have a mechanism to pursue owners who do not provide their annual Form 3s in a timely manner.</p>

DRAFT REGULATION	KEY CHANGE AND REASON
108 – Certificates of Occupancy	<p>The most significant change in this regulation (compared to regulation 83 under the <i>Development Regulations 2008</i>) is the requirement for a certificate of occupancy for class 1a buildings, which are single dwellings.</p> <p>This change has been included following feedback that owners and occupiers, upon completion of the construction of house, should be able to receive confirmation that their dwelling is suitable for occupation. This change is proposed to bring South Australia into alignment with other jurisdictions.</p> <p>In recognition that current building work undertaken against approved plans often does not include every element that is on the approved plans (for example stormwater connections, rainwater tanks, landscaping), there is an identified need to ensure that, following the 'statement of compliance' stage, proper evidence is provided to the owner/occupier confirming their house is ready for occupancy.</p> <p>As per other buildings classes (except class 10), the certificate of occupancy for class 1a buildings will be signed by the prescribed authority under Part 11 Division 4 of the Act, to again state that a building is suitable for occupancy. Once all work on the approved plans is complete, the owner will receive this certificate from the relevant authority. It is not anticipated that this change will incur any further impact on the builder.</p> <p>Also, rather than being in a schedule attached to the draft Regulations, the new certificate of occupancy will be published on the SA planning portal in a form prepared by the Department and approved by the Chief Executive.</p> <p>This provides the flexibility to amend the certificate to stay up to date with current demands (e.g. the current need for performance solutions to be documented).</p> <p>The Department is particularly interested in the views of the community, councils and industry in relation to this proposed change.</p>
109 – Statement of Compliance (and Schedule 12)	<p>An expiation fee of \$750 has also been added to allow councils ensure compliance with the draft Regulations relating to these statements, with a maximum penalty of \$10,000.</p>
118 -Authorised officers and inspections	<p>This regulation requires each council to have at least one building-accredited professional appointed as an authorised officer to undertake inspections under the Act in accordance with any approved inspection policy for that council.</p>

What is not in these Regulations?

Impact Assessed development

The draft Regulations do not currently prescribe any classes of development as ‘impact assessed’ development under section 108(1) of the Act. It is noted however that the Minister can declare specific development as being impact assessed development via Gazette notice, separate from the Regulations.

Accepted development

While section 104 of the Act allows the draft Regulations to classify forms of ‘accepted’ development (i.e. where planning consent is not required), at this stage the Department anticipates that all accepted development will be prescribed in the Code to provide all information in a single source as part of the integrated ePlanning solution.

Fees, Charges and Contributions

The Department is currently undertaking an investigation into the new fees, charges and contributions applicable under the Act. The outcome of these investigations will be translated into future regulations known as the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019*.

Schedule 9 – Referrals

The referral agencies or authorities to be prescribed under section 122 of the Act will be prescribed in separate regulations at a later date when the Code is consulted on. This will allow for an important integrated approach because:

- a) While the referral bodies will be prescribed in the Regulations, they will link to overlays and associated policy in the Code, which will need to be considered together
- b) The Governor cannot prescribe a referral body (other than the Commission) unless:
 - i. The Governor is satisfied that provisions about the policies that the body will seek to apply have been included in the Code
OR
 - ii. The Minister has indicated that he is satisfied that policy in the Code related to that referral body is not necessary or not appropriate.

Schedules 17 and 18 – Activities of environmental significance

These activities are currently under review in conjunction with the Environment Protection Authority.

Swimming pools

Separate swimming pool regulations will be drafted in the near future which provide revised swimming pool safety and upgrade requirements.

Glossary of terms

Act means the Planning, Development and Infrastructure Act 2016

Adjacent land in relation to other land, means land that is no more than 60 metres from the other land.

Building Rules means:

- (a) the Building Code, as it applies under the Act (meaning an edition of the Building Code of Australia published by the Australian Building Codes Board in the National Construction Code series); and
- (b) any regulations under the Act that regulate the performance, standard or form of building work; and
- (c) without limiting paragraph (b), any regulations that relate to designated safety features; and
- (d) the Ministerial building standards published by the Minister under the Act;

Code means the Planning and Design Code

Commission means the State Planning Commission

Department means the Department of Planning, Transport and Infrastructure

Minister means the Minister for Planning

Planning Rules means:


- (a) the Planning and Design Code; and
- (b) the design standards that apply under Part 5 Division 2 Subdivision 4 of the Act; and
- (c) any other instrument prescribed by the Regulations for the purposes of this definition;


Regulations means the 'Draft for comment' version of the Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019 dated 11.12.2018

Residential Code means development that is complying development under clause 1(2) or (3), 2A, 2B or 2C of Schedule 4 of the Development Regulations 2008

Proposed Development Assessment timeframes under the Draft Regulations



Decision issued =  (5 business days)

Decision issued =  (2 business days)

*Business days = bds

HAVE YOUR SAY

The Department is committed to genuine collaboration with the community in the development of South Australia's new planning system.

Interested parties are invited to provide feedback on the regulations and practice directions discussed in this document until 1 March 2019.

Submissions can be lodged via:

- Email: DPTI.PlanningEngagement@sa.gov.au
- Post: PO Box 1815, Adelaide SA 5001

For details about future engagement activities and how to get involved, visit

saplanningportal.sa.gov.au



Government of South Australia
Department of Planning,
Transport and Infrastructure

Comments from The Barossa Council staff

Regulations

Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019

GENERAL COMMENTS		
Content	Comment	Amendment
ePlanning	The new planning system is professed to be an electronic system, yet the regulations heavily reference a paper base system.	The regulations should be redrafted to emphasise that the system is to be electronic as with many other systems used by the community in daily life.
Governance	It appears the governance within the regulations should be consistent amongst all parties that will operate under the one system i.e. Accredited Professionals should be bound by the same requirements as other Relevant Authorities.	Closer examination of accreditation requirements appears warranted to ensure consistency between providers.
Current Schedule 1 definitions	– It is understood that there is an intent for these to be in the Code, however this is of little assistance if now undefined terms are listed mentioned in the Regulations i.e. the new Regs refer to now undefined terms such as “home activity” particularly if a “home activity” is not development therefore you wouldn’t expect to find it in the Code	Re-insert any non-development definitions into the Regs to avoid doubt in respect of interpretation.
Overall structure – placing ‘subject-related’ provisions together	In some places the regulations are written based on the order of the associated Act provision. This results in a disjointed document where provisions that have the same basic subject matter are scattered – e.g. appeals appear under at least 2 regulations (r.47 and r.122)	Consolidate related provisions for ease of interpretation.
User ‘familiarity’ with existing regulations	The draft regulations bear a remarkable similarity to the existing regulations with a large number of provisions	Maintain the same current Schedule numbering to facilitate transition to new legislation.

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

	copies across exactly the same, albeit with new clause numbering and revised headings. This ‘familiarity’ may actually assist with users transitioning into the new system. However, regulation writers could go further by maintaining existing schedule numbering as much as possible – e.g. the new Schedule 3 is essentially the same as existing Schedule 2, so it could keep the same numbering.	
Content	Comment	Amendment
Part 1—Preliminary		
1 Short title		
2 Commencement		
3 Variation provisions		
Part 2—Variation of <i>Planning, Development and Infrastructure (General) Regulations 2017</i>		
4 Variation of regulation 3—Interpretation	designated building” and “designated building product” refers to “Schedule 8, clause 4(1)(j)”	Correction of inconsistent terminology required Should refer to “Schedule 8, clause 9(1)(j)”
	“designated significant tree overlay”	Should be “designated regulated tree overlay”
	“essential safety features”	Should be “essential safety provisions” for consistency of terminology
	“Metropolitan Adelaide”	This definition is welcomed and it is hoped it corresponds with what is on “maps.sa.gov.au/plb”
	ARI or AHD Floor Levels	The Barossa Council Development Plan has flood affected areas but no minimum FFLs, I’m concerned with how the “Code” will deal with these.

5 Insertion of regulations 3A to 3I 3A Application of Act (section 8) 3B Additions to definition of <i>development</i> 3C Exclusions from definition of <i>development</i> 3D Colonel Light Gardens Heritage Area 3E Change in classification of buildings 3F Significant trees 3G Aboveground and inflatable pools 3H Public notice 3I Prescribed period (section 44(12)(b))	r.3F “Significant Trees” r.3F (4)(a) <i>Agonis flexuosa</i> (Willow Myrtle) r.3F – Issue bound. Anyone can build a house within 10m of a Regulated tree and council cannot prevent them, (refer SASC case history). However, as soon as this happens in most cases the tree ceases to be regulated and is therefore no longer protected. r.3F - The regulation sets out where to measure a tree from but not where to measure a structure from, do we really need to wait for case law to clarify this?	Correction of inconsistent terminology required Should read “Regulated Trees” Reference to “ <i>Agonis flexuosa</i> ” is not relevant to South Australia however its replacement with “ <i>Corymbia</i> (any tree of the genus) is considered more suitable.
	r.3G – this Reg specifies that pools capable of being filled greater than 300mm in depth are “development” subject to Schedule 4, Schedule 4 states that they are only development where they include a filtration system, surely it would be easier to add a few words to 3G(1)	3G(1) Any work or activity involving the construction of an aboveground or inflatable swimming pool which is capable of being filled to a depth exceeding 300 millimetres and in the case of an aboveground or inflatable swimming pool, does not incorporate a filtrations system is prescribed under paragraph (b) of the definition of building work in section 3(1) of the Act.
6 Revocation of regulation 4		
7 Variation of regulation 18—Other matters	We are continually advised Panels will be able to delegate their decisions (e.g. Reg 22 says where the “Assessment manager” may not make a decision. Will this clause prevent delegation in those cases?	Review relevant clauses to ensure there is no conflict in how delegations apply.
8 Insertion of Parts 4 to 18 and Schedules 1 to 19	The draft regulations contain 20 schedules, not 19	Change heading to read: “8 Insertion of Parts 4 to 18 and Schedules 1 to 20”

Part 4—Statutory instruments		
19 Incorporation of material (section 71(b)) 20 Notice of Code amendment (section 73(6)(d)) 21 Minor or operational amendments (section 76)	r.20(a) and (b) – the term “impact” implies all Code amendments will have a negative effect	Suggested change: “impact” to “effect”
Part 5—Relevant authorities and accredited professionals		
22 Prescribed scheme (section 93) 23 State Planning Commission (section 94) 24 Assessment managers (section 96) 25 Accredited professionals (section 97) 26 Requirement to obtain advice of accredited professional	23(2)(b) – 15 Business Days is too short for a Council to potentially respond to the Commission.	Amend 23(2)(b) to read 6 weeks
	23(3)(a) – expand the scope of what can be commented on by Council/CEO – items (i) to (vi) is limiting.	Amend 23(3)(a) to include “(vii) other matters deemed relevant to the Council.”
	r.24 – this relates to the same subject matter as r.22 and for ease of reference should be merged with that earlier regulation	Merge r.24 with r.22 as a new sub-regulation r.22(3)
	In r.22(1)(a)(ii)(B) it is not clear that this has the same meaning as “development cost”. While there is no draft fees Schedule available for review yet, it is assumed that when it is it will include “development cost” as per the existing fees Schedule.	Clarify meaning of development costs to ensure consistency.
	Within r.22(1)(3) & 22(2) it appears only the Assessment Manager can issue Land Division Consents except where it’s a combined built form and land div application	Clarify who has authority for issuing consent to land divisions.

	At r.23(2)(b) in most areas referral bodies are being provided 4 weeks to respond, this should be consistent across the board.	23(2)(b) In any case relating to development within the area of a council—the Commission must give the chief executive officer of the council for the area in which the development is to be undertaken a reasonable opportunity to provide the Commission with a report (on behalf of the council) on any matter specified under subregulation (3) that is relevant to the particular case (but if a report is not received by the Commission within 20 business days after the request is made to the chief executive officer, or within such longer period as the Commission may allow, the Commission may presume that the chief executive officer does not desire to provide a report).
	According to r.23(3) council can't provide planning (Code assessment) concerns unless Council are specifically asked for them	Clarify ability for council to comment in respect of r.23(3)
	In r.25(2)(a) there is no ability to assess variations, potentially however, there is the ability to call a variation minor under s106(2)	A requirement be developed to ensure any minor variations are recorded in the same way there is a requirement to list variations to the NCC as per Reg 58(3)(c))
Part 6—Development assessment - key principles		
27 Elements of development 28 Impact assessed development - categorisation 29 Complying building work	r.27 – require a Practice Direction on what constitutes an 'element' r.27 – Elements of development – this is welcomed and should substantially improve some of the currently confusing descriptions of development	Expand practice directions to include interpretation of the 'elements of development'
	r.27 – states that the relevant authority “should” determine. This is an odd term to be included in regulations	r.27 – Replace “should” with “must” or “may”

	Within r.29 – use of the term “Complying” seems at odds with the new assessment pathways. Same comments apply to Schedule 7	Within r.29 and Schedule 7 replace the word “Complying” with “Deemed-to-satisfy”
Part 7—Assessment—processes and assessment facilitation		
Division 1—Applications 30 Application to relevant authority 31 Plans, fees and related provisions 32 Lodging application on SA planning portal on behalf of an applicant 33 Notification of acting (accredited professionals—planning) 34 Notification of acting (accredited professionals—building) 35 Verification of application and determination of nature of development 36 Application and further information 37 Period for additional information and other matters 38 Amended applications 39 Certification of building industry insurance 40 Regulated and significant trees 41 Withdrawing/lapsing applications 42 Contravening development	30(1) and 30(2) - refers to lodgement of an application either electronically via the Planning Portal or paper based with the relevant authority or Accredited Professional. As the system aims to be electronic, all applications should be lodged via the Planning Portal.	Reinforce requirements in the Act and Regulations to prioritise the performance function of electronic processes over paper-based references.
	31(1) and 31(2) - as above, all application should be lodged via the Planning Portal. An electronic lodgement removes the requirement to have “such additional number of copies as the entity receiving the application may require”. The onus should be placed on the applicant to submit all documentation via the planning portal.	Confirm the applicant is responsible for ensuring all application documentation is submitted via the planning portal.

	31(4) - the requirement to 'record' the reason for not providing information as part of an application should be built into the workflow of the planning portal	Amend workflow modelling within the planning portal to cater for documentation of reasons for not providing documentation.
	r.31(4) – as per above, the regulation should indicate where the 'record' is created/entered. Presumably it will be the portal, but indicate this clearly	r.31(4) – indicate how/where the 'record' is to be generated and stored
	What will be the lodgement date - Is it when the relevant authority receives all of the minimum required lodgement information, or the date that it is uploaded?	Clarify lodgement date is either receipt of minimum information or the day it is uploaded.
	32 - As per comments above, the onus should be placed on the applicant to submit all documentation via the planning portal.	Confirm user's obligations with respect to submitting all information via planning portal.
	33(1) & 34(1) why is a separate notification required, shouldn't the planning portal handle this process?	Ensure planning portal is sufficiently interactive to notify applicants.
	38(2) – What is meant by 'substantial'?	Define the term "substantial" for the purposes of r.38(2)
	r.41(4) – Is applicant entitled to any refund of fees if they withdraw?	Determine the extent of any refund where applications are withdrawn.
	r.41(5) – this sub-regulation appears out of context to the other items in the regulation – i.e. it does not relate to withdrawal or lapsing.	Clarify the intent of r.41(5) within the context of other subclauses in Reg 41 or consider relocating and/or assigning standalone heading

Division 2—Referrals 43 Referrals 44 Form of response 45 Additional information or amended plans 46 River Murray 47 Appeals 48 Building matters 49 Preliminary advice and agreement (section 123)	r.47 – this relates to appeals and to assist with ease of reference should be placed with other appeal provisions in r.122	44(2) – replace ‘may’ with ‘must’ r.47 – merge under r.122 as it relates to the same subject matter (appeals)
Division 3—Notice requirements and consultation 50 Performance assessed development and restricted development 51 Notification of application of tree-damaging activity to owner of land 52 Public inspection of applications 53 Representations 54 Response by applicant 55 Notice of hearing of submissions	r.50(1)(a) – the compulsion to send notices via postal service seems at odds to the intent of ‘e-planning’ reforms. r.50(2)(a) – the ‘form determined’ is via a practice direction. To assist with reference include the specific practice direction 50(2) - While the requirement to place a notice at the front of a property is generally supported; by replacing a public notice in the local paper, it is felt this would not be an effective approach in isolated rural communities.	Provide discretion (via practice direction?) for relevant authority to waive the requirement to display a notice in rural areas (e.g. roads of 100 kph and above). Under this approach notice would still be given to adjacent owners but there would be no requirement to place a notice where it would unlikely to be seen or where it may cause issues with people stopping etc.
	50(4) – if a Relevant Authority is requested to place a notice, will the prescribed fee demand the cost of the sign, as well as the cost of installing it, including the travel time to remote locations?	Recommended exemption criteria to the requirement if a property is located in a remote rural locality and a traditional public notice be used in these circumstances.
	50(4)(b) – if a Relevant Authority is requested to place a notice, will the prescribed fee cover the cost of the sign, as well as the cost of installing it, including the travel time to remote locations?	Prescribe a comprehensive schedule of fees including travel and other disbursements to effectively cover costs of placing notices.
	50(7) - Who is to be responsible for policing this requirement?	Determine enforcement parameters for r.50(7)

	r.53(1)(c) – this should also indicate that representations must be limited to what decision should be made in relation to performance assessed elements and cannot include deemed-to-satisfy or accepted elements (as provided for under Section 107(4)(b))	Ensure clarification of r.53(1)(c) with respect to limiting decision making to performance assessed elements only. r.53(1)(c) – add “and must be limited to what the decision should be in respect to performance assessed elements only”
	r.53(1)(d) – why is there no expectation for representations made under Section 107(3)(b) to also nominate a person? The term “should” is also inappropriate in regulations	r.53(1)(d) include reference to section 107(3)(b) and also replace “should” with “must increase public notification fees to cover actual costs ”
	53(2) – when the fee schedule is released it should include an increased public notification fee to reflect that substantial costs of using Priority Post to mail out representor letters – alternately if emailing of notices is the preferred method then the focus on postal times etc. is unnecessary?	r53(2) amended to 5 business days.
	53(5) What would be the general public reaction if appearing before the Panel is no longer a “right”	Consider consequences of natural justice in r.53(5)
	r.53(5) – who makes this decision and when? It would be too late at the assessment panel meeting when the application is being considered which implies it must be made earlier, perhaps by the assessment manager? The regulation should also require the person making this decision to record reasons for <u>not</u> allowing someone to speak. As provided for in r.55, where a representor is allowed to speak r.53(5) should require at least 5 business days notice	require the assessment manager to make this decision; to record reasons for not allowing someone to speak; and where allowed to speak, require at least 5 business days notice of the assessment panel meeting.

Division 6—Other matters 66 Consideration of other development authorisations 67 Certificate of independent technical expert in certain cases 68 Requirement to up-grade building in certain cases 69 Urgent work 70 Building work affecting other land 71 Variation of authorisation (section 128) 72 Scheme descriptions—community titles 73 Lapse of consents or approvals (section 126(2))	71(2) This may be viewed as an opportunity for Private Certifier's to transfer workload, admin and risk to Local Government, where only minor fees can be recouped for resourcing required to review and process minor variations.	Review applicable fees for variations. Develop practitioner requirements and practice circulars.
	r.71(3) – is there no longer a requirement to undergo consultation if the variations relate to a matter raised initially?	Clarify r.71(3) regarding need for consultation.
Part 8—Impact assessed development		
74 Procedural matters (section 111(2)) 75 Level of detail—EIS (section 112(b)) 76 Level of detail—EIS (section 112(c)) 77 EIS processes (section 113(5)) 78 Consultation (section 113(6)) 79 Notification of decision 80 Cancellation of development authorisation (section 115(9))		
Part 9—Special provisions relating to land division		
Division 1—Preliminary 81 Interpretation		

Division 2—Advice from Commission 82 Advice from Commission	82(4) 15 business days is a tight time frame, recommend 20 days	Review time frames for practicality
Division 3—Presumption in respect of division of certain buildings 83 Presumption in respect of division of certain buildings		
Division 4—Underground mains areas 84 Underground mains areas		
Division 5—Assessment requirements—water and sewerage 85 Assessment requirements—water and sewerage	85 – Should also include Council where CWMS systems apply for sewerage management	Provide status and recognition for regional council community waste water systems to confirm due process.
Division 6—Prescribed requirements—general land division 86 Prescribed requirements 87 Width of roads and thoroughfares 88 Road widening 89 Requirement as to forming of roads 90 Construction of roads, bridges, drains and services 91 Supplementary provisions	89(5) – Is there a need for a catch-all to cover other unmentioned infrastructure such as street lights, tree plantings etc.	Ensure all development requirements can be accurately defined through appropriate clauses.
Division 7—Certificate in respect of division of land 92 Exclusion from requirement to obtain a certificate ¹ 93 General land division 94 Division of land by strata title 95 General provisions		
Division 8—Notification of decision		

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

96 Notification of decision		
Part 10—Special provisions relating to buildings and building work		
Division 1—Preliminary 97 Interpretation 98 Commission to act outside council areas		
Division 2—Notifications 99 Notifications during building work	Is 1 business day sufficient for notifications?	Capacity for a 1 day response may not be reasonable.
	99 (3) (a) will notifications issued through the planning portal have implications for Council timeframes for inspection?	Can inspection notifications through portal be effectively managed?
	r.99(3)(a) – presumably councils would receive automatic advice/alter of the notification?	
	99(3)(b) – “by registered post” given that these take as long as business 10 days to be delivered does that mean they need to send the letter 12 business days prior to ensure that we get it in time	99(3)(b) should be removed as it cannot be practically relied on.
	r.99(3)(c) – presumably “in writing” includes email direct to the council and not a letter?	
Division 3—Safety, health and amenity 100 Essential safety provisions 101 Fire safety requirements—smoke alarms in dwellings 102 Health and amenity		
Division 4—General 103 Building Rules: bushfire prone areas 104 Construction Industry Training Fund 105 Fire safety relating to existing class 2 to 9 buildings		

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

Part 11—Classification and occupation of buildings		
106 Preliminary 107 Classification of buildings 108 Certificates of occupancy 109 Statement of Compliance	108 – Question the practicality of including Class 1a buildings, typically the owners will elect to undertake some of the work as a cost saving measure. These works are generally undertaken once the house has been handed over by the builder and owner is occupying the building. Consideration also needs to be given to Dwelling additions where owners may occupy buildings that are being renovated.	Classification and occupation needs to be considered in the context of owner works.
Part 12—Crown development		
110 Exclusions from the definition of State agency 111 Developments excluded from approval and notice 112 Development in Riverbank Zone 113 General scheme 114 Lapse of approval	111(1) – not all works are “carried on by” an agency but might be carried out on behalf of the agency or with their support or sponsorship or even funding. This clause and Schedule 14 acknowledge this. This scenario was encountered in the Barossa a few years ago where RDA Barossa, with the support and/or sponsorship of Tourism SA chose to erect “Welcome to the Barossa Region” billboards on key entry roads. Because RDA Barossa was undertaking the work, with the support of Tourism SA, the signs required development approval, many of which were non-complying under the respective Development Plans. This was a ‘process’ approach rather than ‘outcomes’ approach, not focusing on outcomes but who was actually doing the work.	111(1) – provide for the various forms of development specified in Schedule 14 to be excluded from the provisions of Section 131 of the Act where “carried on by, on behalf of, or under the sponsorship of a prescribed agency” or words to that effect
Part 13—Mining		
115 Mining production tenements		
Part 14—Land management agreements		
116 Register of land management agreements (section 192)	116 - What is a greenway authority?	Define ‘greenway authority’

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

117 Register of land management agreements (section 193)		
	117(2) – the Register should be part of the Planning Portal. Why should a Council create and maintain its own register?	Enable a land management agreement register through the portal
Part 15—Performance of certain functions		
relating to buildings and building work 118 Authorised officers and inspections 119 Fire safety		
Part 16—Enforcement		
120 Civil penalties 121 Offences by bodies corporate—responsibilities of officers		
Part 17—Rights of review and appeal		
122 Rights of review and appeal	122(4) fee for appeal, given that current appeals are lodged with the Courts and subject to the Court's prescribed fees	Set up fee structure for appeals to council assessment panel.
Part 18—Miscellaneous		
123 Service of notices 124 Prescribed rate of interest 125 Application of Fund 126 Register of applications 127 Documents to be provided by an accredited professional 128 Accreditation of building products 129 General offence 130 Declaration of commercial competitive interest	129 – we need an expiation added as well *Critical as we are unlikely commence action against someone for a \$2,500 fine given that the most basic prosecution generally costs \$8,500*	Enable expiation fees for general offences

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

131 Issue of expiation notices 132 Limitation of time when action must be taken		
Schedule 1—Register of interest—primary return	This will be a little used/referred to schedule which could, without adverse implications, be placed towards the end of the schedules	Renumber schedules for practical user effect.
Schedule 2—Register of interest—ordinary return	This will be a little used/referred to schedule which could, without adverse implications, be placed towards the end of the schedules	Renumber schedules for practical user effect.
Schedule 3—Additions to definition of development 1 Excavation or filling in identified zones or areas 2 Excavation or filling—local heritage places 3 Excavation or filling in identified zones or areas subject to inundation or flooding 4 Levee, mound over 3 metres height 5 Excavating or filling—coastal land etc. 6 Coastal protection structures 7 River Murray—infrastructure 8 Display of advertisements 9 Land division—certain Crown lands	8 Display of advertisements - Third party advertising should be included as development to allow an authority to enforce situation where a sign is changed and is unrelated to the business/ property.	Define third party advertising as development where it involves an unrelated change to the advertisement.
Schedule 4—Exclusions from definition of development 1 Advertising displays 2 Council works 3 Land division 4 Sundry minor operations 5 Use of land and buildings	1(h) (Advertising displays) – consider specific attention to trailer mounted variable message boards – e.g. whether they should require development approval. The proposed 1(h) is identical to the existing regulation wording which was written before contemporary advertising methods. Presumably the exemption was for ‘A-frame’ signs however the above trailer mounted devices are moveable signs under the Local government Act 1999 definition and therefore exempt from development approval.	Review definition of advertising displays to include trailer mounted signs.

	2-Council Works (1) “The construction, reconstruction, alteration, repair or maintenance by a council of” This does not recognise when someone else sponsors the project and does the work: e.g. progress association installing a “town sign”, Service club installing recreation facilities in park.	2-Council Works (1) “The construction, reconstruction, alteration, repair or maintenance by or on behalf of a council, of”
	2(1)(f) what about exercise equipment?	2(1)(f) “the placement, installation or construction of fitness and/or recreational equipment on or in a recreation area”
	2((3) and 4) (renewable energy infrastructure) – this addition is welcome however: <ul style="list-style-type: none"> - Could this allow a mini ‘wind-farm’ of sorts to be established? - The reference to “storing renewable energy” is confusing and likely to be impossible to regulate or determine. While an array of solar panels and inverter are commonly regarded as renewable energy generating facilities, battery storage devices won’t necessarily store only energy generated from a solar facility but it may also store energy drawn from the grid which has been generated from a non-renewable source – e.g. a gas fired generator. 	2(4) – separate the generation of ‘renewable’ energy from the storage of electricity which could be sourced from non-renewable sources
	Item 4 (Sundry minor operations). These are generally identical to existing regulations and are equally difficult to identify and read the different subjects/items. Elsewhere in proposed Schedule 4 and in other schedules different forms of development are placed under respective headings – e.g. Sch 4-16 Solar photovoltaic panels. This is an opportunity to simplify the provisions by placing each item under 4(1) under their own heading – e.g. “Outbuildings”, “Swimming pools”. A consequence will be	List each item in 4(1) under their own heading – e.g. “Outbuildings”, “Swimming pools

	an increased number of individual headings, users will benefit	
	4(1)(b) – people currently mistakenly consider a ‘windmill’ to include a wind turbine. They are distinctly different, with the existing and draft regulations themselves making specific reference to a ‘turbine’ not ‘windmill’ (refer r.3(4)). Many current Development Plan policies provide for domestic scale wind generators up to 10 m in height. To avoid doubt, this exemption should be broadened to specifically refer to domestic scale wind generators (turbines) up to 10 m	4(1)(b) - specifically refer to (domestic) wind generators up to 10 m in height
	4(1)(h) – the 3.1 m total height could have significant visual impacts, especially if erected on a street boundary	4(1)(h) - review if this should apply to street frontages – i.e. don’t allow 3.1 m high at street
	4(1)(h) – if exempting a 3.1 m combined high wall and fence structure, why not also a 3.1 m high metal clad fence?	4(1)(h) – If exempting a 3.1 m combined high wall and fence structure, consider also exempting other non-masonry fences up to the same height
	4(1)(m) should be changed to “cubby house”, domestic outbuilding exemptions and tree houses do not apply to cubby houses on stilts (i.e. overall height exceeding 2.5m)	4(1)(m) “ a cubby house (being a structure that is intended to be used primarily by children for recreational purposes) that is ancillary to a dwelling and that has a total floor area not exceeding 5 square metres.”
	4(1)(m) – what if the tree which is to accommodate a ‘tree’ or ‘cubby’ house is a regulated tree? Does fixing beams etc. constitute a tree damaging activity?	4(1)(m) – clarify if a structure can be placed in a regulated tree
	4(n) Provisions should be included to ensure that screens installed on verandahs/carports etc. do not result in enclosing 600mm separation distances required between buildings under SA 6.2.2 – NCC Vol. 2.	

	4(1)(n) I can see this one as being problematic, should it say “the installation of a screen to 1 or more sides of an existing authorised structure...	
	4(5) domestic floor? What does this mean?	
	5(2)(a) “home activity” is no longer defined, if it is going to be used in the Regs it needs to continue to be defined	5(2)(a) – include criteria to qualify as a home activity in this subclause
6 Special cemetery buildings 7 In ground sewerage pumping stations 8 In ground water valve chamber 9 Certain building work outside council areas 10 Demolition of single storey buildings 11 Dams 12 Amalgamation of land 13 Aerials, towers etc. 15 Gas infrastructure 16 Solar photovoltaic panels 17 Aquaculture development 18 Removal of trees in certain cases 19 Cultana Training Area 20 Recreation paths 21 Car parks etc. in Osborne area of City of Port Adelaide Enfield	11-Dams: It is noted that under Schedule 7 that the construction, alteration and removal of a dam is listed as ‘complying building work’ when associated with “land used for farming purposes” and only requires building consent if it’s of masonry construction. Schedule 4 exempts dams from a planning assessment when set criteria are met. As per comments on NRM Reform, it is suggested that dams and other similar activities are fully exempted as ‘development’ under the PDI Act and dealt with under the proposed SA Landscape Act, thereby ensuring the activity is controlled and assessed under a single statute. It is acknowledge that this approach would require the relevant authority under the Landscape Act to undertake a full assessment of the dam, and not just water management matters (i.e. safety, location, use etc.). Where are dam is associated with a development activity (i.e. farm activity), the applicant should seek approval prior to full Development Approval being issued. Refer to additional comments under Referrals.	Fully exempt dams from requiring planning consent. Ensure dams require greater environmental assessment before granting licences.
	16 – this is an opportunity to exempt ground-based domestic scale solar arrays from development approval (except heritage places and areas and the like)	Exempt ground based domestic solar panels and acknowledge all renewable energy and associated facilities.

	16 – this is an opportunity to acknowledge and create provisions for all current renewable energy generation, energy storage and recharging facilities – e.g. domestic scale wind generators, battery storage, vehicle recharging facilities	Exempt or provide for all current renewable energy generation, energy storage and recharging facilities – e.g. domestic scale wind generators, battery storage, vehicle recharging facilities
	18 – could r.3F and this clause be combined, or at least merge the two lists of tree species?	
Schedule 5—Colonel Light Gardens Heritage Area 1 Advertising displays 2 Council works 3 Retirement units 4 Sundry minor operations 5 Use of land and buildings 6 Painting		
Schedule 6—Relevant authority—Commission 1 Areas of all councils 2 Adelaide Park Lands 3 City of Adelaide—developments over \$10m 4 Inner Metropolitan Area—buildings exceeding 4 storeys 5 City of Port Adelaide Enfield—developments over \$3m in identified area 6 City of Port Adelaide Enfield—development in identified zone 7 West Beach Recreation Reserve 8 Private Open Space 9 City of Charles Sturt—developments over \$3m in identified area 10 Certain electricity generators 11 Railways	10 – although this applies to large generators, it implies that all electricity generators of any capacity constitute development which anecdotally most practitioners don't consider to be the case. Due to real and perceived power reliability issues an increasing number of businesses are installing their own diesel powered generators, but it is suggested most of these would have been installed without development approval. The Barossa Council Assessment Panel is currently dealing with such a proposal which involves concerns from an adjoining owner regarding noise, fumes and vibrations caused by the generator during operation and even routine testing	Ensure the installation and use of generators is adequately defined to ensure assessment of potential impacts to amenity can occur.

12 Show grounds 13 Kangaroo Island—tourism development over \$3m in certain conservation areas 14 University developments over \$10m		
Schedule 7—Complying building work 1 Dams 2 Pergolas 3 Alterations 4 Building work outside council area 5 Haysheds etc. 6 Stockyards 7 Sundry minor operations 8 Aquaculture 9 Aerials, towers etc. 10 Railways		
Schedule 8—Plans 1 Plans for certain types of development 2 Plans for residential alterations, additions and new dwellings 3 Plans for development for non-residential purposes 4 Plans for swimming pools 5 Plans for retaining walls 6 Plans for application for consent for tree-damaging activity 7 Plans for development involving advertising signs 8 Additional requirements for certain development in designated historic or conservation zone, subzone or overlay 9 Plans for building work 10 Requirements for development near the coast		

11 Statement relating to electricity infrastructure 12 Requirements for general land division applications for development approval—proposal plans 13 Additional requirements for community plans 14 Land division certificates—final plan 15 Activities of environmental significance 16 Water resources requirements 17 Referrals with respect to River Murray Protection Areas 18 Referrals with respect to the use of River Murray water within the Murray-Darling Basin 20 Additional requirements for certain electricity generators		
Schedule 9—Referrals 1 Interpretation 2 Table	In its submission on the NRM Reform, Council suggested that the current regime of ‘referrals’ for certain development types could be streamlined with the introduction of a ‘Resource Consent’ that encompasses existing natural resource licensing and approval requirements. In addition, the current ambiguity of when an activity on land constitutes ‘development’ or a ‘water affecting activity’ needs to be addressed. It is recommended that the likes of ‘dams’ should be controlled under one piece of legislation and be assessed by a single authority.	Dams and similar water affecting activities to be exempted as ‘development’ under the DPI Act, and controlled/assessed under the proposed Landscape SA Act.
Schedule 10—Work that affects stability of other land or premises		
Schedule 11—Form of endorsement of scheme description—community titles		
Schedule 12—Land division certificate—prescribed form		

Schedule 13—Statement of compliance		
Schedule 14—State agency development exempt from approval 1 Interpretation 2 General 3 Certain development in part of City of Mitcham 4 River Murray area 5 Certain development within the Park Lands		
Schedule 15—Mining production tenements 1 Adelaide and Environs 2 The Coast 3 Other Areas		
Schedule 16—Civil penalties 1 Form of notice of right to elect to be prosecuted (regulation 120)		
Schedule 17—Activities of environmental significance		
Schedule 18—Activities of major environmental significance Part 1—Activities 1 Petroleum and Chemical 2 Manufacturing and Mineral Processing 3 Waste Treatment and Disposal 4 Activities in Specified Areas 5 Animal Husbandry, Aquaculture and Other Activities		

6 Food Production and Animal and Plant Product Processing 7 Materials Handling and Transportation 8 Other Part 2—Listed wastes		
Schedule 19—Map of initial part of designated Osborne area		
Schedule 20—Map of additional part of designated Osborne area		
9 Revocation of Schedules 1 and 2		

Practice Direction

Notification of Performance Assessed Development Applications 2019

Content	Comment	Amendment
Introduction		
	Each of the draft Practice Directions unnecessarily repeat provisions of the regulations	Remove repetition.
Practice Direction		
Part 1 – Preliminary 1 – Citation 2 – Commencement of operation 3 – Object of practice direction 4 – Interpretation		
Part 2 – Notification of Performance Assessed Development Applications 5 – Determination under section 107(3) of the Act 6 – Form of Notice under section 107(9) of the Act 7 – Responsibility to undertake notification 8 – Period of notification 9 – Preparing for notification 10 – Notice to adjacent land owners/occupiers 11 – Notice on land 12 – Availability of plans 13 – Confirmation of public notification 14 – Interpretation	6(2) – opportunity to simplify	6(2) – replace with “The following directions apply to performance assessed development applications where notice is required.”
	11 – if the applicant transfers the responsibility for the notice on land to the Relevant Authority, the fees should reflect that we will have to regularly check that it’s still there and potentially replace it if it is gone.	
	11 – routine inspection of signs in rural areas will have significant resource impacts on those councils	11 – Fee structure to include recovery of cost for council installation of notice. Cost to include travel time and expenses.
	8 – this repeats the regulations and is superfluous	8 – remove repetition.
	10(1) – implies a letter <u>and</u> a notice must be posted. What if a relevant authority wanted to use a postcard with the application details? As commented previously, why the	Review paper-based approach vs e-processing.

