



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 16 April 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 Johnstone that the Minutes of the Council meeting held on Tuesday 19 March 2019 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Miller

CARRIED 2018-22/152

MOVED Cr Hurn that the Minutes of the Confidential Council meeting held on Tuesday 19 March 2019 at 10.36am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Wiese-Smith

CARRIED 2018-22/153

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

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 Johnstone

CARRIED 2018-22/154**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 de Vries that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

Seconded Cr Boothby**CARRIED 2018-22/155****5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA****6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING****6.1 VISITORS TO THE MEETING**

9.30am – Mr Simon Millcock, Chief Executive Officer, Legatus Group – refer Minute Book page 2019/144

6.2 ADJOURNMENT OF COUNCIL MEETING**7. DEBATE AGENDA****7.1 MAYOR – DEBATE****7.1.1****CONSULTATION ON THE SOUTH AUSTRALIAN REGION ORGANISATION OF COUNCILS (SAROC) DRAFT FOUR YEAR STRATEGIC PLAN AND DRAFT ANNUAL BUSINESS PLAN****B9101**

MOVED Cr Angas that Council provides feedback on the South Australian Region Organisation of Council's (SAROC) draft four year Strategic Plan and draft Annual Business Plan in accordance with the adopted Community Plan and current strategic policy discussions.

Seconded Cr Boothby**CARRIED 2018-22/156****PURPOSE**

To provide the South Australian Region Organisation of Council's (SAROC) draft four year Strategic Plan and Annual Business Plan and determine if Council wishes to provide feedback.

REPORT**Background**

The SAROC draft plans are the first Strategic Plans and Annual Business Plans prepared by the organisation under the new constitutional arrangements established by the Local Government Association of South Australia in 2018.

Introduction

SAROC is seeking input and feedback on the draft plans from constituent Councils to ensure that the proposed stated objectives and actions align with the Council's own assessment of priority issues across regional South Australia. Feedback is required by 3 May 2019.

Correspondence from Mayor Erika Vickery OAM, Chairperson of SAROC is provided as Attachment 1.

The draft Strategic Plan 2019-23 is provided as Attachment 2 and the draft Annual Business Plan 2019-20 is provided as Attachment 3.

Discussion

Council is in the process of determining its own Strategic Policy and Reform Platform and it is part of the intent of that process and documentation arising from it to guide submissions, responses and advocacy efforts with other levels of government, industry and the local government sector.

It is also a guiding principle of Councils under the Local Government Act 1999 to collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost effective services and integrated planning.

Many of the items included within SAROC's draft documentation are aligned with the Council's current thinking particularly as the Draft Strategic Plan presents high level themes that are consistent with Council's current Community Plan however, there are some evident omissions in the Draft Annual Budget document that Elected Members may wish to raise through a formal feedback process. These include:

- Advocacy for reforming the framework of local government
- A more specific policy intent around water
- Regional health and wellbeing outcomes that are broader than the current position
- Boundary reform and local government structure
- Advocate for regional infrastructure investment at state and federal level and associated future industry development and jobs growth
- Improved understanding, connection and retention of our knowledge around our indigenous culture and translating that to regional policy delivery
- Supporting innovation through better partnerships, funding models and contemporary technology

Summary and Conclusion

There is no requirement to provide formal feedback. If Council wishes to provide a submission it is recommended that this aligns with Council's current strategic discussions as outlined in this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Letter from Chair of SAROC dated 1 April 2019 – Ref: 19/19600

Attachment 2 Draft Strategic Plan 2019-23 SAROC – Ref: 19/19600

Attachment 3 Draft Annual Business Plan 2019-20 SAROC – Ref: 19/19600

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Corporate Plan

- 1.2 work toward developing township, streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service
- 2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.
- 3.1 provide regional and local walking and cycling connections between open spaces.
- 3.2 ensure Council's parks, gardens and playgrounds are accessible, relevant and safe and maintained to an agreed level of service.
- 3.3 Ensure Council's sporting, recreational and leisure grounds and playing areas and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.
- 3.11 advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.
- 4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life cost, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements

Local Government Act 1999

Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial management considerations.

Resource

There are no resource management considerations.

Risk Management

Effective Policy, Planning and sector collaboration is a risk mitigation strategy for Council.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy. Consultation on any changes to the Council's Community Plan will be undertaken during its review within 24 months of the new Council.

7.2 EXECUTIVE SERVICES - DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER- DEBATE

7.2.1.1

LOCAL GOVERNMENT REFORM - SUBMISSION

B9484

MOVED Cr Boothby that Council endorse:

- (1) The Local Government Reform submission and policy position as outlined in Attachment 1 and that the Chief Executive Officer submit this to the Office of Local Government (as requested by the Minister) and the Local Government Association of South Australia.
- (2) The appointment of the Chief Executive Officer on the Local Government Reform Reference Group.

