



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 19 March 2019 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT

Mayor Michael (Bim) Lange, Deputy Mayor Cr John Angas, Crs Tony Hurn, Cathy Troup, David Haebich, Leonie Boothby, Dave de Vries, Kathryn Schilling, Russell Johnstone, Richard Miller, Don Barrett and Carla Wiese-Smith

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr de Vries that the Minutes of the Council meeting held on Tuesday 19 February 2019 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Hurn

CARRIED 2018-22/128

MOVED Cr de Vries that the Minutes of the Confidential Council meeting held on Tuesday 19 February 2019 at 11.36am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Haebich

CARRIED 2018-22/129

MOVED Cr Wiese-Smith that the Minutes of the Confidential Council meeting held on Tuesday 19 February 2019 at 11.43am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Barrett

CARRIED 2018-22/130

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

1.7 PETITION – DIRECTOR WORKS AND ENGINEERING SERVICES**PETITION – REQUEST FOR REPAIRS – WIRRA WIRRA ROAD – BLOCKERS ROAD – TOWER ROAD – PEWSEY VALE**
B6082 19/12897

Author: Director, Works and Engineering Services

MOVED Cr de Vries 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.

Seconded Cr Wiese-Smith**CARRIED 2018-22/131****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.

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

1.8 DEPUTATIONS

Nil

1.9 NOTICE OF MOTION

Nil

1.10 QUESTIONS – WITH OR WITHOUT NOTICE

Nil

2. MAYOR**2.1 MAYOR'S REPORT**

MOVED Cr de Vries that the Mayor's report be received.
Seconded Cr Hurn

CARRIED 2018-22/132**3. COUNCILLOR REPORTS**

Nil

4. CONSENSUS AGENDA**5. ADOPTION OF CONSENSUS AGENDA****5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA**

Nil

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Hurn that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

Seconded Cr Miller**CARRIED 2018-22/133****5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA****6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING****6.1 VISITORS TO THE MEETING**

10.04am – Presentation – Youth Grant Certificates to:

Jayde McGrath, Matthew Jacks, Ashley Sonntag, Hayden Schiller, Katie Koch, Eliza King and Kendra Petney

Refer Minute Page 2019/127

Volunteer Recognition Certificate – Kym Connell – Service to the Barossa Visitor Centre

Refer Minute Page 2019/127

6.2 ADJOURNMENT OF COUNCIL MEETING

9.34am – Strategic Planning and Development Policy Committee meeting – Refer Minute Page 2019/106.

10.18am – Refer Minute Page 2019/128

7. DEBATE AGENDA**7.1 MAYOR - DEBATE**

Nil

7.2 EXECUTIVE SERVICES - DEBATE**7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER****7.2.1.1****ELECTED MEMBERS' ALLOWANCES AND BENEFITS POLICY****B7322**

Author: Coordinator Internal Controls

MOVED Cr Hurn

- (1) That Council receives, considers and approves the draft Elected Members' Allowances and Benefits Policy, as *attached at Attachment 1* to this report, with amendment to clause 4.2.5 of the Policy as follows:

"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 Mayor, Deputy Mayor or the Deputy Chairperson of a Prescribed Committee"

- (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.

Seconded Cr Johnstone

CARRIED 2018-22/134

PURPOSE

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

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.

7.2.1.2

QUARTERLY UPDATE TO DELEGATIONS REGISTER – MARCH 2019

B8824 and B8826

Author: Governance Advisor

MOVED Cr de Vries

(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.

Seconded Cr Miller

CARRIED 2018-22/135

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*.

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

- Attachment 1:** Proposed amendments to the Instrument of Delegation under the *Heavy Vehicle National Law (South Australia) Act 2013*.
- Attachment 2:** Proposed amendments to the Instrument of Delegation under the *Local Government Act 1999*.

- 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.

7.2.1.3

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

B9002

Author: Governance Advisor

MOVED Cr de Vries

- (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.

Seconded Cr Boothby**CARRIED 2018-22/136****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.

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:

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- 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.

7.2.1.4

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

B879

Author: Governance Advisor

MOVED Cr de Vries that Cr Troup 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.

Seconded Cr Johnstone

CARRIED 2018-22/137

PURPOSE

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

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.