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

Content	Comment	Amendment
	compulsion on posting when the planning reforms are driving an electronic based system?	
	10(2) – will information be freely available (i.e. at no charge) to relevant authorities? Will councils be prevented from using their own property data as they currently do?	
	[10(4) – s.107(4) states that the subject matter of a notice must be limited to performance based elements of the development – this clause of the practice direction must include this provision	
	11(a) – the sign needs to be both visible <u>and</u> legible	11(a) – after “visible” insert “and legible”
	11(b) – 300mm above ground level seems too low – 1m seems more practical	11(b) – replace “300mm” with “1m”
	11(d) – it is likely that everyone will choose the minimum (and cheapest). It is unlikely anyone would voluntarily choose to erect a larger size (e.g. billboard size) due to the additional cost. Related to this is the question of whether the relevant authority should have the ability to require a larger sign in certain cases...	
	12(2) – Most proposal plans would comprise elements that are exempt, accepted, deemed-to-satisfy and performance assessed – how is it envisaged the relevant authority will specifically show or extract only the performance assessed elements of a proposal for display purposes?	
Attachment		
Attachment 1 – Template – Letter to adjacent land	para. 4 (performance based elements) – The Act requires the notice to be limited to the performance assessed	

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

Content	Comment	Amendment
	elements, so why would the letter follow a reversed approach by listing some, but not necessary all, non-performance based elements? This effectively requires the reader to guess what the performance based elements are. para. 5 (hearing) – should the letter/notice explain who will be making the decision regarding the hearing etc.?	Review clarity of process and ensure it is adequately defined in letter template.
Attachment 2 – Template – Representation Submission Form		
Attachment 3 – Template – Notice on Land	who generates the QR code, when is it generated, and how does the applicant obtain it if they are preparing and erecting the notice on the site?	Clarify who produces QR coding how it is obtained.
	the proposal description item refers to “all relevant components”: as per the Act requirements this should list the performance assessed elements only	Reference only performance assessed elements.
	(grey box regarding elements) – the notice effectively requires the reader to guess what the performance assessed elements are	

Restricted and Impact Assessed Development 2019

Content	Comment	Amendment
Introduction		
Practice direction		
Part 1 – Preliminary 1 – Citation 2 – Commencement of operation 3 – Object of practice direction 4 – Interpretation		
Part 2 – Restricted Development 5 – Circumstances under which the Commission will assess restricted development 6 – How the Commission will proceed with assessment of a restricted development	6(2) – unnecessary reference to “further information” when this relates to the initial information required, not additional or further information 6(5) – advises the Commission is not bound by the provisions of the Planning and Design Code. What does this mean exactly, and more importantly can a practice direction provide this ‘power’ or is it for the Act to provide for?	6(2) – delete “further”
Part 3 – Impact Assessed Development (not being Restricted Development) 7 – Information that must be provided by the proponent 8 – Requirements as to the preparation of an EIS 10 – Consultation of EIS 11 – Amendment of EIS	7(3)2. – don’t use corporate names	7(3)2. – replace “Dropbox” with “file sharing website”
Attachments		
Attachment 1: Template – Request for review of decision to not proceed with assessment of a restricted development		

Content	Comment	Amendment
Attachment 2: Template - Assessment Requirements 1. BACKGROUND 2. DESCRIPTION OF PROPOSAL 3. MAJOR DEVELOPMENT PROCESS AND ROLE OF REQUIREMENTS 4. ENVIRONMENTAL IMPACT STATEMENT (EIS) 5. ASSESSMENT 6. ENVIRONMENTAL IMPACT STATEMENT (EIS) ASSESSMENT REQUIREMENTS		

Deemed Planning Consent - Standard Conditions 2019

Content	Comment	Amendment
Introduction		
Practice direction		
Part 1 – Preliminary 1 – Citation 2 – Commencement of operation 3 – Object of practice direction 4 – Interpretation		
Part 2 – Deemed Planning Consent 5 – Cases where standard conditions apply 6 – Conditions of Deemed Planning Consent		
Attachments		
Attachment 1: Standard Conditions		General condition – replace “application” with “consent”

Conditions 2018

Content	Comment	Amendment
Introduction		
	<p>overall observation – the practice direction was intended to specify:</p> <p>(a) conditions that <u>may</u> apply</p> <p>(b) conditions that <u>must</u> apply</p> <p>It achieves (b) but does not appear to achieve (a). The document assists the relevant authority in preparing conditions (legalities) but provides no examples, nor does it appear to specify conditions that <u>may</u> be applied.</p>	Introduce example templates for standard conditions.
Practice direction		
Part 1 – Preliminary 1 – Citation 2 – Commencement of operation 3 – Object of practice direction 4 – Interpretation		
Part 2 – Conditions 5 – Conditions a relevant authority thinks fit to impose 6 – Conditions specified by practice direction	5- (4)(a) refer to Section 39(2) appears incorrect. It seems to be referring to the Development Act 1993 instead of the Planning, Development and Infrastructure Act 2016	5-(4)(a).... Where sufficient information is not available on a proposal, Section 119(3) of the Act provides that further information can be sought, and a final decision made with complete details of the proposal

Guide/Fact Sheets

Guide to the draft Assessment Regulations and Practice Directions

Content	Comment	Amendment
Introduction		
Relevant authorities		
Application Timeframes		
Application information requirements		
Public notification		
Assessing separate elements of development (in any order)		
Variations		
Exempt Development		
Exempt State Agency development		
Development assessed by the Commission		
ePlanning		
Building regulations		
What is not in these Regulations?		
Glossary of terms		

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

Content	Comment	Amendment
Proposed Development Assessment timeframes under the Draft Regulations		

Fact Sheet: How do the draft Regulations affect me as a resident?

Content	Comment	Amendment
What are the key changes in Development Assessment for South Australia?		
Who makes development decisions?		
Public notification		
A thorough, yet simpler assessment for expected development		
Enabling decision-making in a timely manner		
Removing low-risk matters from the new planning and development system		

Fact Sheet – Development Assessment Timeframes

Content	Comment	Amendment
Deemed-to-satisfy		
Performance assessed no public notification, no referral, assessment manager authority		
Performance assessed no public notification with referral required, or assessment panel or Commission are authority		
Performance assessed public notification required (15 bds for public notification & 10 bds for applicant response)		
Restricted public notification required(20 bds for public notification + 10 bds for applicant response)		
Class 1 or 10		
Class 2-9		
Land division consent (inc. encroachment or off-set)		
Development approval		

1 March 2019

Development Assessment Regulations and Practice Directions - Comments from The Barossa Council staff

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

19 MARCH 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

**4.5.2.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY
B9072, 19/9199**

Minutes and Key Outcome Summary of the Gawler River Floodplain Management Authority meeting held on 7 February 2019, are attached for information.

RECOMMENDATION:

That Report 4.5.2.1 be received and noted.

M E E T I N G M I N U T E S

Committee **Gawler River Floodplain Management Authority**
Held On **Thursday 7 February 2019 at 9.45 am**
Location **Light Regional Council, Kapunda.**

WELCOME

Mr Ian Baldwin formally welcomed Board Members, Deputy Board Members, Observers and the Executive Officer and opened the 109th meeting of the Board.

PRESENT

*Mr Ian Baldwin, Independent Board Member, Chair
Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
Mr Marc Salver, Adelaide Hills Council, Deputy Board Member
Mr James Miller, Adelaide Plains Council, Board Member
Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
Mayor Bim Lange, Barossa Council, Board Member
Mr Gary Mavrinac, The Barossa Council, Board Member
Mr Sam Dilena, Town of Gawler, Board Member
Cr Paul Koch, Town of Gawler, Board Member
Cr William Close, Light Regional Council, Board Member
Mr Andrew Philpott, Light Regional Council, Deputy Board Member
Cr Stephen Coppins, City of Playford, Board Member
Mr Greg Pattinson, City of Playford, Deputy Board Member
Mr David Hitchcock, Executive Officer*

GRB 01/19 Observers

Moved: Mr. J Miller Seconded: Cr T Keen

That Cr John Lush, Adelaide Plains Council, be appointed as Observer.

CARRIED

APOLOGIES

*Mr. Brian Carr, Light Regional Council, Board Member
Cr Kelvin Goldstone, Town of Gawler, Deputy Board Member*

GRB 02/19 Minutes of the 13/12/18 GRFMA meeting

Moved: Mr. G Mavrinac

Seconded: Mr. G Pattinson

That the Minutes of the Gawler River Floodplain Management Authority Board meeting as amended, held 13/12/18 be confirmed as a true and accurate record of that meeting.

CARRIED

GRB 03/19 Minutes of the 13/12/18 GRFMA Confidential Meeting

Moved: Mr. J Miller

Seconded: Mr. M Salver

That the Minutes of the Gawler River Floodplain Management Authority Board Confidential Meeting held 13/12/18 be confirmed as a true and accurate record of that meeting.

CARRIED

Cr Paul Koch, entered the meeting at 10am
Mr Sam Dilena entered the meeting at 10.05 am

GRB 04/19 GRFMA Charter Review

Moved: Cr M Herrmann

Seconded: Mr. J Miller

That the GRFMA receive a final Draft GRFMA Charter Review document at the 18/4/19 meeting.

CARRIED

Cr Malcolm Herrmann declared a Material Interest in Item 8.1 Appointment of Audit Committee member as he was the person being considered for appointment and left the meeting 10.07am.

GRB 05/19 Appointment of GRFMA Audit Committee Member

Moved: Mayor B Lange

Seconded: Mr G Pattinson.

That subject to receipt of confirmation from City of Playford, Cr Herrmann be appointed as GRFMA Audit Committee member, Elected Member.

CARRIED UNANIMOUSLY

Cr Hermann returned to the meeting 10.10 am

GRB 06/19 Record of appreciation Mr. D Ellis

Moved: Mr. J Miller

Seconded: Cr. W Close

That the GRFMA note retirement of Mr Des Ellis from the GRFMA Audit Committee and record a vote of thanks and appreciation for his services.

CARRIED

GRB 07/19 Public Consultation Policy**Moved Mr. G Mavrinac****Seconded: Mr. M Salver****That the GRFMA adopt the Public Consultation Policy as amended****CARRIED**

GRFMA Meeting members noted confirmation of 20 February 2019 as the date for the scheduled bus tour for GRFMA Board Members, Deputy Board Members and interested council members. Members to respond to the Executive Officer with relevant attendee details by Friday 15/2/19.

GRB 08/19 Road Access Bruce Eastick North Para Flood Mitigation Dam**Moved Mr. S Dilena****Seconded: Cr. P Koch****That the GRFMA:**

- 1. Note possible additional costs from the accepted quotation reinstatement of the road access (downstream) and repair to the right abutment scour at the Bruce Eastick North Para Flood Mitigation Dam: and**
- 2. Authorises the Executive Officer to undertake the works within variation costs not exceeding 15%.**

CARRIED**GRB 09/19 Financial report****Moved Mr. M Salver****Seconded: Mr G Mavrinac****That the GRFMA receive:**

- 1. The financial report as at 31 January 2019 showing a balance of total funds available of \$122,807.16; and**
- 2. The 2018/19 Budget works program update**

CARRIED

Mayor Bim Lange left the meeting at 10.45am

GRB 10/19 Draft GRFMA Business Plan 2019-2022 and 2019/20 Draft GRFMA Budget**Moved Mr. S Dilena****Seconded: Mr. J Miller****That the GRFMA:**

- 1. Note the report;**
- 2. Adopts the 2019-2022 draft GRFMA Business Plan and draft 2019/20 GRFMA Budget documents as amended; and**
- 3. Following receipt of Constituent Council feedback considers adoption of the GRFMA draft Business Plan and Annual Budget at the June 2019 meeting.**

CARRIED

Amendments related to the Business Plan included:

- Noting feasibility of raising the height of the Bruce Eastick Dam is still a strategic consideration;
- Consideration of renaming or a better description for the Gawler River Scheme Mark 2; and
- checking the noted year dates in the footer.

Amendment to the Draft Budget was to provide adjustment of Administration of the GRFMA Member Subscriptions to \$145,000 to reflect additional Consultancy cost provision of \$28,715.

The meeting adjourned at 11.15 am

The Chairperson welcomed Mr B Sloane, Mr D Davey and Mr D Ellis to the meeting morning tea, as invited, noted their respective contributions to the Authority and expressed a vote of thanks for their service.

The meeting reconvened at 11. 45 am.

GRB 11/19 Dewater and inspection of the Low-Level Outlet Pipe at the Bruce Eastick Dam

Moved Mr. M Salver

Seconded: Mr. G Pattinson.

That the GRFMA accept the quotation of \$14,540 from REMO Contractors for dewater and inspection of the Low-Level Outlet Pipe at the Bruce Eastick North Para Flood Mitigation Dam and authorises the Executive Officer authority to undertake the works within variation costs not exceeding 10%

CARRIED

The correspondence was noted.

Urgent Business without notice.

- BBR Funding timeframes
- A separate bus tour, similar to the 20/2/19 itinerary to be facilitated for other interested key stakeholders at a later date.

Closure of meeting

The Chairperson thanked the Light Regional Council for hospitality as host.

The next Ordinary Board Meeting will be held 9.45 am, Thursday 18 April 2019 at the Adelaide Hills Council, Gumeracha.

Meeting closed 12.05 pm.

Confirmed Chairperson

Gawler River Floodplain Management Authority

Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford

KEY OUTCOMES SUMMARY

GRFMA Board Meeting 07/02/19

Charter Review

The meeting received a report on progress achieved by the Charter Review Working Group and a further report on the final draft Charter Review is to be considered at the 18 April 2019 GRFMA meeting.

Policy review

The meeting adopted the revised GRFMA Public Consultation Policy.

Membership of the GRFMA Audit Committee

Cr. M Herrmann was appointed as GRFMA Audit Committee member, Elected Member representative.

Financial Report

The Board received the financial report as at 31 January 2019 showing a balance of total funds available of \$ 122,807.16.

2019-2022 draft GRFMA Business Plan and draft 2019/20 GRFMA Budget

The Board adopted the 2019-2022 draft GRFMA Business Plan and draft 2019/20 GRFMA Budget documents as amended and following receipt of Constituent Council feedback will consider adoption of the GRFMA Business Plan and Annual Budget at the June 2019 meeting.

Recognition of services

The meeting welcomed Mr B Sloane, Mr D Davey and Mr D Ellis to the meeting morning tea, as invited, noted their respective contributions to the Authority and expressed a vote of thanks for their service. Past Board and Deputy members unable to attend were also recognised.

Dam maintenance

The meeting accepted the quotation from REMO Contractors for dewater and inspection of the Low-Level Outlet Pipe at the Bruce Eastick North Para Flood Mitigation Dam.

GRFMA Gawler River orientation

GRFMA Meeting members noted confirmation of 20 February 2019 as the date for the scheduled bus tour for GRFMA Board Members, Deputy Board Members and interested council members. Members to respond to the Executive Officer with relevant attendee details by Friday 15/2/19. A separate bus tour, similar to the 20/2/19 itinerary is to be facilitated for other interested key stakeholders at a later date.

Next GRFMA Ordinary Meeting

The next GRFMA Ordinary Board Meeting will be held 9.45 am, Thursday 18 April 2019 at the Adelaide Hills Council (Gumeracha).

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

19 MARCH 2019

4.5.2 CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT

4.5.2.2 PROGRESS REPORT B8570

- Collaboration between the Team Leader, Environmental Services, and Council's Team Leader, Works and Engineering to map on-ground works (Watercourses, Roadside weed control, Bush for Life sites and Landcare sites).

This preliminary work is part of a review between Council works staff, Team Leader - Environmental Services and Natural Resource Management, to ensure highest priority sites are being protected and enhanced, and legislative requirements are being fulfilled.

- Signed off on a NRM Workplan 18/19 for Council owned land leased to Barossa Archery Club with Council contributing \$2500 annually for 3 years and co-funded by NRM \$7500 to remove Declared Weeds from the North Para River adjacent to the Club site.
- Council subsidizing and supporting (\$1990) Living Smart Program 26/2 – 2/4/2019 at Lyndoch Library for 7 weeks. Last week, Council's Waste Officer presented a session on Council's Waste program and Council's NRM Education Officer presented on increasing biodiversity in the garden. Both representatives from Council were received well and were available to answer lots of questions from the 22 participants.
- Preparation of Request for Tender documentation – Review and updating of Council's Roadside Vegetation Management Plan.
- Working with Councils Director, Development and Environmental Service & Councils NRM Education Officer to prepare New Initiative for new project Coolgreen Barossa.
- Attendance and participation in South Para Biodiversity Meeting and Natural Resource Centre Alliance meetings representing Council.
- Met with Co-ordinator, Bush for Life to discuss and examine opportunities for volunteer engagement.

RECOMMENDATION:

That report items 4.5.2.2 be received.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

19 MARCH 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.1 FOOD RECALLS

B9106

Consumer Level recalls were monitored for:

- Organic Kombucha Raspberry Lemon 330ml, Organic Kombucha Lemon Lime & Bitters 330ml & Organic Kombucha Lemon Lime and Bitters 750ml
- Nature's Path Envirokidz Gorilla Munch Corn Puffs
- LoBros Organic Lemon Lime and Bitters Kombucha 330ml

RECOMMENDATION:

That the report item 4.5.3.1 be received.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

19 MARCH 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.2 FOOD PREMISES INSPECTIONS **B4573**

During the month of February 2019 the following food businesses were inspected for their compliance with the Food Act 2001.

- MAnMA – Routine inspection
- Die Barossa Wurst Haus & Bakery – Routine Inspection
- Barossa Farmers Market Breakfast Bar – Routine inspection
- Herrmann's Restaurant – Routine inspection
- Jack Rabbitt's – Routine inspection and Follow up inspection
- Tanunda Foodland – Routine inspection and Follow up inspection
- Valley Pizza – Routine inspection
- Apex Bakery – Routine inspection
- Mr J's Chinese – Routine inspection
- Lyndoch Bakery - Routine inspection
- Barossa Haus B & B - Preliminary inspection

RECOMMENDATION:

That the report items 4.5.3.2 be received.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

19 MARCH 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.1

ELECTED MEMBERS' ALLOWANCES AND BENEFITS POLICY

B7322

Author: Coordinator Internal Controls

PURPOSE

To receive, consider and approve the draft Elected Members' Allowances and Benefits Policy at Attachment 1.

RECOMMENDATION

- (1) That Council receives, considers and approves the draft Elected Members' Allowances and Benefits Policy, as attached at Attachment 1 to this report;
- (2) That Council receives the draft Elected Members' Allowance Payment Expense Reimbursement Process and Elected Members' Reimbursement Claim Form attached at Attachment 2 and 3 to this report, which will be approved by the Chief Executive Officer in accordance with administrative processes.

REPORT

Background

The Elected Members' Allowances and Benefits Policy sets out the allowances, reimbursement of expenses and the provision of benefits by Council to the Elected Members.

Introduction

The Elected Members' Allowance and Benefits Policy was adopted by Council at its 26 November 2018 meeting following the periodic election and consequent automatic expiration of the previous policy, but has subsequently required further amendments.

A revised policy is presented to Council for its consideration at Attachment 1.

The supporting administrative process together with the claim form and Register of Elected Members' Allowances and Benefits is presented for the Elected Body's information at Attachment 2, 3 & 4, however, the process, form and register will be approved by the Chief Executive Officer in accordance with his role to determine Council's administrative matters.

Discussion

The draft Policy has been updated to:

- Include the recording of both the Mandatory and Council Approved benefits in the Register of Elected Members' Allowances and Benefits.
- Include the publishing of the Register of Elected Members' Allowances and Benefits on the Council website.

Following the periodic elections, the Policy was reviewed by Council's Audit Committee and endorsed in principle, prior to being adopted by Council in November 2018. However, given the minimal changes listed above and the administrative nature of the current proposed changes to the Policy, the Audit Committee has not been consulted with respect to the current proposed changes.

Summary and Conclusion

Council is asked to receive, consider and approve the Elected Members' Allowances and Benefits Policy. Further, Council is asked to receive the draft Elected Members' Allowance Payment Expense Reimbursement Process and Elected Members' Reimbursement Claim Form, which will be approved by the Chief Executive Officer in accordance with administrative processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1- draft Elected Members' Allowances and Benefits Policy 18/71405

Attachment 2 – draft Elected Members' Allowance Payment and Expense Reimbursement Process 18/71406

Attachment 3 – Elected Member Reimbursement Claim Form 18/34366

Attachment 4 – Register of Elected Members' Allowances and Benefits 18/12904

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.

Legislative Requirements

Local Government Act 1999 – sections 76-79

Local Government (Accountability and Governance) Amendment Act 2015

Local Government (Members Allowances and Benefits) Regulations 2010

Income Tax Assessment Act 1997- section 28.25 (Commonwealth)

Determination 6 of the Remuneration Tribunal 2018 – Allowances for Members of Local Government Councils

Fees and Charges Register

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Important issues of transparency, consistency and public confidence in Council process attach to the adoption of this Policy. Elected Members, too, can be confident in the protections afforded by the allowances, mandatory reimbursements and discretionary reimbursements, which allow the Members to undertake their Council duties to the best of their abilities without being financially compromised.

COMMUNITY CONSULTATION

This Policy is based on Local Government Act provisions and best practice guidelines from the Local Government Association which both act in the best interests of transparency to the public. The allowances paid to Elected Members are in accordance with the Act and pursuant to the Remuneration Tribunal South Australia's most recent Determination. Further, the Register of Elected Member Allowances and Benefits is a public document. Accordingly, officers contend that no public consultation is required in this matter as public interest is already being protected.

THE BAROSSA COUNCIL

ELECTED MEMBERS' ALLOWANCES AND BENEFITS POLICY



Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Policy Owner:	Chief Executive Officer	Previous Approval Date(s):	14/11/2014 19/04/2016
Document Control Officer:	Governance Advisor	Current Approval Date:	26/11/2018
HPE Content Manager Ref:	14/43871	Next Review Date:	Next Periodic Election

1. Purpose

- 1.1 The Barossa Council ("Council") will ensure that the payment of its Elected Members' allowances, the reimbursement of expenses and the provision of benefits by the Council is accountable and transparent and in accordance with the *Local Government Act 1999* ("the Act") and the *Local Government (Members Allowances and Benefits) Regulations 2010* ("the Regulations").
- 1.2 This Policy sets out:
- the provisions of the Act and Regulations in respect of Elected Member allowances, reimbursement of expenses and support;
 - the types of expenses that will be reimbursed without the need for specific approval of Council every time a claim is made (pursuant to Section 77(1)(b) of the Act); and
 - the information that must be recorded within Council's Register of Elected Members' Allowances and Benefits to ensure compliance with the Act.

2. Scope

- 2.1 This Policy applies to all Elected Members, including the Mayor.
- 2.2 This Policy involves those benefits given to the Mayor and Elected Members by Council. Receipt of benefits from persons or groups outside of Council will be managed in accordance with Sections 3.7 – 3.10 of the mandated Code of Conduct for Council Members.

3. Definitions	
Elected Members	All Elected Members, and includes the Mayor <u>and Deputy Mayor</u> unless stated otherwise
Eligible Journey	A journey (in either direction) between the principal place of residence, or a place of work, of an Elected Member, and the place

TRIM 14/43871 Elected Members' Allowances and Benefits Policy approved by Council on **26 November 2018XX XX 2019**
Page 1 of 9

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

	of a Prescribed Meeting.
Function or Activity on the Business of Council	Includes official functions including Mayoral receptions, opening ceremonies, dinners, citizenship ceremonies, official visits, inspection of sites within the Council area which relate to Council or Committee agenda items, meetings of community groups and organisations as a Council representative (but not to attend meetings of community organisations when fulfilling the role as a member of the Board).
Prescribed Committee	A committee that endures, irrespective of whether Council has assigned any particular work for the committee to perform, and assists Council or provides advice to Council in any of the following areas or combination of: Audit, CEO performance review; Corporate Services; Finance; Governance; Infrastructure and Works; Risk Management; Strategic Planning and Development. Council's Section 41 Committees are enduring and therefore Prescribed Committees.
Prescribed Meeting	A meeting of the Council or Council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the Elected Member.

4. Policy Statement

4.1 Principles

- 4.1.1 Elected Members should not be out of pocket as a result of performing and discharging their Council functions and duties. To assist Elected Members in performing their official functions and duties they are entitled to be provided with a range of necessary facilities and support and to be reimbursed for expenses as specified in this Policy.
- 4.1.2 Any reimbursements claimed by Elected Members must be for expenses actually and necessarily incurred in performing and discharging their official functions and duties, which will be assessed in accordance with their defined role in the Act.
- 4.1.3 Council encourages continued professional training and development for Elected Members. This is seen as being necessary in terms of good governance and to the improved performance of their functions and duties.
- 4.1.4 Council is accountable to its community for the use of public monies.

4.2 Allowances

- 4.2.1 Elected Member allowances are determined by the Remuneration Tribunal on a four-yearly basis before the designated day in relation to each periodic election held under the *Local Government (Elections) Act 1999*.
- 4.2.2 An allowance determined by the Remuneration Tribunal will be payable for the period:
 - (i) commencing at the conclusion of the relevant periodic election; and

- (ii) concluding at the time at which the last result of the next periodic election is certified by the returning officer under the Local Government (Elections) Act 1999 (including in respect of a member of the Council for whom the conclusion of the next periodic election is, for other purposes, the last business day before the second Saturday of November of the year of the periodic election as a result of the operation of section 4(2) (a) of that Act).
- 4.2.3 Elected Member allowances are to be adjusted on the first, second and third anniversaries of the relevant periodic election to reflect changes in the Consumer Price Index ("CPI") under a scheme prescribed by the Regulations.
- 4.2.4 Allowances will be paid in instalments up to 3 months in arrears of each month in respect of which an instalment is payable.
- 4.2.5 An additional allowance in the form of a sitting fee is also payable for Elected Members who are Chairpersons of other Council committees – however, this allowance is not available to the Deputy Mayor or the Deputy Chairperson of a Prescribed Committee.
- 4.2.6 An allowance under clause 4.2 is to be paid in accordance with any requirement set out in the Regulations (unless the Elected Member declines to accept payment of an allowance in accordance with section 76(12) of the Act).
- 4.2.7 Pursuant to the determination made by the Remuneration Tribunal, Elected Members (excluding the Mayor) are eligible for payment for a Travel Time allowance where the Elected Member's:
- (i) usual place of residence is within Council area and is located at least 30kms but less than 50km or more distance from Council's principal office, via the nearest route by road - \$410 per annum; or
 - (ii) usual place of residence is within Council area and is located at least 50 km but less than 75 km distance from Council's principal office, via the nearest route by road - \$700 per annum; or
 - (iii) usual place of residence is within Council area and is located at least 75 km but less than 100km distance from the Council's principal office, via the nearest route by road - \$1,050; or
 - (iv) usual place of residence is within the relevant Council area and is located 100km or more distance from Council's principal office, via the nearest route by road - \$1,490 per annum.

If eligible, this payment will be automatically made to an Elected Member in addition to any entitlement to reimbursement of travel expenses incurred.

4.3 Mandatory Reimbursements under section 77(1)(a) of the Act

- 4.3.1 Elected Members are entitled to receive reimbursement for travelling expenses actually and necessarily incurred by the Elected Member for travel *within* the

Council area and associated with attendance at a Prescribed Meeting (section 77(1)(a) of the Act).

- 4.3.2 Reimbursement for travel expenses is restricted to Eligible Journeys, provided the journey is by the shortest or most practicable route and to that part of the journey within the Council area. Accordingly, any travelling outside the Council area in order to attend Council or Council committee meetings is not reimbursable under section 77(1)(a) of the Act. [For reimbursement for travel *outside* the Council area, refer to clause 4.6].
- 4.3.3 Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997*.
- 4.3.4 Travelling by taxi, bus or other means of public transport is reimbursed on the basis of expenses actually and necessarily incurred, but is still limited to Eligible Journeys by the shortest or most practicable route and to the part of the journey that is within the Council area.
- 4.3.5 Elected Members may aggregate claims for reimbursement of expenses that relate to Eligible Journeys that do not exceed 20 kilometres and then claim reimbursement for them on a quarterly basis in accordance with the process outlined in clause 4.5.
- 4.3.6 Elected Members are entitled to reimbursement for child and/or dependent care expenses actually or necessarily incurred by the Elected Member as a consequence of the Elected Member's attendance at a Prescribed Meeting. Child and/or dependent care is not reimbursed if the care is provided by a person who ordinarily resides with the Elected Member.

4.4 Council-Approved Reimbursements under section 77(1)(b)

- 4.4.1 The additional prescribed expenses incurred by Elected Members, which do not fall within the categories of allowances or mandatory reimbursements outlined above, but which have been approved by Council for reimbursement under section 77(1)(b) of the Act are as follows:
- (i) an expense incurred in the use of a telephone, facsimile or other telecommunications device, or in the use of a form of electronic communication, on the business of the Council;
 - (ii) travelling expenses incurred by the Elected Member as a consequence of the Elected Member's attendance at a Function or Activity on the Business of Council other than for which the Member is reimbursed under section 77(1)(a) of the Act;
 - (iii) travelling expenses incurred by the Member in undertaking an Eligible Journey to the extent that those expenses are attributable to travel *outside* the area of the Council;

- (iv) expenses for the care of (i) a child of the Member; or (ii) a dependent of the Member, requiring full-time care which is incurred by the Member as a consequence of the Member's attendance at a Function or Activity on the Business of Council, other than for which the Member is reimbursed under section 77(1)(a) of the Act; and
- (v) expenses incurred by the Member as a consequence of the Member's attendance at a conference, seminar, training course or other similar activity which is directly or closely related to the performance or discharge of the roles and duties of an Elected Member, other than for which the Member is reimbursed under section 77(1)(a) of the Act.

4.4.2 Reimbursement of travel expenses in this clause is restricted to the shortest or most practicable route.

4.4.3 Travel by taxi, bus, airplane or other means of public transport will be reimbursed on the basis of being expenses where they are incurred as a consequence of the Elected Member's attendance at a Function or Activity on the Business of Council.

Domestic air travel is restricted to economy class fare and international air travel is restricted to either economy or, where the flight time is greater than 8 hours, then business class fare (the latter subject to budget allocation).

4.4.4 Where an Elected Member travels by private motor vehicle, the rate of reimbursement is at a rate equal to the appropriate rate per kilometre (determined according to the engine capacity of the vehicle) prescribed for the purposes of calculating deductions for car expenses under section 28.25 of the *Income Tax Assessment Act 1997*.

4.4.5 Car parking fees will be reimbursed where they are a consequence of an Elected Member attending a Function or Activity on the Business of Council.

4.5 Process for Reimbursement

4.5.1 To receive reimbursement each Elected Member must complete an *Elected Member Reimbursement Claim Form* and submit it to the Manager, Financial Services on the last business day of each quarter in accordance with the *Elected Members' Allowance Payment and Expense Reimbursement Process*.

4.6 Facilities and Support

4.6.1 In addition to allowances and the reimbursement of expenses, and pursuant to section 78 of the Act, Council has considered and is satisfied that the following facilities and support are necessary or expedient for all Elected Members including the Mayor to assist them in performing or discharging their official functions and duties:

- (i) Mobile telephone standard model from Council's Information and Communication Technology's service catalogue, plan, call costs, and accessories (ie charger, case) - however if Elected Member purchases their

own mobile telephone Council will reimburse the mobile phone plan and call costs up to \$50 per month and accessories (reasonable private usage is acceptable, subject to clause 4.6.4)

- (ii) Tablet-based device, including Council business-related applications, and mobile data plan charges
- (iii) Printing support, available upon request, in terms of:
 - 3 reams of paper per year for plain paper printer;
 - 3 black ink cartridges per year;
 - a printer purchased by Council for use at the Member's residence;

or alternatively, access to a dedicated Elected Members' Office where a Member can print documents

~~(iv)~~ — Meals and refreshments where appropriate while attending Council ~~(v)~~(iv) meetings, Council committee meetings, briefings and workshops

~~(vi)~~(v) Name badge

~~(vii)~~(vi) Council business cards

~~(viii)~~(vii) Insurance – section 80 of the Act requires that Council insures its Elected Members against risk associated with the performance or discharge of their official duties. Members and their partners/spouses are covered under the following Council insurance policies while engaged in or on any activity directly or indirectly connected with or on behalf of Council, travelling to and from such activity:

- Personal Accident Liability,
- Personal Effects Property Cover and
- Elected Member's travel.

4.6.2 The provision of facilities and support in clause 4.6.1 will be made available to all Elected Members, including the Mayor, on the basis that:

- (i) such provision is necessary or expedient for the Elected Member to perform or discharge his/her official functions or duties;
- (ii) the facilities remain the Council's property regardless of whether they are used off site or not and will be returned to Council at the end of each term in office, or earlier at the request of the Chief Executive Officer when an upgrade is scheduled;
- (iii) they are not to be used for a private purpose or any other purpose unrelated to official Council functions and duties, unless such usage has been specifically pre-approved by the Council and the Elected Member has agreed to reimburse the Council for any additional cost or expenses associated with that usage;

- (iv) each Elected Member is solely responsible for those facilities released into their care and/or control during their term in office – if the facility is damaged or lost, the Elected Member should provide a written report to the CEO to assist in the insurance claim; and
- (v) the technical support for all Information and Communication Technology (ICT) resources in clause 4.6.1(i)-(iii) will be conducted by the Knowledge and Technology Services team at Council's principal office.

4.6.3 In addition to facilities and support outlined in clause 4.6.1, Council has resolved to make available to the Mayor (and to any acting Mayor appointed during the Mayor's absence) the following to assist them in performing and discharging their official functions and duties:

- (i) An appropriate motor vehicle fully maintained including fuel card for Council and Local Government Association-related business, to a total limit of 20,000km per year subject to:
 - Council's *Motor Vehicle Policy* and
 - Any usage of the vehicle for private purposes will require the Mayor to reimburse the Council the additional costs or expenses at 20 cents per kilometer
- (ii) Administrative support in accordance with Council's budget
- (iii) All reasonable and incidental private costs incurred with the provision of the Council mobile telephone
- (iv) A purchasing card with a monthly limit of \$2000 to facilitate any authorised expenditure pursuant to this Policy. The monthly statements provided by Council's bank will be reconciled, reviewed and then authorised by the Chief Executive Officer to ensure compliance with this Policy.

4.6.4 The use of Council facilities, support and/or services by Elected Members for election purposes is not permitted under any circumstances on the basis it is not necessary or expedient to the performance or discharge of an Elected Member's official functions or duties under the Act. The use of such facilities for electoral purposes during the election period would be a breach of section 78(3) of the Act.

4.7 Other Reimbursements

4.7.1 Any additional reimbursements and facilities and support not detailed in this Policy will require the specific approval of Council prior to any reimbursements being paid, benefits being received and facilities and/or support being provided.

4.8 Register of Elected Members' Allowances and Benefits

4.8.1 Pursuant to section 79(1) and (2) of the Act, the Chief Executive Officer must maintain a Register in which he or she will ensure on a quarterly basis that a record is kept of—

- (i) the annual allowance payable to an Elected Member;
- (ii) any expenses reimbursed under section 77(1)(b);
- (iii) other benefits paid or provided for the benefit of the Elected Member by the Council;
- (iv) any changes in the allowance or benefit payable to or provided for the benefit of Elected Members; and
- (v) provisions of a reimbursement or benefit not previously recorded in the Register.

4.8.2 Mandatory travel and care reimbursements paid under section 77(1)(a) of the Act are not required to be recorded in the Register, however, to provide full disclosure, these amounts are included in the totals per Elected Member.

4.8.3 The Register is available for inspection by members of the public, free of charge, at Council's Principal Office during ordinary business hours or at any time on the Council Website www.barossa.sa.gov.au. Copies or extracts of the Register are available for purchase upon payment of a fixed fee (as detailed in Council's Fees and Charges Register).

4.9 Breach of this Policy

4.9.1 Any breach of this Policy will be managed in accordance with Council's Code of Conduct for Council Members, and, where appropriate, by Council's Complaint Handling Process under the Code of Conduct for Council Members.

5. Supporting Documentation

Register of Elected Members' Allowances and Benefits
Elected Member Reimbursement Claim Form
Elected Members Allowance Payment and Expense Reimbursement Process

6. Related Policies and Codes

Caretaker Policy
Code of Conduct for Council Members
Complaint Handling Process under the Code of Conduct for Council Members
Elected Members' Training and Development Policy

7. Legislation and References

Local Government Act 1999 – sections 76-79

TRIM 14/43871 Elected Members' Allowances and Benefits Policy approved by Council on **26 November 2018XX XX 2019**
Page 8 of 9

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

Local Government (Accountability and Governance) Amendment Act 2015
 Local Government (Members Allowances and Benefits) Regulations 2010
 Income Tax Assessment Act 1997- section 28.25 (Cth)
 Determination 6 of the Remuneration Tribunal 2018 – Allowances for Members of Local Government Councils
 Fees and Charges Register

8. Review

This Policy will lapse at the next general election at which time the new Council will be required to adopt a new policy dealing with Elected Member's allowances, reimbursements and benefits, but in the meantime, will be reviewed in the case of legislative changes.

9. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

Any complaint in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 867, Nuriootpa SA 5355 or barossa@barossa.sa.gov.au.

Signed:

Mayor Bim Lange

Dated:.....

10. Policy Version History

Version No:	Approval Date:	Description of Change:
1.0	14/11/2014	New Policy for new Council
2.0	19/4/2016	Inclusion of new clause 4.2.2 as a result of changes from Local Government (Accountability and Governance) Amendment Act 2015 and inclusion of 4.6.1 limited monthly telephone costs and 4.6.3(iv) purchasing card for Mayor. See Council Report 19 April 2016.
3.0	26/11/2018	Review and adoption of Policy following expiration of Policy in accordance with Section 77(2) of the Local Government Act 1999. See Council Report 26 November 2018.
<u>4.0</u>	<u>XX/XX/2019</u>	<u>Review of policy to allow Register of Allowances and Benefits to be published on Council's website, and other minor amendments. See Council report XX XX 2019.</u>

TRIM 14/43871 Elected Members' Allowances and Benefits Policy approved by Council on ~~26 November 2018~~ XX XX 2019
 Page 9 of 9

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
 Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

THE BAROSSA COUNCIL

ELECTED MEMBERS' ALLOWANCE PAYMENT AND EXPENSE REIMBURSEMENT PROCESS



1. Overview

This Process informs the steps required manage payments to the Elected Members of their prescribed allowances and reimbursement of expenses in accordance with the Local Government Act 1999 ("the Act") and Local Government (Members Allowances and Benefits) Regulations 2010 ("the Regulations") and the Elected Members' Allowances and Benefits Policy ("Policy").

2. Core Components

- 2.1 Elected Member Allowance
- 2.2 Elected Member Reimbursements
- 2.3 Processing of Allowance and Reimbursement Claims in Finance One
- 2.4 Updating of Register
- 2.6 Statement of Earnings

3. Definitions

Elected Members	All Elected Members, and includes the Mayor and Deputy Mayor unless stated otherwise.
Quarter	For the application of this process, Quarter means the following: 19 November to 18 February; 19 February to 18 May; 19 May to 18 August and 19 August to 18 November

4. Process

4.1 Elected Members' Allowances

- 4.1.1 The Elected Members' Allowances are set by the Remuneration Tribunal on a four-yearly basis prior to the Local Government Elections. This information is forwarded to Council by via Gazette and also LGA Circulars around July preceding the periodic election.
- 4.1.2 Upon the appointment of the Council following the periodic election – a calculation is made by the Manager, Financial Services for each Elected Member (except for the Mayor) as to the distance between their place of residence and the Council's Principal Office at Nuriootpa, and as per clause 4.2.7 of the Policy, a Travel Time Allowance is paid annually in arrears to the eligible Elected Member.
- 4.1.3 Annually on the 1st, 2nd and 3rd anniversaries of the relevant periodic election, the Elected Members Allowances are to be adjusted by the Manager, Financial Services to reflect changes in the Consumer Price Index using the All Groups Index for Adelaide – September quarter.
- 4.1.4 On receipt of the LGA circulars advising of the allowances as well as the anniversary

increases, the Manager, Financial Services will update the payment vouchers for each of the Elected Members ready for payment.