Seconded Cr Wiese-Smith

AMENDMENT:

MOVED Cr de Vries that Council endorse:

- (1) The Local Government Reform submission and policy position as outlined in Attachment 1 with the removal of Item 4 and that the Chief Executive Officer submit this to the Office of Local Government (as requested by the Minister) and the Local Government Association of South Australia.
- (2) The appointment of the Chief Executive Officer on the Local Government Reform Reference Group.

Seconded Cr Miller

The amendment was put and

LOST

The original motion was put and

CARRIED 2018-22/157

PURPOSE

To endorse a The Barossa Council submission and policy position to the Minister via the Office for Local Government to reform Local Government in South Australia.

REPORT

Introduction

As is well known there is a program of reform ideas from the current Government but also within the sector to address opportunities to make the sector of government closest to our communities ever improving and address areas of efficiency, savings, governance and accountability.

In recent times both the Minister for Transport, Infrastructure and Local Government and the opposition have introduced Bills to the parliament for components of reform. The Minister has now written to Council outlining his approach to framing reform for the future, it is provided at Attachment 3.

Recently the Minister has also established a Local Government Reference Group the following representatives have been appointed by the Minister:

- Mayor Sam Telfer, District Council of Tumby Bay
- Mayor Michael Hewitson, City of Unley
- Mayor Anne Monceaux, City of Burnside
- Mayor Darren Braund, Yorke Peninsula Council
- Mr Mark Withers, City of Port Adelaide Enfield
- Mr Mark Goldstone, City of Adelaide
- Ms Victoria MacKirdy, City of Victor Harbor
- Mr Martin McCarthy, The Barossa Council

An initial start-up meeting was held whilst I was on leave recently. Future meetings are scheduled for the next 9 - 12 months as discussions proceed. I have accepted the invitation to be involved, subject to Council approval.

Discussion

The Council paper on reform ideas at Attachment 1 has been developed from many discussions at industry, executive, prior and current Council observations, analysis of legislative burdens, Local Government Association papers and research and general experience.

The policy position endorses a position of reducing unnecessary legislative burden, improve efficiencies, accountabilities, skills and abilities and general management of local government.

The review at this time is restricted to the matter of the Local Government legislation, there are many other opportunities identified, especially through the prior legislative burden assessment undertaken by the executive in 2017. As reform discussions proceed further opportunities may arise to have these ideas explored.

Summary

Reform of Local Government should be a continuous process as the environment in which we operate changes more rapidly in a modern society and the opportunity to be involved in shaping the next phase of our sector's legislative base necessitates the proactive submission developed by the past and present Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - The Barossa Council Submission of Ideas for the Reform of Local Government in South Australia

Attachment 2 - LGA Reform Discussion Paper

Attachment 3 - Correspondence from the Minister

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.

7.2.1.2

REVIEW OF COUNCIL'S PRIVACY POLICY

B5334

Author: Governance Advisor

MOVED Cr Boothby

(1) That Council receives, considers and approves the draft Privacy Policy, as attached at Attachment 1 to this report;

(2) That Council receives the draft Photograph Permission Form, at Attachment 2 of this report, which will be approved by the Chief Executive Officer in accordance with administrative processes.

Seconded Cr Wiese-Smith

CARRIED 2018-22/158

PURPOSE

To receive and consider the draft Privacy Policy as attached.

REPORTBackground

Council's Privacy Policy was first adopted on 20 December 2016, and reflects Council's commitment to protect the personal information of community members, where this information may be managed by Council. Local Government is not bound by the Commonwealth's *Privacy Act 1988*, nor the State Government's *Information Privacy Principles Instructions 2016* (except if contracted to a Commonwealth or State service provider). Nevertheless, Council's Privacy Policy is based on the Australian Privacy Principles (which stem from the Commonwealth's *Privacy Act*).

Introduction

Council's Privacy Policy is now due for periodic review. Amendments have been made to the Policy, taking into account the practical implementation of the Policy.

Discussion

The period review of Council's Privacy Policy was conducted by officers, and updates made by way of track changes in the draft Privacy Policy attached at Attachment 1 of this report.