7.2.1.5**LOCAL GOVERNMENT ELECTRICITY TENDER FOR 2019****B4946**

MOVED Cr Boothby 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.

Seconded Cr Miller

CARRIED 2018-22/138

PURPOSE

To delegate responsibility for acceptance of the Local Government Electricity Tender to an Authorised Officer.

REPORTBackground

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.

7.2.1 ADDENDUM – CHIEF EXECUTIVE OFFICER - DEBATE**7.2.1.6****LOCAL GOVERNMENT ASSOCIATION OF SOUTH AUSTRALIAN ORDINARY GENERAL MEETING – AGENDA AND CONSIDERATION OF COUNCIL POSITION OF MOTIONS**
B9102

MOVED Cr de Vries that Council receive and note the Local Government Association of South Australia (LGA) Ordinary General Meeting (OGM) and provide direction to the Mayor regarding motions for debate items 6.1-6.5, 7.1 – 7.7, 8.1 – 8.4 and 9.1 as outlined in the table in the report with the following exceptions:

Clause 8.1 - Inclusion of Wine Bottles in the Container Deposit Legislation (Unley) - Not Support

Seconded Cr Hurn

CARRIED 2018-22/139

PURPOSE

To be informed of local government sector based matters and provide direction to the voting delegate, the Mayor, on motions to be debated at the Local Government Association of South Australia (LGA) Ordinary General Meeting (OGM).

REPORT

The LGA OGM (and Annual General Meeting) are held yearly (two meetings per year) to raise and debate matters of sector importance.

Previously Council had not reviewed the agenda and provided direction to the Mayor as it pertains to Council policy. Best practice would see Council holistically provide this direction to the Mayor.

This report deals only with debate matters, those reports presented for information and update and minutes will be supported as written.

Clause	Item	Comment / Recommendation	Direction of Recommendation
5.1	Minutes of the Meeting	Routine	Support
5.2	Resolutions and Actions	Routine update	Support
6.1	Local Government Reform	Update report and commitment to working with the Parliament to deliver sensible and effective reform.	Support

6.2	LGA Advocacy Update	Update and activity report	Support
6.3	LGASA Commercial	Update and activity report	Support
6.4	LGA Procurement Transformation Update	Update and activity report	Support
6.5	LGASA Mutual Update	Update and activity report	Support
7.1	State of Climate Change Emergency (Mount Barker)	That the Ordinary General meeting requests the LGA to investigate opportunities for giving a higher priority to lobbying state and federal governments on climate change, as well as facilitating appropriate responses from member councils, due to the escalating environmental, economic, social and risk related issues faced by the local government sector.	Support
7.2	Local Government Leadership[in Climate Risk Management (Southern and Hills LGA)	That the Ordinary General Meeting agrees to enhance Local Government leadership in climate risk management, by: <ol style="list-style-type: none"> 1. advocating that the South Australian Government (including the Department of Energy, Transport and Infrastructure and the Department for Environment and Water) establishes and manages a centrally coordinated climate hazard mapping framework to inform decision-making in collaboration with Councils; 2. advocating to ensure Local Government priorities on climate risk management are considered in the State Government's new cross-agency Climate Change Strategy; and 3. investigating opportunities for the LGASA to increase its support to councils to accurately assess the climate risk exposure of Council plans and projects. 	Support It is unsure if this is achievable and could result in increased cost, the ability to develop and maintain such a system is unknown. However generally supportive of direction. There are opportunities to amend to undertake investigation as to the commitment local government would be making before committing to advocacy. It would also be useful in understanding our insurer's and the schemes position.
7.3	Jetties (Tumby Bay)	That the Ordinary General Meeting requests that the LGA immediately begin negotiations with the current State	Support