- 4.1.5 The payment vouchers are to be forwarded to the Chief Executive Officer (CEO) for review and authorisation prior to being handed to the Accounts Payable Officer for processing of the payments.

4.2 Elected Member Reimbursements

- 4.2.1 14 days before the last business day of each Quarter, the Manager, Financial Services will send an e-mail reminder with attached Elected Member Reimbursement Claim Form to the Elected Members (and copy the CEO into the email for his/her information).
- 4.2.2 If reimbursements are being sought, the Elected Member Reimbursement Claim Form is to be completed by the Elected Member, signed and returned to the Manager, Financial Services by the last business day of the relevant Quarter, with the Form to have attached to it, the originals of invoices which support any claim for reimbursement.
- 4.2.3 The Manager, Financial Services will review each Elected Member's Reimbursement Form and supporting tax invoices and calculate the final reimbursement claim amount which may include the reimbursement for kilometres travelled in a private vehicle.
- 4.2.4 Completed forms will be reviewed and authorised by the Chief Executive Officer.
- 4.2.5 The Form and supporting tax invoices must then be forwarded to the Accounts Payable Officer for processing.

4.3 Processing of Allowance and Reimbursement Claims in the Finance System

- 4.3.1 The Accounts Payable Officer will process any completed and appropriately authorised Allowance Payment Vouchers and any Forms for payment in the Finance System in the next available payment run (Forms which are received, checked, processed and approved by Tuesday lunchtime will ensure that payment will be received by the Elected Member on Friday of that same week). All Elected Member transactions will be itemised within their customised project journals.
- 4.3.2 On completion of the payment, the Accounts Payable Officer will email the remittance advice to each Elected Member.

4.4 Updating of Register

- 4.4.1 The Manager Financial Services will prepare the Register of Elected Members Allowances and Benefits on a quarterly basis which will include the following details in summary form by each Elected Member:
- a) Annual Allowances
 - b) Catering
 - c) Seminars / Conferences / Corporate Training
 - d) Travel and Accommodation
 - e) Communication
 - f) Office consumables/Other
- 4.4.5 Once the Register has been updated and signed by the CEO, it will be saved into into Councils records management system and uploaded on the Council Website.

Elected Members' Allowance Payment and Expense Reimbursement Process

approved by the Chief Executive Officer on 27 February 2019

Page 2 of 4

4.5 Statement of Earnings

- 4.5.1 A Statement of Earnings will be provided to each Elected Member at the end of June each year.
- 4.5.2 The Statement of Earnings will be prepared for each Elected Member by the Manager, Financial Services, and will include a covering letter.
- 4.5.3 The Statement of Earnings will include details of any reimbursements, allowances or benefits actually paid to the Elected Member in that year.
- 4.5.4 The Statement of Earnings will not include any benefits received by the Elected Member which were paid for by Council (eg: mobile phone, laptop etc.).

5. Responsibilities

Elected Members will complete and sign Elected Members Reimbursement Claim Form in accordance with the Policy.

CEO will review and authorise payment of Allowances and Reimbursements in accordance with the Policy and review the Register on a quarterly basis.

Accounts Payable Officer will make payment on completed and appropriately authorised Allowance and Elected Member Reimbursement Claim Form.

Manager Financial Services will

- initiate the quarterly allowance and benefits reimbursement process;
- update the Allowance Payment Vouchers and calculate the CPI increase for the 1st, 2nd and 3rd anniversaries;
- calculate Reimbursements;
- prepare the Register of Elected Members Allowances and Benefits on a quarterly basis;
- add the signed Register of Elected Members Allowances and Benefits to Councils Website; and
- complete the annual Statement of Earnings for each Elected Member.

6. Training

Elected Members will be made aware of this Process during their Induction by the CEO.

Staff members involved in this process will be trained by the Manager, Financial Services.

7. Related Documents

Elected Members' Allowances and Benefits Policy
Register of Elected Members' Allowances and Benefits
Elected Member's Reimbursements Claim Form
Elected Members' Project Ledger Number Summary

8. References

Local Government Act 1999 (Chapter 5, Part 5)

Local Government (Members Allowances and Benefits) Regulations 2010 (Regulation 5 and 6)

9.	Review
-----------	---------------

This Process shall be reviewed by the CEO in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council needs change.

SIGNED:

DATE:.....

Chief Executive Officer

10.	Process Version History
------------	--------------------------------

Version No:	Approval Date:	Description of Change:
1.0	18/11/2014	New Process
2.0	27/2/2019	Review and adoption of Process following expiration of Policy in accordance with Section 77(2) of the <i>Local Government Act 1999</i> . See Council Report 26 November 2018 and 19 March 2019 with respect to adoption of the Policy.

11.	Document Control
------------	-------------------------

Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Process Owner:	Chief Executive Officer	Previous Approval Date(s):	18/11/2014
Document Control Officer:	Manager, Financial Services	Current Approval Date:	27/2/2019
HPE Content Manager Ref:	18/71406*	Next Review Date:	Next Periodic Election

THE BAROSSA COUNCIL

ELECTED MEMBER REIMBURSEMENT CLAIM FORM



1. Elected Members Statement:

I confirm that the following information is a true and accurate record of expenses claimed and is in accordance with Council's *Elected Members' Allowances and Benefits Policy*.

Name: Cr

Signature: Date:.....

2. Filing Your Claim:

All reimbursement claims must be submitted on the last business day of each quarter, within 3 months of incurring the expense.

Claims are paid in the fortnightly cycle following receipt of form and supporting tax invoices.

Please submit this signed form and copies of supporting invoices to mbxfinance@barossa.sa.gov.au or in person to the Manager Financial Services.

All fields must be completed for each claim made including a tick against one of the following Sections of the Local Government Act, 1999:

- **77(1)(a)** Mandatory reimbursements related to expenses actually incurred by Elected Members in, or as a consequence of travelling to/from a Prescribed Meeting within the Council area. This includes mileage claims, taxi, public transport, child or dependent care costs; or
- **77(1)(b)** Council-Approved expenses associated with the performance of duties of an Elected Member for expenses outside 77(1)(a) above (i.e. attending a Function or Activity on the Business of Council; or a Prescribed Meeting outside the Council area).

Please refer to the *Elected Members' Allowances and Benefits Policy* and Local Government Act, 1999 for full details of these requirements.

3. Motor Vehicle Travel Reimbursement and Child/Dependent Care

Date	Description ie name of meeting, workshop, function or event	Location	Km travelled	77(1)(a)	77(1)(b)
TOTAL					

All vehicle reimbursement claims are based on the same cents per kilometre (annual review by the ATO) regardless of the size of the engine.

4. Other Expenses

Date	Description, Activity and Purpose (ie telephone expenses / taxi fare / bus fare / car parking fee / conference / seminar / training course expenses)	Amount (\$)	Supporting Receipts Invoices Provided? Y/N
TOTAL			

OFFICE USE ONLY

5. Allocation of Reimbursements

Claim Summary and account allocation:

Travel Expenses in your own vehicle - Mileage Reimbursements:

_____ km's @ \$_____/km	=	\$	PR E3____-844
Child Care Expenses	=	\$	PR E3____-845
Phone/Fax/Other Communication Exp	=	\$	PR E3____-830
Conference/Seminar/Training Registrations	=	\$	PR E3____-824
Accommodation expenses	=	\$	PR E3____-826
Travel Expenses – Taxi, Plane, Train etc	=	\$	PR E3____-825
Other	=	\$	PR E3____-___
TOTAL REIMBURSEMENT	=	\$	

6. Checking and Authorisation:

Checked by:

Authorised by:.....

Title.....

Title.....

Date:/...../.....

Date:/...../.....

Related Policy:	Elected Members' Allowances and Benefits Policy		
Related Process:	Elected Members' Allowance Payment and Expense Reimbursement Process		
Form Owner:	Chief Executive Officer	Previous Approval Date(s):	18/11/2014
Document Control:	Manager Financial Services	Current Approval Date:	27/2/2019
HPE Content Manager Ref:	18/34366*	Next Review Date:	As required

THE BAROSSA COUNCIL

REGISTER OF ELECTED MEMBERS' ALLOWANCES AND BENEFITS



Section 76 of the Local Government Act, 1999 (the Act), provides that each member of a Council is entitled to receive an allowance from the Council for performing and discharging official functions and duties and are determined by the Remuneration Tribunal.

Section 77 of the Act provides that a member of a Council is also entitled to receive from Council:

- (a) reimbursement of prescribed expenses (refer Local Government (Members Allowances and Benefits) Regulations 2010); and
- (b) reimbursement of prescribed expenses approved by the Council (either specifically or under an appropriate Policy adopted by Council.)

Section 79 of the Act requires the Chief Executive Officer to keep a record (the 'Register of Elected Members' Allowances and Benefits') which, in respect of each Member of Council, will contain:

- (a) the annual allowance payable to the member; and
- (b) details of any expenses reimbursed by the Council under Section 77(1)(b) (refer to the Elected Members' Allowances and Benefits Policy); and
- (c) details of other benefits paid or payable to, or provided for the benefit of, the member by the Council (refer Elected Members' Allowances and Benefits Policy).

This Register shows amounts for the period : **19 November 2018 to 18 February 2019** Document Number **19/12904***

Name	Internal Code	Annual Allowance	Catering	Seminar / Conference / Corporate Training	Travel / Childcare & Accommodation	Communication (incl phone / data)	Office Consumables / Other	Total
Elected Member Support	E900	\$ -						\$ -
Mayor Michael Lange	E330	\$ 69,080.00						\$ 69,080.00
Cr John Angas	E314	\$ 21,587.50						\$ 21,587.50
Cr David de Vries	E307	\$ 17,270.00						\$ 17,270.00
Cr Richard Miller	E317	\$ 17,270.00						\$ 17,270.00
Cr Tony Hurn	E310	\$ 17,270.00						\$ 17,270.00
Cr Leonie Boothby	E325	\$ 17,270.00						\$ 17,270.00
Cr Cathy Troup	E335	\$ 17,270.00						\$ 17,270.00
Cr Katheryn Schilling	E334	\$ 17,270.00						\$ 17,270.00
Cr Carla Wiese-Smith	E336	\$ 17,270.00						\$ 17,270.00
Cr David Haebich	E332	\$ 17,270.00						\$ 17,270.00
Cr Russell Johnstone	E333	\$ 17,270.00						\$ 17,270.00
Cr Don Barrett	E331	\$ 17,270.00			\$ 410.00			\$ 17,680.00
TOTAL		\$ 263,367.50	\$ -	\$ -	\$ 410.00	\$ -	\$ -	\$ 263,777.50

This Register contains information required by Chapter 5, Part 5 - Allowances and Benefits - of the Local Government Act, 1999 and Local Government (Members Allowances and Benefits) Regulations 2010.

There is a separate 'Register of Interests' as well as the 'Register of Gifts and Benefits' for the Elected Members of Council.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

19 MARCH 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.2

QUARTERLY UPDATE TO DELEGATIONS REGISTER – MARCH 2019 B8824 and B8826

Author: Governance Advisor

PURPOSE

Council is asked to delegate the additional and amended powers to the Chief Executive Officer which are now available under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999* and the *Water Industry Act 2012 and Regulations*.

RECOMMENDATION

(1) Revocation of Delegations

- (a) Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the provisions of the *Heavy Vehicle National Law (South Australia) Act 2013* as specified in an extract contained in Attachment 1 of this report.
- (b) Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the provisions of the *Local Government Act 1999* as specified in an extract contained in Attachment 2 of this report.
- (c) Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the provisions of the *Water Industry Act 2012 and Regulations* as specified in an extract contained in Attachment 3 of this report.

(2) Delegations made under the Heavy Vehicle National Law (South Australia) Act 2013

- (a) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under sections 156A(1), 156A(2), 156A(3), 156A(4) of the *Heavy Vehicle National Law (South Australia) Act 2013* which are 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 powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under sections 256(1) and (2) of the *Local Government Act 1999* which are 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 as the Chief Executive Officer sees fit and in accordance with the relevant legislation.

(4) Delegations made under the *Water Industry Act 2012 and Regulations*

- (a) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under sections 80(2)(h) and 85(1) of the *Water Industry Act 2012 and Regulations*, which are specified in an extract contained in Attachment 3 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.

REPORT

Background

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

- when the Elected Body itself exercises the power 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

The Barossa Council's Delegations Register is reviewed each financial year in accordance with section 44(6) of the *Local Government Act 1999*, and by way of best practice, quarterly and amended if the Local Government Association's Quarterly Reviews or urgent updates recommend that amended Instruments of Delegation be immediately adopted.

The review before Council today is as a result of two updates - a quarterly one and an ad hoc one, on advice from the LGA which has identified updates to the delegation templates, and confirms that new delegations should be in place as soon as possible.

Attachment 4 is the LGA's Table of Delegations Updates, which outlines the required changes to powers and functions of its Instruments of Delegation the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999* and the *Water Industry Act 2012 and Regulations*.

Following its quarterly update to the delegations templates, the LGA issued an additional ad hoc update to the *Local Government Act 1999*, which is outlined in the LGA's Table of Delegations Updates at **Attachment 5**.

Discussion

1. Heavy Vehicle National Law (South Australia) Act 2013

Amendments to the *Heavy Vehicle National Law (South Australia) Act 2013* came into force on 1 October 2018. The amendments to the *Instrument of Delegation under the Heavy Vehicle National Law (South Australia) Act 2013* are set out by way of track changes, and attached as **Attachment 1** to this report. Of the four provisions of the Instrument that are affected, three include amendments and one is a new provision to the Instrument.

2. Local Government Act 1999

Amendments to section 256 of the *Local Government Act 1999* came into force on 4 October 2018, and relate to review of orders by the South Australian Civil and Administrative Tribunal.

Advice of further amendments to powers under section 202(1) of the Act was issued by the LGA after the quarterly delegations updates were released, in order to correct an error in the delegation template instrument.

The amendments to the *Instrument of Delegation under the Local Government Act 1999* is set out by way of track changes, and attached as **Attachment 2** to this report. Section 256

3. Water Industry Act 2012 and Regulations

Amendments to the *Water Industry Act 2012* came into force on 4 December 2018. The amendments relate to the role of the South Australian Civil and Administrative Tribunal with respect to the Act.

The amendments to the *Instrument of Delegation under the Water Industry Act 2012 and Regulations* are set out by way of track changes, and attached as **Attachment 3** to this report.

Summary and Conclusion

Council is now asked to approve the new and amended powers for delegation to the Chief Executive Officer.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

<u>Attachment 1:</u>	Proposed amendments to the Instrument of Delegation under the <i>Heavy Vehicle National Law (South Australia) Act 2013</i> .
<u>Attachment 2:</u>	Proposed amendments to the Instrument of Delegation under the <i>Local Government Act 1999</i> .

- Attachment 3:** Proposed amendments to the Instrument of Delegation under the *Water Industry Act 2012 and Regulations*.
- Attachment 4:** LGA's Table of Delegations Updates, which outlines the required changes to powers and functions of its Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*, *Local Government Act 1999* and the *Water Industry Act 2012 and Regulations*.
- Attachment 5:** LGA's Table of Delegations Updates, which outlines the required further changes to powers and functions of its Instrument of Delegation under the *Local Government Act 1999*.

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.

Legislative Requirements

Heavy Vehicle National Law (South Australia) Act 2013

Local Government Act 1999, sections 44 and 101

Water Industry Act 2012 and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Facilitation of these delegations to the Chief Executive Officer 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 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 – i.e. 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 Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer.

Instrument of Delegation Under the Heavy Vehicle National Law (South Australia) Act 2013

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
16284	Heavy Vehicle National Law (South Australia) Act 2013	S156A(1)	<p>1. Deciding Request for Consent Generally</p> <p>1.4 The power pursuant to Section 156(3)<u>156A(1)</u> of the Act <u>if the Regulator asks the Council, being the road manager for a road, for the Council's consent to the grant of a mass or dimension authority</u>, to decide not to give the consent only if the delegate is satisfied:</p> <p>1.4.1 the mass or dimension authority will, or is likely to:</p> <p>1.4.1.1 cause damage to road infrastructure; or</p> <p>1.4.1.2 impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or</p> <p>1.4.1.3 pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and</p> <p>1.4.2 it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise:</p> <p>1.4.2.1 the damage or likely damage; or</p> <p>1.4.2.2 the adverse effects or likely adverse effects; or</p> <p>1.4.2.3 the significant risks or likely significant risks.</p>		DWES, MES, MO, PC
16285	Heavy Vehicle National Law (South Australia) Act 2013	s156A(3)	<p>1. Deciding Request for Consent Generally</p> <p>1.5 The power pursuant to Section 156(4)<u>156A(3)</u> of the Act, in deciding whether or not to give the consent, to have regard to:</p> <p>1.5.1 for a mass or dimension exemption - the approved guidelines for granting mass or dimension exemptions; or</p> <p>1.5.2 for a class 2 heavy vehicle authorisation - the approved guidelines for granting class 2 heavy vehicle authorisations.</p>		DWES, MES, MO, PC

16286	Heavy Vehicle National Law (South Australia) Act 2013	s156A(4)	<p>1. Deciding Request for Consent Generally</p> <p>1.6 The power pursuant to Section 156(6)156A(4) of the Act, if the delegate decides not to give consent to the grant of the authority, to give the Regulator a written statement that explains the delegate's decision and complies with Section 172 of the Act.</p>		DWES, MES, MO, PC
-------	---	----------	--	--	-------------------

NEW Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
243628	Heavy Vehicle National Law (South Australia) Act 2013	S156A(2)	<p>1. Deciding Request for Consent Generally</p> <p>1.4A The power pursuant to Section 156A(2) of the Act, if the delegate considers that the consent would be given if the mass of the vehicle under the application for the authority was less than applied for, to give the consent subject to a road condition that the vehicle not exceed the mass.</p>		

Local Government Act 1999

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
12558	Local Government Act 1999	s256(1) and (2)	131. Rights of Review 131.1 The duty pursuant to Section 256(1) and (2) of the Act to ensure that an order made under Part 2 of Chapter 12 includes a statement setting out the rights of the person to appeal seek against a review of the order under the Act, and to include the information specified by the Regulations to the Act.		AO-B, AO-P, BS, DCCS, DDES, DWES, EHO, GI, Grad EHO, MDS, MHS, MRS, PP, SAO-B, SAO-P

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
12461	Local Government Act 1999	s202(1)	94. Alienation of Community Land by Lease or Licence 94.1 The power pursuant to Section 202(1) and (5) of the Act and subject to Section 202(7) of the Act to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve), and to make provision in a lease or licence for: 94.1.1 the erection or removal of buildings and other structures for the purpose of activities conducted under the lease or licence;		DCCS, DDES, DWES, MCP

			<p>94.1.2 the exclusion, removal or regulation of persons, vehicles or animals from or on the land, and the imposition of admission or other charges (subject to the fixing or varying of the charge by Council, pursuant to Section 44(3)(j) of the Act);</p> <p>94.1.3 any other matter relevant to the use or maintenance of the land.</p>		
--	--	--	---	--	--

Water Industry Act 2012 and Regulations as at 1 March 2013

CHANGED Provisions

#	Delegation Source	Section	Item Delegated / Authorisation	Conditions and Limitations	Delegate / Authorised Officer
13574	Water Industry Act 2012	s80(2)(h)	34. Enforcement notices The power pursuant to Section 80(2)(h) of the Act to, within 14 days, apply for a review of the notice or institute an appeal against the notice under the provisions of the Act <u>and the South Australian Civil and Administrative Tribunal Act 2013.</u>		CCWMS, DWES, MES
13578	Water Industry Act 2012	s85 (1)	38. Appeals 38.1 The power pursuant to Section 85(1) of the Act and in accordance with Section 85(2) of the Act to make an appeal <u>an application</u> to the District Court <u>Tribunal</u> : 38.1.1 in relation to a decision as confirmed, amended or substituted by the Commission or the Technical Regulator; 38.1.2 in relation to an enforcement notice issued under Part 8 Division 4 of the Act.		CCWMS, DWES, MES

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 31 December 2018)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008						
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act	1.4	156A(1)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	1.4A	156A(2)	Addition	Legislative amendment	31 December 2018	
	1.5	156A(3)	Amendment	Legislative amendment	31 December 2018	
	1.6	156A(4)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Liquor Licensing Act						
Instrument of Delegation under the Local Government Act 1999	131.1	256(1) and (2)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011						
Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act	2.4	24(10)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.
	3.2	27(4)	Amendment	Legislative amendment	31 December 2018	
	7.1	32(3)	Amendment	Legislative amendment	31 December 2018	
	7.2	32(4)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Water Industry Act 2012 and Water Industry	34	80(2)(h)	Amendment	Legislative amendment	31 December 2018	Adopt updated Instrument as soon as possible.

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Regulations 2012	38.1	85(1)	Amendment	Legislative amendment	31 December 2018	
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations						
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

LOCAL GOVERNMENT ASSOCIATION
UPDATES OF DELEGATION TEMPLATES ON WEBSITE

(Note: Paragraph references below refer to updated version – As at 31 December 2018)

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Delegations – Introduction'						
Webpage entitled – 'General Information'						
Instrument of Delegation under the Burial and Cremation Act 2013 and Burial and Cremation Regulations 2014						
Instrument of Delegation under the Community Titles Act						
Instrument of Delegation under the Development Act, Development (Development Plans) Amendment Act 2006 and Development Regulations 2008						
Instrument of Delegation under the Dog & Cat Management Act						
Instrument of Delegation under the Electronic Conveyancing National Law (South Australia) Act 2013						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the Environment Protection Act						
Instrument of Delegation under the Expiation of Offences Act						
Instrument of Delegation under the Fences Act						
Instrument of Delegation under the Fines Enforcement and Debt Recovery Act 2017						
Instrument of Delegation under the Fire & Emergency Services Act						
Instrument of Delegation under the Food Act						
Instrument of Delegation under the Freedom of Information Act						
Instrument of Delegation under the Heavy Vehicle National Law Act						
Instrument of Delegation under the Land & Business (Sale & Conveyancing) Act						
Instrument of Delegation under the Liquor Licensing Act						
Instrument of Delegation under the Local Government Act 1999	94.1	202(1) and 202(5)	Amendment	Error	31 December 2018	Use at next review
Instrument of Delegation under the Local Nuisance and Litter Control Act 2016 and						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Local Nuisance and Litter Control Regulations 2017						
Instrument of Delegation under the Natural Resources Management Act						
Instrument of Delegation under the Planning, Development and Infrastructure Act 2016						
Instrument of Delegation under the Real Property Act						
Instrument of Delegation under the Roads (Opening & Closing) Act						
Instrument of Delegation under the Road Traffic Act 1961, Road Traffic (Miscellaneous_ Regulations 2014 and Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014						
Subdelegations to Chief Executive Officer under the Road Traffic Act 1961						
Authorisations under Road Traffic Act 1961						
Instrument of Delegation under the Safe Drinking Water Act 2011						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Instrument of Delegation under the South Australian Public Health Act 2011, South Australian Public Health (Legionella) Regulations 2013, South Australian Public Health (Wastewater) Regulations 2013, South Australian Public Health (General) Regulations 2013 and South Australian Public Health (Fees) Regulations 2018						
Instrument of Delegation under the Strata Titles Act 1988						
Instrument of Delegation under the Supported Residential Facilities Act						
Instrument of Delegation under the Water Industry Act 2012 and Water Industry Regulations 2012						
Instrument of Delegation under the Work Health Safety Act 2012						
Instrument of Delegation under the Unclaimed Goods Act 1987						
Webpage entitled – 'Guide for use – Template Resolutions'						
Draft Resolutions for the making of Delegations						

Act Document/ Page on Website	Para number in instrument which contain changes	Section number of Act/ Regulation	Whether change is Addition/ Amendment/ Deletion	Reason for change	Date of latest version	Recommendation
Webpage entitled – 'Documents for Making Subdelegations'						
Template Instrument of Subdelegation						
Notification of Subdelegations for Council Officers						
Notification of delegations to Officers who are 'acting' in a position						
Webpage entitled – 'Legislative Requirements'						
Webpage entitled – 'Best Practice Recommendations'						

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

19 MARCH 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.3

PUBLIC CONSULTATION: REVOCATION OF COMMUNITY LAND STATUS – MOUNT PLEASANT AND DISTRICT GOLF CLUB INC. B9002

Author: Governance Advisor

PURPOSE

To seek Council's consideration and approval to undertake a community consultation process with respect to revoking the community land status of the land on which the Mount Pleasant and District Golf Club is located, for the purposes of the future gifting of the land to the Mount Pleasant and District Golf Club Inc. ("MPDGC"). Details of the relevant land (including maps) are contained in this report and its attachments.

RECOMMENDATION

- (1) That Council, being satisfied that the proposal has extensive community benefit and satisfies the requirements of Council's *Disposal of Land and Other Assets Policy*, resolves to undertake a public consultation process pursuant to section 194(2) of the *Local Government Act 1999* (the "Act") and Council's Public Consultation Policy, to indicate its proposal to revoke the Community Land status over the land occupied by the Mount Pleasant and District Golf Club, which is comprised of:
 - (i) Certificate of Title Volume 5903 Folio 355
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
 - (ii) Certificate of Title Volume 5903 Folio 356
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
 - (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- (2) That the Chief Executive Officer finalises and makes publicly available the consultation report prepared in accordance with Section 194(2)(a) of the Local Government Act on the proposal at Recommendation 1 (see draft consultation report at *Attachment 3*); publishes a notice in the Herald, Leader and Courier newspapers and on Council's website; writes to adjacent property owners, alerting the community to the consultation process and consultation report and invite written submissions; and
- (3) That the public consultation period shall be for 21 days as prescribed by Section 194(2)(b) of the Local Government Act and clause 4.4 of Council's Public Consultation Policy.

- (4) That at the conclusion of the public consultation process, the Chief Executive Officer prepare a report on all submissions made regarding the proposal ("Submission Report") and provide the report to the Department for Environment and Water for review, in accordance with the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land (as per the Department's letter at *Attachment 4*).
- (5) Upon the Department of Environment and Water reviewing the Submission Report, and determining whether it is satisfied or not satisfied that the Submission Report has met the conditions of the consent made on behalf of the Minister, for the revocation of the community land status over the Land, that the Chief Executive Officer refer the Submission Report and the Department of Environment and Water's position to Council for consideration.

REPORT

Background

The land on which the Mount Pleasant & District Golf Club is located is made up of four Council-owned parcels of land and one Crown parcel of land. In 2017, Council considered future land tenure options, and, at its meeting of 16 May 2017 resolved as follows:

MOVED Cr Lange that Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Seconded Cr de Vries

CARRIED 2014-18/1030

The agenda report and minutes of the 16 May 2017 Council meeting are attached at **Attachment 1a** and **Attachment 1b** for further information.

Introduction

The land on which the Mount Pleasant Golf Club is located is comprised of (collectively referred to as the "Land" in this report):

- i. Certificate of Title Volume 5903 Folio 355 (owned by Council)

Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

- ii. Certificate of Title Volume 5903 Folio 356 (owned by Council)
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
- iii. Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 (Crown land)
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

A map of the land with the parcels marked separately is provided at **Attachment 2** of this report.

Both the Crown land and the Council-owned land parcels are classified as Community Land pursuant to section 193 of the *Local Government Act 1999* (the "Act"). In addition to the Community Land status, the Crown land parcel has been dedicated to Council as Parklands under the *Crown Land Management Act 2009*.

In order to implement Council's resolution of 16 May 2017 to gift the Council-owned land to the Mount Pleasant & District Golf Club Inc. ("MPDGC"), it is necessary to first revoke the community land status over the Land.

It should be noted that the proposed public consultation process will seek to revoke the Community Land status over the Crown land. The process does not seek to withdraw the dedication over the Crown land. The Crown Lands Office has indicated that it may be open to negotiating the transfer of the Crown land portion of the Land to the MPDGC however it would ultimately be the decision of the Minister for Environment and Water. If the Crown approves the transfer the Crown land to the MPDGC, at that stage, the dedication over the Crown land will need to be withdrawn, in accordance with the *Crown Land Management Act 2009*.

Discussion

Section 194 of the Act requires Council to prepare and make publicly available a consultation report of the reasons for the proposal and an assessment of how implementation of the proposal would affect the area and the local community.

Before the community land status can be revoked, Council must consult with the public in accordance with its Public Consultation Policy. In order to satisfy the obligations of Council under the Policy, it is appropriate in the circumstances that the Chief Executive Officer:

- Finalise and make public available the consultation report;
- Write to adjacent property owners to provide them a reasonable opportunity to make a submission with respect to the consultation report;
- Publish a notice in the Herald, Leader and Courier newspapers, on Council's website, Better Barossa consultation platform and Facebook page inviting submissions from the community on the consultation report for a consultation period of at least 21 days;
- After the consultation period, refer the consultation report and submissions received to Council for consideration.

A draft consultation report has been prepared by officers, and is attached at **Attachment 3**. The consultation report proposes the revocation of the community land status of the Land in the context that following the revocation, the Council will consider the gifting of the Council-owned portion of the Land to the MPDGC in order

to implement the Council resolution of 16 May 2017 (see **Attachment 1**). Subject to Council approval, the terms of the gifting will be negotiated between Council and the MPDGC, once the community land status is revoked.

The report proposes that when negotiating the transfer, Council make every effort to secure the use of the land for the community and ensure that in the event that the land is not primarily used for its current community use and purpose, or the MPDGC ceases to exist, the land reverts back to the community through Council. However, it is noted in the report that the MPDGC may look to expand the community use of the land in the future, following the transfer. It is not anticipated that the primary use of the land will change from its current use as a golf course.

With respect to the Crown land, pursuant to section 194(2)(a)(v) of the Act, Council is required to obtain the consent of the Minister for Environment and Water, as the Minister who administers the Crown Land Management Act 2009, because:

- i. the land is not owned by the Council, and
- ii. there is a dedication over the Crown land to Council.

Consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the Act has been provided by the Department for Environment and Water on behalf of the Minister for Environment and Water. In principle approval has also been given for Council to seek the revocation of the community land status, subject to a review by the Department for Environment and Water on behalf of the Minister for Environment and Water, of the outcome of the community consultation. The Department's in-principle consent letter is attached at **Attachment 4**.

Once the public consultation period has concluded, the results of the consultation must be provided to the Department of Environment and Water for review (as per the condition of the consent for the revocation). Once the Department has determined whether or not the results satisfy the conditions of the consent provided by the Minister for Environment and Water, Council must then consider the submissions received, the consultation report and the Department of Environment and Water's position and make a decision to refer the matter to the Minister for Transport, Infrastructure and Local Government for approval of the revocation of the community land status, under section 194(3) of the Act.

By way of providing context, if the approval of the Minister for Transport, Infrastructure and Local Government to revoke the community land status is obtained and Council further resolves to revoke the community land status of the land, the terms of the gifting of the land will need to be negotiated between Council and the MPDGC.

Summary and Conclusion

Council is asked to authorise officers to commence public consultation as part of the process to revoke the Community Land status over the Land.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1a – Council meeting Minutes Extract - Item 1.6.1 – Matters Arising From Previous Business – Adjourned Business – Mount Pleasant and District Golf Club Inc. - 16 May 2017

Attachment 1b - Council meeting Agenda Report Extract - Item 1.6.1 – Matters Arising From Previous Business – Adjourned Business – Mount Pleasant and District Golf Club Inc. and attachments - 16 May 2017

Attachment 2 - Map of Land

Attachment 3 – draft consultation report – Revocation of Community Land Status Report

Attachment 4 – letter from the Department of Environment and Water providing in-principle conditional consent to the commence the revocation of community land

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



Community and Culture



How We Work – Good Governance

Community Plan

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

Corporate Plan

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

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

Legislative Requirements

Local Government Act 1999: section 194

Crown Land Management Act 2009

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial – Costs to advertise in the Herald, Leader and Courier will be approximately \$1,200 and can be sourced from existing budgets.

Resource – The public consultation and revocation processes will be undertaken as part of officers' existing roles.

Risk Management – Risk is mitigated by complying with Council's Public Consultation Policy and requirements under the Local Government Act.

COMMUNITY CONSULTATION

Subject to Council resolving to commence the process as stated in this report, Community Consultation will occur in accordance with section 194 of the Local Government Act and Council's Public Consultation Policy.

COPY FOR YOUR
INFORMATION

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 16 May 2017 commencing at 9.00am in the
Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME

Mayor Sloane declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT

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

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 April 2017 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Milne

CARRIED 2014-18/1026

MOVED Cr Lange that the Minutes of the Confidential Council meeting held on Tuesday 18 April 2017 at 11.04am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Seager

CARRIED 2014-18/1027

MOVED Cr Harris that the Minutes of the Confidential Council meeting held on Tuesday 18 April 2017 at 11.10am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr de Vries

CARRIED 2014-18/1028

MOVED Cr Miller that the Minutes of the Special Council meeting held on Wednesday 26 April 2017 at 5.15pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr de Vries

CARRIED 2014-18/1029

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING

1.6.1 GROUP MANAGER CORPORATE SERVICES

1.6.1.1

ADJOURNED BUSINESS - MOUNT PLEASANT AND DISTRICT GOLF CLUB INC B5739**COPY FOR YOUR
INFORMATION****MOVED** Cr Lange that Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Seconded Cr de Vries**CARRIED 2014-18/1030****PURPOSE**

Regulation 19 (3) of the Local Government (Procedures at Meetings) Regulations 2013 requires that "Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting."

Council to resume consideration of the matter "Mount Pleasant and District Golf Club Inc" as detailed in the Agenda Report 2.2.1.1 of Special Council Meeting held 26 April 2017.

REPORT**Background**

A Report regarding the Mount Pleasant and District Golf Club Inc (the Club) was presented to Council at its meeting held 26 April 2017 (*refer Attachment 1*).

Before consideration of the proposed Recommendations, the formal meeting procedures were suspended to facilitate informal discussion on the question.

At the resumption of the formal meeting procedures, the following was resolved:

"MOVED Cr Hurn that the question be adjourned for further discussion at the full council meeting of 16 May 2017 to allow all members to be present and undertake further consideration of the matters raised during the suspension of formal meeting procedures.

Seconded Cr Lange**CARRIED 2014-18/1022"****Discussion**

Council is to consider and resolve its position in supporting a community golf facility and related activities:

- as a recreational outdoor sport conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Land – Crown Record Volume 5905 Folio 821 – ("The Land");
- any ongoing support for the Mount Pleasant and District Golf Club Inc ("the Club") to facilitate that activity;
- the options for The Land ownership and/or leasing with the Club.

The matter has been fully discussed in the attached Agenda Report to the 26 April 2017 Special Council Meeting.

Debate on the matter can commence immediately from the interrupted point and no resolution needs to be lifted from the table.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Agenda Report 2.2.1.1 from 26 April 2017 Special Council Meeting – "Mount Pleasant and District Golf Club Inc"

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislation

Local Government Act 1999

Community Plan – Themes



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial, resource and risk management considerations have been discussed in the attached Agenda Report 2.2.1.1 to the 26 April 2017 Special Council Meeting.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

1.7 NOTICE OF MOTION

Nil

1.8 QUESTIONS ON NOTICE

Nil

2. MAYOR

COUNCIL

MATTERS ARISING FROM PREVIOUS BUSINESS

16 MAY 2017

**COPY FOR YOUR
INFORMATION**

1.6 MATTERS ARISING FROM PREVIOUS BUSINESS – GROUP MANAGER CORPORATE SERVICES

1.6.1

ADJOURNED BUSINESS - MOUNT PLEASANT AND DISTRICT GOLF CLUB INC

B5739

PURPOSE

Regulation 19 (3) of the Local Government (Procedures at Meetings) Regulations 2013 requires that *"Business adjourned from a previous meeting must be dealt with before any new business at a subsequent meeting."*

Council to resume consideration of the matter "Mount Pleasant and District Golf Club Inc" as detailed in the Agenda Report 2.2.1.1 of Special Council Meeting held 26 April 2017.

RECOMMENDATION

That Council:

- (1) Acknowledging it currently owns land on which the Mount Pleasant and District Golf Club resides, agrees to provide funding up to \$30,000 per annum (Excl GST) for a maximum of 5 years to be applied to the maintenance of the land and provision of services at the current service level, noting funds will not be provided to directly support the Club's operations.
- (2) Considers the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister, and whilst this matter is being resolved, Council agrees to enter into a land only lease for a period of up to 5 years with the Mount Pleasant and District Golf Club.
- (3) Authorises the Mayor and Chief Executive Officer to sign and seal the lease.
- (4) Reiterates to the Mount Pleasant and District Golf Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

REPORT**Background**

A Report regarding the Mount Pleasant and District Golf Club Inc (the Club) was presented to Council at its meeting held 26 April 2017 (refer Attachment 1).

Before consideration of the proposed Recommendations, the formal meeting procedures were suspended to facilitate informal discussion on the question.

At the resumption of the formal meeting procedures, the following was resolved:

"MOVED Cr Hurn that the question be adjourned for further discussion at the full council meeting of 16 May 2017 to allow all members to be present and undertake further consideration of the matters raised during the suspension of formal meeting procedures.

Seconded Cr Lange

CARRIED 2014-18/1022"

Discussion

Council is to consider and resolve its position in supporting a community golf facility and related activities:

- as a recreational outdoor sport conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Land – Crown Record Volume 5905 Folio 821 – ("The Land");
- any ongoing support for the Mount Pleasant and District Golf Club Inc ("the Club") to facilitate that activity;
- the options for The Land ownership and/or leasing with the Club.

The matter has been fully discussed in the attached Agenda Report to the 26 April 2017 Special Council Meeting.

Debate on the matter can commence immediately from the interrupted point and no resolution needs to be lifted from the table.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Agenda Report 2.2.1.1 from 26 April 2017 Special Council Meeting – "Mount Pleasant and District Golf Club Inc"

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislation

Local Government Act 1999

Community Plan – Themes

Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial, resource and risk management considerations have been discussed in the attached Agenda Report 2.2.1.1 to the 26 April 2017 Special Council Meeting.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

SPECIAL COUNCIL MEETING

CORPORATE AND COMMUNITY SERVICES

GROUP MANAGER'S REPORTS

26 APRIL 2017

**COPY FOR YOUR
INFORMATION**

2.2.1 DEBATE AGENDA – GROUP MANAGER CORPORATE SERVICES

2.2.1.1

MOUNT PLEASANT AND DISTRICT GOLF CLUB INC

B5739

PURPOSE

Council to consider and resolve its position in supporting a community golf facility and related activities:

- as a recreational outdoor sport conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Land – Crown Record Volume 5905 Folio 821 – ("The Land");
- any ongoing support for the Mount Pleasant and District Golf Club Inc ("the Club") to facilitate that activity;
- the options for The Land ownership and/or leasing with the Club.