In summary, the updates include:

- The addition of clause 4.3.3: Photographs Used or Published by Council
 - The clause sets out procedures for obtaining permission to take and use photographs of individuals.
 - The clause is based on current practice and procedures utilised by Council officers when using photographs of community members.
 - The Photo Permission and Release Form has been developed for Council-wide use. Previously, variations of the same form were used by different areas of Council.
- References to important legislation and other policies that relate to the Privacy Policy at clause 2.6, as a consequence of the amendments to the Employee Code of Conduct
- Relaxing the procedural requirements with respect to the secondary disclosure of information, where the person providing information has been alerted to the fact that the information will be used or disclosed for the secondary purpose (eg: as a condition on a form) – at clause 4.3.1(ii)
- The addition of a statement to clause 4.3.2 making clear that information provided to Council as part of a community consultation may be made publicly available via Council meeting agenda reports, as necessary to allow Elected Members to make informed decisions
- Rephrasing of clause 4.2.2 (ii) to better reflect services Council currently provides
- Updates to definitions and other minor updates for consistency

In addition, a Photograph Permission Form has been developed for organisation-wide use, and is attached for Council's information at Attachment 2 of this report – see clause 4.3.3 of the draft Privacy Policy for more information on how the Form will be used.

Summary and Conclusion

Council is now asked to receive, consider and approve the attached draft Privacy Policy. Further, Council is asked to receive the attached draft Photograph Permission Form, which will be approved by the Chief Executive Officer in accordance with administrative processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 -Draft Privacy Policy

Attachment 2 -Draft Photograph Permission Form

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

N/A

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Officers will amend existing processes to align with the Policy where appropriate, as part of their existing duties.

Risk Management

Risk of privacy breach is reduced by the implementation and cross-Council awareness of the Policy. Further, risk is minimised by the adoption of a Photograph Permission Form for organisation-wide use.

COMMUNITY CONSULTATION

No consultation is required under legislation, however the interest of the community is well served by Council voluntarily aligning itself to the existing Commonwealth and State Privacy Principles where it is practicable to do so.

7.2.1.3

MINOR AMENDMENT TO COMMUNITY LAND MANAGEMENT PLAN – MANAGEMENT PLAN 2 – UNDEVELOPED RESERVES AND GARDENS (OR THOSE WITH MINOR IMPROVEMENTS)

B9471

Author: Governance Advisor

MOVED Cr de Vries that Council, being satisfied that the proposed amendment to the Community Land Management Plan 2 – Undeveloped Reserves and Gardens (or Those with Minor Improvements), with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), has no impact or no significant impact on the interests of the community:

- (1) Receives, considers and adopts the proposed minor amendment to the Community Land Management Plan 2 – Undeveloped Garden and Reserve, with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), to include the easement granted (or to be granted) by the person acting in the position of Chief Executive Officer in exercise of his/her delegated powers under section 201(2)(d) of the *Local Government Act 1999*; and
- (2) Authorises the person acting in the position of the Chief Executive Officer to record the amendment (i.e the easement over community land comprised of Allotment 200 Barossa Valley Way, Tanunda) in the Community Land Register once the easement is granted in favour of the owners of Allotment 184 Barossa Valley Way, Tanunda.

Seconded Cr Boothby

CARRIED 2018-22/159

PURPOSE

Council is asked to receive, consider and adopt the proposed minor change (easement over land) to the Community Land Management Plan 2 – Undeveloped Reserves and Gardens (or Those with Minor Improvements), with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), pursuant to section 198 of the *Local Government Act 1999*. The proposed amendment has no impact or no significant impact to the interests of the community. Council is also asked to authorise the person acting in the position of the Chief Executive Officer to record the amendment in the Community Land Register.

REPORT

Background

Council has 8 adopted Community Land Management Plans, that, along with the Community Land Register, provide a framework for Council to maintain and develop its community land to maximise its use by the community for recreational and leisure activities.

Community Management Plan 2 – Undeveloped Reserves and Gardens (or Those with Minor Improvements) (hereinafter referred to as “CLMP-2”) identifies objectives, performance targets and measures for the management of Council's undeveloped reserves and gardens, or those with minor improvements, which are generally used for passive recreation. CLMP-2 is attached to this report at Attachment 1. Included in the Management Issues are parking areas, driveways, fencing, and other infrastructure that may exist or be developed on the land. The CLMP-2 also contemplates that Council may grant leases and licenses for the whole or part of the land and improvements to the land, as deemed appropriate by Council, in addition to providing permits for use of the land/part of the land by specified permit holders.

Introduction

On 19 September 2016, Council received a Development Application from Russel Built Pty Ltd on behalf of the landowner of Allotment 184 Barossa Valley Way, Tanunda. The Development Application includes plans for a driveway, the purpose of which is to access the landowner's land from the road. However, due to the position of the landowner's land, the driveway is proposed to run from the road, through Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566) (hereinafter the “Land Parcel”), which is owned by Council and classified as Community Land and subject to CLMP-2 (see map at Attachment 2). The applicants have requested that an easement over the Land Parcel be provided in their favour, in order for them to build the driveway to access their land from the road.