		Government to draft a lease or other agreement with local government collectively to safeguard the future of jetties in South Australia without creating a financial burden on ratepayers, especially in rural and regional areas.	
7.4	Lack of Medical Services to Regional Areas (Eyre Peninsula LGA)	That the Ordinary General Meeting requests the LGA to lobby the State and Commonwealth Governments for the provision of improved health services in regional and rural Australia.	Support
7.5	Funding for Regional Road Safety (Alexandrina)	That the Ordinary General Meeting asks the LGA to call on State Government to: 1. actively advocate to Federal Government for the permanent reinstatement of South Australia's supplementary local roads funding; and 2. allocate increased funds for the maintenance and upgrade of safe and high quality regional roads, in line with their pre-election commitment to establish a dedicated Regional Roads and Infrastructure Fund.	Support
7.6	Regional Economic Growth and Development (Wattle Range)	That the Ordinary General Meeting asks that the LGA continue to lobby the State Government to develop and implement initiatives that will assist with the growth and development of regional South Australia.	Support in principle. There are already structure and programs in place such as RDA's, regional programs for roads, growth funding and programs in departments. LGA has a regional growth network and a policy Statement on Economic Development, it would seem the resolution raises awareness of work already being done.
7.7	Little Corella Management (Alexandrina)	That the Ordinary General Meeting asks the LGA to continue to advocate to State Government for: 1. the urgent adoption (in consultation with the local government sector) of a statewide strategy for the	Support Extensive research has been done over the past near on a decade it is time for support and action.

		<p>management of Little Corellas; and</p> <p>2. a commitment to fund implementation of the strategy, which must include financial assistance to local governments for:</p> <p>(a) the development of integrated local management plans; and</p> <p>(b) the implementation of medium and long term management options at a local scale.</p>	
8.1	Inclusion of Wine Bottles in the Container Deposit Legislation (Unley)	<p>That the Ordinary General Meeting requests the LGA to investigate whether there is sufficient support across Local Government to request the State Government amend the Container Deposit Legislation (incorporated into the Environment Protection Act 1993) to include wine bottles, and to achieve consistency with the treatment of other glass bottles in the waste stream, an increase in the recycling of bottles, and a reduction in the contamination of other recycled waste caused by broken glass.</p>	<p>Support if the direction of the final resolution is about not proceeding if it will have any negative impact on rural and regional economies, otherwise oppose.</p> <p>This is consistent with the recent submission made on the review of the Container Deposit Legislation and that careful analysis of wine bottle inclusion.</p>
8.2	Social Infrastructure that promotes liveability and health communities (Adelaide)	<p>That the Ordinary General Meeting requests that the LGA:</p> <p>1. supports and encourages councils to improve planning for community, sporting and cultural facilities and services/programs (social infrastructure) including through research, innovation, collaboration, skills and capacity development;</p> <p>2. liaises with the South Australian Government to ensure councils are engaged and informed regarding social infrastructure planning associated with urban development and planning processes, with reference to implementation of the Planning, Development and Infrastructure Act 2016 (SA) (PDI Act) and the 30-</p>	Support

		<p>year Plan for Greater Adelaide, and</p> <p>3. requests that the South Australian government investigates opportunities to promote a more consistent and place-based approach to social infrastructure planning in the state, including development of a contemporary social infrastructure guideline/design standard for SA.</p>	
8.3	Movement and Transport Planning (Adelaide)	<p>That the Ordinary General Meeting requests that the Local Government Association:</p> <ol style="list-style-type: none"> 1. Establishes a Local Government Movement and Transport Planning Network with the intent to: <ul style="list-style-type: none"> • keep informed of current and future trends in movement and transport strategies, with relevance to metropolitan Adelaide and regions across the state; • identify priority movement and transport projects, with a key focus on mobility sharing, cycling, walking and public transport; • identify strategic, capital and operational funding opportunities at all levels of government as well as seek partnerships to deliver strategies and projects; • ensure movement and transport strategies are aligned and cohesive across council areas; and • discuss opportunities to partner on projects, cross-promote and share information, ideas, and learnings. 2. Membership could include all councils who elect to sign up to the group, the LGA, as well as representatives from the State Government (e.g. DPTI and ODASA). 	Support investigation firstly before establishing another network

		<p>3. The scope could include discussion of a metropolitan Adelaide without boundaries, and assisting councils and other key stakeholders (e.g. RAA, Bike SA, BISA, ALLA, Engineers Australia, Property Council etc.) to create, influence and implement:</p> <ul style="list-style-type: none"> ○ Major projects ○ Climate change adaptation ○ Green infrastructure provision ○ Customer centricity ○ Business cases and the process for Infrastructure Australia (IA) ○ Consistent approaches to design and infrastructure ○ Consistent approaches to transport mode integration 	
8.4	Hardship Policy for Council Rates (policy)	That the Ordinary General Meeting requests the LGA work with its member councils to prepare guidelines to assist councils in developing Rates Hardship Policies.	Support Council already has done this work, however no barrier to the sector pursuing.
9.1	Engineering Principle for Development (Campbelltown)	That the Ordinary General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to change the Standards used to determine space allocation for parking on site and on street, including turning circles, given the wider use of SUV vehicles that require more space than standard vehicles.	Support

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

LGA OGM Agenda

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Corporate Plan

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

No consultation or engagement requirements under legislation and policy.