RECOMMENDATION 1

That Council acknowledging the recreational and public benefit, supports the recreational activities on the land contained in Certificate of Title Volume 5903 Folio 355 and Crown Record Volume 5905 Folio 821 ("the land") (commonly known as the Mount Pleasant Golf Club), including the assets constructed for golf and footgolf sport and a community amenity for walking.

and

RECOMMENDATION 2

That Council considers the most appropriate way to support the recreational activity on the land commonly known as the Mount Pleasant Golf Club (Certificate of Title Volume 5903 Folio 355 and Crown Record Volume 5905 Folio 821) is by direct financial contribution to a maximum of \$xx towards the maintenance and operations for the sporting grounds (ie golf course fairways and greens).

and

RECOMMENDATION 3

That Council considers the most appropriate land tenure option for the land commonly known as the Mount Pleasant Golf Club ("the Club") to be gifting the land owned by the Council (ie Certificate of Title Volume 5903 Folio 355) to the Club, subject to Community Land revocation processes and approval from the Minister, making the Club responsible for the site and whilst this matter is being resolved, a land only lease be provided for a period of up to 5 years.

and

COPY FOR YOUR
INFORMATION

RECOMMENDATION 4

That Council reiterates to the Mount Pleasant and District Golf Club Inc ("the Club") that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

REPORT

Background

Council, at its meeting held 15 November 2016, resolved the following:

- " (1) Notes the Letter of Advice from Wallmans Lawyers regarding Mount Pleasant and District Golf Club Incorporated (the Club) Trim Ref: 16/73147 and endorses the conclusion that the land is vested in the ownership of The Barossa Council (Certificate of Title Volume 5903 Folio 355) and the Crown (Crown Record Volume 5905 Folio 821).
- (2) Notes the progress of the development of the amended Business Plan and requires that to be submitted to Council for review before 31 March 2017.
- (3) Instructs Officers to engage with the Club and Mount Pleasant Progress Association Incorporated to develop a consultation process with the broader Mount Pleasant Community regarding the continuing role of the facility and what local support can be achieved to assist in its long term sustainability and bring future reports to Council regarding this process as required.
- (4) Extends the monthly payment of \$2,500 (excluding GST) to the Club for the period ending 30 June 2017 to allow the actions in (2) and (3) above to take place.
- (5) Approves the relevant Budget Adjustments of \$15,000 (excluding GST) for the 2016/17 year as per the Due Diligence Report contained within this Report.
- (6) Extends the existing Lease with the Club on the same terms and conditions up to 30 June 2017 so that the specified actions can be carried out.
- (7) Provides in principal support to the concept of a future ground lease arrangement with the Club subject to final Council approval of a future model of operations by 30 June 2017 with the objective that this brings consideration of the matter to a conclusion....."

A presentation in relation to the Mount Pleasant and District Golf Club Inc Draft Business Plan 2017 was provided by the Club President at the March 2017 Council Workshop and an item was also included in the 5 April Council Workshop to discuss the Council position and support for a golf course, along with the consideration of further questions put to the Club. (Refer Consensus Agenda item 4.3.1.3 of the 21 March 2017 Council Meeting – Attachment 1.)

Other matters from the above Council resolution are considered in this Report.

A Summary of Council resolutions over the last 5 years is provided in Attachment 2, with the underpinning reports to Council available as follows:

- 15 November 2016 – From Council's records. (Recently released from Confidence, but report not yet available on website.)
- 27 January 2016 – from Council's website: Council Meeting Agenda - 27 January 2016

- 19 May 2015 – from Council's website: [Council Meeting Agenda - 15 May 2015](#)
- 17 April 2012 – From Council's records (Not available on current website.)

The Land has been classified Community Land with a Management Plan that specifically refers to its purpose as being for activities associated with Golf. Should Council wish to revoke the Community Land status, the legislated processes, including community consultation and approval from the Minister, may take several months to complete.

Discussion

Council Workshop – April 2017

At its April Workshop, Council discussed questions posed by Elected Members with responses from the Club; also a group of questions and responses from Council Officers regarding the Club's position on the land ownership and support for the recreational activities on this Council owned land. (Refer [Attachment 3](#)).

The Club

Notwithstanding responses to the Elected Members from the questions in [Attachment 3](#), the Club's stated position going forward is as stated in the following dot points:

"In a brief summary we feel the following criteria must be addressed in the business plan. Our preferred position is Land only lease for 40 years with the Council contributing an agreed Asset Management Fee to the Management Team of the M.P.& D.G.C. Inc..

1. *Whilst the legal position of ownership of the course has been presented to the committee by a qualified legal opinion we need to have the ethical position addressed and recognized in the plan.*
2. *The nature of the club's annual financial commitment to the maintenance and development of the council's Southern Barossa sporting facility. (\$125 000 - \$150 000) must be acknowledged.*
3. *The historical contribution to the establishment of this Southern Barossa sporting facility. (Estimated to be in excess of \$2 500 000 over the 40 years compared to the \$200 000 from both Mt Pleasant and Barossa councils.*
4. *The security of tenure of this facility by the M.P.&D.G.C. for the long term (40 year lease) and at no cost. (This recognizes the club's financial majority share of the purchase of the land.)*
5. *That council recognize it's ethical response and financial commitment to maintain and develop Council's course through an asset management payment to the club (as addressed in the business plan). For its part the club is prepared to commit to an annual contribution of \$150,000 p.a.*
6. *That the clubhouse, funded and built by the member's, remains the property of the club.*

7. That the club's role in constructing and managing the Town water dams be acknowledged and that club has priority in accessing water to irrigate the council's sporting facility.
8. Should the council decide to sell the golf course to a private Company that the current club members and the M.P. & D.G.C. Inc. rights and access are protected in the arrangement.

That any future agreement with the council addresses the ownership issue and the 2017 resolution, along with 2017 business plan be documented and signed off by all parties."

Financial support requested

Although the Club's draft Business Plan is not yet adopted by Council, within the document there are numerous objectives and strategies working with the Council to achieve its Vision and Mission. An Objective, Strategy and Action specifically relating to the financial support requested by the Club is as follows:

Objective 7:

"Foster our partnership and relationship with The Barossa Council to provide recreational activities for the community"

Strategy:

"An agreement with Council in alignment with the NSARP Framework1 that recognises the need for regional and local government's investment in sport and active recreation infrastructure, as well as the support (in this situation including financial) of the Mount Pleasant Golf Club in their capacity as a non-government organisation that enables sport and active recreation participation."

Action:

"Seek a contribution from Council for:

- o *Annual asset management fee of \$30,000, increasing in line with CPI*
- o *Annual capital fund contribution of \$25,000 for the replacement of plant and machinery used in maintaining this asset"*

Council Recreation – Services and Support

The net operational costs \$ for all recreational outdoor sports was \$650k to \$850k pa over the last 3 years. This includes the provision of land, facilities and other direct and indirect support. Council assists by providing open space, establishment, construction and replacement of infrastructure and grounds, maintaining and/or assisting by contributions towards assets as/where needed. Most of these activities have been set up in the recreational parks, other parks and/or open space areas.

The recreational activities are then overseen by the various clubs and groups including: football, tennis, hockey, soccer, netball, cricket, rugby, athletics, bowls, swimming, etc.

Other recreational activities not included in the net operational costs amount above and/or facilities that Council provides and supports include: in-door swimming, water aerobics, gym, gymnastics, squash, basketball, bike riding, walking, marathons, triathlons, table tennis, badminton, volley ball, dancing, horse/equine, etc.

Council's current commitment to the Golfing/Footgolf activities has been \$30k pa. Is that an appropriate amount of support as compared to other sporting activities within the district? As shown within this report for the provision of this recreational activity, the Club is suggesting a review of the amount provided by Council.

The Big Project

Where does the golf activity fit within *The Big Project*?

Various Recreational Development activities have been identified with the scope of works being reviewed. In this area of The Barossa Council district, a Talunga Park Masterplan has been prepared identifying activities at that site. At the February 2017 Council Meeting, the Golf activity at Mt Pleasant was flagged as a "Business as usual" activity.

Open Space

The Council's adopted regional open space strategy identified the parcel of land where the Golf Club is currently located. Is golf the right recreational activity for this large open space land?

As Council disposes of CWMS water at this site and then the benefits of this reuse water is on fairways and other greening, it appears to be a logical and appropriate solution.

Council's Position for Consideration

Recreational outdoor sport

Council needs to consider and resolve its position and ongoing support for a community golf facility and related activities as conducted on Council land contained in Certificate of Title Volume 5903 Folio 355 and Crown Record Volume 5905/821 – ("The Land").

Does Council believe recreational activities are not always viable without Council's support directly or indirectly? As noted above in "Council Recreation - Services and Support", Council currently provides resources, places, grounds, etc for various recreational activities.

Council has been providing financial support for the Mount Pleasant and District Golf Club Inc to facilitate golf and related recreational activities.

Does Council consider and decide if golf is a recreational activity the community needs and want to provide ongoing support for? The volunteers at the Club have worked hard establishing a community amenity for Golfing and recently FootGolf, to be enjoyed by the regular and green fee players, visitors and for the enjoyment of people walking in a park-like area or grounds. The existing landscape with its flora and fauna is evidence of the Club's substantial effort and shouldn't be understated. By providing support to the Club, that valuable open space and recreational activity can continue to be available for the community into the future. There are examples of other Councils providing resources and support for golf courses on Council owned land, with a mixture of Council run and leased sites, providing golf as a sporting activity for their communities. One Council has recently undertaken a service review of their golf course, considering various options to reduce the net operational cost going forward.

Ongoing support

Council has several options to consider for the future and ongoing support to the sporting activity, as follows:

- a. Direct financial contribution of up to \$xx towards the maintenance and operations for the sporting grounds (ie fairways and greens); and/or
- b. Provide resources on the ground for ongoing maintenance and operations (Council currently maintains all the recreation park ovals); and/or
- c. Direct financial contribution to a maximum of \$xx towards the purchase of equipment and materials used for grounds upkeep and maintenance.

If agreed by the Council and the Club, a further report will be provided for Council consideration to quantify any agreed Council support and/or contribution and terms for its ongoing contribution and/or support. Council has a similar payment arrangement for another sporting Club in the district which is paid in arrears when/if selected criteria are met.

If Council chooses to provide ongoing support, the regular review and criteria to be considered is as follows:

- The Club adopts its Business Plan including the financial forecasts for a ten year period
- The Club undertaking to continue to pursue additional sources of capital and operational revenue from users, sponsors and program / event participants;
- As recreational activity and operations may change, the Club to review the Business Plan and the financial forecasts every three years
- Council to review and accept financial forecasts
- The Club's annual financial statements to be audited within three months of the end of Financial Year each year
- Where the Club funds are sufficient to meet its operations, Council contribution will be reduced accordingly.
- Expenditure will be compared to the adopted forecast expenditure on identified areas - "Course, Machinery and Equipment" (used for grounds upkeep and maintenance).
- Where the overall expenditure on these identified areas was less than planned/forecast, Council's contribution will then be reduced in the next period. Notwithstanding, other conditions and unplanned work may influence the expenditure requirements.

If selected criteria or targets are met, an approved amount could be paid quarterly in arrears and then reconciled at year end for the final payment.

If the criteria is met, Council would then include a funding allocation and/or resources of up to \$xx pa in the next year budget in support of this recreational activity.

Council's existing financial oversight would continue, with the Club providing annual reports, with financial comparisons and variance analysis to the adopted Business Plan and forecasts.

If Council chooses not to provide ongoing financial or other support, the Club would need to manage with its own sources of revenue (and any external funding as available) and expenditure.

The Land

What are the options for The Land ownership and/or leasing with the Club? Does Council want to hand over (gift) the Council owned land* to the Club? As mentioned in this report, The Land is classed as "Community Land". To revoke this status from the title will require appropriate Statutory processes, including community consultation and approval from the Minister. If Council chose to take this step, the process could take considerable time to complete, so a lease would need to be put in place for that expected time period.

Does Council want to enter into a long term lease* of the land with the Club? A long term lease will provide the Club with some certainty for future development and support from the community and corporate sponsorship. It will also enable the Club and its volunteers to invest in the recreational activities, seeing the benefits of longer term stability.

*Note: The Crown Land portions would need appropriate Statutory Authority to provide a long term lease.

Council has several options to consider for the access and use of the Land to the sporting activity as follows:

- a. Gift the land owned by the Council to the Club. The Club would then be responsible for the site. (Exception being the Crown Land* portion which Council, with appropriate approvals, could lease to the Club on a long term lease.) A "normal" lease for the period of 1 to 2 years would be required while undertaking the Community Land revocation process. Council would also need to put in place a formal agreement for access to Reuse Water from Council's CWMS treatment services; or
- b. A Land Only lease is established where Council provides land for recreational activities operated by the Club, as it does for some other recreational activities in the district. The Club is responsible for all improvements on the land including building, infrastructure and other assets on the land; or
- c. A normal lease is established where the Club is responsible for activities and most assets on the site and Council will be assigned selected asset control, replacement and maintenance (depending on the terms of the lease).

Other

Should the Golf Club be linked to Mount Pleasant Inc, nominating a Club member to this group to ensure communication and joint activities can be coordinated? This linkage should provide benefits for the local suppliers, development, promote health and wellbeing by being active and encourage visitors to stay and play.

The Mount Pleasant and District Golf Club Inc draft Business Plan, as presented at the March 2017 Council Workshop, will be finalised and presented once the above decisions have been made by Council and the Club considers the decisions and its requirements and direction. This will enable the final Plan to include all decisions on land ownership and lease option and any ongoing support for the Club.

Conclusion

Council to resolve its position on the Mount Pleasant Golf Club regarding the following matters:

- Golf/Footgolf as a recreational activity supported in the area
- Ongoing financial and/or other support
- Land ownership and if Council owned, lease options
- The Club to gather Community support and linkages to the local committees and Inc. bodies for this recreational activity

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Consensus Report – 21 March 2017 Council Meeting

Attachment 2: Summary of Council Resolutions over last 5 years

Attachment 3: Questions and answers from Council's April Workshop

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislation

Local Government Act 1999

Community Plan – Themes



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Council has been providing \$30k pa contribution for many years. The Long Term Financial Plan currently does not have an allowance for this contribution.

Financial support would continue if Council considers this support to be appropriate for this level of recreational activity and if financially needed by the Club.

The Mount Pleasant Golf Club Inc. - Draft Business Plan was provided to Council at the March Workshop. Council's financial contributions were included to provide and support this recreational activity for the community; currently, without financial support, the Club is unsustainable.

Depending on the outcome of the Club in meeting its objectives and strategies to increase the use of the facility as stated in its Business Plan, if successful the Club may

then be able to improve its financial stability and then reduce the external support needed.

However, Council must reiterate to the Club that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to 'trade its way back to financial independence', Council reserves the right to withdraw funding assistance and consider other options for the land.

Resource

Senior officer time continues to be provided to support the Club through regular meetings, Business Plan development, research and reporting.

Risk Management

Council continues to work with the Club to achieve a sustainable model of operations and provide financial support. In doing so Council has demonstrated its ongoing commitment to the role of the Club in offering sport and recreational opportunity within the region whilst managing the risks associated with a general decline in the participation in golf in Australia and the sustainability of regional golf clubs.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

COUNCIL

CORPORATE AND COMMUNITY SERVICES

GROUP MANAGER'S REPORT

21 MARCH 2017

4.3.1 CONSENSUS AGENDA – GROUP MANAGER CORPORATE SERVICES

4.3.1.3

MOUNT PLEASANT & DISTRICT GOLF CLUB INC

B5739

Council, at its meeting held 15 November 2016*, resolved the following:

“MOVED Cr de Vries that Council:

- (1) Notes the Letter of Advice from Wallmans Lawyers regarding Mount Pleasant and District Golf Club Incorporated (the Club) Trim Ref: 16/73147 and endorses the conclusion that the land is vested in the ownership of The Barossa Council (Certificate of Title Volume 5903 Folio 355) and the Crown (Crown Record Volume 5905 Folio 821).
- (2) Notes the progress of the development of the amended Business Plan and requires that to be submitted to Council for review before 31 March 2017.
- (3) Instructs Officers to engage with the Club and Mount Pleasant Progress Association Incorporated to develop a consultation process with the broader Mount Pleasant Community regarding the continuing role of the facility and what local support can be achieved to assist in its long term sustainability and bring future reports to Council regarding this process as required.
- (4) Extends the monthly payment of \$2,500 (excluding GST) to the Club for the period ending 30 June 2017 to allow the actions in (2) and (3) above to take place.
- (5) Approves the relevant Budget Adjustments of \$15,000 (excluding GST) for the 2016/17 year as per the Due Diligence Report contained within this Report.
- (6) Extends the existing Lease with the Club on the same terms and conditions up to 30 June 2017 so that the specified actions can be carried out.
- (7) Provides in principal support to the concept of a future ground lease arrangement with the Club subject to final Council approval of a future model of operations by 30 June 2017 with the objective that this brings consideration of the matter to a conclusion.
- (8) Having considered this matter in confidence under Section 90(2) and 90(3)(h) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the agenda report, associated documents and minutes, other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 15 November 2016 in relation to confidential item 8.3.1, Mount Pleasant and District Golf Club Inc – Historical Tenure of Title – Legal Advice, be kept confidential and not available for public inspection other than information required to be released in accordance with any relevant requirements of Section 91(8) of the Local Government Act 1999; and
- (9) In accordance with (8) above and section 91(9)(c) of the Local Government Act 1999, authorises the Chief Executive Officer to review and revoke the order.

Seconded Cr Seager

CARRIED CO2014-18/37”

*Minutes of this meeting are now out of Confidence.

A presentation in relation to the Mount Pleasant & District Golf Club Inc (the Club) Draft Business Plan 2017, was given to Elected Members by the Club President at a Council Workshop held 1 March 2017.

As Elected Members have raised several questions, an item has been added to the next Council Workshop on 5 April 2017 to discuss the Council position and support for a golf course, along with the consideration of further questions put to the Club.

The Draft Business Plan was provided to Elected Members at the March Council Workshop to satisfy point (2) of the Council resolution above. Other matters from the Council resolution will be considered at a future Council Meeting as there are questions pending from the Elected Members. A formal report and the final Business Plan and associated matters will be presented to the May or June Council Meeting.

The annual report on the Club's performance is not available for this Council Meeting (refer Consensus item 4.3.1.1 - 21 February 2017), but will be presented to a future meeting.

RECOMMENDATION

That this Report 4.3.1.3 be received and noted.

COUNCIL RESOLUTIONS 2012 – 2017 in relation to Mt Pleasant & District Golf Club Inc

Council Meeting	Resolutions
17/4/2012	<p>(1) Extends the monthly payment of \$2,500 (excluding GST) to the Mount Pleasant and District Golf Club Incorporated (the Club) in principle up to and including September 2015.</p> <p>(2) Grants the extension of the monthly payment subject to: continued quarterly meetings between the Club and officers and representatives of Council to monitor and review that financial performance is in line with the Club's current and future Business Plans; all revised Business Plans to be approved by Council and an annual report of the Club's performance be provided to Council in January each year;</p> <p>(3) Reserves the right to reduce the \$2,500 (excluding GST) monthly payment if the financial performance of the Club demonstrates that reduction can be reasonably sustained;</p> <p>(4) Notwithstanding (2) and (3) above, advises the Club of its intention to agree a staged reduction in the monthly payment to take effect after September 2015;</p> <p>(5) Notifies the Club that it will be required to make lease payments beyond September 2015 and review lease arrangements with Council;</p> <p>(6) Writes off the outstanding debenture loan to the club totalling \$31,259;</p> <p>(7) Reiterates to the Club that direct financial assistance to the Club is both temporary and short term, and that the long term viability of the Club remains solely in the hands of the Club and the Mount Pleasant community. Should the Club be unable to "trade its way back to financial independence", Council reserves the right to withdraw funding assistance and consider other options for the golf course land.</p>
19/5/2015	<p>(1) Extends the monthly payment of \$2,500 (excluding GST) to the Mount Pleasant and District Golf Club Incorporated (the Club) up to and including December 2015.</p> <p>(2) Grants the extension of the monthly payment subject to continued quarterly meetings between the Club and officers and representatives of Council to monitor and review that financial performance is in line with the Club's current and future Business Plans and requires all revised Business Plans to be approved by Council.</p> <p>(3) Grants the extension of the monthly payment subject to the Club engaging the services of a Business Development Consultant to assist the Club in reviewing and developing options for business models to support the sustainable operation of the Club (including reduction of facilities to a 9 hole operation) and as part of that exercise, quantify the minimum financial contribution (if any) required by Council to support each of the business models explored. That process to be completed with a report and recommendation by the Club of its preferred options to Council for consideration by the 31 December 2015 after which time the current financial arrangements will cease.</p> <p>(4) Grants the additional sum of up to \$5,000 (excluding GST) to the Club exclusively for the commissioning of the Business Development Consultant for the purposes of 3) above.</p> <p>(5) Requires Officers to provide a cost benefit analysis of the options for treated wastewater currently being irrigated across the Golf Club land for consideration alongside the modelling as per item (3).</p>

27/1/2016	<ul style="list-style-type: none"> (1) Receives the Mount Pleasant and District Golf Club Inc. Business Plan Overview dated 6 January 2016. (2) Notes the role of the Mount Pleasant and District Golf Club Inc. in undertaking the initial construction of the dams at the site, ongoing maintenance of the water storage and distribution; and (3) Authorises Council Officers to negotiate an arrangement to provide the Club with access to CWMS water for an agreed period whilst future options for the CWMS treated water generated through Talunga Park continue to be determined and bring a further recommendation to Council in due course. (4) Notes the request of the Mount Pleasant and District Golf Club Inc. to find a reasonable resolution to the issues of the ownership of the land to accurately recognise their previous financial contributions and instructs officers to provide a further report to Council specifically in relation to this matter. (5) Extends the monthly payment of \$2,500 (excluding GST) to the Mount Pleasant and District Golf Club Incorporated (the Club) for a further 12 months to enable the land ownership issue to be resolved. (6) Approves the relevant Budget Adjustment of \$15,000 (excluding GST) for the 2015/16 year and incorporates a further \$15,000 (excluding GST) into the LongTerm Financial Plan for the 2016/17 Financial Year as per the Due Diligence Report contained within this Report.
15/11/2016	<ul style="list-style-type: none"> (1) Notes the Letter of Advice from Wallmans Lawyers regarding Mount Pleasant and District Golf Club Incorporated (the Club) Trim Ref: 16/73147 and endorses the conclusion that the land is vested in the ownership of The Barossa Council (Certificate of Title Volume 5903 Folio 355) and the Crown (Crown Record Volume 5905 Folio 821). (2) Notes the progress of the development of the amended Business Plan and requires that to be submitted to Council for review before 31 March 2017. (3) Instructs Officers to engage with the Club and Mount Pleasant Progress Association Incorporated to develop a consultation process with the broader Mount Pleasant Community regarding the continuing role of the facility and what local support can be achieved to assist in its long term sustainability and bring future reports to Council regarding this process as required. (4) Extends the monthly payment of \$2,500 (excluding GST) to the Club for the period ending 30 June 2017 to allow the actions in (2) and (3) above to take place. (5) Approves the relevant Budget Adjustments of \$15,000 (excluding GST) for the 2016/17 year as per the Due Diligence Report contained within this Report. (6) Extends the existing Lease with the Club on the same terms and conditions up to 30 June 2017 so that the specified actions can be carried out. (7) Provides in principal support to the concept of a future ground lease arrangement with the Club subject to final Council approval of a future model of operations by 30 June 2017 with the objective that this brings consideration of the matter to a conclusion.

Considerations – Mt Pleasant Golf Club

Fundamental questions:

How does the Club see itself?

- Commercial business in competition with other golf clubs (being run by a not-for-profit incorporated body)?
- Community recreation facility?
- Sporting club?

"We are a sporting club which has by its actions and philosophy provided its local and wider community with a recreational facility with a particular focus of Golf and more recently FootGolf. We have always been a not for profit body that has reinvested all monies into improving and developing the course.

In terms of Competition we do not see us competing with other facilities, rather as facility that complements the other facilities which are more centralised around the Council offices. The concept of competition was a term that was introduced by those who were chartered with responsibility of supporting us with our business plan. It was one that we did not feel comfortable with. Perhaps this concept needs to be refined. We do not wish for those who to consider that council would be support a club which 'competes' with private clubs. Rather we would hope the councillors would recognise that they are supporting a model of council/community collaboration which

- provides a \$4 return for their \$1 investment

- allows a golf facility to exist in an under resourced region of the Barossa Council especially in terms of recreational diversity. Eg swimming pools, Gymnasia etc."

What does the Club believe it owns?

- Land – it accepts that it 'legally' doesn't own the land – however believes it 'ethically' it does (or should)
- Clubrooms?
- Golf course infrastructure

"As we have consistently said, the members have provided the financial means to purchase 75% of all land, including survey costs, conveyance and stamp duties.

As I believe is the case with any federal grants, and assuming no financial impropriety for a period of 25 years, the grant becomes the property of the owner.

It is my understanding that this is the case with Starplex becoming part of Trinity Collage's Asset folio and the Tanunda Entertainment Centre becoming a part of Faith College's asset. I stand to be corrected.

With the required professional advice, which I believe should have come from the professionals of The Mount Pleasant Council 100% of the land should now be the asset of the members. We believe, in support of its constituents who had invested time, labour funds and possibly blind trust, the council should not have allowed the members to hand over a realisable asset for future developments.

The other ownership claims.

Council to consider support and other matters raised - Cr Boothby and the Mount Pleasant Golf Club

Page 1 of 8

- The buildings including the Clubhouse, 3 Vehicle and Storage Sheds, the BBQ Gazebo and the pump house including the pumps are a result of financial and volunteer labour commitments from the club.

- The many kilometres of underground irrigation, and incorporated sprinkler units, were provided by the club's monies and labour.

- The sourcing and provision of the bore with electric pump were at cost to the club.

- The two fresh water storage dams

1. 'Turkey Nest' and

2. The lake alongside the 3rd fairway

were built at cost to the club.

- The provision of power, to the site, were at cost to the club.

As mentioned in the prologue, we believe that as conservative estimate the club has invested at least \$2.5 million in the development.

Further to the ownership we would want councillors to be mindful of the role of the club in

1. The construction of WMC Dams to settle, filter and store water.

2. The construction of the several kilometres of piping to the course under the guidance of Mount Pleasant Council.

This implies some ownership of the available irrigation water.

We would hope that councillors who are charged with responsibility of making decisions on behalf the constituents are mindful of the current council situation but are also mindful of

1. Respecting historical community commitments, over the past 40 years, which now provide the wider community with sport and recreational facilities that match those of their more urbanised cousins.

2. The future constituents of a community, which council expects to expand with housing development demands over the next 40 years, would be denied of a facility already established and allowed, through a lack of foresight, to deteriorate or even disappear.

3. What statement they may be making about capitalising on the value of volunteers and recognising the value they add to community well-being."

Further comments:

"P.S. The members are supportive of our position and will formalise the agreement subject to the council's position.

This may require us to seek other bodies for support of our position if we feel that we do not receive further support or acknowledgement of our concerns."

What does Council understand the situation to be?

- Are we a landlord for a commercial business leasing community land?
- If Land only lease established then Council provides land for recreational activities leased by the Club as it does throughout the district. The Club does not see itself as a commercial business but as a non-profit.
- If not, how do we view the use of the land? Is this another recreation park? If so do we need two in one town?
- Other towns currently have parks and/or recreational land for community use and/ or open space along with Recreation parks that contain ovals, playgrounds, tennis courts, other
- Do we in fact 'own a golf course' – if so – should we?
- Other recreational activities are conducted on Council land including football, tennis, soccer, bowls, hockey, athletics – clubs – are these also owned by Council? So though these activities are on Council land doesn't mean Council 'owns' the sporting activities or assists in their being available for the community?
- What are the current roles and responsibilities per the lease agreement (Trim ref: 12/48985) (which is soon to expire)?

In 'layman' terms -

- Lessee will:
 - (5.1) Pay the said rent and all other payments herein reserved
 - (5.2) Pay all manner of rates (excluding State land tax and any general rates imposed by the Lessor) charges assessments duties impositions and outgoings of every kind (whether Federal State district or otherwise)
 - (5.3) Insure and keep insured all improvements erected upon the Land
 - (5.4) Take out public liability insurance to the value deemed necessary by the Lessor
 - (5.5) Cleanse, repair and keep the Land in good and tenantable repair and condition
 - Responsibility includes keeping all greens, lawns, trees and shrubs in good heart and condition
 - Eradication and control of noxious weeds and plants
 - (5.6) Not make any alterations or additions to the Land without first obtaining written consent or approval of the Lessor
 - Alterations, additions and fixtures made, be and remain part of the Land on the determination of this Lease
 - (5.7) Comply with all acts, regulations, by-laws and other provisions affecting the Land
 - ... and will not suffer the Land to be or to become an insanitary condition within the meaning of the Public and Environment Health Act 1987 and includes where appropriate, the obligation to carry out works of a structural nature
 - (5.8) If Lessee makes default in above (5.7), Lessor shall have the power to enter the Land and carry out such work at the expense of the Lessee

- (5.9) Permit the Lessor at all reasonable times to enter upon the Land and view the condition thereof
 - Will execute all repairs and works required to be done by written notice given by the Lessor
- (5.10) Not permit any noxious, immoral, noisome, offensive or illegal act, trade, business occupation or calling to be permitted on the Land
 - Will not permit any act, matter or thing to be done on the Land which may cause annoyance, nuisance, grievance, damage or disturbance to the occupiers/owners of adjoining/neighbouring lands
- (5.11) Not bring onto/adjacent the Land anything that may damage or injure the Land
- (5.12) Use the Land solely for the purposes of conducting, fostering and promoting the game of golf upon the Land and associated recreational activities as are permitted by the rules of the Lessee's constitution
- (5.13) May apply for and maintain such licences it so chooses to further any business or activity on the Land
- (5.14) Occupy and use the Land at its risk
- (5.15) Indemnify the Lessor from and against all actions, claims, demands, notices, losses, damages, costs and expenses to which the Lessor shall or may be or become liable
- (6.1) Have the right, subject to written consent of the Lessor, to assign or transfer its rights pursuant to this Lease.
- Lessor will:
 - (7.1) Allow the Lessee to peacefully possess and enjoy the Land during the term
 - (7.2) Maintain all internal roads in existence on the Land from time to time to a standard to enable vehicles to traverse
 - Lessee requires written consent of the Lessor if it desires to construct further internal roads
 - (7.3) In the event the Lessor resolves to sell the Land during the term or within twelve months of the expiration thereof the Lessee shall have the right of first refusal to purchase the land on such terms and conditions to be determined by the Lessor
- (8.1) Termination Clause;
- (9) Further Agreed and Declared:
 - Lessor remaining in occupation of the Land at or after the expiration of the said term
 - Application of the rent received under this Lease
 - Giving or serving of any demand consent or notice
 - Costs of and incidental to the preparation of the Lease
- What does Council see as its role in relation to the land and the services delivered on that land?
 - Maintaining a recreation park? Directly (Council staff manage) or indirectly (Council provides funding to MPGC to maintain – directed via a funding agreement?)

- Currently Council provides \$30k pa support for this recreational activity, throughout the district Council funds directly or indirectly other recreational activities over the last 3 years from \$650k to \$850k pa. (See spreadsheet/table)
- Providing financial assistance to a commercial business that is a lessee?
- See the Clubs position re: Commercial business question and non-profit body
- Providing financial assistance to a sporting club that is a lessee?
- Re first dot point regarding other financial support in the district for recreational activities

What are the considerations for Council?

- Future ownership and use of the land:
 - Is there mutual agreement that the land (if not legally), effectively has been purchased by the MPGC over time and the title should therefore be transferred to them?
 - Possibly should be, though there are Crown land and Community land implications to consider along with the use and disposal of CWMS water
 - If so, what other considerations are there? E.g. length of time to revoke community land (including the Crown owned portion) (including required community consultation); encumbrances to be placed on the land e.g. requirements for the land to be returned to the community if they cease usage?
 - Yes
 - Transfer of land may be the simplest solution for Council and allow us to have an ongoing 'arm's length' relationship with them. Would give them ownership of the \$850k they indicate they've invested. However, given their operational sustainability challenges (without Council assistance), would ownership of the land actually help them??
 - From the Clubs perspective probably not in the long term unless patronage increases enough to be viable
 - Do we need to look at best use of this land from a community perspective? [Services provided and cost of service delivery - viability of current use / other recreation spaces in Mt Pleasant (Talunga Park) / use of water / ownership of infrastructure etc.]
 - Yes Council could assess Community use for all assets/services provided, though it probably won't always exactly be the same. Recreation activities are not always viable without Councils support financial or indirectly.
- Ongoing governance relationships (if land not to be transferred to MPGC):
 - Current lease expires soon (30/6/2017?) – do we need to extend for 12 months whilst long-term options are actioned?
 - Possibly an option to consider though the sooner Council decides its long term options the better as this process has been taken some time now.
 - What is the appropriate longer term governance arrangement?
 - What is the appropriate governance arrangement to reflect the relationship we want to have with them ongoing? Lease? MoU? Service level funding agreement?

[MPGC reference a 'partnership' with Council?? Council has provided funding for so long, MPGC has become dependent on that funding & Council officer support (they want ongoing support quarterly from officers forever?? / MPGC appears to have the view that 'ethically' Council has ongoing 'fiscal responsibilities'??)]

Lease could be long term with appropriate clauses in case the club/Council needing to end the arrangement for financial or other reasons

- If lease - type, length, conditions, roles and responsibilities (including who looks after maintenance, Council financial responsibilities as landlord etc.). E.g. if 'Council owns a golf course' then the lease agreement is more complicated than average? It would be a commercial lease?
 - Council to consider ongoing financial support which could end if the Club becomes financially unviable as indicated by financial reports
 - MPGC has requested a land only lease – for all or part of the assets - clubrooms and golf course? If land only lease then MPGC as lessee responsible for all operational and maintenance expenditure?
 - The Club is hoping Council supports the recreational activity including assets on site. (Need to check if that includes the buildings, structures, infrastructure and/or equipment)
 - Onkaparinga own a golf course (MPGC stated Onkaparinga are losing \$300k p.a. on it) - would be interesting to know why they own it? What structure they manage it under?
 - The Council owns it and has provided financial support and is also.....see copy council resolutions
- Asset ownership / management:
 - Does Council 'own a golf course'?
 - If in fact Council owns a golf course, is this a commercial asset that we should own?
 - If a golf club is a commercial asset then is a football club a commercial asset?
 - Not currently 'on our books' in terms of assets and operational income and expenses????
 - That is correct for the operational income, the asset is own our books as follows:
Liz to provide this information
 - No governance arrangement (e.g. management contract) in place to manage the asset?
 - No
 - MPGC pricing philosophy 'inclusive and cheap' – competitive neutrality issues for Council?
 - Have not considered this from a competitive neutrality aspect as Council provides numerous parcels of land throughout the district to sporting and other community groups at fairly low cost

- What services / service levels are we wanting to deliver? At what cost are we prepared to deliver those services?
- Annual contribution is requested at what service level should e the support for this type of recreational activity?
- Should Council be managing the asset directly?
- Does Council see the recreational /sporting need? Does Council provide other sporting activities directly?
- What competitive neutrality issues might exist?
[Not a 'significant business activity' per \$ criteria however may still require scrutiny given its direct competition with private sector golf courses in the region??]
- Low activity and support other like sporting clubs could approach Council for support, noting this activity is being undertaken on Council land and assists with the disposal of Councils CWMS reuse water?
- Broader context:
 - What possible precedents could result from providing financial support to MPGC as requested? Equity concerns in terms of private sector owned golf courses? Funding provided for other 'sporting clubs' that lease facilities?
 - Council currently provides funding and support to numerous sporting/recreational activities (see spreadsheet/table)
 - How does this fit in relation to other 'commercial businesses' that Council owns and runs e.g. The Rex, Barossa Valley Tourist Park, other small caravan parks (Williamstown, Mt Pleasant)
 - ?

Contradictions in Business Plan and in communication from MPGC:

- 'Council owns a golf course' compared with qualifying for a land only lease (which implies they own the assets?)?
- Yes needs clarification
- Asking for a land only lease (at peppercorn rate) and recognising that means they are responsible for all costs – and at the same time asking for \$55k p.a. to manage the asset (\$30k course maintenance and development and \$25k capital expenditure – plant and machinery)
- \$55k requested but can be discussed, what is appropriate?

Attachment 2 – Map of Land



Property details

- Certificate of Title Volume 5903 Folio 355 – owned by Council (marked as "A", "C" and D" on map)
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- Certificate of Title Volume 5903 Folio 356 – owned by Council (marked as "B" on map)
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
- Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 - Crown land (marked as "E" on map)
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

The Council-owned land is marked in blue on the map and Crown land marked in red

Address: 45 Golfcourse Road, Mount Pleasant SA 5235
and
Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

REVOCATION OF COMMUNITY LAND STATUS REPORT

Pursuant to Section 194 of the Local Government Act 1999



PROPERTY DETAILS

Certificate of Title and Description of Land: Certificate of Title Volume 5903 Folio 355 (marked as "A", "C" and D" on map)

Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931, in the area named Mount Pleasant, Hundred of Talunga

Certificate of Title Volume 5903 Folio 356 (marked as "B" on map)
Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga

Portion of Crown Record Volume 5905 Folio 821 – Allotment 17 (Crown land) (marked as "E" on map)
Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

(Collectively referred to in this Report as the "Land")

The Council-owned land is marked in blue on the map and Crown land marked in red

See attached titles on pages 7-9 (Attachments 1 – 3)

Address: 45 Golfcourse Road, Mount Pleasant SA 5235
and
Allotment 17 Golfcourse Road, Mount Pleasant SA 5235

1. Reason for proposal

The Mount Pleasant & District Golf Club occupies the parcels of land identified above (collectively referred to as the "Land"). The Land is comprised of 4 Council-owned parcels and 1 Crown land parcel.

Both the Crown land and the Council-owned land parcels are classified as community land pursuant to section 193 of the *Local Government Act 1999*. In addition to the community land status, the Crown land parcel has been dedicated to Council as Parklands under the *Crown Land Management Act 2009*, and is discussed in further detail below.