Discussion

Taking into consideration the following:

- the Land Parcel is subject to CLMP-2, which, amongst other things, recognises the issue of access to/from the adjoining private lands;
- under section 201(2)(d) of the *Local Government Act 1999*, it is recognised that the Council may grant an easement (including right of way) over community land;
- that power to grant such easement has been delegated by Council to the person acting in the position of the Chief Executive Officer (noting that there is no prohibition or restriction under section 44(3) of the *Local Government Act 1999* upon the Council delegating this power)

the Chief Executive Officer decided to exercise his delegated power under section 201(2)(d) of the *Local Government Act 1999* to grant an easement over the Land Parcel, in favour of the applicants in order to allow the applicants to access their land via a driveway through the Land Parcel.

Subsequently, Council officers granted the Development Plan Consent to the applicant, with the following reserved matter:

Reserved Matter

(1) An easement right of way is required to create lawful access from the Barossa Valley Way to the subject land and give effect to the approval herein granted. The easement is to be prepared so as to suitably indemnify council and obligate the owner(s) to all costs and responsibilities associated with preparing and registering the easement, construction of the access, and any associated alterations and maintenance connected thereto.

Thus, it is now necessary to amend the CLMP-2 to include a reference in the Community Land Register with respect to the Land Parcel, that once granted, that an easement over the Land Parcel has been granted in favour of the landowners of Allotment 184 Barossa Valley Way Tanunda, by the person acting in the position of the Chief Executive Officer, in exercise of powers to grant an easement over community land, delegated to him/her in accordance with section 201(2)(d) of the *Local Government Act*.

Public consultation is not required to amend the CLMP-2, as the amendment has no impact or no significant impact on the interests of the community, due to:

- the size of the land,
- the considerations stated at the first paragraph of this section of the report, and the public were consulted prior to the adoption of the provisions of the CLMP-2; and
- the amendment will result in a be recorded in the Community Land Register entry for the Land Parcel, and no significant part of the CLMP-2 will be changed.

Summary and Conclusion

Council is now asked to receive, consider and adopt the proposed minor change (easement over land) to the Community Land Management Plan 2 – Undeveloped Reserves and Garden (or Those with Minor Improvements), with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), pursuant to section 198 of the *Local Government Act 1999*; and to authorise the person acting in the position of the Chief Executive Officer to record the amendment in the Community Land Register.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Community Land Management Plan 2 – Undeveloped Reserves and Garden (or Those with Minor Improvements) and Extract of the Community Land Register relating to the Land Parcel

Attachment 2 - Map of Allotment 200 Barossa Valley Way, Tanunda - Certificate of Title Volume 5779 Folio 566 – “Land Parcel” – marked in purple on map

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

Infrastructure

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

Legislative Requirements

Local Government Act 1999, sections 194, 198, 201(2)

Local Government (General) Regulations 2013, regulation 23

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no costs to Council, associated with the granting of the easement, as it is a reserved matter of the Development Plan Consent the landowner is required to pay all costs associated with the preparation and registration of the easement, construction, alteration and maintenance.

Resource

There are minimal resource considerations, as officers are exercising delegations as part of their existing duties, and there are no costs to Council, associated with the preparation and registration of the easement.

Risk Management

Risk is mitigated by exercising delegations in accordance with the respective delegations instruments, and by following the requirements of section 198 of the *Local Government Act 1999*.

COMMUNITY CONSULTATION

Community consultation is not required pursuant to section 198(3) of the *Local Government Act 1999*, as the amendment has no impact or not significant impact on the interests of the community.

7.2.2 FINANCE- DEBATE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 31 MARCH 2019)

B411

Author: Senior Accountant

MOVED Cr Hurn that the Monthly Finance Report as at 31 March 2019 be received and noted.

Seconded Cr Johnstone

CARRIED 2018-22/160

PURPOSE

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

REPORT

Discussion

The Monthly Finance Report (as at 31 March 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 31 March 2019

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)
LGA Information paper no. 25 – Monitoring Council Budget Performance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

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

COMMUNITY CONSULTATION

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

7.3.1 CORPORATE AND COMMUNITY SERVICES -DEBATE**7.3.1.1****CUSTOMER SERVICE POLICY – DRAFT PLAN – FEEDBACK FROM COMMUNITY CONSULTATION
– 20 FEBRUARY 2019 TO 25 MARCH 2019****B8422 18/85702**

Author: Coordinator Customer Support

MOVED Cr Johnstone that Council:

- (1) Receives and notes the report containing the outcome of community consultation on the Draft Customer Service Policy dated 5 December 2018 Trim Ref: 18/85702;
- (2) Endorses the Draft Customer Service Policy Ref: 18/85702.

Seconded Cr Wiese-Smith**AMENDMENT:****MOVED** Cr Haebich that Council:

- (1) Receives and notes the report containing the outcome of community consultation on the Draft Customer Service Policy dated 5 December 2018 Trim Ref: 18/85702;
- (2) Endorses the Draft Customer Service Policy Ref: 18/85702 with the inclusion that acknowledgment of receipt for a request for service or a complaint is given within 5 (five) days where possible.