ADJOURNMENT OF COUNCIL MEETING – 9.34AM

MOVED Cr Hurn that the Council meeting adjourn for the Strategic Planning and Development Policy Committee meeting at 9.34am.

Seconded Cr Troup**CARRIED 2018-22/140****RESUMPTION OF COUNCIL MEETING – 9.44am**

The Council meeting resumed at 9.44am.

7.2.2 FINANCE – DEBATE**7.2.2.1****MONTHLY FINANCE REPORT (AS AT 28 FEBRUARY 2019)****B411**

Author: Senior Accountant

MOVED Cr Boothby that the Monthly Finance Report as at 28 February 2019 be received and noted.

Seconded Cr Barrett**CARRIED 2018-22/141****PURPOSE**

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

REPORTDiscussion

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 REQUIREMENTSCorporate 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 CONSIDERATIONSFinancial

To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.

COMMUNITY CONSULTATION

Community Consultation was part of the original budget adoption process in June 2018, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.3 CORPORATE AND COMMUNITY SERVICES - DEBATE**7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES - DEBATE****7.3.1.1****LAND ONLY LEASE – APPROVAL IN PRINCIPLE – TANUNDA KINDERGARTEN****B6397**

MOVED Cr de Vries 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.

Seconded Cr Hurn

CARRIED 2018-22/142

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.

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.

7.3.2 MANAGER COMMUNITY PROJECTS - DEBATE**7.3.2.1****CYCLING AUSTRALIA – MASTERS ROAD NATIONAL CHAMPIONSHIPS AND AUSTRALIAN MASTERS GAMES – REQUEST TO HOST EVENTS****B9265 19/12612****MOVED** Cr Boothby 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.

Seconded Cr Johnstone**CARRIED 2018-22/143****PURPOSE**

To consider the request to host two cycling events during October 2019 within the township of Williamstown.

REPORTBackground

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	Event consists of 3 or 4 days: Road Race – Needles Road, Yettie Road, Williamstown Road

Time trial – 12km Yettie Road, Williamstown Road race	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.

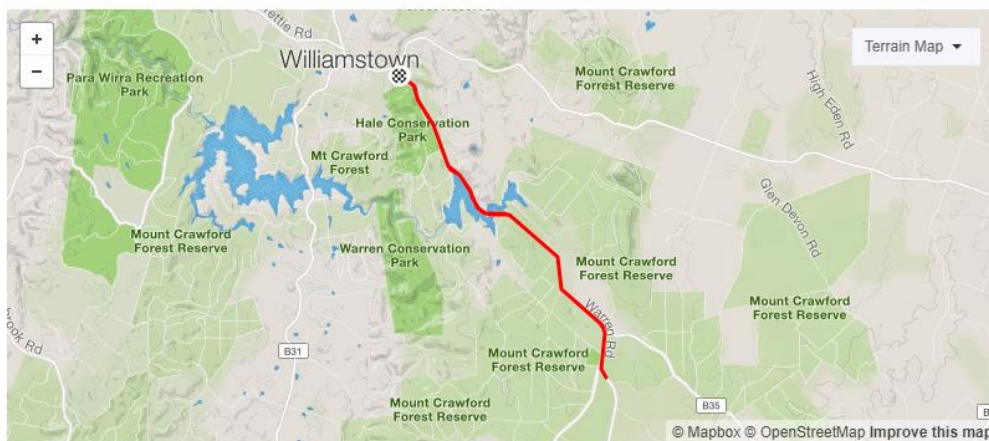
However, the hosting fee of \$40,000 is significant and not part of the 2019/20 budget recommendations at this stage. Securing corporate sponsorship for events has not been an approach Council has adopted in recent years. Officers recommend that should Council be interested in hosting this event and 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.