The Land is leased by Council to the Mount Pleasant & District Golf Club Inc. ("MPDGC"). The MPDGC have made investments with respect to the Land and improvements on the Land that has supported the utilisation of the Land for the golf club, and Council has contributed both financially and non-financially to the Land and improvements including:

- In 1977, a federal grant was obtained for half of the purchase price of part of the Land, conditional on Council holding the title. Of the remainder, a quarter was paid by MPDGC, and the remaining quarter was provided to the MPDGC as a loan from Council.
- Adjoining land was purchased in 1988 with MPDGC funds, and subdivided, however, title is with Council.
- MPDGC has invested in a clubhouse, sheds, sinking a bore, approval for use of Community Wastewater Management System (CWMS) re-use water, irrigation and other improvements over the years and in some cases with the assistance of Council through loans.

- MPDGC has managed the Land and invested in the infrastructure on the Land including trenching, the establishment of four cleaning ponds and replacement dam to collect rainfall run-off.
- In 2012, Council wrote off the remaining balance of debt owed by MPDGC to Council in addition to annual lease payments.
- Council has supported the MPDGC through loans, and financial support towards the maintenance and infrastructure of the grounds. Council's support has contributed to the MPDGC providing sporting activities golf and Footgolf along with community amenity for walking after established playing times, provision of infrastructure and various other assistance over the years.
- The Land (i.e. both the Crown land and the Council-owned land) is currently leased to MPDGC under a land-only lease arrangement (discussed further below).
- Council has established a five-year license to MPDGC for the use of CWMS re-use water supplied to the Land from the Mount Pleasant township CWMS, used for irrigation purposes on the Land, for no fee.

At its meeting held on 16 May 2017, Council resolved that it considered 'the most appropriate land tenure option of the land upon which the Mount Pleasant and District Golf Club reside is to gift the land owned by the Council (excluding the component of Crown Land) to the Club, subject to undertaking the necessary Community Land revocation processes including consultation with the community and approval from the Minister...'. The context and rationale behind Council's resolution can be found in the Council Meeting Agenda and Minutes of 16 May 2017, on Council's website www.barossa.sa.gov.au (Item 1.6.1 – Adjourned Business – Mount Pleasant and District Golf Club Inc).

While this matter is being resolved, Council agreed to enter into a five-year land-only lease arrangement with the MPDGC, whereby MPDGC is responsible for the maintenance and upkeep of the Land and any improvements on the Land (i.e. buildings etc. constructed by MPDGC). Council provides an annual financial contribution to the MPDGC of up to \$30,000 (excluding GST) to be applied to the maintenance of the land and provision of services at the current service level. Council funding is not permitted to be used to directly support MPDGC's operations.

With respect to the Council-owned land, subject to further Council approval as required, if the community land status is revoked, the matter will be referred to Council to begin negotiations with the MPDGC with the view to gifting the Council-owned land to MPDGC, ie. transfer the land to the MPDGC for nil consideration, in accordance with Council's May 2017 resolution. The MPDGC will continue to utilise the land for the golf club's activities, and if the gifting of land proceeds, a necessary legal mechanism will be implemented to limit the primary use of the land to its historical and current community use. The terms of this legal mechanism will be negotiated between Council and MPDGC.

The Crown Lands Office has indicated that it may be open to negotiating the transfer of the Crown land portion of the Land to the MPDGC however it would ultimately be the decision of the Minister for Environment and Water. In order to facilitate this process, it is necessary to first go through the process of revoking the community land status over the Crown land, which is part of the proposal contained in this report.

2. Reservation/Dedication/Trust

In 1989, pursuant to the *Crown Lands Act 1929*, the Crown land identified in this report was dedicated as Parklands to the District Council of Mount Pleasant (see Attachment 4 - Gazette Notice). Following its amalgamation, the Crown land is now under the care, control

and management of The Barossa Council, and has community land status over it pursuant to section 193 of the *Local Government Act 1999*.

This proposal aims to revoke the community land status over the Land only (i.e. both the Crown land, and the Council-owned land). It does not aim to withdraw the dedication as Parklands over the Crown land.

If the Crown approves the transfer of the Crown land to MPDGC, at that stage, the dedication over the Crown land would need to be withdrawn, in accordance with the *Crown Land Management Act 2009*. Negotiations between the Crown and the MPDGC have not commenced. The effect of not withdrawing the dedication as part of this proposal is that the Crown land will continue to be dedicated to Council as Parklands, under its care, control and management, in the event that the parties do not reach agreement.

3. Crown Land

Pursuant to section 194(2)(a)(v) of the *Local Government Act 1999*, with respect to the Crown land, Council is required to obtain the consent of the Minister for Environment and Water, as the Minister who administers the *Crown Land Management Act 2009*, because:

- i. the land is not owned by the Council, and
- ii. there is a dedication over the Crown land to Council.

Consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the *Local Government Act 1999* has been provided by the Department for Environment and Water on behalf of the Minister for Environment and Water. In principle approval has also been given for Council to seek the revocation of the community land status, subject to a review by the Department for Environment and Water on behalf of the Minister for Environment and Water, of the outcome of the community consultation.

4. Intended Use of Funds from Sale/Disposal of Land (if any)

Subject to the revocation of community land status over the Council-owned land and further approval by Council as required, the matter will be referred to Council to begin negotiations with the MPDGC to implement Council's resolution. No profits/funds are expected, with the possible exception of necessary government fees and charges. It is not anticipated that government financial assistance will be obtained for this purpose.

Federal government funding was used to assist with the purchase the Council-owned land, initially in April 1975, on the basis that Council would hold the title. State government funding was not used for the purchase or transfer of the Land.

5. Consideration of Council's Sale and Disposal of Land Policy

The proposal is consistent with Council's *Disposal of Land and Other Assets Policy* (the "Policy"), which establishes a framework for the sale and/or other disposal of Council-owned land. Prior to disposing of Land, the Policy requires consideration of:

- (i) The usefulness of the Land;
- (ii) The current market value of the Land;
- (iii) The annual cost of maintenance;
- (iv) Alternative future use of the Land;

- (v) Any duplication of the Land or service provided by the Land;
- (vi) Any impact the disposal of the Land may have on the community;
- (vii) The cultural or historical significance of the Land;
- (viii) The impact of the disposal on the operations of Council;
- (ix) The long term plans and strategic direction of Council;
- (x) The remaining useful life of the asset;
- (xi) A benefit and risk analysis of the proposed disposal;
- (xii) The results of any community consultation process;
- (xiii) Any restrictions on the proposed disposal;
- (xiv) The content of any community land management plan; and
- (xv) Other relevant Council policies, including the Prudential Management Policy and the Asset Accounting Policy.

The Policy also establishes disposal principles which must be considered prior to disposal of the Land.

The establishment of the golf club, and the MPDGC's arrangement with Council for the use of the land spans over 40 years. In considering (i) – (xi) and (xiii) – (xv) above, the revocation of community land status, and the subsequent gifting of the Council-owned land is unlikely to have an impact with respect to these factors, as the use of the Land is unlikely to change. Further, the Land is currently leased to the MPDGC by Council in a land-only arrangement, whereby MPDGC has ownership of any improvements on the Land (i.e. buildings etc. constructed by MPDGC) and is responsible for the maintenance and upkeep of the Land and any improvements on the Land.

When negotiating the terms of the transfer of the land to MPDGC, Council will make every effort to ensure that a legal mechanism is put in place to secure the use of the land for the community, and revert the land back to the community through Council if the land use changes or the MPDGC ceases to exist.

As regards to (xii) above, a public consultation process is required for the revocation of the community land status over the Land, and is further discussed below.

The Policy allows for the disposal of land via direct negotiation with parties with a pre-existing interest in the land. The Policy also provides for the waiver of disposal methods for land disposal where there are extenuating circumstances, allowing for the disposal of the land to be for no consideration, as opposed to sale.

With respect to the Crown land, aside from playing a facilitative role if required, Council is not expected to be a party to negotiations between the Crown and MPDGC, or to profit/receive funds from the transfer.

6. Relevance to Community Consultation

Before the community land can be dealt with in the proposed way, its formal status as "Community Land" under the *Local Government Act 1999* (the "Act") must be considered and if supported by Council, revoked.

The Act establishes a framework for the classification of land that is owned by Council or under Council's care control and management – this is known as "Community Land". The framework ensures that a consistent and strategic approach to the administration and management of local government land. Its objectives are to protect the interests of the whole community regarding the land for current and future generations.

The Act requires Council to consult with its community over proposals to revoke land from the Community Land status framework.

Accordingly, Council has approved a 3 week consultation process which will start on Wednesday, 27 March 2019 and conclude at 5.00pm, local time on Wednesday, 17 April 2019. The approved consultation process shall be:

- (1) Development and release of the public consultation report (i.e. this report);
- (2) Public notices in the Herald, Leader and Courier newspapers;
- (3) Media statement;
- (4) Placement of information on Council's website, Better Barossa consultation platform and Facebook;
- (5) Letters to affected adjoining landowners.

The consultation will seek written submissions through email, letter or Council's Better Barossa consultation platform.

After the consultation period, a report will be prepared for Council's consideration including submissions received, to determine if it will proceed with the revocation of the community land status over the Land.

7. Future use of Land

The Land is currently zoned as Watershed Protection (Mount Lofty Ranges) for use as a golf course.

The Land is currently used by the MPDGC as a golf course, Footgolf facility and provides a community amenity for walking after established playing times. It is not anticipated that the future use of the Land will change as a result of the revocation of the community land status or if the Land is subsequently gifted to the MPDGC. There is a possibility that in the future MPDGC will seek to expand the use of the Land for additional community use, as it has done so in the past, or to optimise revenue capacity.

When negotiating the transfer of the land to MPDGC, Council will endeavour to put in place a legal mechanism to secure the use of the land for the community, and revert the land back to the community in the event that the land use changes or the MPDGC ceases to exist.

The dedication over the Crown land to Council will be later withdrawn, if the Crown and the MPDGC reach agreement on the transfer of the Crown land. However, as the Crown land is also currently leased to the MPDGC by Council and is part of the golf club, there is no expected change to its use.

8. Effect on the Area and Local Community

There will be minimal effect on the area and local community, as the golf course will continue to be used for the same purpose.

As discussed in the previous section, the revocation of the community land status and subsequent gifting of the Land is not expected to change the operations of the MPDGC, or how the Land is used by the local community, with the possible exception of the MPDGC seeking to expand the community use of the Land in the future. When negotiating the transfer of the land to MPDGC, Council will endeavour to put in place a legal mechanism to secure the use of the land for the community, and revert the land back to the community through Council if the land use changes or the MPDGC ceases to exist.



17/1400

Date: 27 February 2019

Rugiyya Martin
Governance Adviser
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Crown Lands

Level 8

Waymouth Street

ADELAIDE SA 5000

GPO Box 1047

ADELAIDE SA 5001

Ph: +61 8 8204 1218

www.environment.sa.gov.au

Dear Rugiyya

RE: MOUNT PLEASANT GOLF CLUB LAND - REVOCATION OF COMMUNITY LAND STATUS

I write regarding the proposed revocation of the community land status over Allotment 17 Deposited Plan 24931 as comprised in Crown Record Volume 5905 Folio 821.

I note that Council has prepared a draft Public Consultation Report for the revocation of the above land parcel and others in Council's ownership that are leased to the Mount Pleasant & District Golf Club Incorporated. Council is likely to consider this matter at its meeting on 19 March 2019.

Thank you for the opportunity to review the draft Public Consultation Report. I enclose a copy of it with suggested tracked changes relating to the Crown land.

On behalf of the land owner, being the Minister for Environment and Water, I consent to the process being undertaken by the Council relating to the revocation of the community land status over the Crown land pursuant to the *Local Government Act 1999*. Further I provide in principle approval for Council to seek the revocation of the community land status, subject to my review on behalf of the Minister for Environment and Water, of the outcome of the community consultation.

For further information please contact Anthea Duthie, Project and Property Officer on telephone 8303 0892 or via email at anthea.duthie@sa.gov.au.

Yours sincerely



Tony Halls

SENIOR PROPERTY OFFICER

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

19 MARCH 2019

7.2.1 - DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.4

BAROSSA AND DISTRICTS HEALTH ADVISORY COUNCIL INC. – APPOINTMENT OF LOCAL GOVERNMENT REPRESENTATIVE

B879

Author: Governance Advisor

PURPOSE

Council is requested to nominate and appoint a Local Government representative to the Barossa and Districts Health Advisory Council Inc.

RECOMMENDATION

That Cr be appointed as the Local Government representative to the Barossa and Districts Health Advisory Council Inc. for the remainder of the term of the current Council or until further reviewed or changed.

REPORT

Background

The Barossa and Districts Health Advisory Council Inc. ("BDHAC") is an incorporated health advisory body established by the Minister pursuant to section 15 of the *Health Care Act 2008*. The BDHAC relays ideas and views from the community to local health services.

Introduction

The BDHAC membership includes a representative from Local Government. During the term of the previous Council, Cr Margaret Harris served as this representative, and had done so for many years.

Discussion

Cr Harris's appointment as the Local Government representative to the BDHAC lapsed at the commencement of the term of the new Council in November 2018 and she has now retired from Council. Subsequently, the BDHAC Local Government representative position is currently vacant.

The BDHAC's Presiding Member has written to the Mayor asking for an Elected Member to be appointed to as the Local Government representative to the BDHAC, at the earliest opportunity. A copy of the letter is attached to this report as **Attachment 1**.

The BDHAC meet on the third Monday of every second month.

Summary and Conclusion

Having a local government connection to ensure our local voice is provided at BDHAC is critical and directly aligned with the Community Plan. Council is asked to nominate and appoint an Elected Member as the Local Government representative of the BDHAC.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Letter from the Barossa and Districts Health Advisory Council Inc. to the Mayor requesting appointment of a Local Government representative

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Health and Wellbeing



How We Work – Good Governance

3.5 Advocate for and seek out funding opportunities that support the development of community, health and other facilities and infrastructure from both state and federal government.

4.1 Advocate, to state and federal health bodies, for sustained access to allied and primary healthcare services and facilities.

Corporate Plan

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

4.5 Advocate for health and family support services, including allied, primary and mental healthcare services and facilities.

Legislative Requirements

There are no legislative requirements.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations with respect to the appointment of an Elected Member as the Local Government representative to the BDHAC.

COMMUNITY CONSULTATION

Community consultation is not required.



Presiding Member
Elizabeth Haebich

Barossa Hills Fleurieu Rural Region
Angaston Hospital
PO Box 270
Angaston SA 5353

Tel 08 8563 8500
Fax 08 8564 3251

ABN 41942083987

www.health.sa.gov.au

20th February 2019

To

Mayor Michael (Bim) Lange

The Barossa Council

43-51 Tanunda Road

Nuriootpa SA 5355

Dear Mr Mayor/Bim

Re: Appointment of elected Local Government Member

At our first meeting of the Barossa and Districts Health Advisory Council Inc. (HAC) on Monday 18th February 2019 HAC membership was discussed.

Pursuant to our Constitution an elected member of local government is an integral part of HAC. The previous elected member was Councillor Margaret Harris who retired at the last Council election. A vacancy now exists. We ask that this matter is considered at The Barossa Council's earliest opportunity. HAC appointments are held until the 3rd Annual General Meeting after his or her appointment and we currently meet bi-monthly on the 3rd Monday of the month.

As you are aware SAHealth is transitioning to a new governance model of service delivery. Our HAC is working to engage and collaborate further with the community (and The Barossa Council) in a broad partnership approach to optimise future local health service delivery.

We very much look forward to working with you and your Councillors in the future.

Thank you for your consideration of this membership matter.

Yours sincerely

Elizabeth Haebich

ehaebich@internode.on.net

Presiding Member

Barossa and Districts Health Advisory Council Inc.

COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

19 MARCH 2019

7.2.1 DEBATE AGENDA

7.2.1.5

LOCAL GOVERNMENT ELECTRICITY TENDER FOR 2019 **B4946**

PURPOSE

To delegate responsibility for acceptance of the Local Government Electricity Tender to an Authorised Officer.

RECOMMENDATION

That the Chief Executive Officer or his delegate, be Council's delegated authority to:

- (1) Accept a tender from and enter into a contract with, the successful tenderer recommended by Local Government Association Procurement for the supply of -
 - Below 160mWh Black and Green energy;
 - Above 160mWh Black and Green energy; and
 - 12 & 24 Hour (Street & Traffic Lights) Black and Green energy;
- (2) Advise Local Government Association Procurement of that acceptance within the specified time;
- (3) Make, vary and/or discharge the contract; and
- (4) Sign all relevant documentation in this matter.

REPORT

Background

In 2018, a decision was taken for Local Government Association Procurement (LGAP), working with representatives from Councils and an industry expert consultant, to approach the market independently of the State Government for the supply of various electricity services. Since then, Council has participated in various electricity contracts negotiated by LGAP and the outcome has resulted in negotiated savings for Council. It is recommended this continue through this procurement process. The engagement in the initial tender is not binding.

Discussion

Council is part of an "Across Government" contract for the supply of electricity and/or Green Power Product (GPP) including:

- Below 160mWh Black and Green energy;
- Above 160mWh Black and Green energy; and
- 12 & 24 Hour (Street & Traffic Lights) Black and Green energy.

The current contract expires on 31 December 2019 and LGAP will be tendering for a new electricity contract.

Discussion

The current Procurement Process delegates approval for purchases above \$1M to Council. However, tender offer processes in the electricity market require decision making within a 24-48 hour window for Councils including review the LGA Procurement Recommendation Report and advise LGA Procurement whether they wish to participate in the Contract. Whilst it is estimated the contract will be within delegation limits for the Chief Executive Officer, depending on the offer period of 1 through to 5 years there is a risk this delegation will be insufficient, it is therefore recommended that Council delegate the responsibility for acceptance of the Local Government Electricity Tender to an Authorised Officer to ensure the tender recommendation can be promptly actioned.

The evaluation process will be the same as LGAP has used in the past. Following tender receipt, a recommendation will be provided to participating councils. Council's "Authorised Officer" must have the delegation necessary to approve the LGAP recommendation for a timely response on Council's behalf.

Summary and Conclusion

Officers recommend delegation of responsibility for acceptance of a tender for the above electricity supply, to the Chief Executive Officer, due to the expected very short time frame for tender and contract responses.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

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

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The 2019-20 budget provides for current estimated electricity costs including a long term growth trend of 2.5% per annum to cover consumption and price increases.

Resource

No resource considerations evident.

Risk Management

If Officers are not able to comply with the tender response deadlines, the opportunity to be included in the contracts will be at risk. This could result in increased costs and Council having to undertake negotiations with suppliers in isolation in a very complex service area.

Officers continue to look at other opportunities to reduce costs of electricity and further information will be forthcoming over the next 6-12 months.

COMMUNITY CONSULTATION

Not required under Council's Procurement Policy or Public Consultation Policy.

COUNCIL
EXECUTIVE SERVICES
FINANCE
19 MARCH 2019

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 28 FEBRUARY 2019)

B411

Author: Senior Accountant

PURPOSE

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

RECOMMENDATION

That the Monthly Finance Report as at 28 February 2019 be received and noted.

REPORT

Discussion

The Monthly Finance Report (as at 28 February 2019) is attached. The report has been prepared comparing actuals to the Original adopted budget 2018/19 and incorporating the adopted Revised Budgets for September and December.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Monthly Finance Report 28 February 2019

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.

MONTHLY FINANCE REPORT

AS AT 28 FEBRUARY 2019

FOR YEAR ENDING 30 JUNE 2019

Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) \$'000	Revised Budget (Q2) (Full-Year) \$'000	Actual Result (Year-to-Date) \$'000
Uniform Presentation of Finances				
OPERATING ACTIVITIES:				
	<i>Operating</i>			
Operating Income		37,188	37,760	35,257
Less Operating Expenses	60.63%	(37,106)	(37,582)	(22,498)
Operating Surplus / (Deficit)		82	178	12,759
CAPITAL ACTIVITIES:				
Net Outlays on Existing Assets				
	<i>Capital</i>			
Capital Expenditure on Renewal and Replacement of Existing Assets	40.87%	(4,472)	(4,958)	(1,828)
Add back Depreciation, Amortisation & Impairment		7,362	7,362	4,907
Add back Proceeds from Sale of Replaced Assets		346	383	102
Subtotal		3,236	2,787	3,181
Net Outlays on New and Upgraded Assets				
Capital Expenditure on New and Upgraded Assets	39.28%	(14,977)	(15,639)	(5,883)
Add back Amounts Received Specifically for New and Upgraded Assets		3,345	536	2,299
Add back Proceeds from Sale of Surplus Assets		389	494	152
Subtotal		(11,243)	(14,609)	(3,432)
Net Lending/(Borrowing) for the Financial Year				
		(7,925)	(11,644)	12,508
Total % Capital Budget Spent		39.65%		

Reconciliation for the movement in Net Lending / (Borrowing)	
Original 2018/19 Full Year Budget Net Lending / (Borrowing)	(7,925)
Carried Forward Budget Adjustments: Report on Financial Results. Funds were held for these projects in cash and investments at 30 June 2018.	(3,079)
September 2018 Budget Review: Funds required for these items will decrease Council's cash and investments. This amount includes amendments approved at the Council meetings held in July and November 2018.	(1,449)
December 2018 Budget Review: Funds required for these items will increase Council's cash and investments.	809
Full Year Revised Budget - Net Lending / (Borrowing)	(11,644)

NOTES

1) The third quarter Grants Commission payment \$152k was received in February

2) 2018/19 Capital Expenditure spent to end of February includes:

Angaston Hall Chairs \$6k
 Bridges \$2k
 Budgeting Software \$3k
 Curdnatta Recreation Park - Oval Irrigation Tank \$16k
 CWMS \$70k
 Depot Plant Shed \$39k, Truck \$99k, Sprayers \$17k, Roller \$27k
 Drainage \$538k
 Footpaths \$1,473k
 Mt Pleasant Main Street \$167k
 Nuriootpa Land Purchase \$714k
 Nuriootpa Office Airconditioning \$16k
 Nuriootpa Soldiers Memorial Hall Car Park Sealing \$94k
 Playground Equipment \$14k
 Road Resheeting \$682k
 Sealed Roads \$2,417k
 Talunga Recreation Park Internal Road \$17k
 The Big Project - Angaston Railway Precinct \$114k
 The Big Project - Barossa Culture Hub \$92k
 The Big Project - Barossa Rugby Park \$3k
 The Big Project - Buildings Implementation \$301k
 The Big Project - Lyndoch Recreation Park \$2k
 The Big Project - Talunga Recreation Park \$10k
 The Big Project - Tanunda Recreation Park \$6k
 The Big Project - Williamstown QVJP \$3k
 Williamstown Hall Airconditioning \$22k
 Williamstown QVJP Bridge Entrance \$129k, Retaining Wall \$61k
 Williamstown Skate Park \$13k

COUNCIL

CORPORATE AND COMMUNITY SERVICES

DIRECTOR REPORT

19 MARCH 2019

7.3.1 DEBATE AGENDA

7.3.1.1

**LAND ONLY LEASE – APPROVAL IN PRINCIPLE – TANUNDA KINDERGARTEN
B6397**

PURPOSE

To seek in principle approval to negotiate a draft land only lease agreement with the Department for Education in respect of longstanding use of Council land adjacent to the Tanunda Kindergarten site.

RECOMMENDATION

That Council:

(1) Notes that the Tanunda Kindergarten located in MacDonnell Street, Tanunda has a longstanding use of a portion of Council owned land CT: Volume 5843 Folio 102 and marked B on Attachment 1 ref: 19/14572, but that a formal land use agreement has never been entered into between Council and the Department for Education.

(2) Provides approval for Officers to negotiate a draft land only lease agreement with the Department for Education in respect of land marked B already in use by the Tanunda Kindergarten for an initial lease term of 10 years with a further 10 year right of renewal, with a condition that the land reverts to Council if the Kindergarten is sold or ceases to operate during that period.

(3) Authorises Officers to consult with the community in respect of the draft agreement in accordance with the requirements of the Local Government Act 1999 and Council's Public Consultation Policy.

(4) Authorises the Director Corporate and Community Services to sign the agreement unless there is community objection to the proposed agreement that requires further review by Council.

REPORT

Background

The Tanunda Kindergarten has occupied its current site at MacDonnell Street, Tanunda since the early 1960s. There were historic lease arrangements with the District Council of Tanunda (DC Tanunda) for use of the current site marked A on Attachment 1 until it was transferred to the Kindergarten in the early 1980's.

A separate piece of land abutting the Kindergarten site and forming part of the land to the rear of the Tanunda Soldiers Memorial Hall and Barossa Regional Gallery and marked B on Attachment 1 has also been used by the Kindergarten and in the late 1980's DC Tanunda approved this land being fenced by the school for use as a playground.

Requests to sell the land marked B to the Kindergarten were refused and any lease arrangements for its continued use have lapsed, with the last recorded correspondence dating back to July 1995 when DC Tanunda resolved to enter into a further lease arrangement.

The request for a formal lease arrangement in respect of this portion of land (section B) has been raised again with Officers during recent discussions and consultation with the Kindergarten to get input on the proposed Barossa Regional Culture Hub.

Introduction

A chronology of arrangements between Council and the Kindergarten dating back to 1961 is provided for information as Attachment 2.

The land is Community Land as per the Local Government Act 1999. The use of the land is as per the Land Management Plan 2 – Undeveloped Reserves and Gardens (or those with minor improvements).

Discussion

The land in question has been in the long term use of the Kindergarten and there is a well established playground that forms an integral part of the grounds of the school. Whilst Council has previously advised the Kindergarten that it would not sell the land and would not guarantee continued use, it does not impact the current use of the Regional Gallery site or impede the proposed development of a future Culture Hub.

If Council is supportive of the land continuing to be used for its current purpose by the Kindergarten, Officers will negotiate a formal land only lease agreement with the Department for Education on behalf of the Kindergarten. It is proposed that an initial lease term of 10 years with a further 10 year right of renewal be agreed with a clause that if the Kindergarten is sold or ceases to operate during that period the use of the land reverts to Council with the modifications (playground) removed unless otherwise agreed. No fee is currently paid by the Kindergarten and they are responsible for the full cost of maintaining the playground.

A lease of this duration will require public consultation in accordance with the Local Government Act 1999 and as a specified circumstance under section 4.5 of Council's Public Consultation Policy.

Summary and Conclusion

Officers have received a request to formalise the longstanding use of Council land as a playground by Tanunda Kindergarten. It is recommended that a land only lease agreement be negotiated with the Department for Education for a 10 year term plus a 10 year right of renewal for a peppercorn annual lease fee, with the use of the land reverting to Council in the event that the Kindergarten land is sold or ceases to operate.

Given that this will formalise the current and longstanding custom and practice for the use of the land and is unlikely to be the subject of concern within the community, it is proposed that unless there is significant negative community feedback during the consultation process, Officers are given authority to enter into the agreement without the need for a further report to Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Site Plan – Tanunda Kindergarten and proposed area of land to be leased
Attachment 2	Chronology of arrangements – 19/13467

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

2.3 support and promote community involvement and networks and provide opportunities for participation in local decision making.

2.9 collaborate, initiate, develop and/or support activities and facilities for youth in our community.

3.5 advocate for efficient use of community resource through shared infrastructure and innovative solutions.

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

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Peppercorn lease fee proposed. All associated maintenance costs associated with the facility to be the responsibility of the Department for Education as per current practice.

Resource

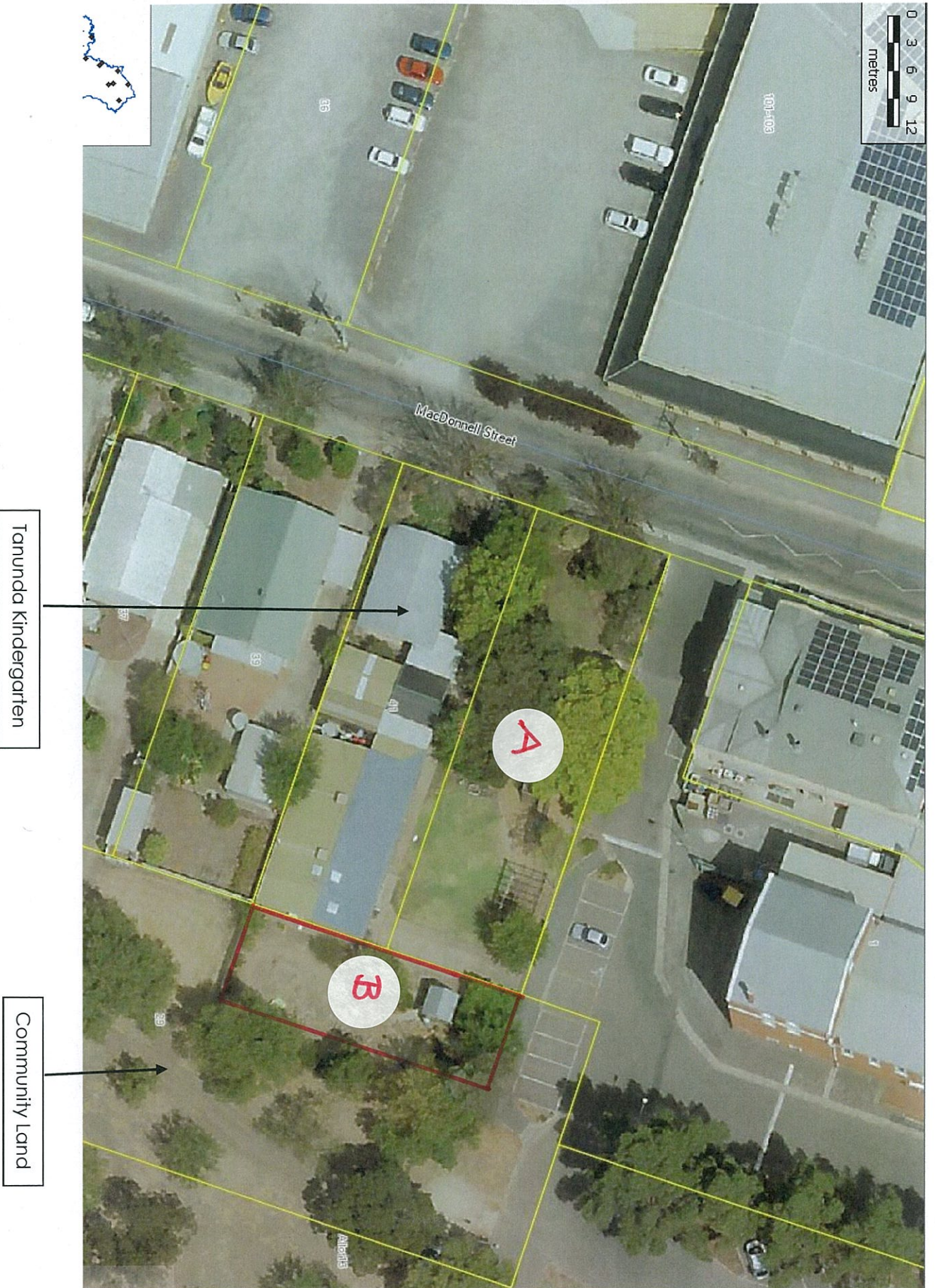
None.

Risk Management

Appropriate, current land management arrangements help to mitigate Council's risk. Council is potentially exposed without the current arrangement being formalised.

COMMUNITY CONSULTATION

As required under the Local Government Act and Council's Public Consultation Policy (the Policy), the draft agreement will be subject to public notification to enable comment in accordance with section 4.4 of the Policy.



TANUNDA KINDERGARTEN

(Information in Archive File G/1253)

1/4/1961	Lease 1/4/1961 between DC Tanunda and the Kindergarten Union of SA for period of 25 years (to 31/3/1986) with provision for renewal for further 25 years
1/4/1972	Lease 1/4/1972 (substitution for above lease) (part of land in CT 1150/122) – same provision for renewal for further 25 years (to 31/3/2011 ?)
1/11/1982	Land exchange between DC Tanunda (Lot 202 FP 15221 CT 1150/122) and Tanunda Kindergarten Assoc (CT 4029/492) - Deed of Exchange 1/11/1982
1984	CT 4219/440 shows Tanunda Kindergarten Assoc as owner of Lot 202 (FP 15221)
July 1987	Letter DC Tanunda to Tanunda Kindergarten Assoc – <i>"The Council at its meeting held 6th July 1987, approved of your Committee developing a playground in an area 15m x 30m abutting the eastern boundary of the Kindergarten. There is no objection to this area being fenced, provided the Council does not have to contribute towards the cost. There is no charge for your use of this land, and the situation will be reviewed in 2 years."</i>
June 1989	Letter from Tanunda Kindergarten to DC Tanunda requesting a written assurance from Council that Tanunda Kindergarten can continue to use the "council land" G/1253
July 1989	Letter responding to above: "the Council is prepared to grant an extension of a further 2 years for your use of the land. The situation will be reviewed again in 1991.."
May 1994	Letter – DC Tanunda to Tanunda Kindergarten – "...Present arrangements are for the lease agreement which is subject to renewal at 2 yearly intervals. The present lease has expired and so I will begin preparation of a new one that will hopefully include a right of renewal clause."
Sept 1994	Letter – Tanunda Kindergarten to DC Tanunda – "...request that Council sells to the Kindergarten the adjoining piece of land presently used as an activities area as well as a further portion of land adjoining that area as per the plan attached."
Oct 1994	Letter – DC Tanunda to Tanunda Kindergarten – "Council is not prepared to sell any land that presently abuts the eastern boundary of the Kindergarten. However, Council is prepared to allow the Kindergarten continued use of the area presently disposed of as a playground upon the present scheme of arrangement remaining in place, ie subject to annual review by Council."
May 1995	Letter – Tanunda Kindergarten to DC Tanunda – "...we are looking to secure the land we currently lease on a more permanent basis."
July 1995	Letter – DC Tanunda to Tanunda Kindergarten – "Council resolved to enter into a lease agreement which will allow the Kindergarten continued use of the said portion of land for the period of time the Tanunda Kindergarten Committee Inc retains ownership of its MacDonnell Street property and it continues to operate as a Kindergarten at that site."

COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORT

19 MARCH 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.1

CYCLING AUSTRALIA – MASTERS ROAD NATIONAL CHAMPIONSHIPS AND AUSTRALIAN MASTERS GAMES – REQUEST TO HOST EVENTS

B9265 19/12612

PURPOSE

To consider the request to host two cycling events during October 2019 within the township of Williamstown.

RECOMMENDATION 1

That Council:

(1) does not provide support for the proposed Cycling Australia Masters Road National Championships cycle events within the Williamstown township on 3-6 October 2019; however continues to work with event organisers for the potential of hosting a race in 2020.

(2) supports in principle the proposed Australian Masters Games - Cycling event within the Williamstown township on 9-11 October 2019.

(3) Require officers to bring a report to Council if there are any road closure requests required.

OR

RECOMMENDATION 2

(1) does not provide support for the proposed Cycling Australia Masters Road National Championships cycle events within the Williamstown township on 3-6 October 2019; however continues to work with event organisers for the potential of hosting a race in 2020.

(2) does not provide support for the Australian Masters Games – Cycling event in Williamstown on 9-11 October 2019.

REPORT

Background

Since 2010, our region has hosted many cycling events. The Tour Down Under is of course the most largely recognised; however other smaller events have also taken place on our streets. Such events include charity rides, triathlons and cycling club rides. There was a period from about 2010 – 2015 where cycling club rides were held in and around the streets of Williamstown. The event organiser of these rides is now involved with Cycling Australia and the Australian Masters Games.

Discussion

Council has received requests for two cycling events proposed for Williamstown in October this year (Refer [Attachment 1](#)). The following table provides key information on each of the events.

CYCLING AUSTRALIA – MASTERS ROAD NATIONAL CHAMPIONSHIPS	AUSTRALIAN MASTERS GAMES - CYCLING
October 3 – 6 2019 (Thursday to Sunday)	October 9-11 (Wednesday – Friday)
Event participation not open to general public	
Possibility for rotated regional event to come back to Barossa. Previous events: East Gippsland, Gold Coast and Ballarat	
500 Riders, 85% eastern states	200 riders
Event consists of 3 or 4 days: Criterium (to be held on the Sunday) utilising Williamstown residential streets Time trial – 12km Yettie Road, Williamstown Road race	Event consists of 3 or 4 days: Road Race – Needles Road, Yettie Road, Williamstown Road Time Trial – Needles Road, Yettie Road, Williamstown Road Criterium (to be held on the Friday) utilising Williamstown residential streets
Rolling Road Closures – residents escorted as required via MOTO escort.	Rolling Road Closures - residents allowed access in and out via event organisers.
All traffic management implemented by event organisers. Stop / Go and speed restrictions.	
Financial Sponsorship Requested: \$40,000 for 4 days, \$30,000 for 3 day event. Plus in-kind for community notification process.	Financial Sponsorship Requested: None In-kind for community notification process.

The Cycling Australia – Masters Road National Championships especially has the potential to boost the local economy, with 500 participants, an average staying 5 nights and spending \$198 per day, indicating a potential \$495,000 economic injection. Previous participant surveys conducted by race organisers also indicate that riders are interested in returning to the region for other travel in the future.

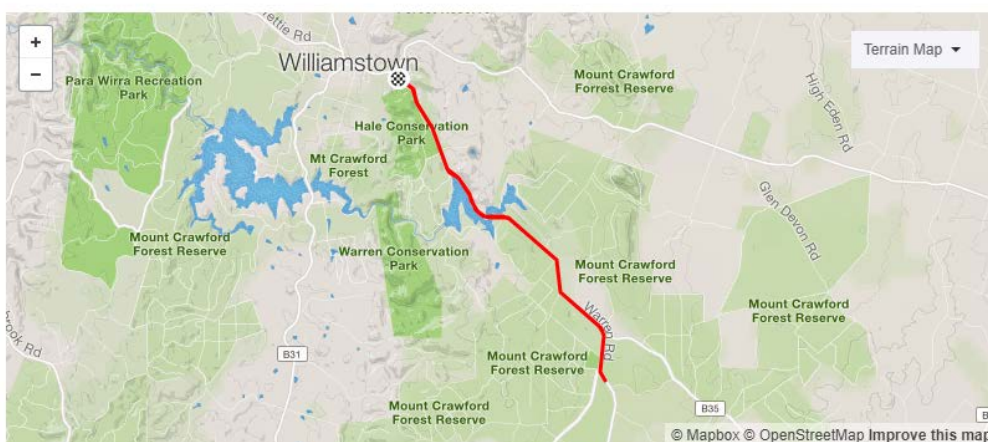
However, the hosting fee of \$40,000 is significant and not part of the 2019/20 budget recommendations at this stage. Securing corporate sponsorship for events has not been an approach Council has adopted in recent years. Officers recommend that should Council be interested in hosting this event and using this methodology, organisers are notified that to provide time to secure corporate sponsorship to offset the fee, involvement is postponed until 2020.