Seconded Cr Hurn

The amendment was put and

CARRIED

The motion as amended was put and

CARRIED 2018-22/161**PURPOSE**

To summarise feedback received from the community following Council's resolution on 19 February 2019 regarding the draft Customer Service Policy (Refer Attachment 1) and seek endorsement of the Policy.

REPORT**Background**

At the Council Meeting of 19 February 2019, Council resolved the following:

“MOVED Cr Angas that Council

- (1) Adopt the draft Barossa Council Customer Service Charter.
- (2) Approve the release of the draft Customer Service Policy for public consultation commencing 20 February 2019 and concluding 5pm 25 March 2019.
- (3) Approve the draft Consultation Plan ref: 19/8731 – excluding consultation on the Draft Customer Service Charter.
- (4) Require Officers to bring a further report to Council with the outcome of the consultation and recommendations following conclusion of the consultation period.

Seconded Cr Johnstone**CARRIED 2018-22/117”**

Discussion

The adopted Consultation Plan (Trim Ref: 19/8731) was implemented in full, with:

- a community drop in session at The Barossa Council Lyndoch Branch on 13 March 2019 from 9am – 5pm that only attracted one (1) person, with informal discussion on the Draft Customer Service Policy, resulting in no formal written submission. There were no specific matters raised relevant to the consultation process.
- a community drop in session held at The Barossa Council Mount Pleasant Branch on 14 March 2019 from 9am – 5pm with no responses received from the community.
- a pop up community session held in the Nuriootpa Co-op Store Shopping Centre Mall on 15 March 2019 from 1pm – 4pm, attracting thirteen (13) people, with informal discussions on the Draft Customer Service Policy, resulting in no additional formal written submissions. The discussion items raised, whilst not providing direct suggestion for additions or changes to the draft Policy, did indicate a consensus of support for the adoption of a specific Customer Service Policy, provided the delivery of services and customer experience of services is in line with the Policy statements and position.

Written submissions received direct to Council as at the end of the consultation period have been included in full within Attachment 2 and 3, with the exception of personal addresses which have been removed.

A total of two (2) formal submissions were received.

Comment is provided on the feedback received as follows:

1. Documentation regarding adopted levels of service	Officer comments: Informed resident that officers are working on consolidating Council's adopted levels of service into a format that is easy to access and understand. Council's adopted levels of service are currently documented and publicly available across our various Asset Management Plans and service-driven fact sheets available on our website.
2. Resident's reference that Barossa Council ratepayers and residents are more than customers.	Officer comments: A letter of acknowledgement from Director Corporate and Community Services stating that the resident's letter has been received. Whilst it is acknowledged that the relationship between the ratepayers, residents and Council is a unique one, the principles of a sound customer service approach to guide the experience of people interacting with Council are nevertheless relevant and provide a framework for accountability and service response.

Conclusion

A key deliverable of the Customer Service Reboot Project under the auspices of the Change Program, is the development of a Customer Service Policy. The Policy document has been presented for approval to release for community consultation. Officers implemented in full the approved Community Consultation Plan (endorsed 19 February 2019). Minimal feedback was received on the Draft Customer Service Policy and no specific recommendations for changes to the document received.

The feedback received is generally supportive of the Draft Customer Service Policy, provided the requirements and aspirations are implemented.

Council's obligation is to ensure that feedback is taken into consideration and officers recommend the Draft Customer Service Policy is approved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Draft Customer Service Policy (Trim Ref: 18/85702)
Attachment 2:	Written submission –Draft Customer Service Policy (Trim Ref: 19/18188)
Attachment 3:	Written submission – Draft Customer Service Policy (Trim Ref: 19/18231)
Attachment 4:	Consultation Plan – Customer Service Policy Consultation

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.6 Define and deliver on agreed Customer Service Standards for Council service delivery.

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

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

No direct financial considerations to report.

Resource

Training will be provided as required in connection with the Policy and as part of the Change Program Project. No current resource implications to report.

Risk Management

An accountable framework incorporated within a clear policy statement that manages Council's reputational risk in relation to the services it delivers is a key outcome of implementing the Customer Service Policy.

COMMUNITY CONSULTATION

The Consultation Plan for the Customer Service Policy consultation has been implemented (refer [Attachment 4](#)).

VISITOR TO THE MEETING – 9.29AM

Mayor Lange welcomed Mr Simon Millcock, Chief Executive Officer, Legatus Group to the meeting.