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.

7.3.2.2

STOCKWELL RECREATION PARK – DRAFT MASTER PLAN – FEEDBACK FROM COMMUNITY CONSULTATION – 30 JANUARY 2019 TO 1 MARCH 2019

B6671 19/13023

MOVED Cr de Vries 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.

Seconded Cr Schilling

CARRIED 2018-22/144

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.

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: MOVED Cr Milne that 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. SECONDED Cr de Vries CARRIED
<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 Park. 	<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 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.
<p>4. Tennis / Basketball Court/s</p> <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 	<p>Officer comments:</p> <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

missed opportunity of courts that were muted back in the 1980's.	<ul style="list-style-type: none"> • 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.
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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](#)).

7.3.2.3**DOG PARKS – ASSESSMENT OF LOCATION CONCERNS - NURIOOTPA****19/13603**

MOVED Cr Wiese-Smith 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.

Seconded Cr Boothby

CARRIED 2018-22/145

PURPOSE

To provide an assessment of the concerns as raised during the deputation at the 19 February 2019 Council meeting.

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 dog park if the upstream North Para River gauging stations indicate the river conditions are rising to Trigger Point 1 within the Plan.</p>
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.



Image 1: 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.

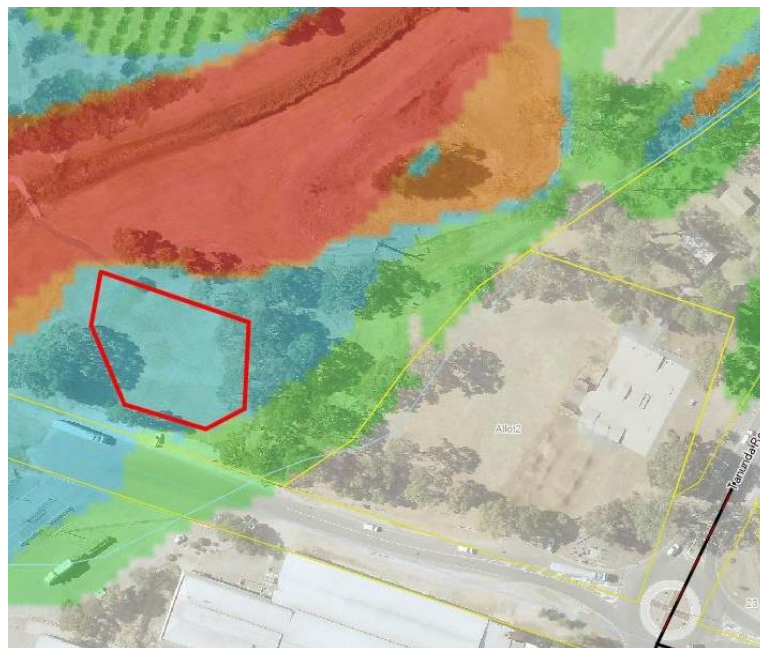


Image 2: Tolley Reserve - Flood Hazard Levels

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.

7.3.2.4**MINUTES OF COMMUNITY ASSISTANCE SCHEME COMMITTEE MEETING AND UPDATED TERMS OF REFERENCE**
B3342

MOVED Cr Wiese-Smith 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.

Seconded Cr Miller

CARRIED 2018-22/146

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.

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.

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE

7.4.1.1

PROPOSED ROAD CLOSURE – 2019 BAROSSA VINTAGE FESTIVAL PARADE

B9032 18/88204

Author: Manager Engineering Services

Pursuant to S75 of the Local Government Act 1999 Cr Wiese-Smith disclosed an actual conflict of interest in the matter 7.4.1.1 – Proposed Road Closure – 2019 Barossa Vintage Festival Parade as she is the Convenor of the Barossa Vintage Festival Parade.

Cr Wiese-Smith advised the meeting of the conflict of interest and left the meeting at 9.58am.

MOVED Cr de Vries 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.

Seconded Cr Johnstone

AMENDMENT

MOVED Cr Hurn 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 9.00am and 11.00am, and

Road closure of Murray Street, Nuriootpa, from the intersection of Murray street and Penrice Road to Gawler Street, between 9.00am 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.

The amendment lapsed for want of a seconder.

The motion was put and

CARRIED 2018-22/147

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.