The Australian Masters Games – Cycling event, does not include a hosting fee. However, the impact on the residential area in Williamstown being proposed is potentially significant and without consultation, it is unclear how open the community would be to this proposal. Due to the short timeframe, officers have organised an informal consultation process via mybetterbarossa.com.au and have promoted via facebook. Officers will also liaise with the Williamstown Action Group. Indicative results from written submissions at the time of releasing this agenda report is that 21 respondents were supportive of the events, and 10 respondents were not supportive. The final results of feedback received will be provided at the Council meeting.

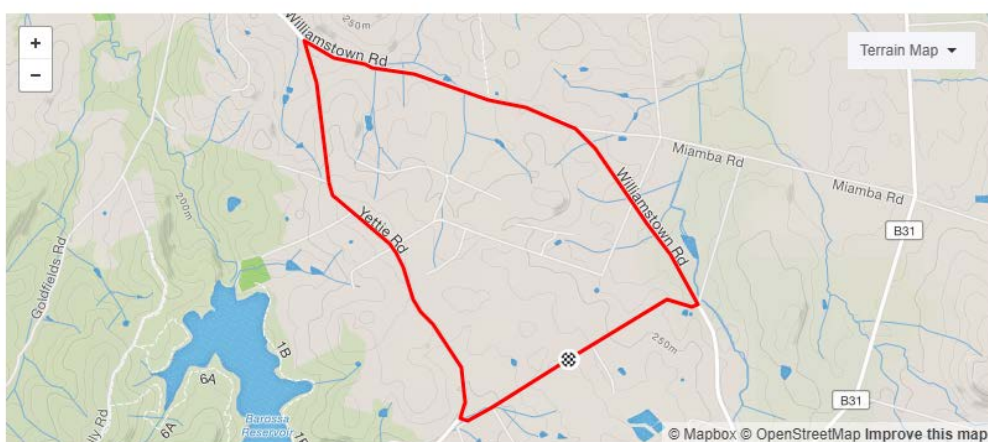
Whilst for both events the time trial and road race classifications propose to use mainly Yettie Road, Williamstown Road and Needles Road, the criterium events use William Dyer Drive, Eva Street and Bruce Rundle Drive, each residential side streets. Event organisers have been open to working with officers to determine the best and most appropriate routes to minimize any negative impacts on residents. It is noted to achieve this will require some in-kind assistance via Manager Community Projects.

PROPOSED ROUTE MAPS

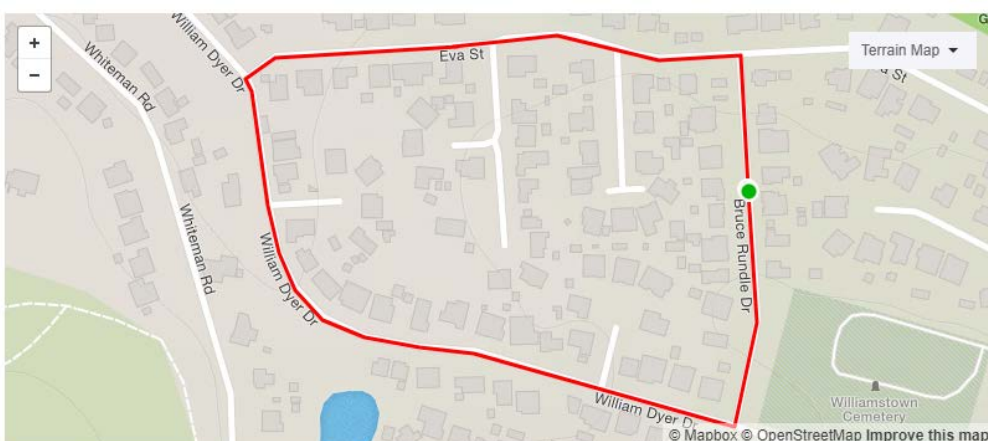
AMG Williamstown Time Trial



AMG Williamstown Road Race Circuit



AGM Williamstown Criterium Course



The two events will see benefit to local Williamstown and surrounding businesses; however traffic interruption will be present for 7 days over a 10 day period. Due to this and the hosting fee, officers recommend that only the Australian Masters Games – Cycling Event be supported this year and that officers work with event organisers for the Cycling Australia Road Nationals event in 2020.

Should Council support the events, a formal road closure report may be tabled, if required, for Council's consideration once the routes are developed and confirmed.

Summary and Conclusion

Cycling Australia and Australian Master Games have requested to hold two cycling events in Williamstown in October 2019. The Cycling Australia event calls for a hosting fee of \$40,000. The Australian Master Games has no fee associated.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Request for sponsorship – Cycling Australia (19/9767)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

2.6 Support a vibrant and growing arts, cultural, heritage and events sector.



How We Work – Good Governance

Corporate Plan

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

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

There is no budget identified for the hosting fee of \$40,000 for the full 4 day event. The event organiser can offer a 3 day event for \$30,000. Corporate sponsorship should will be pursued to offset the hosting fee; however there is limited time to achieve this prior to making a decision on the 2019 event.

Resource Considerations

Exploring opportunities for corporate sponsorship will be an additional task for officers and a task that is not generally actioned.

Risk Management Considerations

Event Management will be the responsibility of the Event Organisers and demonstrated through Council's Event Application Process.

COMMUNITY CONSULTATION

Formal community consultation under Council's Public Consultation Policy is not required; however officers have offered the Williamstown community, businesses and residents, an opportunity to provide feedback on the proposal via promotion on facebook, inviting comments at ourbetterbarossa.com.au. Due to the short time period to provide this opportunity, data from this feedback will be collated and presented to the Council at the meeting. Indicative results from written submissions at the time of releasing this agenda report is that 21 respondents were supportive of the events, and 10 respondents were not supportive.

PARTNERSHIP PROPOSAL

2019 MASTERS ROAD NATIONAL CHAMPIONSHIPS

CYCLING AUSTRALIA

Organizational overview

Cycling Australia is recognized by the International Cycling Union (UCI) and the Australian Federal Government (Australian Sports Commission)

Cycling Australia is a Not For Profit organisation which is responsible for the cycling disciplines of:

- Track, Road, BMX, Mountain Bike at an elite international high performance level; and
- Track and Road domestically for recreational and race cyclists

OUR VISION

TO BE THE WORLD'S LEADING CYCLING NATION THROUGH:

- Performance
- Participation
- Advocacy

MISSION

TO INSPIRE AUSTRALIAN'S TO RIDE WITH US:

- Race
- Ride
- Watch

THE MASTERS NATIONAL CHAMPIONSHIPS

Attachment 1

- The Masters Road Nationals is Australia's most prestigious masters cycling . Winners have the honour of becoming a national champion in their individual age group.
- Held annually in October – previous hosts have included East Gippsland, Gold Coast and Ballarat
- Currently four (4) days of outstanding racing including:
- The program includes:
 - Criteriums
 - Time Trials
 - Road Races
- Average annual participation is over 500 riders
- Courses: Courses would be determined in conjunction with council to minimize the impact on the local community.

We are seeking to bring this exciting event to the Barossa Region from October 3-6 2019.



DIRECT ECONOMIC IMPACT

Attachment 1

As an annual event CA has been able to collect strong data on the direct economic impact of the Championships

- The Masters Road Nationals attracts a group of athletes who are primarily interested in cycle-tourism
- Average annual participation is over 500 riders
- The average length of stay is 5 days and a daily average spend of \$198
- On average over 60% of participants come for interstate (this is expected to be higher for an event in South Australia)
- 94% of individuals surveyed for the 2018 Championships indicated that they would return the region of other travel

INDIRECT IMPACT - MARKETING

CA will cover both the event and tourism opportunities in the region using our social media assets. CA will provide pre and during event coverage of the Championships driving interest in the region.



44K followers



37K followers



38K followers



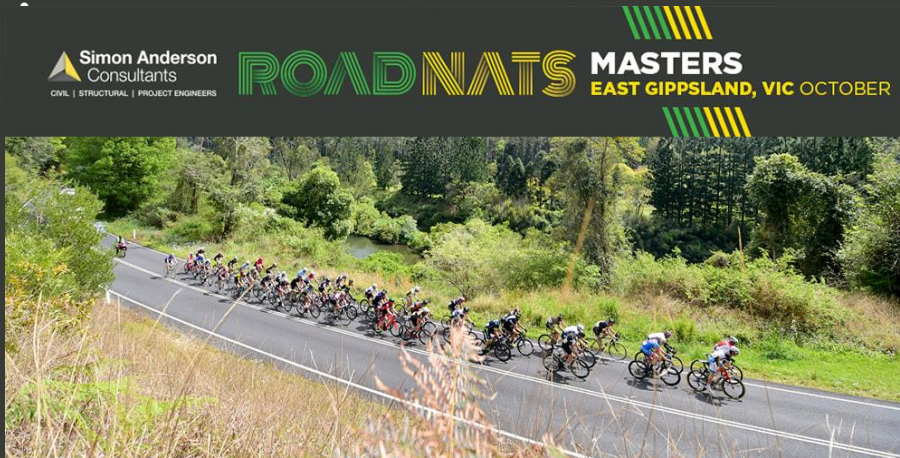
Event Specific Site ([masters.roadnationals.org.au](http://www.masters.roadnationals.org.au)):
1.5m annual page views
330,000 unique views



OTHER BENEFITS

Attachment 1

- A number of branding and marketing opportunities are available as the host community for the Championships including:
 - Daily National Media Coverage
 - 2018 examples:
 - NT: <https://www.ntnews.com.au/news/territory-cycling-the-favour-of-the-week-after-superb-rides-from-dcc-members-at-the-national-masters/news-story/a227cff34f95921c7f92353de2a315ed>
 - QLD: <https://www.northerndailyleader.com.au/story/5710423/cranky-alan-spokes-gets-adrenaline-rush-second-at-national-championships/>
 - Event Branding in all communications (see examples below from 2018)
 - Host community research opportunities with participants





INVESTMENT

CYCLING AUSTRALIA IS SEEKING THE FOLLOWING INVESTMENT AS PART OF THE PARTNERSHIP

- **Cash**
 - Option 1: \$40,000 Hosting Fee (for all 4 days)
 - Option 2: \$30,000 Hosting Fee (for 3 days – time trial and 2 road race days)
- **Value In Kind**
 - Support community notification process

KEY CONTACT:
Kipp Kaufmann
General Manager – Sport
Cycling Australia
0430303577

kipp.kaufmann@cycling.org.au



COUNCIL MEETING

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORT

19 MARCH 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.2

**STOCKWELL RECREATION PARK – DRAFT MASTER PLAN – FEEDBACK FROM COMMUNITY
CONSULTATION – 30 JANUARY 2019 TO 1 MARCH 2019**

B6671 19/13023

PURPOSE

To summarise feedback received from the community following Council's resolution on 18 September 2018 regarding the draft Stockwell Recreation Park Master Plan (refer *Attachment 1*) and provide recommendations for action.

RECOMMENDATION

That Council:

- (1) Receives and notes the report containing the outcome of community consultation on the Draft Master Plan for Stockwell Recreation Park dated 16 August 2018 Trim Ref: 18/57097.
- (2) Endorses the Draft Master Plan for Stockwell Recreation Park subject to the change of location of the BMX track away from Mickan Road, and noting that it may be subject to future amendment and budget consideration as required.
- (3) Requires Officers to work with the Working Group and Architects to prioritise, phase and cost the Master Plan to provide data for The Big Project Feasibility Report and provide a future report to Council.
- (4) Requires Officers to provide an update on the outcome of the consultation to the Stockwell Community Association and the people that provided written, formal feedback and where contact information has been provided.

REPORT

Background

At the Council meeting of 18 September 2018, Council resolved:

MOVED Cr de Vries that Council

- (1) Receives, notes and endorses the draft Stockwell Recreation Park Master Plan for community consultation in the next Council term; noting that the plan may be subject to future amendment and budget consideration as required.*
- (2) Endorses the Community Consultation Plan – Stockwell Recreation Park Master Plan to obtain feedback for a minimum 21 day period once the next Council is sworn in during November 2018, with a further report to Council in January 2019.*

(3) Thanks the Stockwell Community Association Volunteer Group for its work on the ongoing development of the draft Plan.

Seconded Cr Lange

CARRIED

The Stockwell Community Association Volunteer Advisory Group were involved in the development of the initial concepts of the Master Plan.

The community consultation process was deferred until after the Caretaker and Christmas holiday period to enable as many people as possible to have an opportunity to contribute feedback; it was run from 30 January 2019 to 1 March 2019 inclusive. The Consultation Plan was presented to Council as part of the Agenda Report on 18 September 2018 and approved at that time. The Consultation Plan is included again for information as Attachment 2. Specific matters relevant to the consultation process are included in the Community Consultation section at the end of this report.

Discussion

The Consultation Plan was implemented in full, with a community drop-in session at the Stockwell Hall that attracted 17 people / groups and attendance at the Angaston Agricultural Show that only attracted 2 people, with informal discussion on the Master Plan resulting in no additional submissions. Two other informal submissions were received.

All written submissions received as at the end of the consultation period have been included in full within Attachment 3 with the exception of personal addresses which have been removed.

Where a written response, point of clarification or response to a specific question has been provided by Officers direct to the individual within the consultation period, this is also included in full in the comment section alongside the related submission.

Where a response was not provided direct to the person during or subsequent to the consultation process (this may have been due to timing, resources or the submission is a statement of opinion only not raising a particular question), this is noted and an Officer comment made to that effect.

A total of 18 formal submissions were received.

Summary of main themes and feedback numbers:

Theme	# comments
Location of BMX Track – Rec Park	5
Location of BMX Track – Queen Street playground or other location in Stockwell	5
Learn to ride track	1
Oval Number 2	1
Oval Number 2 – Question need	1
Trees/Green & Landscaped Space	1
Playground / Nature Playground	2
Horse Stabling and Infrastructure – not supportive	4
Tennis / Basketball Courts	6
Dog Park	2
Outdoor Fitness Equipment	1

BBQ / Water Facilities	2
Car parking	2
Toilets	1
Bushgardens	1
Spectator Facilities	1

NB this does not equate to number of submissions as some contributors have raised multiple themes.

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

<p>1. Location of BMX track</p> <ul style="list-style-type: none"> Significant and repeated written and verbal feedback regarding location of the BMX track has been received. There is equal opinion on if a track should be located at the Recreation Park or at the nearby Queen Street playground. 	<p>Officer comments:</p> <ul style="list-style-type: none"> There is some concern that the track will impact on the amenity for neighbouring properties on Mickan Road. It may also encourage parking along Mickan Road which is a concern to some residents. However there is also feedback that co-locating additional activity areas such as a BMX track is great for families that are attending the Recreation Park for organised sport. There is also merit in co-locating the BMX track where there are existing toilets. Buffer treatments such as plantings could also be installed along Mickan Road to soften any visual or sound impacts.
<p>2. Second Oval</p> <ul style="list-style-type: none"> Whilst the second oval hasn't appeared often in written submissions, there has been significant verbal discussion during the community drop-in session and through the Stockwell Recreation Park Advisory Group. The reinstatement of the second oval remains strongly supported by the Advisory Group and the Light Pass Cricket Club. 	<p>Officer comments:</p> <ul style="list-style-type: none"> The current Council resolution reads: <p>MOVED Cr Milne that</p> <p>.....</p> <p>3. By agreeing to develop the artificial turf pitch at the Stockwell Recreation Park Oval Number 2 site, Council also agrees to the reinstatement of Oval Number 2 in a timeframe to be negotiated with users of the oval, but shall not be undertaken until the 2014/15 financial year at the earliest.</p> <p>.....</p> <p>SECONDED Cr de Vries CARRIED</p>
<p>3. Horse Stabling and Associated Infrastructure</p> <ul style="list-style-type: none"> Clear and consensus opinion that horse stabling and associated infrastructure not recommended for installation at the Stockwell Recreation 	<p>Officer comments:</p> <ul style="list-style-type: none"> An initial request through RDA from Horse SA was received to investigate options for horse stabling and associated infrastructure in Stockwell to enhance the usage of the Kidman

Park.	Trail. The development of the Master Plan occurred at the same time and therefore the option was put to the community to consider as part of this process.
4. Tennis / Basketball Court/s <ul style="list-style-type: none"> Verbal and written feedback received regarding the addition of a court or courts within the Master Plan, potentially at the southern end of the Park, adjacent Duck Ponds Road. Conversations linked to a missed opportunity of courts that were muted back in the 1980's. 	Officer comments: <ul style="list-style-type: none"> There are 49 courts in The Barossa Council region. 17 courts are within 10 km of Stockwell: <ul style="list-style-type: none"> Moculta – 3 courts Nuriootpa – 8 courts Angaston – 6 courts A tennis / netball court audit report has recently been received. The report provides a ratio of provision of courts to population for the Nuriootpa / Stockwell District of 1:856. The industry benchmark is 1:3500. Officers will bring a further report to Council on this item.

In addition, two informal submissions were provided prior to the consultation period.

Total formal: 18
Total informal: 2
Overall Total: 20

Conclusion

At this stage, the Master Plan is intentionally conceptual and a basis to get general input to assess what features and approaches are acceptable or not to the broader community before detailed design and feasibility is undertaken.

The Stockwell Community Association Volunteer Advisory Group demonstrated significant commitment, passion and attachment to the facility and many of them devote significant volunteer hours to the Park. Their focus is primarily around the sporting and other recreational interests that they represent but they also value and understand the significance of the broader recreational and public realm role that this much loved Park represents. Council's obligation is to ensure that there is a balanced approach taken to reflect those different functions, listen to the feedback received from all perspectives and decide what account it should take of that input in making its decisions on behalf of the community.

The feedback received is generally supportive of the overall Plan:

- with the exception of the horse stabling and infrastructure
- that the BMX track is either installed away from Mickan Road or in the Peppertree Grove Reserve of Queen Street playground
- that the addition of tennis / basketball courts are considered, but the ongoing capacity of Council to maintain additional infrastructure on top of the 49 existing courts is a concern.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Stockwell Recreation Park Master Plan 16 August 2018 Trim
Ref: 18/57097

Attachment 2	Approved Community Consultation Plan (endorsed 18 September 2018) Trim Ref: 18/57134
Attachment 3	Summary of formal community feedback – Stockwell Recreation Park Master Plan (Trim Ref: 19/7329)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislation

Local Government Act 1999

Community Plan – Themes



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan



How We Work – Good Governance

- 3.3 Ensure Councils sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The concept Master Plan is the first stage in developing a prioritised, phased and costed feasibility plan for the Stockwell Recreation Park as part of The Big Project.

Resource

The project has dedicated project management resource with input from other officers as required. No current resource comments.

Risk Management

Council undertakes community consultation in accordance with legislative and Public Consultation Policy requirements and within available resources with the objective of obtaining the views of the broader community to support and inform decision making processes. This assists with the management of risks associated with the development of community assets that serve a wide range of different interest groups in the community.

A strategic, corporate risk assessment for The Big Project is relevant to the conceptual planning for each component of that project (Trim Ref: 16/77724). If the Stockwell Recreation Park progresses to detailed feasibility planning, specific risk management assessments will be included in the Project Scope to underpin the development process.

An ongoing approach that builds confidence and trust that the views of the broader community, residents adjacent the Park and general public realm preservation outcomes are taken account of will sustain support for the initiative.

Others in the community want to see progress and delivery of the concept.

COMMUNITY CONSULTATION

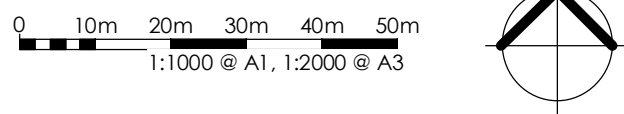
Officers implemented in full the approved Community Consultation Plan (endorsed 18 September 2018) Trim Ref: 18/57134 ([Attachment 2](#)).

LEGEND

- 1. Vehicle Entrance/exit from Duck Ponds Road - increase width for dual access
- 2. Second oval - ability to hold seasonal sports (winter soccer, summer cricket)
- 3. New change room facilities with associated amenities
- 4. Carparking with sufficient lighting
- 5. Existing clubroom improvements - female changeroom
- 6. Spectator viewing and open space throughout park
- 7. Outdoor fitness stations
- 8. BMX track - Various options for locations to be confirmed



STOCKWELL RECREATION PARK MASTERPLAN



DUCK PONDS ROAD, STOCKWELL, SA
1760- A000- C
16.08.18



VISION:

SPORT AND RECREATION

Our region's northern home to cricket and our regional level artificial turf hockey pitch. A place for recreational activities for families, youth and visitors.

COMMUNITY

Community spaces for organised and informal gatherings.

PRINCIPLES:

CELEBRATE AND ENHANCE

Enhance the existing spaces and facilities to celebrate community and come together for sport and recreation.

OBJECTIVES:

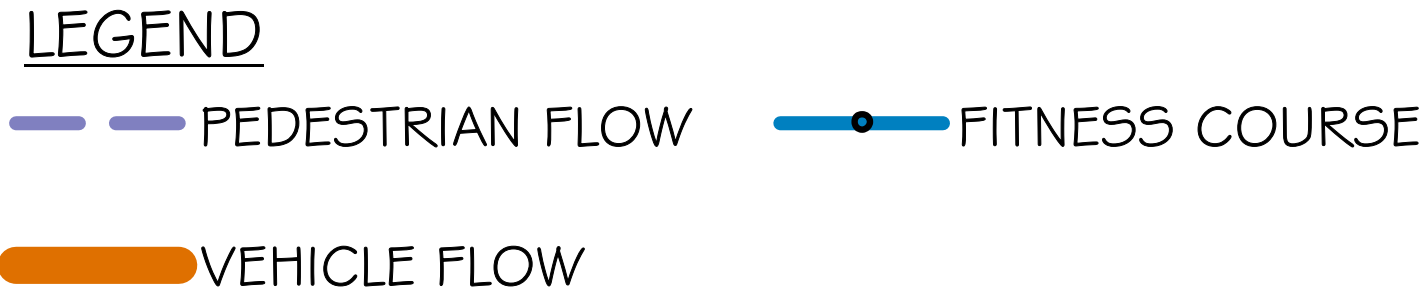
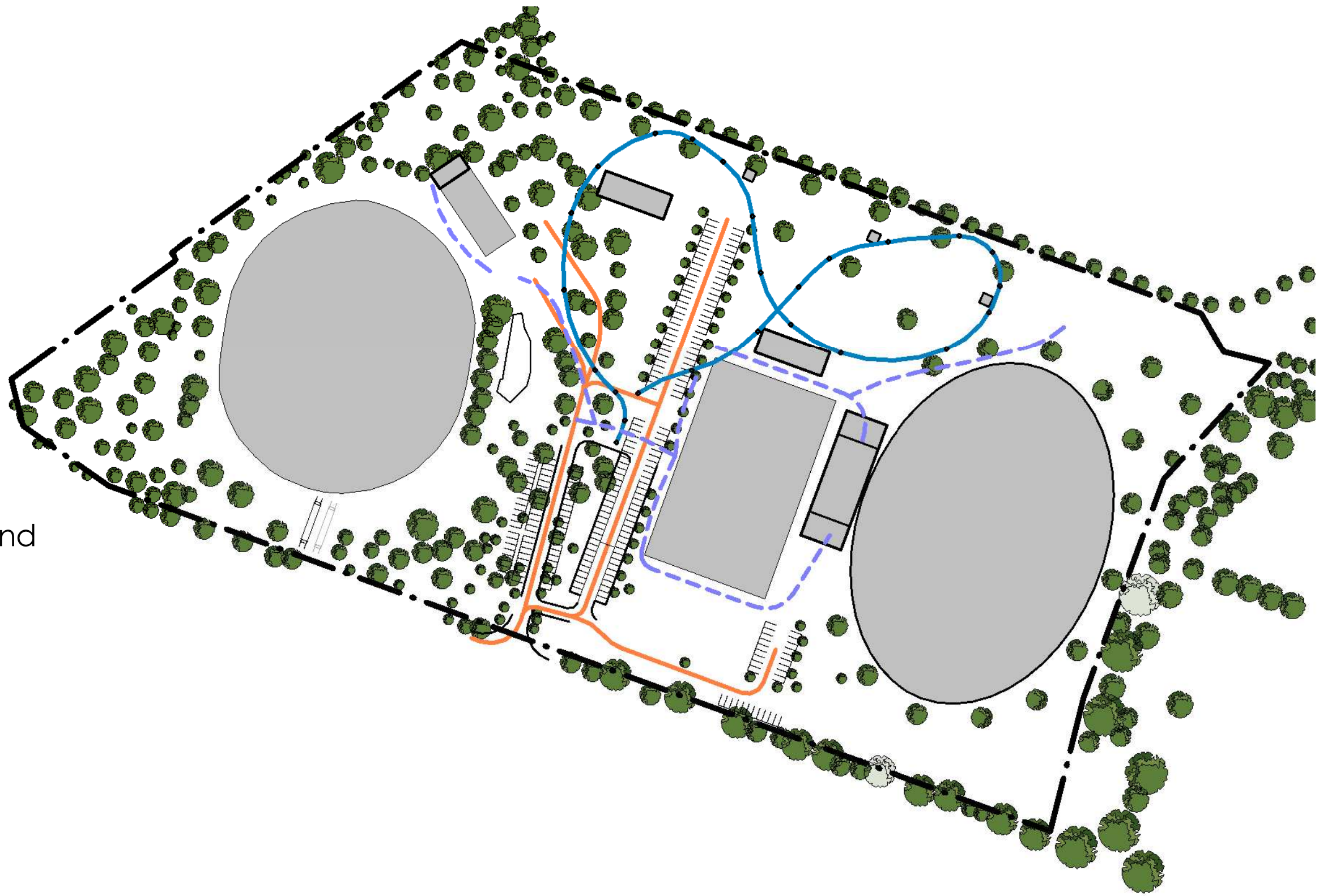
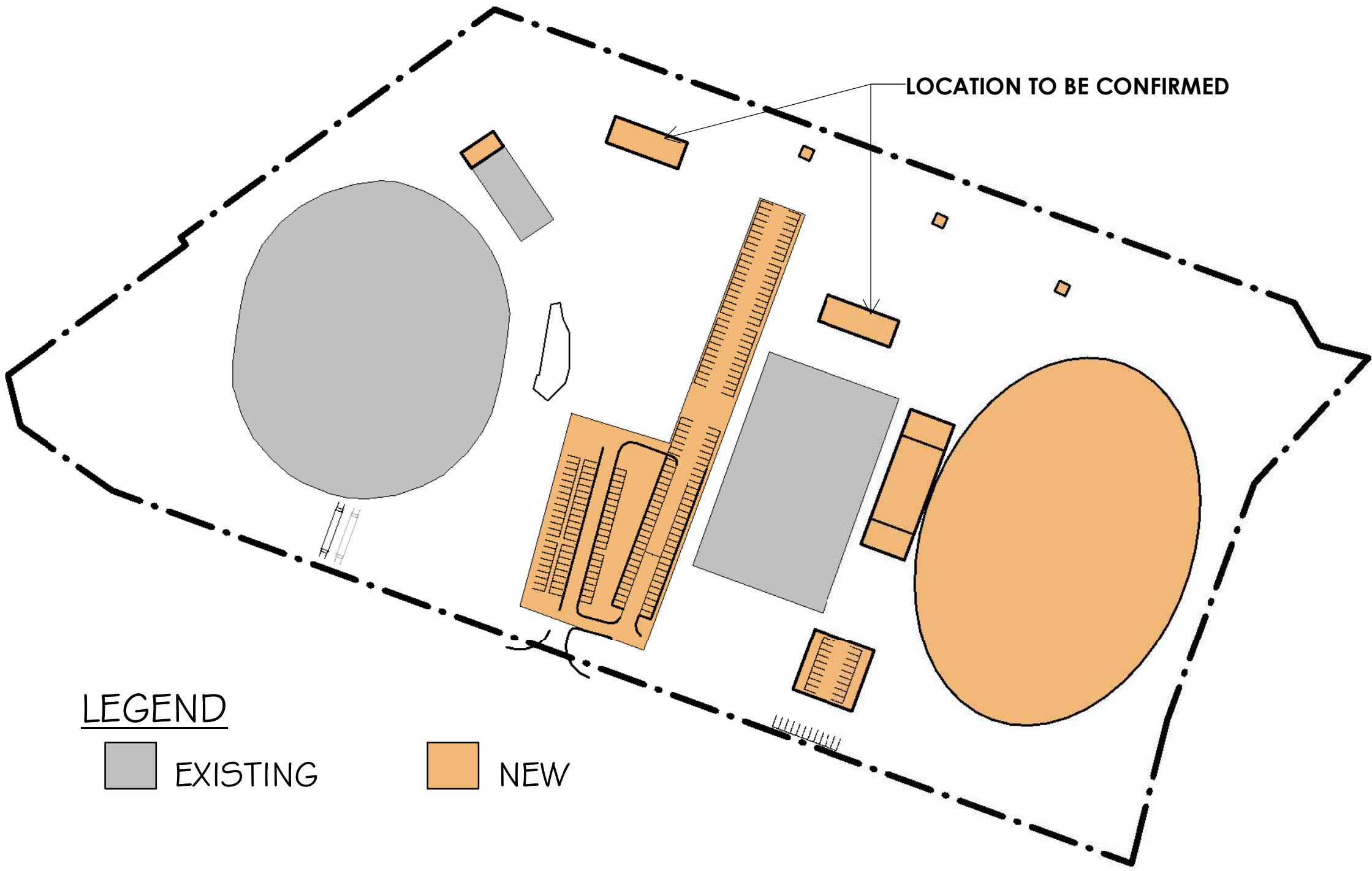
Redevelop a second oval for sport

Create a fitness trail with outdoor equipment and bike tracks.

Create inclusive change room facilities for all.

Open up entrance way for safe access and egress.

Provide spectator viewing spaces and adequate and safe car parks.



STOCKWELL RECREATION PARK MASTERPLAN

DUCK PONDS ROAD, STOCKWELL, SA
1760- A001- C
16.08.18



Vision Statement:

“Enhance the existing spaces and facilities to celebrate community and come together for sport and recreation.”

Consultation period: Further to establishment of the new Council and concluding after a minimum 3 week period.

Communication Method	Costs	Target	Who	Outlet	When
Media Release/s	Internal resources	Community	CMOs	Via media distribution list	Launch of consultation period
Stakeholder direct email	Internal Resource	Recreation/ volunteer organisation/ community stakeholders	MCP		At key milestones/as required
Public notice	\$500 +GST for each advert	Community	CMOs	Leader Herald	30 January 2019
D'Vine (monthly edition) advertisement	Absorbed in CMO budget	Community	CMOs	TBC	November
Council website – news article	Internal resources	Community	CMOs	www.barossa.sa.gov.au	Throughout consultation
Facebook	Free resource	Community/ residents/ user groups	CMOs	<ul style="list-style-type: none"> Council facebook page Cross promotion through community groups 	Throughout consultation
Our Better Barossa	Internal resource	Community	CMOs	www.ourbetterbarossa.com	Throughout consultation
Posters/Flyers	Internal resources	Community	EAs	Branch libraries (Angaston, Nuriootpa) Stockwell Recreation Park Stockwell businesses/community noticeboards	January and February 2019
Email footer	Internal resources	Community	CMOs	Internal and external staff emails	Throughout consultation period
Community drop-in session	Internal resources	Community	MCP	Stockwell (venue TBC)	February 2019 Angaston Show? Cricket / Hockey day?
Letter box drop	Internal resources	Community	CS	Precinct letterbox drop	Launch of consultation period



No.	Respondent	Summary of Submission	Summary of Response	HPE Ref
1	Melissa	<p>From: Melissa Subject: Stockwell Rec park Feedback</p> <p>Message Body: As a resident of Stockwell, I am strongly FOR everything that is proposed. As a mum of 3 boys, the BMX track is going to be a massive HIT!! It will be fantastic for local families and all Barossa families. We love Stockwell Park, it is away from busy roads unlike the Nuri skate park/ bmx track...</p> <p>I would like to suggest the second oval area have more trees planted, plenty of space! You could even make it into a nature playground, perfect spot!! it is very bare especially in Summertime. The second oval needs more attention, as it is mainly weeds.</p> <p>Thanks</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the BMX track, second oval, playground and tree planting noted.</p> <p>Regards, Rebecca</p>	19/7328
2	Amanda Pech	<p>From: Amanda Pech Sent: Wednesday, 30 January 2019 12:58 PM To: MBX Marketing <MBXMarketing@barossa.sa.gov.au> Subject: Stockell Masterplan</p> <p>My name is Amanda Pech and I am a resident at Stockwell. I want to let you know I love your proposed plan and hope it all goes ahead.</p> <p>After other discussions with the parents of Stockwell the most important additon in our minds is the BMX track. We have many young families in the development and this would benefit so many of them.</p> <p>Thank you and keep up the fantastic work.</p> <p>Regards Amanda Pech</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the BMX track are noted.</p> <p>Regards, Rebecca</p>	19/7324
3	Bernadette Lamont	<p>From: Our Better Barossa [mailto:wordpress@ourbetterbarossa.com.au] Sent: Wednesday, 30 January 2019 1:05 PM</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be</p>	19/7325

		<p>To: MBX Marketing <MBXMarketing@barossa.sa.gov.au> Subject: Consultation Feedback Stockwell Recreation Park</p> <p>From: Bernadette Lamont < Subject: Stockwell recreation park</p> <p>Message Body: My family would love to see an enclosed dog park and bmx track</p>	<p>collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the BMX track and dog park are noted.</p> <p>Regards, Rebecca</p>	
4	Amanda Noack	<p>From: Our Better Barossa [mailto:wordpress@ourbetterbarossa.com.au] Sent: Wednesday, 30 January 2019 10:06 PM To: MBX Marketing <MBXMarketing@barossa.sa.gov.au> Subject: Consultation Feedback Stockwell Recreation Park</p> <p>From: Amanda Noack < Subject: Stockwell recreation park</p> <p>Message Body: As part of the Stockwell recreation park plans, we feel that including the addition of tennis courts would be beneficial to those that already use the facilities but also brings another activity into the park. It could be used as part of the local competition like the Marangana courts are for junior competition (some families go to tennis and cricket here they could perhaps be at the same park) but also for locals in the area to use as a form of fitness, activity and training purposes.</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the additional of tennis courts are noted.</p> <p>Regards, Rebecca</p>	19/7326
5	Simon Noack	<p>To whom it may concern,</p> <p>I think tennis court or courts would be a great addition to Stockwell recreation park both myself and my children play tennis and at the moment we are traveling to have a practice hit. It may also encourage others in the area to play and could result in Stockwell getting a tennis team up and running.</p> <p>Regards</p> <p>Simon Noack</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the additional of tennis courts are noted.</p> <p>Regards, Rebecca</p>	19/7653

6	Diann Aurochs	<p>From: Diann aurochs <> Subject: Stock well rec park</p> <p>Message Body: Queen st Reserve. Caltrop Tennis courts would be great Box partition Don't focus on horse infrastructure Peppertree grove option for bmx or at queen st Bridge with mesh treatment and no good for dogs therefor walk around Bus shelter at hall 22 kids get on bus at queen st playground. Not supportive of horses Bbq facilities would be good</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the additional of tennis courts, horse infrastructure, bmx track not in Stockwell Rec Park and BBQ facilities are noted.</p> <p>The items regarding Queen st Reserve. Caltrop, has been logged as a customer request for action.</p> <p>The following items are outside of the scope of this consultation:</p> <ul style="list-style-type: none"> • Bridge with mesh treatment and no good for dogs therefor walk around – feedback provided to project manager of this work. • Bus shelter at hall 22 kids get on bus at queen st playground – School buses are not a Council operated service, instead operated by LinkSA or Department of Education. Recommend request go direct to those providers. <p>Regards, Rebecca</p>	19/7814
---	---------------	---	---	---------

7	Lorraine Kraft	<p>From: Lorraine kraft < Subject: Stockwell Rec Park</p> <p>Message Body: 1. Not supportive of horse stabling in rec park due to cemetery in close proximity. 2. BMX track to be in corner of queen street and stockwell road park 3. Tennis courts including Basketball lines to be established at the rec park.</p>	<p>Thank you for your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the additional of tennis courts, BMX track and horse stabling to not be at Stockwell Rec Park are noted.</p> <p>Regards, Rebecca</p>	19/7815
8	Jack Doecke	<p>From: jack doecke <> Subject: stockwell and BMX</p> <p>Message Body: i would like the new BMX track on queen street park</p>	<p>Hi Jack,</p> <p>Thank you for coming along to the community drop-in session and providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the BMX track at Queen Street are noted.</p> <p>Regards, Rebecca</p>	19/7817
9	Darren Doecke	<p>From: Darren Doecke <> Subject: Tennis courts at Stockwell</p> <p>Message Body: would like to see some tennis courts in front of the new oval at Stockwell</p>	<p>Hi Darren,</p> <p>Thank you for coming along to the community drop-in session and providing your feedback on the</p>	19/7818

			<p>Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the addition of tennis courts is noted.</p> <p>Regards, Rebecca</p>	
--	--	--	--	--

10	St Thomas' Evangelical Lutheran Church	<div style="text-align: center;">  <p><i>19/7/10. however not i correct container</i></p> <p>ST. THOMAS' EVANGELICAL LUTHERAN CHURCH, STOCKWELL, INC.</p> <p>ABN 65 146 261 801</p> <p>Address: PO Box 86, Stockwell, SA 5355</p> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p><i>Robert J Leigh</i> Chairman 0412 372 840 leighandson@bigpond.com</p> </div> <div style="width: 45%;"> <p><i>Lynette Jaeger</i> Secretary 0419 236 301 kenlynettejaeger@gmail.com</p> </div> </div> <p>31st January 2019</p> <p>Barossa Council Attn. Ms Rebecca Tappert 43-51 Tanunda Road NURIOOTPA SA 5355</p> <p>Dear Rebecca,</p> <p>The members of the St. Thomas' Evangelical Lutheran Church, Stockwell, Inc. wish to express our concern about the proposed horse stables at the Stockwell Recreation Park.</p> <p>In particular we wish to express the following concerns. Given the proximity of the proposed stables to the church and church cemetery:</p> <ol style="list-style-type: none"> 1. Horses and vehicles in the proposed area will create a considerable amount of dust which will impact the cemetery and the church buildings. 2. Horse stables and horses will create unpleasant smell in the area and attract flies, mice and other vermin to the area. 3. Horses being so close to the town will create noise in the area. 4. The introduction of stables in this area will encourage camping on the council owned Stockwell Recreation Park grounds. This is directly in contravention of the Council's own rules of no camping on the grounds. 5. Will horse owners be responsible for removing any mess created by the horses and cleaning the stables and surrounding areas? If so, who will police this? 6. This area borders the Stockwell Creek which is already undergoing considerable erosion on the Park side of the creek. Horses will potentially create more issues if allowed to be near the creek. This could then also be a safety risk. <p>In reference to the above concerns the members of the St. Thomas' Evangelical Lutheran Church, Stockwell, Inc. are strongly opposed to this proposal.</p> <p>Yours sincerely,  <i>for</i> Lynette Jaeger Secretary St. Thomas' Evangelical Lutheran Church, Stockwell, Inc.</p>	<p>Dear Lynette,</p> <p>Thank you for coming along to the community drop-in session and providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding horses and camping is noted.</p> <p>Regards, Rebecca</p>	19/7970
----	--	--	---	---------