Mr Millcock acknowledged Mayor Lange and new and returning Councillors and provided an overview of the structure and formation of the Regional Organisation of Councils and Council's alignment with the LGA Board through the SA Regional Organisation of Council (SAROC) and the Legatus Group. Mr Millcock also noted the leadership of The Barossa Council is providing in many of the current projects being undertaken by the Legatus Group including the Regional Transport Plan, Digital Maturity of Councils and the Visitor Information Services report and outlined other topical matters and projects being undertaken by Legatus.

Mayor Lange thanked Mr Millcock for his attendance and presentation.

7.3.1.2

ANGASTON RAILWAY PRECINCT – LANDSCAPING, PLAYGROUND, MARKET AND PICNIC SPACES AND CIVIL WORKS – DESIGN COSTING AND REQUEST FOR ADDITIONAL FUNDING B6403 19/15385

Author: Manager Community Projects

MOVED Cr de Vries that Council:

- (1) Endorse an additional budget of \$562,114 (ex GST) to deliver a Regional Level playground and open space at the Angaston Railway Precinct in accordance with the proposed 50% detailed design.
- (2) Fund the additional budget from a combination of:
 - assignment of future aggregated Developer Contributions for Open Space of \$428,208 arising from the Lindner, Radford Road, Angaston subdivision
 - a re-allocation from the adopted Long Term Financial Plan 2019/20 playground renewal and replacement budget for a total of \$26,628
 - the remainder capital expenditure to be an allocation of \$107,278 from the existing 2018/19 cash holdings.
- (3) Approve the associated budget adjustments in the 3rd quarter review for the additional capital expenditure requirements.
- (4) Instruct Officers to provide an update of Council's financial position, including cash holdings, with the next 2018/19 budget update.
- (5) Instruct Officers to provide a future report to Council with details of the source of the final funding allocations and breakdown when these are fully determined.

Seconded Cr Angas**CARRIED 2018-22/162****PURPOSE**

The design process for the Angaston Railway Precinct Project areas of the playground, market and picnic spaces and associated landscaping and civil works is at 50% design status, and has been costed and a value management process completed. This area is all the works currently funded that do not include the station building and platform refurbishment works. The revised costing exceeds the project budget. This report provides recommendation on the delivery of the elements of the design, in order to achieve the outcome of a Regional level playground facility.

REPORTBackground

The Angaston Railway Precinct Revitalisation project has been managed within two discreet sub-projects; the restoration of the Station Building and the Landscaping, Playground, Market and Picnic Spaces and Civil Works (the Project). The Project will result in a Regional Playground that will attract locals and visitors alike to a unique, interactive, destination precinct. The precinct is in close proximity to the main street of Angaston and will be a place where you can spend an afternoon exploring the railway heritage and history, and encourages active participation through the play elements and trails. The precinct will be a community space for markets, picnics and events and will also offer small retail hospitality business in the restored station building.

The design process for the Project is at 50% design status and has involved the Angaston Railway Station Working Group, the Angaston Railway Station Reference Group, officers, the architects and technical project manager. Rider Levett Bucknall (RLB) cost consultants, have been engaged to cost the plans ([Attachment 1](#)). The Order of Cost Estimate is provided at [Attachment 2](#).

Discussion

The following table provides the budget and estimated cost breakdown for the components of the Project (GST, design, project management, administration costs and in-kind budget items excluded).

Component	Budget	Cost Estimate
Playground and Youth Space	\$923,142	\$1,969,586
Picnic and Market Area	\$438,886 (Excludes budgeted in-kind \$20,000)	
Southern Bank Bike Track	\$98,280	\$124,688
Civil Works	Incorporated across each of the above components	\$40,250
Design and Construction Contingency	Incorporated across each of the above components	\$274,820
Total Budget	\$1,460,308	\$2,409,344
Less Design costs	\$130,460	
Total Construction Budget	\$1,329,848	
Total Initial gap		\$1,079,496

An initial cost estimate for the whole Precinct was completed in preparation for the State Open Space and Places for People grant application in October 2017. This estimate was based on the high level Masterplan that was completed in February 2017. The current cost estimate is determined by costing more detailed and accurate plans (at 50% design status) and includes cost escalations since that time.

Value Management

The value management process involved the architects, the technical project manager, the cost consultants, community representative and officers. The process focussed on ensuring full understanding of the design and material specifications exploring opportunities to scale back on material selections (eg timber soft-fall rather than rubber soft-fall), reduction in maturity of selected trees and other plantings, review of specification of some design elements (moveable 'railcars' and proposed granite 'bouldering' blocks) and exploring in-kind opportunities with community stakeholder groups but at the same time maintaining a focus on not compromising the achievement of a regional level playspace and outcome for the community. The full report is available at [Attachment 3](#).