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.

Cr Wiese-Smith returned to the meeting at 10.03am.

VISITORS TO THE MEETING – 10.04AM

Mayor Lange presented Youth Grant certificates to:

Jayde McGrath, Matthew Jacks, Ashley Sonntag, Hayden Schiller, Katie Koch, Eliza King and Kendra Petney, and;

A Volunteer Recognition Certificate to Kym Connell for service to the Barossa Visitor Centre.

ADJOURNMENT OF COUNCIL MEETING – 10.18AM

MOVED Cr Haebich that the Council meeting adjourn for a short break at 10.18am.

Seconded Cr Hurn

CARRIED 2018-22/148

RESUMPTION OF COUNCIL MEETING – 10.29AM

The Council meeting resumed at 10.29am.

Cr Hurn was not in the Chamber at the resumption of the Council meeting.

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE

7.5.1 DEVELOPMENT SERVICES – DEBATE

Nil

7.5.2 ENVIRONMENTAL SERVICES REPORT - DEBATE**7.5.2.1****CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS****B7500****MOVED** Cr Miller

- (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)

Seconded Cr Wiese-Smith

Cr Hurn returned to the meeting at 10.32am.

Cr de Vries, noted that the minutes of the Barossa Bushgardens Committee meeting which Council considering at 7.5.2.1 – *Consideration and Adoption of Committee Resolutions* had appointed Russell Johnstone as Chairperson but not as Council's representative. Cr de Vries suggested Cr Johnstone may have a conflict of interest in the matter and sought advice from the Chief Executive Officer.

Mr Martin McCarthy, Chief Executive Officer advised he would check the legislation with regard to conflict of interest, however, Cr Johnstone advised he would disclose a conflict of interest and leave the meeting.

Pursuant to S73 of the Local Government Act 1999 Cr Russell Johnstone disclosed a material conflict of interest in the matter 7.5.2.1 – *Consideration and Adoption of Committee Resolutions* as he has been appointed Chairperson of the Barossa Bushgardens Committee – not as a Councillor but as a community member.

Cr Johnstone advised the meeting of the conflict of interest and left the meeting at 10.35am.

The motion was put and

CARRIED 2018-22/149

Cr Johnstone returned to the meeting at 10.36am.

PURPOSE

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

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 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.

8. CONFIDENTIAL MATTER – 10.36AM

8.1

Nil

8.2 CORPORATE AND COMMUNITY SERVICES – CONFIDENTIAL MATTER – 10.36AM

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.

MOVED Cr Johnstone 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.

Seconded Cr Miller

CARRIED 2018-22/150

RESUMPTION OF OPEN COUNCIL MEETING – 10.46AM

The open meeting of Council resumed at 10.46am.

In the matter 8.2.1- *Barossa Visitor Centre/Tanunda Library – Tender for Upgrade Works – T0093-2018*:

MOVED Cr de Vries that Council:

- (1) Confidential resolution
- (2) Confidential resolution
- (3) Confidential resolution
- (4) Confidential resolution
- (5) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, agenda report and all attachments and associated documents in relation to Confidential Council meeting held on 19 March 2019 in relation to item 8.2.1 and titled "Barossa Visitor Centre/ Tanunda Library Upgrade Works – T0093-2018" other than the Minutes relating to the identity of the successful tenderer [Item (1)] and

this confidentiality order, be kept confidential and not available for public inspection until the end of the Barossa Visitor Centre/ Tanunda Library Upgrade works – T0093-2018 and that the Chief Executive Officer be delegated the power to review and revoke this order.

- (6) Authorise the Chief Executive Officer to release information relating to the tender in accordance with Section 91 (8)(b) and 91(8)(ba) of the Local Government Act.

Seconded Cr Miller

CARRIED CO2018/22-7

9. URGENT OTHER BUSINESS

9.1 LEAVE OF ABSENCE – CR MILLER

MOVED Cr Johnstone that Cr Miller be granted Leave of Absence from Wednesday 20 March 2019 to Sunday 14 April 2019.

Seconded Cr Hurn

CARRIED 2018-22/151

10. NEXT MEETING

Tuesday 16 April 2019 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 10.47am.

Confirmed at Council Meeting on 16 April 2019

Date:.....

Mayor:.....