11	Tim & Allison Taylor	<p>To Whom this may concern,</p> <p>We are residents of Stockwell with 3 children aged 4, 6 and 8. Our 2 boys enjoy bike riding and our little girl is very active outside.</p> <p>The Stockwell Rec Park is a wonderful space to possibly be the best outdoor sporting complex in the Barossa & Surrounds.</p> <p>We would like to see the following considered for use of the vacant land:</p> <ul style="list-style-type: none"> • BMX track • "Learn to ride track" - a cement track with Give Way signs / stop signs etc. I've seen one at Moonta & in Playford area. • Tennis Court • Basketball Court - could be half court or integrated with the Tennis Court. • Dog Park - lots of dogs in our area, it is already a great place for walking but would be a great fit. • New / Upgraded Toilet Block • Hockey Car Park - Gets quite busy • More BBQ / Picnic Areas • Nature Playground • Native / Bush gardens • Outdoor exercise area <p>Regards, Tim & Allison Taylor</p>	<p>Dear Tim and Allison,</p> <p>Thank you for coming along to the community drop-in session and providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding BMX Track, Learn to ride track, tennis and basketball court, dog park, toilet facilities, carparking, BBQ picnic areas, natural playground, native / bush gardens and outdoor exercise are noted.</p> <p>Sincerely, Rebecca</p>	19/7973
----	----------------------	--	--	---------

12	Joy Pittrich	  <p>Stockwell Recreation Park Masterplan – Community Drop-in 5 February 2019</p> <p>Name: <i>Joy Pittrich</i></p> <p>Email:</p> <p>Township: <i>Stockwell Road.</i></p> <p>Feedback: <i>Not supportive of horses in Stockwell!</i></p>	No formal response	19/7975
13	Carla Auricht	  <p>Stockwell Recreation Park Masterplan – Community Drop-in 5 February 2019</p> <p>Name: <i>Carla Auricht</i></p> <p>Email:</p> <p>Township: <i>stockwell</i></p> <p>Feedback: <i>Bush shelter near Bus pickup and park. (Queen street)</i> <i>Half basket ball court.</i> <i>Skate park or bike track near bridge near park.</i></p>	No formal response	19/7977
14	Fiona Murray	<p>From: Fiona Murray</p> <p>Subject: Stockwell master plan</p>	Dear Fiona,	19/9556

		<p>Message Body:</p> <p>Has a feasibility study been done on the need for a second oval as by observation the existing oval is not used to capacity.</p> <p>What about putting in a dog park?</p> <p>Would the council consider supporting a silo painting for Stockwell to bring tourists into the top of The Barossa. Tummy bay has seen a significant increase in tourism following s would be a better investment than a second oval.</p> <p>A yoga/Pilates studio would be useful in addition to the better changing facilities.</p> <p>Could the BBQs be reinstated, water fountains and recycling facilities.</p>	<p>Thank you for providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the second oval, dog park, silo, yoga/pilates studio, changing facilities, BBQ, water and recycling facilities is noted.</p> <p>Please be advised that you are able to hire the Stockwell Clubroom that may suit for a yoga / pilates studio.</p> <p>Regards, Rebecca</p>	
15	Lorelie Larsson	<p>From: Lorelie Larsson <> Subject: Stockwell Recreation Park Masterplan</p> <p>Message Body:</p> <p>My grandchildren play hockey and I would dearly love to watch their games without having to look through the surrounding protective wire. I am 81 and cannot stand to watch the games. A shelter similar to that at North East Hockey grounds with tiered seating would be sufficient and would also encourage more spectators on the cold nights.</p>	<p>No formal response as no contact details provided.</p>	19/12163
16	Amy Rosenzweig	<p>From: Amy Rosenzweig < Subject: BMX track</p> <p>Message Body:</p> <p>We would like to put forward our opinion that the BMX track should be in the location closer to the Hockey Field. Our house is directly across the road from the other proposed position, and while we have kids that will use the</p>	<p>Dear Amy,</p> <p>Thank you for providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and</p>	19/12160

		track regularly, we are wary of having so many people directly across from our house in such close proximity. We have had problems in the past with kids/adolescents congregating on the corner of Mickan Rd and Laucke Dr at our end creating a traffic hazard and we are worried that having another reason to congregate in this area will only make the problem worse, creating an unsafe environment for both drivers using the road, and also the patrons of the track that may overflow onto the road.	provided to Council at the 19 March 2019 Council meeting. Your comments regarding the BMX track is noted. Regards, Rebecca	
17	Anthony & Marilyn Baker	<p>From: Anthony and Marilyn Baker <> Subject: Comments about Stockwell Recreation Park Masterplan</p> <p>Message Body: As our property is situated on Mickan Road we are close to the site of the proposed developments. We hope that another oval will not encourage people to park along our road to access it for sporting activities. and for spectator viewing. We think a better location for the bmx bike track would be near the playground alongside Queen Street as it would be more central in the town and perhaps a safer area. The planned amount of parking area seems unnecessary and extravagant but in saying that, vehicles should not be allowed to park around the perimeter of the proposed second oval. Thank you for allowing us to comment on this plan.</p>	<p>Dear Anthony and Marilyn,</p> <p>Thank you for providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding the BMX track and parking is noted.</p> <p>Regards, Rebecca</p>	19/12572
18	Nick Dry	<p>From: Nick Dry [] Sent: Friday, 1 March 2019 12:44 PM To: MBX Barossa <MBXBarossa@barossa.sa.gov.au> Subject: Re. Stockwell Rec Park master plan</p> <p>Dear Council,</p> <p>The experience of watching hockey would be greatly enhanced by the inclusion of a small grand stand or bleachers. These would best setup facing east to avoid the setting afternoon sun. Covered of course would be ideal but open would suffice.</p>	<p>Dear Nick,</p> <p>Thank you for providing your feedback on the Stockwell Recreation Park Masterplan. All responses will be collated and provided to Council at the 19 March 2019 Council meeting.</p> <p>Your comments regarding spectator viewing is noted. The masterplan does include a sheltered area for</p>	19/12616

		<p>It would be a massive missed opportunity if this did not become a part of the plan.</p> <p>Best regards,</p> <p>Nick Dry</p>	<p>viewing in both directions, to the artificial turf pitch and toward the second oval.</p> <p>Regards,</p> <p>Rebecca</p>	

Submission received prior to the consultation period.

1	Neville Fennel	<p>.....</p> <p>Of further concern is the development of a BMX and skate park in the area. Apparently Council has plans to place the said park in an area on the North Eastern side of the park near Mickan Rd in front of homes, most residents in the Mickan Rd area would prefer its relocation to the reserve off of Queen St in the vicinity of the already existing playground, there is ease of parking and toilets at the town hall and if placed carefully will not disturb any properties in the area.</p> <p>.....</p>	<p>Neville,</p> <p>Thanks for your email.</p> <p>Matt wasn't in yesterday, I will follow up your comments with him and clarify some the statements with you shortly.</p> <p>With regard to the BMX track, that location on the plan is only a concept. Community consultation has been arranged. This consultation will run from 30 January until 1 March 2019 and people and residents can make comment in a variety of ways, including at Angaston Show on the weekend of 23-24 February or at a community drop-in session at Stockwell Hall on 5 February from 5-7pm. I intend to also be present at the Stockwell Hall on the 5th.</p> <p>I encourage you and all Stockwell resident to take up the opportunity to make relevant comment not only on the BMX track but the entire oval development.</p>	19/13420
---	----------------	---	---	----------

			<p>Will catch you and chat soon.</p> <p>Cheers Bim</p>	
--	--	--	--	--

Submission received from Stockwell Recreation Park Advisory Group via minutes from 23 January 2019 meeting

1	Stockwell Recreation Park Advisory Group	<ul style="list-style-type: none"> • The BMX track to be moved to Peppertree Grove Reserve. • No availability for horse yards within the Recreation Park. • The Tennis Courts were never replaced after the 1983 floods. 	Noted	19/10830
---	--	---	-------	----------

COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORT

19 MARCH 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.3

DOG PARKS – ASSESSMENT OF LOCATION CONCERNS - NURIOOTPA

19/13603

PURPOSE

To provide an assessment of the concerns as raised during the deputation at the 19 February 2019 Council meeting.

RECOMMENDATION

That Council:

- (1) Note the assessment of the concerns raised in the deputation to Council on the 19 February 2019 regarding the approved location of the Northern Dog Park at Penrice Road, Nuriootpa.
- (2) Confirm the approval of the Northern Dog Park location of Penrice Road, Nuriootpa, opposite the Nuriootpa High School oval as per the 18 December 2018 resolution (2018-22/107).
- (3) Require officers to write to Mrs Weaver and Mr Goudie to inform them of Council's decision.

REPORT

Background

At the 19 February 2019 Council meeting, Mrs Libby Weaver and Mr Gavin Goudie made a presentation to Council addressing their concerns regarding the approved location of the Nuriootpa Dog Park at Penrice Road, Nuriootpa. Council resolved:

***MOVED** Cr Angas that the deputation be received and noted and that the Chief Executive Officer assess the matters raised regarding the location of the Nuriootpa dog park and report back to the March meeting of Council.*

***Seconded** Cr Boothby*

***CARRIED** 2018-22/107*

The deputation followed from the previous Council resolution at its 18 December 2018 meeting and the receipt of a notification from Officers in accordance with (5) below;

***MOVED** Cr Wiese-Smith that Council:*

- (1) Approve the Northern Dog Park location of Penrice Road, Nuriootpa, opposite the Nuriootpa High School oval.*
- (2) Approve the Southern Dog Park location of Williamstown Queen Victoria Jubilee Park, adjacent but separate to the existing playground.*
- (3) Require officers to accept the funding agreement from the Department of Planning, Transport and Infrastructure for \$100,000 (ex GST).*

(4) Require officers to complete a second quarter budget adjustment of \$10,940 (ex GST) for additional funds to complete the project.

(5) Require officers to write to neighbouring properties to inform them of the approved dog park locations and invite feedback.

(6) Require officers to implement the dog parks by the end of the 2018/19 financial year should no negative feedback from nearby residences be received. If negative feedback is received, bring a further report to a future Council meeting.

Seconded Cr Boothby

CARRIED 2018-22/69

Discussion

A summary of the report (*Attachment 1*) presented and tabled by Mrs Weaver and Mr Goudie is provided, with Officer assessment and responses to the matters raised as follows:

Concern	Officer Comment
Car and caravan parking / Busy zone for vehicle and pedestrian traffic (close to caravan park, high school, church, primary school, pool)	<p>It is acknowledged that this is a well used area of the town. The capacity for parallel parking on the southern side of Penrice Road, Park Street to the road bridge, adjacent the proposed dog park is assessed by Officers (including engineering and enforcement staff with oversight of parking requirements) as sufficient to cater for the equivalent number of dog park users (and is equivalent to what has been allowed for at the new Town of Gawler dog park located at Clonlea Reserve. 10 formal parallel car parking spaces).</p> <p>Parking for additional or larger vehicles is also available at the Nuriootpa Swimming pool a short walking distance away.</p> <p>As well as use by Nuriootpa High School times / Church, the sealed car park on the corner of Penrice Road and Park Street would also be available for use by proposed dog park users. It is intended to line mark 2 of the spaces for dog park users.</p> <p>There are multiple footpath linkages to the proposed new dog park to further spread potential increases in pedestrian traffic.</p>
Knowingly locating the facility within a Flood zone	<p>The location of the Dog Park is within the 1 in 100 year flood line. The images below outline the Flood Hazard rating for both the Penrice Road location and a comparison to Tolley Reserve. All open space considered to date with the community group for the dog park location in Nuriootpa and Tanunda has flood risk within its profile.</p> <p>Works and Engineering Services' Draft Nuriootpa Flood Mitigation System Monitoring and Contingency Plan can easily facilitate the additional action necessary to close the proposed</p>

	dog park if the upstream North Para River gauging stations indicate the river conditions are rising to Trigger Point 1 within the Plan.
Signage	Any signage would be consistent with the Barossa Development Plan for the zone as would be the case with any other location.
Access / potential issues of traversing the mound to use the facility	Access to the Dog Park from either end does not require traversing the mound.
Other site considerations – Tolley Reserve – Nuriootpa, Heinemann Park - Tanunda	<p>These locations were considered by Officers and the community group involved as part of the previous investigation process and prior to earlier reports to Council.</p> <p>Tolley Reserve has a similar flood profile (see Image 2 below) and is subject to other potential future use. The space highlighted could be large enough for a dog park; however it would negate the area's potential for other future uses. Parking areas at this reserve are sealed directly adjacent the BMX track however there is no seal at the location where a dog park could be sited. However there are bollards at this location.</p> <p>Heinemann Park also has a similar flood profile and also has other organised use (user agreements with archery and ballooning) that limits the available space within the area. The community group and responses during the consultation period also suggested that the existing open, free flowing space was already well used for off leash purposes and valued by the dog owner community in its current format. Parking areas serving this reserve are unsealed.</p> <p>It is noted that the Stockwell Recreation Park Masterplan consultation resulted in 2 written submissions that a Dog Park be included on that site and this could be considered.</p>

Penrice Road location, indicative area of 2,500 square metres.

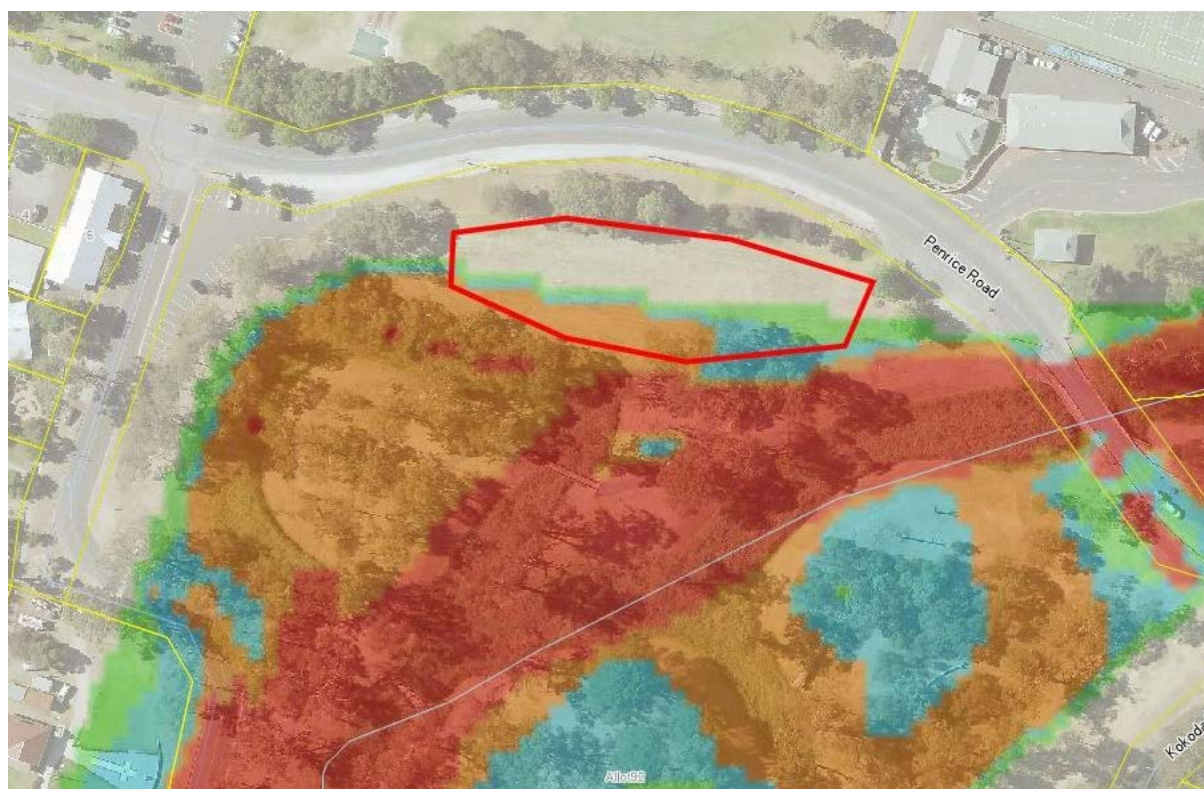






Image1: Penrice Road - Flood Hazard Levels

LEGEND

Maximum Hazard Class

	Low Hazard
	Moderate Hazard
	High Hazard
	Extreme Hazard

In comparison, the flood mapping for Tolley Reserve is in a similar position with regard to the Flood Hazard Reporting levels. The indicative area highlighted below is 1,850 sq metres.



Image 2: Tolley Reserve - Flood Hazard Levels

It is noted that Heinemann Park, Tanunda also has a flood risk associated.



Image 3: Flood mapping Heinemann Park, Tanunda

Conclusion

All assessed Council owned open space in Nuriootpa and Tanunda offers similar benefits and challenges from a flood risk perspective. The approved locations were selected for proximity and accessibility to other recreational and township services, not impacting on neighbouring residential properties and existing complementary uses of the spaces.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Mrs Weaver and Mr Goudie – Deputation Report (Trim 19/10907)

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

No additional Financial Management considerations. There is a potential need for the sealing to the road verge on Penrice Road if an increased usage contributes to degradation as discussed in the Risk Management section below. The area will be monitored and a budget adjustment would be required if works needed on the verge. This would represent an addition to the base capital expenditure budget in the order of \$42k.

Resource

Officer resources required to continue to research the matter should the existing approved location not continue to be supported.

Risk Management

Advice from Council's engineers, is that the car park area on Penrice Road will require monitoring over time for wear and tear. An increased use could contribute to the unsealed verge pot holing and ponding water and Council should then consider a consistent approach of sealing the verge as with other similar uses or applications. The scope of work would be approximately 75m of Penrice Road side seal extension to a width of approximately 3m, including formation of base course and hot mix wearing course. A row of bollards (or even kerbing) would be required to separate the car parking from the reserve park.

Indicative costs would include:

- Pavement extension works \$20,000
- Sealing of pavement \$7,000
- (Kerbing works, if required \$13,000)
- Set out of works \$1,000
- Traffic control \$1,000

Total (including kerbing works) = \$42,000 ex GST.

There is no capacity to fund this from existing budgets and it is noted that should the need eventuate, this amount represents a 42% increase of the total project spend, or a 84% increase of the northern dog park.

No further formal Risk Assessment has been completed at this stage.

Should Council wish for an alternative location to be considered and adopted, it will be necessary for the 18 December 2018 resolution to be revoked via a notice of motion from an Elected Member.

COMMUNITY CONSULTATION

Officers implemented in full the Community Consultation Plan as previously reported to Council at the 21 August 2018 meeting. This matter does not require Development Approval or formal public notification.

Subject: Location of a Dog Park, Penrice Road, Nuriootpa. SA

Mayor Lange and Councillors - Thank you for the opportunity to present to council today.

Introduction of presenters - Libby Weaver and Gavin Goudie (an apology from the Baird family)

There are only 3 homes at the northern end of Park Ave and we would like to register our opposition to this plan.

Gavin and I are dog owners and subsequently have experience with Dog Parks whilst travelling, however we would respectively request that Councillors reconsider the Penrice Road location, endorsed by Council at the 18/12/2018 meeting.

As quoted in The Leader and the D'Vine Community Newsletter that there has been "extensive consultation with interested community members" sadly we who live directly opposite the proposed Dog Park in Park Ave, have not been approached, until now.

Hence we are grateful to be able to present today.

This area is one of the busiest zones for road and pedestrian traffic, in Nuriootpa – challenging the Barossa Community Car Park for first place. We are questioning its suitability as the best choice for a Dog Park

No matter if it is access to the Nuriootpa Centennial Park for the 42 cabins, plus camping or caravans sites/ home to netball/football/cricket/tennis /Soccer many teams /Lions Shed /scouts or little athletics or a sports day / community service clubs / or the major contributor, Nuriootpa High School with approx. 1206 students, plus teachers, finance ,ancillary staff, parents & visitors /Nuriootpa Disability Unit students & staff at NHS/Nuriootpa Primary School / Nuriootpa Kindergarten/ Vine Inn /RSL /Nuriootpa Bowling Club /Nuriootpa Medical Centre /SA Pathology/Blooms Hearing Specialists/Swimming Pool lessons or swimming carnivals/ or rear access for work and deliveries to Murray Street traders or residents living on Park Ave, most traffic choose Buna Tce, Park Ave or Memorial Drive & less frequently Kokoda Ave to enter and exit.

To spend 30 minutes in this area would evidence the enormous amount of traffic as a result of the School bus service/students on foot, parent's vehicles/ bicycles/Barossa Taxi servicing the Disability Unit / Link SA passenger service/ local traffic / a preferred route for traffic from Angaston to TAFE SA & the highway.

No comparisons of traffic on Penrice Road would come close to the Train Park or elsewhere with regards to volume.

Points to consider.

No matter how we approached this as a suitable choice for a Dog Park, the high volumes of traffic and lack of suitable parking were identified as problems of major concern. Regardless of it being a weekend/week days/summer or winter, on a daily basis, this is one of the busiest zones in Nuriootpa.

▪**Choice of site.** Establishing a dog park in a recognised flood prone zone is difficult to comprehend. We are thankful to Council for spending considerable time and money to instigate the Flood Mitigation Scheme. Obviously in a flood, with heavy debris travelling downstream at speed, there is a high chance of \$55,000 being swept away. In this section of the river the water flows are rapid. Previously the water level has risen to the top of the levee bank and we were sand bagging to save homes as recent as 2005 and 2016 and who could forget the 1983 flood. To say that Insurance will cover this damage is a questionable response as surely claims result in higher fees. With the demands on Council during and following a flood, to repair damaged areas that cannot be anticipated, this would add unnecessarily to Councils financial and work load burdens, if this proposal should go ahead.

We are all ratepayers and perhaps Council's time could be better utilised by avoiding such a risk. Positioning behind a flood levee bank with poor visibility from Penrice Road would require signage, not in keeping with the natural park setting. Barossa residents are proud of this park and visitors are able to enjoy a park not blighted with signage.

Penrice Road has **no easily** accessible amenities for travellers such as toilets/playground/pen area to make their stop agreeable and complete.

▪ **Council has proposed allocating two car parks** in an already oversubscribed area.

Dog owners are caravan owners too and accommodating vehicles with caravans in the two designated parks is impractical /impossible.

▪ **Caravan owners** would park along Penrice Road, adding to traffic congestion, particularly at school times. In winter this area is a quagmire due to poor drainage. A cost to council?

▪ **Access to the Dog Park.** Gaining access to the dog park from the allocated car parks? Regardless of where tourists park the levee bank is to be negotiated. Perhaps to the exclusion of older and or disabled tourists, unable to traverse a flood levee bank whilst managing a dog on lead.

▪ **Lack of suitable parking .**— Whilst NHS has a large parking area on Penrice Road/ Council and Holy Trinity car parks are already oversubscribed. Spillage of parked cars into narrow Park Ave already occurs and is concerning.

▪ **Parking in Park Ave** is currently permitted on both sides of this narrow, short road – Council may consider lessening parking opportunities.

▪ **Holy Trinity Church** have regular activities during the week and weekends placing further demands on parking. Mid-week funerals and weekend weddings place another major demand on parking.

▪ Currently there is no separation of cars and pedestrians in the vicinity of the High School, which is a safety concern for Council's immediate consideration and action. (Video)

We believe it would be advantageous if Councillors were to take time to observe the activity pre and post school hours, followed by the exodus of caravans each morning and entering mid-afternoon ,or little athletics or the weekend football match to name a few examples, highlighting safety concerns for students/pedestrians and vehicles and dog owners.

▪ As dog owners and users of dog parks we know that they are better located on major roads, visible to drivers and in parks with facilities away from traffic.

The concept of a Dog Park has been supported for 18 years.

12 Councils across the state have established Dog Parks. 10 Metropolitan and 2 rural Councils 29 Dog parks in all and 4 of those in rural South Australia.

Most promote extra benefits – e.g. BMX – skate parks –jnr playground –playgrounds for all ages- athletics field –BBQ - amenities – shelters –seats- even timed lighting and more.

Barossa Council – Penrice Road Dog Park

▪ Council site Survey July 18-August 8 2018- received 435 Responses – 93% endorsed the benefits of a Dog Park

▪ Community Pop up Information Sessions was held at the Co-op on July 19th

▪ We too endorse the benefits of a Dog Park – the location is the concern.

▪ Park Avenue residents received letters from Council regarding the Dog Park, endorsed at the last Council meeting.

▪ included was a map headed “**Potential Northern Dog Park location**” with an inadequate legend to explain the rough jottings.

▪ The blue line is for water to be laid to this new area, appearing to be placed in the levee bank.

▪ No details of size of Dog Park, type and height of fence, airlock entrance, access path, parking or maintenance vehicle access were included.

▪ these details are important to be able to make the correct decision.

Locations were decided following extensive consultation and we respectfully ask -Why Penrice Road?

Attachment 1

Penrice Road should not be considered for a Dog Park. It should be relocated so it is safer for users, and as such be better utilised away from a high traffic activity area and placed within an *existing* and *recognised* area with amenities located nearby, including toilets, picnic area, existing water access, playground, fuel, food outlets, shopping and more than adequate safe parking for both cars and caravans like other councils have done.

All of the above concerns would be negated if the Dog Park was relocated behind the Train Park, Murray Street Nuriootpa or Tanunda which is the tourist mecca for the Barossa or elsewhere?

We are supportive of works being commenced at Coulthard House, but the Dog Park on Penrice Road should not proceed. The area is already dangerous and adding a Dog Park will compound the issues raised.

Thank you for your time today and we would be pleased to answer any questions.



The Barossa Council

Reference: 18/89508

19 December 2018

Mr & Mrs Weaver
PO Box 789
NURIOTPA SA 5355

Dear Residents,

Please be advised that at the 18 December 2018 Council meeting, it was approved that Council implement two dog parks in the Barossa region.

MOVED Cr Wiese-Smith
That Council:

- (1) Approve the Northern Dog Park location of Penrice Road, Nuriootpa, opposite the Nuriootpa High School oval.
- (2) Approve the Southern Dog Park location of Williamstown Queen Victoria Jubilee Park, adjacent but separate to the existing playground.
- (3) Require officers to accept the funding agreement from the Department of Planning, Transport and Infrastructure for \$100,000 (ex GST).
- (4) Require officers to complete a second quarter budget adjustment of \$10,940 (ex GST) for additional funds to complete the project.
- (5) Require officers to write to neighbouring properties to inform them of the approved dog park locations and invite feedback.
- (6) Require officers to implement the dog parks by the end of the 2018/19 financial year should no negative feedback from nearby residences be received. If negative feedback is received, bring a further report to a future Council meeting.

SECONDED Cr Boothby

CARRIED

I write to inform you that of the two locations as you are a nearby resident. We are not expecting a negative impact however if you do have any feedback or you would like to discuss the matter further, please don't hesitate to contact me by 31 January 2019.

Sincerely,

Rebecca Tappert
8563 8454
rtappert@barossa.sa.gov.au

Manager Community Projects, The Barossa Council

Enc Potential Northern Dog Park Location

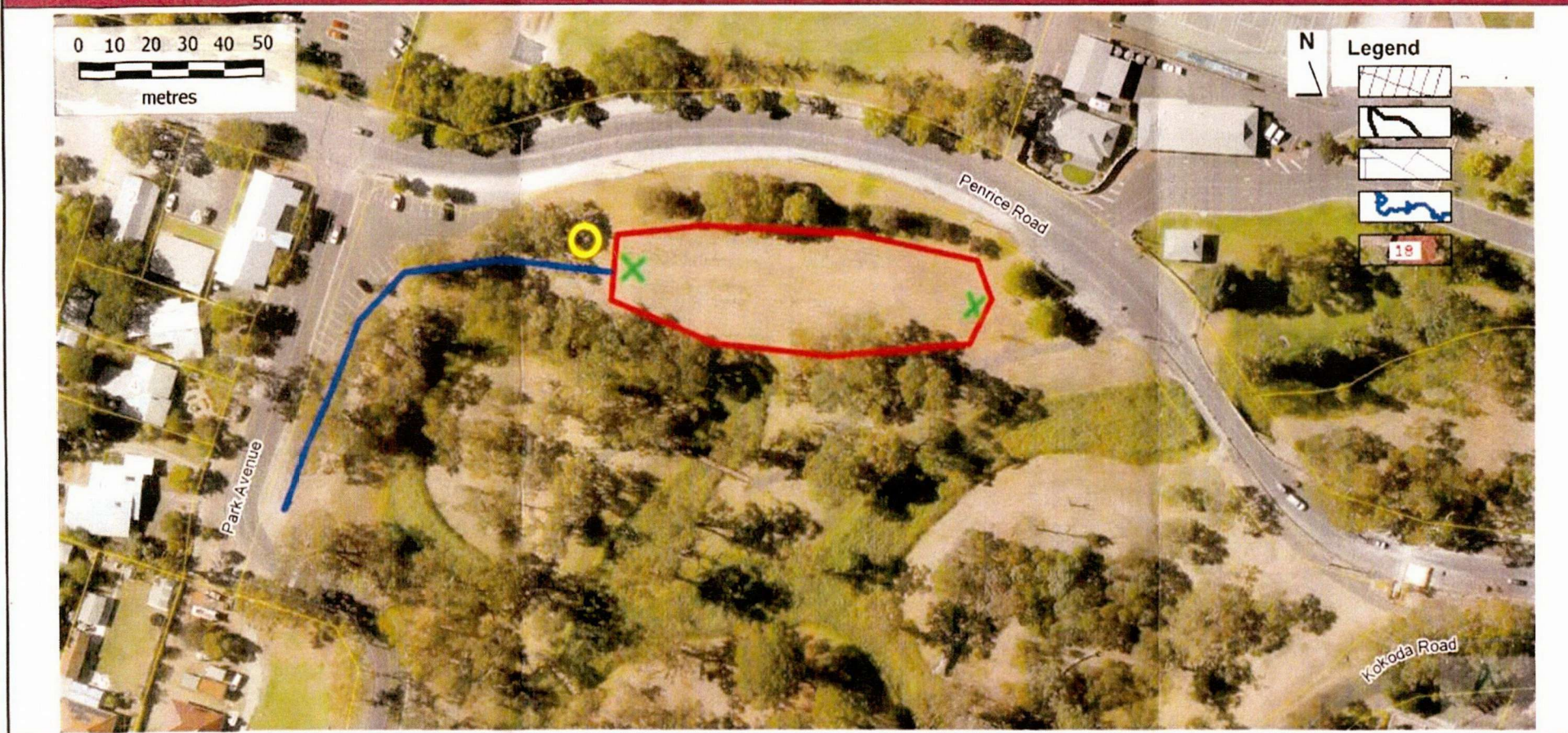


Attachment 1



43-51 Tanunda Road, Nuriootpa
 PO Box 867, NURIOOTPA, SA, 5355
 Telephone (08) 8563 8444
 Facsimile (08) 8563 8461
 Email: barossa@barossa.sa.gov.au
 Website: www.barossa.sa.gov.au

Potential Northern Dog Park location



Notes

Penrice Road, Nuriootpa

Disclaimer

This map is a representation of the information currently held by The Barossa Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

Created on Tuesday, 4 December 2018

Map Zoom: 408.1 m Map Scale: 1:1,633

DRAFT CONCEPT PLAN



1 Possible shelter location

3 Rubble Path

5 Seating

7 Trees

2 Drinking Fountain

4 Dog Exercise Equipment

6 Hedge

8 Lighting at shelter



About the project:

- ☐ Work will continue to complete construction of the Meningie Dog Park.
- ☐ Funding will ensure the incorporation of essential amenities such as drinking water, waste disposal and directional signage as well as shelter, seating and dog exercise equipment.

Project outcomes:

- ☐ Responding to the desires of the community to provide off-leash dog exercise areas in our towns.
- ☐ A safe and inviting dog off leash area.
- ☐ Increased opportunities for active lifestyles and socialisation for pet owners and their dogs.
- ☐ Support for local tourism to encourage dog owners to stop and spend time in Meningie.



Google Maps



COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGERS' REPORTS

19 MARCH 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.4

MINUTES OF COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING AND UPDATED TERMS OF REFERENCE

B3342

PURPOSE

Council to consider:

- the Minutes of the Community Assistance Scheme Committee (CASC) meeting held 6 March 2019; and
- adoption of updated Terms of Reference for the Committee and associated Self-Assessment tool template.

RECOMMENDATION

That Council:

- (1) having reviewed the Minutes of the Community Assistance Scheme Committee meeting held 6 March 2019 adopt the Resolutions contained therein;
- (2) adopt the updated Terms of Reference for the Community Assistance Scheme Committee and associated Committee Self-Assessment tool template.

REPORT

Introduction

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

The Community Assistance Scheme Committee Terms of Reference was last updated in December 2016 to reflect the delegation given to *CASC Administration* to assess Youth Grant applications and the change in officers providing administrative assistance to the CASC. The new Council adopted those Terms of Reference at the 26 November 2018 Council Meeting.

Discussion

The Minutes of the CASC meeting held on 6 March 2019 are provided in Attachment 1.

The Governance Advisor has been reviewing the various Terms of Reference for Council committees, and has incorporated a new clause regarding annual "self-assessment", which was a Recommendation from the 2017 Auditor-General's Report: *"Examination of governance arrangements in local government"*. Self-evaluation is considered good practice and not only encourages continuous improvement, but also helps to ensure the committee is fulfilling its objectives and intended purpose.

Additional updates have been proposed by officers administering the various grants, to clarify current processes.

The draft updated Terms of Reference with track changes and comments is provided in [Attachment 2](#) and the Self-Assessment tool template in [Attachment 3](#).

Summary and Conclusion

Clause 7.3 of the current Terms of Reference states that "*a recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members*".

The CASC, at its meeting held 6 March 2019, approved the draft updated Terms of Reference and associated Self-Assessment tool template and recommended adoption by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Minutes of the Community Assistance Scheme Committee meeting held 6 March 2019
Attachment 2:	Draft updated Terms of Reference for the Community Assistance Scheme Committee
Attachment 3:	Committee Self-Assessment tool template

Policy

Community Assistance Scheme Policy

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.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Council's adoption of committee resolutions and Terms of Reference, together with an annual self-assessment by committees, are risk management tools.

There are no financial or resource management consideration.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

**MINUTES OF THE MEETING
OF THE BAROSSA COUNCIL COMMUNITY ASSISTANCE SCHEME COMMITTEE
held in the Committee Room at The Barossa Council, 43-51 Tanunda Road, Nuriootpa
on Wednesday 6 March 2019 commencing at 5.30pm**

WELCOME

As the Chairperson, Cr John Angas, is unable to attend the meeting, members present nominated Mayor Lange as Chairperson for this meeting. Mayor Lange declared the meeting open at 5.30pm and welcomed all in attendance.

1. PRESENT

Mayor Bim Lange, Cr Kathryn Schilling, Cr Carla Wiese-Smith, Cr Ron Barrett, Rebecca Tappert (CASC Executive Officer), Annette Randall (CASC Administration Officer).

2. APOLOGIES

Cr John Angas, Cr Cathy Troup

3. CONFIRMATION OF PREVIOUS MINUTES

MOVED Cr Wiese-Smith that the Minutes of the Community Assistance Scheme Committee meeting held on 4 December 2018 as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Schilling

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. CONSENSUS AGENDA**5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA**

Nil

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Wiese-Smith that the items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

Seconded Cr Barrett

CARRIED

6. DEBATE AGENDA**6.1 COMMUNITY GRANTS****6.1.1 DEBATE AGENDA – NEW COMMUNITY GRANT APPLICATIONS****6.1.1.1****LIONS CLUB OF ANGASTON – PARK-FIT EQUIPMENT AT ANGAS RECREATION PARK**

B3342

Ms Tappert spoke to the report and answered questions from the members.

MOVED Cr Wiese-Smith that the Community Assistance Scheme Committee:

- (1) notes the receipt of a Community Grant application from Lions Club of Angaston Inc, seeking funding towards its *Park-Fit Equipment on the Walking Trail at Angas Recreation Park* project; and

NOT CONFIRMED

(2) notes the Club's request to defer progress on the application until July 2019.

Seconded Cr Schilling

CARRIED

PURPOSE

To update the Community Assistance Scheme Committee on a Community Grant application from Lions Club of Angaston Inc.

REPORTIntroduction

The Lions Club of Angaston was established over 30 years ago and has been involved in many projects in the local and wider community. As reported to the CASC at its 4 December 2018 meeting, an incomplete Community Grant application was received at the end of August 2018 from the Club, seeking \$3,000 funding for Park-Fit equipment at the Angas Recreation Park.

Discussion

Officers undertook a preliminary review of the application and requested further information from the Club. Some of the additional information was received in early December. In February, Officers contacted the Club who advised that their focus had been on other priorities such as drought relief and now flood relief projects and they wished to defer any progress on the Community Grant application until the new financial year.

Summary and Conclusion

Members to note the receipt of the Community Grant application from the Lions Club of Angaston and also their request to defer further progression of the application until July 2019.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

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

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

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial, resource and risk considerations will be documented when the Community Grant application is progressed and a final report is presented to the CASC.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

NOT CONFIRMED**6.1.1.2****MOCULTA DISTRICT HISTORY SOCIETY INC – CONSTRUCTION OF SHELTER SHED FOR LINKE STRIPPER**
B3342

Ms Tappert spoke to the report.

MOVED Cr Wiese-Smith that the Community Assistance Scheme Committee (CASC):

- (1) notes the receipt of a Community Grant application from the Moculta History Society Inc, seeking funding towards *Construction of a Shelter Shed for a locally built Linke Stripper* at the Moculta Recreation Park; and
- (2) approves the Society's request that consideration of the application be deferred to the 1 May 2019 CASC meeting to enable further information to be submitted.

Seconded Cr Schilling

CARRIED

PURPOSE

To inform the Community Assistance Scheme Committee of a Community Grant application from Moculta District History Society Inc.