The larger items are detailed below:

Item	Saving
Bouldering Rocks - Delete granite, add Jaffa limestone	\$160,000
Soft-Fall - Delete rubber, add timber	\$53,000
Exposed aggregate paving	\$19,500
Delete entry path and BBQ (out of scope)	\$80,000
Reduce Pole Forest – reduce diameter of poles	\$12,000
Reduce 140mm pot plants to tube stock	\$42,000
Reduce tree maturity to 50L pots	\$32,000

Bike Trail – reduce elements based on market testing, including additional target saving of \$10,000	\$28,000
Turntable Balustrade – Open wire railing \$20K – Restoration by Barossa Valley Machinery Preservation Society \$20K	\$40,000
Rail Cars – Simplify and Reduce	\$60,000
Crane Works – Delete, outside of scope	\$15,000
Rail Switches – Delete, in-kind opportunity	\$10,000
Play Equipment – error in cost assumption	\$41,000
Retaining Wall – Reduce Length	\$18,000
Former Stock Yard, line marking – Delete	\$5,000
Entranceway, security and lighting - Additional	-\$32,818
Other minor savings / additions (for items missed in initial estimate)	-\$55,300
Total Savings	\$527,382

The savings from this process bring back the Project cost estimate to \$1,891,962. When compared to the current Project budget of \$1,329,848, this still leaves a gap of \$562,114.

It is the view of officers that unless Council wishes to reduce the scope of design, or quality of the Project elements, there is minimal further savings to be identified. If the design scope and quality of elements is to be reduced, the Regional status of the precinct may be compromised.

We have recognised that there is increasing conversation in the community for a play space that includes elements of nature play, opportunity for considered challenge through play and for a space that is truly regional and unique. Officers believe that the mix of play spaces for younger and older children, active outdoor equipment for teenagers, bike trail, and open space for picnics, markets and events within the heritage and railway history precinct will be a drawcard for Angaston and the Barossa. The additional investment requested through this report will ensure that we realise the project outcomes. It is also noted that other councils have recently invested in significant community places to deliver community health and wellbeing outcomes and attract regional visitation and the Angaston Railway Precinct will be another reason for visitors to explore our region and for locals to enjoy their own backyard.

Officers are recommending the combination of a range of options to fund the budget shortfall:

Option 1 – Playground Renewal Budget

Assign \$26,628 of the 2019/20 forward playground renewal budget of \$100,000 to the Angaston Railway Precinct Revitalisation project. This allocation is provided for \$30,000 renewal/replacement and \$70,000 new/upgrade each year. This would require elements of the 2019/20 playground plan elsewhere to be deferred for 12 months but would be supporting the delivery of a regional play space.

Option 2 – Developer Contributions

Assign future developer contributions from phase two of the Lindner development, Radford Road, Angaston to offset the additional cost of the playground and open space development at the Angaston Railway Precinct. The total amount of this contribution is \$428,208. This option is dependent on sale of land within the development and whilst it will take a period of time for these funds to be realised and allocated, it does parallel the approach taken with the part of the funding package for the Rex Barossa Aquatic Fitness Centre, where the proceeds from progressive land sales were, over time, used to offset the capital costs of the construction.

Option 3 – Cash Holdings 2018/19

As reported to Council with the Monthly Finance Report, Council operating expenditure is underspent year to date and although in many cases this would be a timing issue with suppliers charging late, there are areas of operations likely to be underspent by year end, providing a favourable cash operating surplus. Whilst the funds from the anticipated operating surplus and Option 2 are realised, the immediate funding shortfall would be allocated from Council's cash holdings.

The Mid-year Review 2018/19 Cash and Cash Equivalents forecast a year-end balance of \$2,388,000, which includes Open Space contributions of \$386,931 held for future works. Note there were capital items removed, increasing Council's cash with the 2018/19 Mid-year Budget Review,

including: CWMS treatment plant works for \$719,428 at Tanunda, along with income and expenditure relating to The Big Project, a net cash amount delayed for \$184,331. It is proposed that Council's cash holding is temporarily used for the additional expenditure for this Project. Once the balance of the funds taken from each option is finalised, Officers will provide updated reports to Council (including via the Quarterly Budget Update Reporting process) to confirm the breakdown of funding allocations.

Refer to Risk Section below regarding the impact of the cost implications on the acquittal of the Open Space funding process.

It is noted that work on the Railway Station and Platform component of the Project is proceeding within approved budget.

Summary and Conclusion

To deliver the Playground and Open Space elements of the Angaston Railway Precinct Revitalisation project to a Regional Level status, additional budget funding is required.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Landscaping, Playground, Market and Picnic Spaces and Civil Works Concept Drawings (Ref: 18/87518)
Attachment 2:	Order of Cost Estimate (Ref: 19/8339)
Attachment 3:	Value Management Report, sheet V2 (Ref: 19/15477)
Attachment 4:	Due Diligence Report – Level 2 (Ref: 19/19225)

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

1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.