REPORTBackground

The Moculta District History Society Inc (the Society) was established over 10 years ago to, amongst other objectives, "encourage the preservation of local records, historical sites and relics" and "to hold, maintain and preserve such items as may be donated or loaned to the Society". (Constitution of the Society)

Introduction

The Society has submitted a Community Grant application, seeking funding of \$3,000 towards the *Construction of a Shelter Shed for a locally built Linke Stripper* at the Moculta Recreation Park.

Discussion

Officers have undertaken a preliminary review of the application and have requested further information from the Society to ensure Council fully understands the project, as it is proposed to be constructed on community land. Officers are meeting with Society members on-site to discuss risk management issues and site options.

The Society has advised that it is unlikely it will have all of the information to hand for consideration at the March CASC meeting and has requested that the application be deferred until the 1 May 2019 meeting.

Summary and Conclusion

Members to note the receipt of the Community Grant application from the Moculta History Society Inc and that a full report will be presented for consideration to the 1 May 2019 meeting.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan**

Community and Culture



Health and Wellbeing

Corporate Plan

2.2 Collect, maintain and make accessible our Aboriginal heritage, and the history and heritage of our community.

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

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

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

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial, resource and risk considerations will be documented when the Community Grant application is progressed and a final report is presented to the CASC.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.1.2 DEBATE AGENDA – APPROVED GRANTS NOT REQUIRED**6.1.2.1****TANUNDA LUTHERAN HOME INC**

B3342

MOVED Cr Barrett that the Community Assistance Scheme Committee (CASC) notes that the Tanunda Lutheran Home Inc is unable to proceed with its "Outsider Art SALA Exhibition 2019" project and will not be utilising the Community Grant approved at the 5 September 2018 CASC meeting.

Seconded Cr Schilling

CARRIED

PURPOSE

To inform the Community Assistance Scheme Committee that the Tanunda Lutheran Home Inc will not be utilising an approved Community Grant.

REPORTBackground

The Community Assistance Scheme Committee (CASC), at its meeting held 5 September 2018, resolved the following:

MOVED Cr Milne that the Community Assistance Scheme Committee notes the following in relation to the Community Grant Application from Tanunda Lutheran Home Inc for its "Outsider Art SALA Exhibition 2019" project:

1. A formal application for a \$5,000 Step Up Grant to Country Arts SA has been lodged, seeking funding to engage the services of two Barossa artists and one Art Therapist; the outcome will not be known until late November/early December 2018.
2. TLH has agreed to contribute a cash amount of \$750 plus in-kind (should the Step Up Grant be successful)
3. Amount requested from Council reduced to \$1,000 (for supply of materials)

Seconded Cr Angas

CARRIED

MOVED Cr Milne that the Community Assistance Scheme Committee approves a Community Grant of \$1,000 (excl GST) to Tanunda Lutheran Home (TLH) for its "Outsider Art SALA Exhibition 2019" project, specifically for purchase of materials, subject to the TLH Step Up Grant Application to Country Arts SA being successful.

Seconded Cr Grossman

CARRIED

NOT CONFIRMEDDiscussion

Officers advised the Tanunda Lutheran Home (TLH) of CASC's decision regarding its Community Grant application. The TLH art therapist subsequently advised in January 2019, that the application for a "Step Up" grant through Country Arts SA was unsuccessful (refer *attached*); therefore Council's Community Grant will not be utilized at this point in time. She has indicated that she will continue to seek other funding sources later in the year.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Email from Tanunda Lutheran Home art therapist

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

4.4 Provide support and advocacy on aged and disability services including ensuring arrangements for Barossa Leisure Options services post NDIS implementation.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

The adopted Budget for the Community Grants and Youth Grants for 2018/19 is \$25,500 (excl GST). The reversal of the approved Grant has been reflected in the table below.

	\$ (excl GST)
BUDGET 2018-2019	\$25,500
GRANTS APPROVED TO DATE	<u>\$ 13,675</u>
	\$11,825
Plus: Community Grants not paid out (Refer Agenda items 8.1.2.1 & 8.1.2.2)	<u>\$4,000</u>
FUNDS REMAINING	<u>\$15,825</u>

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.1.2.2**BAROSSA GAWLER & LIGHT ADVANCE CARE PLANNING GROUP**

B3342

MOVED Cr Schilling that the Community Assistance Scheme Committee (CASC) notes that the Barossa Gawler & Light Advance Care Planning Group has declined the Community Grant approved at the 4 December 2018 CASC meeting towards its "Advance Care Directives Assist, Barossa" project, as it has been successful in its Grants SA application for the same project.

Seconded Cr Barrett

CARRIED

PURPOSE

To inform the Community Assistance Scheme Committee that the Barossa Gawler & Light Advance Care Planning Group (the Group) has declined an approved Community Grant.

REPORTBackground

The Community Assistance Scheme Committee, at its meeting held 4 December 2018, resolved the following:

MOVED Mayor Lange that the Community Assistance Scheme Committee:

- (1) approves a Community Grant of up to \$3,000 (excl GST) to Barossa Gawler & Light Advance Care Planning Reference Group towards its "Advance Care Directives Assist, Barossa" project, subject to quotes being provided for the items of expenditure;
- (2) requests that the IT equipment trolley, projector screen, portable microphone and speakers become the property of The Barossa Council in the event that the Reference Group is dissolved.

Seconded Cr Schilling

CARRIED

Discussion

Officers advised the Group of its successful Community Grant application (subject to receipt of quotes). The Group has subsequently corresponded with officers, indicating that it will respectfully decline the Grant as it has been successful in its Grants SA application for the same project.

A formal letter declining the Community Grant has been received and is attached for information.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Letter from the Barossa Gawler & Light Advance Care Planning Group

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

4.4 Provide support and advocacy on aged and disability services including ensuring arrangements for Barossa Leisure Options services post NDIS implementation.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

The adopted Budget for the Community Grants and Youth Grants for 2018/19 is \$25,500 (excl GST). The reversal of the approved Grant has been reflected in the table below.

	\$ (excl GST)
BUDGET 2018-2019	\$25,500
GRANTS APPROVED TO DATE	<u>\$ 13,675</u>
	\$11,825

Plus: Community Grants not paid out (Refer Agenda Items 8.1.2.1 & 8.1.2.2)	<u>\$4,000</u>
FUNDS REMAINING	<u>\$15,825</u>

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

6.2**UPDATED TERMS OF REFERENCE – COMMUNITY ASSISTANCE SCHEME COMMITTEE****B3342**

Ms Tappert spoke to the report.

MOVED Cr Schilling that the Community Assistance Scheme Committee (CASC) approve the draft updated Terms of Reference for the CASC and the associated Self-Assessment tool template, and recommend adoption by Council.

Seconded Cr Wiese-Smith **CARRIED**

Clause 7.3 of the current Terms of Reference states that “a recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members”. All four members present at the meeting voted in favour of the Motion, which constitutes a majority of the membership.

PURPOSE

To approve the draft updated Terms of Reference for the Community Assistance Scheme Committee and the associated Self-Assessment tool template, for adoption by Council.

REPORTBackground

The Community Assistance Scheme Committee (CASC) was established on 21 June 2011 to manage Community Grants, Youth Grants and Heritage Grants in accordance with the Objectives set out in its Terms of Reference and Community Assistance Scheme Policy and Guidelines. The Terms of Reference was last updated in December 2016 to reflect the delegation given to CASC Administration to assess Youth Grant applications and the change in officers providing administrative assistance to the CASC. The new Council adopted those Terms of Reference at the 26 November 2018 Council Meeting.

Discussion

The Governance Advisor has been reviewing the various Terms of Reference for Council committees, and has incorporated a new clause regarding annual “self-assessment”, which was a Recommendation from the 2017 Auditor-General’s Report: “Examination of governance arrangements in local government”. Self-evaluation is considered good practice and not only encourages continuous improvement, but also helps to ensure the committee is fulfilling its objectives and intended purpose.

The draft documents have also been reviewed by officers administering the various grants and the CASC Administration group, who have suggested additional updates to clarify current processes.

The draft updated Terms of Reference with track changes and comments is provided in Attachment 1 and the Self-Assessment tool template in Attachment 2.

Summary and Conclusion

Clause 7.3 of the CASC Terms of Reference states that “a recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members”. If approved, the draft documents will be presented to the 19 March 2019 Council meeting for adoption.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Draft updated Terms of Reference for the Community Assistance Scheme Committee
Attachment 2: Committee Self-Assessment tool template

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity 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.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Council's adoption of committee Terms of Reference and annual self-assessment by Council committees are risk management tools.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

7. OTHER BUSINESS**7.1****AD HOC REQUESTS FOR SUPPORT**

B3342

Members discussed the matter with Ms Tappert and Ms Randall. As requests for support of this nature appear to be very few, it was agreed to keep the "status quo". There being no motion moved in relation to Agenda item 7.1 – *Ad Hoc Requests for Support*, the Chair proceeded to the next item.

PURPOSE

To confirm the process for Council's approach to ad hoc requests for donations and "lower value" support to community groups.

REPORTBackground

Officers have recently received a request from a local Show Society enquiring whether Council could donate 200 items for its Show Bag.

Discussion

The Community Assistance Scheme Policy states:

- 2.4 All other requests for Council funding/assistance that are outside of the Community Assistance Scheme scope and Guidelines will be assessed by the CASC in the first instance. The Application, together with a report and the CASC recommendation will be presented to the next Council Meeting for decision.

There is currently no alternative process for approval of requests for "small" donations to local community groups. In the case of events on community land, Council offers promotion and display of flyers as 'assistance' to the event (plus administration, assessing, reviewing risk, licences, etc) and often waiving of the hire fee.

Summary and Conclusion

The current process for all requests for funding or assistance is for the applicant to complete a Community Grant Application form and provide the required supporting documentation. Officers

NOT CONFIRMED

are seeking Members' comment and direction to ensure a streamlined approach to how these ad hoc requests for "lower value" support are assessed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

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.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Adherence to Council's Community Assistance Scheme Policy and Community Grant Guidelines is a risk management tool.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

8. NEXT MEETING

Wednesday 1 May 2019 commencing at 5.30pm.

9. CLOSE

There being no further business, Mayor Lange declared the meeting closed at 5.58pm.

Confirmed at Community Assistance Scheme Committee Meeting 1 May 2019

Date:.....

Chair:.....

THE BAROSSA COUNCIL

TERMS OF REFERENCE OF THE COMMUNITY ASSISTANCE SCHEME COMMITTEE



Community Plan Link:	 Community and Culture  Health and Wellbeing  Business and Employment		
Document Owner:	Manager Community Projects	Previous Approval Date(s):	20/12/2016
Document Control Officer:	CASC Administrative Support Manager Community Projects	Current Approval Date:	DD/MM/YYYY
HPE Content Manager Ref:	14/54580*	Next Review Date:	Next periodic elections

1. ESTABLISHMENT

- 1.1 The Barossa Council (hereinafter referred to as "the Council") at a meeting held on 21 June 2014 Minute Book Reference 2011/139 established the Community Assistance Scheme Committee (hereinafter referred to as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act"). Following the 2018 Local Government Elections, the Council resolved to re-establish the Committee under section 41 of the Act at a meeting held on 26 November 2018 Minute Book Reference 2018/471.
- 1.2 The Committee is established to manage ~~to manage~~ Heritage Grants, Community Grants and Youth Grants in accordance with the Objectives set out under clause 2 of these Terms of Reference.
- 1.3 The Committee may be wound up at any time by resolution of the Council.

2. OBJECTIVES

~~The~~ The Committee is established to fulfil the following functions in accordance with its allocated budget:

2.1

2.1.1

~~2.1~~ To assess ~~the~~ Heritage Grant applications and Community Grant applications in accordance with Council's Community Assistance Scheme Policy and supporting Guidelines and processes, together with the internal assessment and information provided for each application by Council Officers.

2.1.1 ~~Heritage Grants;~~

Terms of Reference of [X Committee] approved on [day] of [month] 2019~~7~~
Page 1 of 7

This electronic copy is the approved version and is stored in Council's Record Management System (TRIM).
Printed copies are considered uncontrolled. Before using a printed copy please verify that it is the current version.

2.1.2 Community Grants

~~in accordance with the adopted Community Assistance Scheme Guidelines and together with the internal assessment and information provided for each application by Council Officers.~~

2.1.22 To receive reports from the Community Assistance Scheme Committee Administration regarding the assessment of Youth Grant applications (refer to 2.2.1 below).

2.1.3 Youth Grants

~~In accordance with Council's Community Assistance Scheme Policy and supporting processes, CASC The Committee Administration is has delegated powers to approved Youth Grants (ensuring criteria are met and documentation submitted) with a summary report presented to CASC the Committee at the following meeting to endorse the decision.~~

2.1.32 To grant or decline ~~Heritage Grant and Community Grant~~ Community Assistance Scheme funding payments based on the information provided in the applications together with the assessments of the applications provided from the Council Officers, and endorse Youth Grants decisions as approved by CASC Committee Administration.

2.31.4 To review the acquittal statements and reports/feedback forms received from ~~organisations from organisations/individuals~~ receiving Community Grants (not for Youth Grants or Heritage Grants) to ensure that funds were used in the way specified in the original application. (Acquittal statements are not required for Heritage Grants. Youth Grant acquittals are administered by the Committee Administration.)

2.1.54 To prepare an annual budget submission to Council for the allocation of funds towards the Community Assistance Scheme.

2.1.65 To annually review the Heritage Grants, Community Grants and Youth Grants guidelines and application forms.

2.2 Youth Grants

2.2.1 2A Youth Grants

Youth Grant applications are assessed by the Committee Administration in accordance with Council's Community Assistance Scheme Policy and supporting Guidelines and processes. The Committee Administration has delegated power to approve Youth Grants (ensuring criteria are met and documentation submitted), with and a summary report is presented to the Committee at the following meeting for information.

3. SCOPE

3.1 [Type here]

34. MEMBERSHIP

3.1 The Committee will consist of:

- (i) The Mayor;

- (ii) The Deputy Mayor; and
 - (iii) A minimum of 32 Elected Members nominated by the Council.
- 3.2 The Committee will at the first meeting following every periodic Local Government election (and further annually at its determination and as recorded in its Minutes), appoint at a minimum the Chairperson of the Committee who shall be either the Mayor or Deputy Mayor.
- 3.3 Administrative support – The Council Officers assigned the responsibility will attend meetings to ensure that reports, agendas, notice of meetings and minutes of the Committee are recorded and managed in accordance with legislative compliance requirements. Any staff attending will have no voting rights and will not be considered as part of the Committee membership.
- 3.4 Subject to clause 1.3, membership of the Committee iss for the current term of the Council, with the following exceptions:
- unless
- 3.4.1 a member resigns or is otherwise incapable of continuing as a member
 - 3.4.2 a member is removed from office by the Council
 - 3.4.3 the Deputy Mayor, whose term expires when his/her Deputy Mayoral appointment expires, unless he/she has been appointed to the Committee in his/her own right.
- 3.5 Subject to clauses 1.3 and 3.4, Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.
- 3.6 The Committee may by a vote supported by a majority of members of the Committee make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.
- 3.7 The Council may at its discretion, remove from membership any member of the Committee and appoint others in their place. Where Council determines to remove a Committee member from office under this clause, procedural fairness will be observed in that:
- (i) the Committee member will be informed of Council's intention to remove him/her from office;
 - (ii) the Committee member will be provided with an opportunity to comment upon his/her proposed removal from office; and
 - (iii) the Council will have regard to any submissions received from the Committee member before determining to remove him/her from office.
- 3.8 Subject to clause 1.3, if a vacancy arises, the Committee will make a recommendation to the Council with respect to the appointment of a Committee member to fill the vacancy.

4. CHAIRPERSON

4.1 The Chairperson will:

- (i) be the contact point between Council and the Committee;
- (ii) be responsible for the proper observance of these Terms of Reference;

- (iii) oversee and facilitate the conduct of Committee meetings in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 ('the Regulations') Parts 1, 3 and 4 (noting that Part 2 does not apply);
- (iv) ensure all Committee members have an opportunity to participate in discussions in an open, respectful and encouraging manner and
- (v) where a matter has been debated significantly and no new information is being discussed, to call the meeting to order and ask for the debate to be finalised and the motion to be put.

5. DELEGATED POWERS

- 5.1 In order for the Committee to perform its functions consistent with these Terms of Reference, the Council delegates to the Committee in accordance with section 37 of the Act the power to expend Council's approved budgeted funds up to \$5,000 excluding GST for any one order subject to the Committee's budget allocation and Council's policies.

6. GOVERNANCE

- ~~6.7.1~~ No Committee member will be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith.
- ~~6.7.2~~ Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.
- ~~6.7.3~~ Subject to clause 1.3, a recommendation by the Committee to the Council to amend the Terms of Reference must be made by the majority of all Committee members.
- ~~7.6.4~~ Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:
- (i) Act;
 - (ii) Regulations;
 - (iii) *Code of Conduct for Elected Members*; and
 - (iv) Council's policies and processes which are relevant to the operations of the Committee.
- ~~7.6.5~~ All relevant documentation will be provided to the Committee members during Induction and when Council or legislative changes require further awareness. Committee members are expected to read, comply with and, where appropriate, to seek clarification with respect to Council policies and processes relevant to these Terms of Reference.
- ~~6.6~~ On an annual basis, all Committee members should complete an anonymous self-assessment that evaluates the Committee's performance to promote continuous improvements in performance and ensure that its actions are aligned with its intended purpose.
- ~~6.7~~ The Committee's administrative support officers-Administration will facilitate the annual self-assessment process and provide a summary of the results to the Committee and Council's Chief Executive Officer for consideration and further discussion with the Committee as necessary. The results of the self-assessment may be referred to Council if required.

~~7.~~ CHAIRPERSON

~~6.1 The Chairperson will:~~

- ~~(i) be the contact point between Council and the Committee;~~
- ~~(ii) be responsible for the proper observance of these Terms of Reference;~~
- ~~(iii) oversee and facilitate the conduct of Committee meetings in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 ("the Regulations") Parts 1, 3 and 4 (noting that Part 2 does not apply);~~
- ~~(iv) ensure all Committee members have an opportunity to participate in discussions in an open, respectful and encouraging manner and~~
- ~~(v) where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.~~

8. MEETINGS

- 8.1 The meetings of the Committee will be held in accordance with Parts 1, 3 and 4 of the Regulations. Part 2 of the Regulations does not apply to this Committee.
- 8.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document that process within its Minutes.
- 8.3 Ordinary meetings of the Committee will be held quarterly or as determined by the Committee. The day, time and place for such meetings will be determined each year at the first ordinary meeting.
- 8.4 Quorum
- 8.4.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 8.4.2 A quorum for a meeting of the Committee is half of the current membership, ignoring any fraction resulting from the division and adding 1.
- 8.5 If the Chairperson of the Committee is absent from a meeting, the Deputy Chairperson (if such position exists) will preside at that meeting. ~~in accordance with clause 6.1.~~ If there is no position of Deputy Chairperson, or both the Chairperson and the Deputy Chairperson of the Committee are absent from a meeting of the Committee, ~~t.~~ Then a member of the Committee chosen from those present will preside at that meeting until the Chairperson (or Deputy Chairperson, as appropriate) is present.
- 8.6 All decisions of the Committee will be made based on the majority of the members present. All Committee members must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.
- 8.7 Conflict of Interest
- 8.7.1 No Committee member will vote or take part in debate that has a conflict of interest in any matters before the Committee that would contravene sections 73, 74, ~~and 75~~ and 75A of the Act.
- 8.7.2 If a Committee member has a material conflict of interest in the particular matter to be voted upon or debated, ~~he or she~~ the member will must declare a conflict of interest and then leave the meeting place until the matter is concluded. The declaration of a conflict and the time the member left the meeting and returned to the meeting will be recorded in the minutes.

8.7.3 If a Committee member has an actual conflict of interest or a perceived conflict of interest, the member must deal with the conflict of interest in a transparent and accountable way. The member must inform the meeting of the member's interest in the matter and, if the member proposes to participate in the meeting in relation to the matter, how the member intends to deal with the actual or perceived conflict of interest. The declaration of a conflict and the time the member left the meeting and returned to the meeting, or, if the member remained in the meeting, how the member voted on the motion, will be recorded in the minutes.

8.7.4 If a quorum at a meeting cannot be formed because a member proposes to exclude himself or herself from the meeting in order to comply with 8.7.3, the member will not be taken to have contravened the Act by participating in the meeting in relation to the matter if the attendance of the member, together with any other required number of members, forms a quorum for the meeting.

8.8 Minutes

8.8.1 Minutes of each meeting must include:

- (i) names of members present, including the time and the point in the proceedings (if applicable) at which each member entered or left the meeting;
- (ii) each motion ~~came~~ carried, and or amendment and the names of the mover and seconder; and any variation, alteration or withdrawal of a motion or amendment; and whether a motion or amendment is carried or lost; and
- (iii) any disclosure of interest made by a member, including the personal explanation given by a member, and any other information required by sections 74(5) and 75A(4) of the Act;
- (iv) details of the making of an order under section 90(2) or 91(7) of the Act in accordance with section 90(7) and 91(9) of the Act respectively – i.e. an order to exclude public from attendance at a meeting;
- (v) details of an adjournment of business; a record of any documents or request for documents to be tabled at the meeting; a description of any oral briefing given to the meeting on a matter of Council business; and
- (vi) any other matter required to be included in the Minutes in accordance with the Act or Regulations.

8.8.2 The Committee's administrative support will:

- (i) keep minutes of each meeting;
- (ii) within five days of the meeting:
 - register the draft minutes into Council's Electronic Document Record Management System (EDRMS/IRIM) a copy of the draft minutes;
 - Provide the draft minutes to the Committee members
 - upload the draft minutes to Council's website
- ~~(iii) — upload the draft minutes to Council's website as soon as reasonable practicable;~~
- (iv) submit for confirmation the draft minutes at the next Committee meeting; and
- (v) submit the draft minutes to Council's Debate Agenda at the next available Council meeting.

910. TRAINING AND SUPPORT

- 94.1 Committee members will be encouraged to attend training related to the management of Local Government committees as sessions become available through the Local Government Association and other appropriate training providers.
- 94.2 Committee members will be entitled to reimbursement of approved expenditure in relation to attendance at training in accordance with Council policies and processes.

109. RESOURCES

Local Government Act 1999

Local Government (General) Regulations 2013

Local Government (Procedures at Meetings) Regulations 2013

Community Assistance Scheme Policy

Community Grants Administration Process and relevant guidelines and application forms

Code of Conduct for Elected Members

Caretaker Policy

Complaints Policy

Complaints Handling Process under the Code of Conduct for Council Members

Elected Members Training and Development Policy

Procurement Policy

Council Self-assessment Tool

Declaration of Conflict of Interest Form – Committee Members

Signed

Mayor Bim Lange

Dated:

Final Drafting note: When the draft document has been finalised, remove the "DRAFT" watermark



and insert with Council's logo – The Barossa Council Png. image is located [here](#)

Delete these instructions after reading.



Self-Assessment of Committee Performance

To assess the effectiveness of the **[name of committee]**, please respond to the following statements by considering the existing strengths and opportunities for improvement.

This self-assessment will be anonymous and all results summarised in a report for Council's Chief Executive Officer to consider action with the Committee where opportunities exist.

Rating 1 to 5 (1 = strongly disagree; 2 = disagree; 3 = neither disagree or agree; 4 = agree; 5 = strongly agree)

	Statements	Rating 1-5	Comments
1.	The objectives of the Committee as detailed in its Terms of Reference are appropriate and relevant.		
2.	The number of Committee members is appropriate to achieve its objectives.		
3.	The Committee collectively has sufficient skills and experience to undertake its duties.		
4.	The Committee has sufficient resources to undertake its duties.		
5.	The meeting arrangements (ie frequency, time, duration, venue and format) support my decision-making process.		
6.	The meeting reports are sufficiently comprehensive and yet understandable for me to make informed decisions.		
7.	The Chairperson is prepared for our meetings.		
8.	The Chairperson conducts our meetings according to our Terms of Reference.		
9.	My Committee co-members contribute to the discussion and determination of agenda items.		
10.	I contribute to the discussion and determination of agenda items.		
11.	The Committee works constructively as a team.		
12.	The Committee works constructively with others who attend our meetings.		
13.	The meeting presentations help inform me about various issues.		
14.	The meeting minutes are well managed (ie accurately prepared, promptly distributed and agreed actions undertaken).		
15.	The Committee is professionally supported by Council staff.		
16.	The Committee's Elected Member representative(s) provide(s) a valuable link between the Committee and the Council for information and advice.		
17.	Overall, the Committee provides an efficient and effective service to Council and should continue in its current format.		

18.	My suggestions for improving the Committee's performance, role or functions:
-----	--

Thank you for your feedback on the Committee's performance.

Please email this form to Council's [officer position], [name of officer], at [email address] by 5.00pm on [date] and feel free to contact the officer on 8563 [extension] should you have any queries or concerns about this form.

Additionally, any feedback on this form or self-assessment process would be most welcome.

COUNCIL

WORKS AND ENGINEERING SERVICES

DIRECTOR'S REPORT

19 MARCH 2019

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1

PROPOSED ROAD CLOSURE – 2019 BAROSSA VINTAGE FESTIVAL PARADE

B9032 18/88204

Author: Manager Engineering Services

PURPOSE

A request has been received from Tourism Barossa for the temporary road closure of several roads in Nuriootpa and Tanunda, for the staging of the 2019 Barossa Vintage Parade.

RECOMMENDATION

That the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads on Saturday 27 April 2019 for the purpose of 2019 Barossa Vintage Festival Parade:

Road closure of Penrice Road, Nuriootpa, from the Barossa Valley Tourist Park entrance to the intersection of Penrice Road and Murray Street, between 7.00am and 11.00am, and

Road closure of Murray Street, Nuriootpa, from the intersection of Murray street and Penrice Road to Gawler Street, between 7.00am and 11.00am, and

Rolling road closure along Murray Street, Nuriootpa commencing at Gawler Street and continuing along Tanunda Road and Barossa Valley Way, to Mill Street, Tanunda, between 10.00am and 2.00pm, and

Road closure of Basedow Road, Tanunda, between Murray Street and MacDonnell Street, between 11.30am and 2.00pm, and

Road closure of Mill Street, Tanunda, from Murray Street to end, between 11.30am and 2.00pm.

REPORT

The 2019 Barossa Vintage Festival Program describes the Barossa Vintage Festival Parade as “a treasured tradition, inspired by community passion and creativity since 1948, making it one of the most iconic events of the Festival, the parade meanders its way from Nuriootpa to Tanunda.”

The Vintage Festival Parade is to be held on Saturday 27 April 2019 and is planned to commence in Nuriootpa at approximately 10.00am with the last float planned to reach Tanunda by approximately 1.30pm. Road closures will be required in Nuriootpa and Tanunda to accommodate the formation and disbursement of the parade floats.

It is proposed to replicate the road closures used to stage the 2015 Parade, when the event likewise started in Nuriootpa and finished in Tanunda, with the addition of closures required to stage the finish at the Tanunda Chateau, Tanunda.

ALTUS Traffic has been engaged by the organisers to implement the required road closures and traffic management with the support of SAPOL and Council Operations staff.

A full road closure will be implemented along Penrice Road between the entrance to the Barossa Valley Tourist Park and the intersection of Old Kapunda Road and Murray Street, to allow the formation of the parade. Any overflow will be contained within the Barossa Valley Tourist Park or parked in accordance with Australian Road Rules within local streets.

Murray Street, Nuriootpa, between the intersection of Penrice Road and Gawler Street, Nuriootpa between 7.00am and 11.00Am will be closed to allow for progression of the Parade.

A rolling closure will be implemented along Murray Street, Nuriootpa, from Gawler Street and then along Tanunda Road and Barossa Valley Way, to Mill Street, Tanunda, for the progression of the parade.

The floats will be directed to Chateau Tanunda along Mill Street for disbursement.

Summary and Conclusion

Council has previously supported this event. The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961.

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

The approximate total cost to Council is \$1,500 inclusive of Council staff costs to assist with the facilitation of the proposed events road closures and required advertising.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



2. Community and Culture



4. Health and Wellbeing



Business and Employment

Corporate Plan

- 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 estimated cost of 2 dedicated Council Operations staff is \$1500 to assist with the facilitation of the road closures and required advertising of the road closures will be allocated from 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.

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.

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

19 MARCH 2019

7.5.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.1

CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS
B7500

Author: Director, Development and Environmental Services

PURPOSE

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

RECOMMENDATION

- (1) That Council having reviewed the Minutes of Barossa Bushgardens S41 Committee Meeting held 13 February 2019, that the Minutes be received and noted.
- (2) That Council endorse the following appointments to the Barossa Bushgardens S41 Committee (as contained within the Minutes);
Russell Johnstone (Chairperson)
Louise Mason (Deputy Chairperson)
Andrew Fairney (Community member)

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 13 February 2019.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

Natural Environment and Built Heritage

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

Legislative Requirements

Local Government Act and Regulations

Development Act and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Identified within the body of the Minutes, and is included within the endorsed Council Budget.

COMMUNITY CONSULTATION

Not required by Council.

**MINUTES OF THE MEETING OF
THE BAROSSA BUSHGARDENS S41 COMMITTEE**

**To be held in the Council Chambers on Wednesday 13 February 2019 commencing at
1:00pm**

1. WELCOME

G Mavrinac assumed the Chair and welcomed everyone, and opened the meeting at 1:05pm.

2. PRESENT

T Waldhuter, R Johnstone, K Schilling, B Lillecrapp, L Mason

Staff: G Mavrinac, P Payne, K Thompson, N Rea (arrived 1:08pm) and C Kruger (Minute Secretary)

3. APOLOGIES

E Morgan.

4. GUESTS

Andrew Fairney (Seeding Natives Incorporated) 1:06pm.

5. DECLARATION OF INTEREST BY MEMBERS

R Johnstone declared that he is a community member of the NRM Board.

6. ELECTION OF CHAIRPERSON/DEPUTY CHAIRPERSON

Recommendation

That the Committee:

1. appoint Russell Johnstone as Chairperson of the Committee for the period February 2019 to January 2020.
2. resolve to appoint a Deputy Chairperson

Decision

Moved: B Lillecrapp

Seconded: T Waldhuter

That the recommendation be adopted.

CARRIED

Recommendation

That the Committee appoint Louise Mason as Deputy Chairperson of the Committee for the period February 2019 to January 2020.

Decision

Moved: T Waldhuter

Seconded: B Lillecrapp

That the recommendation be adopted.

CARRIED

R Johnstone assumed the Chair.

7. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

Moved: T Waldhuter

Seconded: L Mason

That the minutes of the Barossa Bushgardens S41 Committee meeting held on 17 October 2018 be received and confirmed.

CARRIED

8. BUSINESS ARISING FROM PREVIOUS MINUTES (ACTION LIST)

8.1 ACTION LIST

Meeting Date	Resolution/Action	Status	Actioning Officer
14 June 2017	Committee to examine grant funding opportunities for Reconciliation Day and related activities.	<p>Pending.</p> <p>Barossa Reconciliation Committee were in discussions with the former Mayor.</p> <p>R Johnstone advised the Committee that a Workshop had been held which was attended by Regional representatives. A suggested outcome was that the Barossa Reconciliation Group be extended and perhaps be renamed to recognise the areas covered. A meeting to progress and plan events for 2019 is to be held mid-February.</p>	N Rea/R Johnstone

Meeting Date	Resolution/Action	Status	Actioning Officer
18 October 2017	Seed Collection Site - contact owner for further information.	Pending. The property is still for sale. NRM Board is exploring opportunities for possible purchase	R Johnstone/ N Rea
17 January 2018	Review of Herbicide Use Policy and Weed Management Policy.	Pending. Herbicide Policy 2014 review pending Site Committee Meeting: intent is to cease herbicide use by volunteers and contract out. Contractors are now undertaking herbicide spraying to reduce risk. Some hand spraying for spot treatment will still need to be undertaken as required. P Payne is currently trialling other weed control methods. A documented process is to be finalised by the S41 Meeting to be held in April 2019.	P Payne
	Audit to be undertaken to determine the requirements for disability access to the Bushgardens and Natural Resource Centre.	Pending. Draft audit complete; need 2-3 car parks adjacent gardens and resolve path surfaces for wheel-chair access around central area. This work is still pending and can't progress until a site is allocated. On-going work is being undertaken to improve site access. Finalised Plans to be referred to DAIP prior to a decision being made.	N Rea
	Replacement of the Quad Bike with a like for like, or with a Gator vehicle.	Pending.	N Rea

Meeting Date	Resolution/Action	Status	Actioning Officer
		N Rea suggested that a small working group be established, to enable a recommendation to be presented to the S41 Committee April meeting.	
11 April 2018	Staff to investigate opportunity to expand seed collection from many isolated reserves in the region, instead of having reliance on the same Bushgardens for stock each year.	Pending. P Payne advised that a meeting with DEWNR representatives will be held 14 February 2019, and the outcomes will be reported to the next Committee Meeting.	P Payne
13 June 2018	Check Tax Deductibility of donations to Council or Incorporated Body.	Completed.	
	The Committee note the need for operations of the Wholesale Nursery to be reviewed, and recommendations re irrigation in report by T Bateman be considered for implementation	In progress. A Work Plan taking the recommendations from T Bateman's two audit reports to be prepared as a matter of priority. P Payne advised that a Work Plan is underway, focusing on priorities, and is hoped to be finalised by April 2019.	P Payne
17 October 2018	The Nursery Sub-Committee to prepare and present a Business Case/Work Plan and costing for the proposed new demonstration gardens, and bring back to the Committee for consideration.	Pending. Preparation of the Business Case/ Work Plan is still to be finalised. Grant funding opportunities are being explored, such as through Open Garden SA for funding to develop a Community Garden. A Companion Planting proposal Funding Application is to be submitted prior to 1 March 2019. The outcome of the Grant Application will be reported	P Payne/N Rea

Meeting Date	Resolution/Action	Status	Actioning Officer
		to the next Committee meeting. An application is to be submitted	

ACTION: N Rea and P Payne to present a documented process for Weed Management to the April 2019 meeting of the S41 Committee.

ACTION: N Rea to form a small working group to present recommendations for the purchase of a Quad Bike to the April 2019 meeting of the S41 Committee.

Recommendation

That the Committee receive and note progress of decisions from previous meetings.

Decision

Moved: B Lillecrapp

Seconded: T Waldhuter

That the recommendation be adopted.

CARRIED

9. CORRESPONDENCE

Nil.

10. RISK MANAGEMENT

10.1 Work Health and Safety

That the Committee receive and note the Report.

Decision

Moved: K Schilling

Seconded: L Mason

That the recommendation be adopted.

CARRIED

11. REPORTS

11.1 Management Committee

Recommendation

That the Committee receive and note the Report.

Decision

Moved: K Schilling

Seconded: B Lillecrapp

That the recommendation be adopted.

CARRIED

11.2 Strategic Plan Update

Recommendation

That the Committee adopt the revised Key Result Areas, Strategies and Actions as presented in the 2019 Update.

Decision

Moved: L Mason

Seconded: T Waldhuter

That the recommendation be adopted.

CARRIED

11.3 Finance

Recommendation

That the Committee receive and note the Report.

Decision

Moved: B Lillecrapp

Seconded: L Mason

That the recommendation be adopted.

CARRIED

11.4 2019-2020 Budget and New Initiatives

Recommendation

That the Committee:

1. Receive and note the report
2. Identify any potential New Initiative for Council's consideration

Decision

Moved: L Mason

Seconded: K Schilling

That the Committee:

1. Receive and note the report
2. Develop a Masterplan for site and facilities.

CARRIED

11.5 Nursery

Recommendation

That the Committee receive and note the report.

Decision

Moved: L Mason

Seconded: T Waldhuter

That the recommendation be adopted.

CARRIED

11.6 Natural Resource Centre

Recommendation

That the Committee receive and note the Report.

Decision

Moved: B Lillecrapp

Seconded: K Schilling

That the recommendation be adopted.

CARRIED

ACTION: N Rea to forward Bush Play Group photos to Councils' Communication Officer for promotional use.

11.7 Site Management

Recommendation

That the Committee receive and note the Report.

Decision

Moved: T Waldhuter

Seconded: L Mason

That the recommendation be adopted.

CARRIED

11.8 Tours

Recommendation

That the Committee receive and note the Report.

Decision

Moved: T Waldhuter

Seconded: K Schilling

That the recommendation be adopted.

CARRIED

ACTION: N Rea to review Brochures and marketing material (hard copy and electronic format).

P Payne left the meeting at 3:04pm.

11.9 Partner Projects

Recommendation

That the Committee:

1. Receive and note the report.
2. Invite Andrew Fairney (Seeding Natives) to join the Barossa Bushgardens S41 Committee

Decision

Moved: L Mason

Seconded: T Waldhuter

That the Committee receive and note the Report.

CARRIED

Decision

Moved: B Lillecrapp

Seconded: T Waldhuter

That the Committee recommend to Council that Andrew Fairney (Seeding Natives Incorporated) be appointed as a Community Member to the Barossa Bushgardens S41 Committee pursuant to the Terms of Reference.

CARRIED

A Fairney addressed the Committee at 3:09pm, providing an informative update of the aims and operations of Seeding Natives Incorporated.

ACTION: Water meters to be tamper-proofed and labelled accordingly (access to Labyrinth Group and Seeding Natives Inc.).

Decision

Moved: K Schilling

Seconded: T Waldhuter

That the Committee note A Fairney's verbal report.

CARRIED

12. GENERAL BUSINESS

12.1 2019 Meeting Schedule

Recommendation

That the Committee:

1. Receive and note the items raised under general business, and;
2. Accept the proposed Schedule of Meetings for 2019.

Decision

Moved: T Waldhuter

Seconded: B Lillecrapp

That the recommendation be adopted.

CARRIED

12. NEXT MEETING

Wednesday 10 April 2019 commencing at 1.00pm.

13. CLOSURE OF MEETING

The Chair declared the meeting closed at 3:17pm.

Confirmed

Date: Chairman:

COVER SHEET

CONFIDENTIAL REPORT

19 March 2019

Council Meeting

8.2 CORPORATE AND COMMUNITY SERVICES – MANAGERS' REPORT

8.2.1 BAROSSA VISITOR CENTRE/TANUNDA LIBRARY – TENDER FOR UPGRADE WORKS – T0093-2018

Author: Manager Tourism Services and Manager Customer, Library and Heritage 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 for the upgrade works to the Barossa Visitor Centre and Tanunda Library 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.

RECOMMENDATION

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 Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering Services, Manager Tourism Services, Manager Customer, Library and Heritage Services and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999 relating to the receiving, reviewing and assessing Barossa Visitor Centre/Tanunda Library – Tender for Upgrade Works, 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.