1.2 Work toward developing township streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service.

1.4 Facilitate innovative and sustainable preservation and use of built heritage.

2.1 Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.

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

4.13 Ensure that Council services and facilities are fit for purpose including safety and access and these considerations are integrated into urban, asset and community planning.

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.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

A Level 2 Due Diligence Report has been completed (Attachment 4) with BAT score of 64 and noting that with the 2018/19 budget process, the lowest approved NI had a BAT score of 46.

Should Council approve this recommendation, a budget adjustment will be completed to assign the additional funds to capital expenditure in the 2018/19 Budget Update and included with the draft 2019/20 budget.

As Council's 2019/20 Long Term Financial Plan did not provide for "Discretionary Budget", there is no funding to bring forward into 2018/19. The additional funds will therefore, be taken from Council's existing cash and investments and the financial position cross checked with the next quarter budget update as at 31 March 2019.

Resource Management Considerations

The project is well resourced with project lead, Manager Community Projects, assistance with technical project management through Jim Allen and Associates, technical officer expertise as required and community representatives on the Working Group.

Risk Management Considerations

Project, contractor and construction risks already managed as part of the broader project.

A mixed range of options for funding the additional monies is proposed to spread the financial risk. Risk of not realising the funding in an appropriate timeframe from developer contributions is possible, whereas allocation of some of the funds from the forward playground budgets is manageable through decision of Council.

Council also needs to manage the risk of the acquittal of the Open Space funding agreement with the Department of Planning, Transport and Infrastructure (DPTI). The railway station building works are proceeding and should be completed within the agreement milestones by end of August 2019. The delay in resolving the design funding shortfall has arisen through a complex process of value management to achieve a balance between cost management and delivering on the intent to provide a regional level playspace in the Council Area. This has taken considerable time and effort and Officers have advised DPTI that this process is continuing but should be resolved shortly. Once Council has made a determination, further contact will be made with the Department to provide an update and agree next steps.

An ongoing assessment of risk is part of the project implementation methodology.

COMMUNITY CONSULTATION

The project has been the subject of extensive formal and informal community consultation since its inception. Further consultation in respect of the specific decision is not required under Legislation or Council's Public Consultation Policy unless Council determines otherwise.

7.3.2 MANAGER COMMUNITY AND CULTURE - DEBATE

7.3.2.1

CONSIDERATION AND ADOPTION OF BAROSSA REGIONAL GALLERY COMMITTEE RESOLUTIONS **B7908**

MOVED Cr de Vries that Council, having reviewed the Minutes of the Barossa Regional Gallery Committee meeting held 22 January 2019, adopt the Resolutions contained therein.

Seconded Cr Angas

CARRIED 2018-22/163

PURPOSE

Minutes of the Barossa Regional Gallery Committee meeting held 22 January 2019 are presented for the consideration and adoption by Council.

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes of the Barossa Regional Gallery Committee meeting held 22 January 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Council's adoption of committee resolutions is a risk management tool. There are no financial or resource management consideration.

COMMUNITY CONSULTATION

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

7.3.2 MANAGER COMMUNITY PROJECTS - DEBATE**7.3.2.2****BAROSSA AQUATIC AND FITNESS CENTRE, NURIOOTPA AND WILLIAMSTOWN SWIMMING POOLS – FEES AND CHARGES**

B9139 19/20138

MOVED Cr Angas that Council:

- (1) Adopt the proposed 2019/20 fees and charges for the Barossa Aquatic and Fitness Centre and Nuriootpa and Williamstown Swimming Pools
- (2) Approve the inclusion of the fees and charges for the Barossa Aquatic and Fitness Centre and Nuriootpa and Williamstown Swimming Pools in the organisational wide report for future years.

Seconded Cr Haebich

CARRIED 2018-22/164

PURPOSE

Council to consider the proposed 2019/20 fees and charges for the Barossa Aquatic and Fitness Centre (the Rex) and Nuriootpa and Williamstown Swimming Pools and approve that, in future, the fees and charges report for the facilities is included with the organisational wide fees and charges report.

REPORT

A table of the proposed fees and charges for 2019/20 is provided at *Attachment 1*. A competitor pricing analysis (*Attachment 2*) was completed to determine fee amendments. The increases proposed still place the Rex in an extremely competitive position when comparing the facilities, service, programs and offers.

Changes to note are:

- Aquatic Fees
 - Casual entry fee to increase by 30c to \$6.80
 - Memberships to increase modestly, on average by 20c-30c per week
 - Swim School fees to increase 50c per week for 1st and 2nd child. However, additional service available with free swim anytime for Swim School members and industry leading swimming app for parent communication
- Health Club Fees
 - Casual visits to remain same
 - Full Health Club memberships to remain same for direct debit customers; up front customers to pay a 3% increase (to encourage direct debit ongoing memberships)
 - Personal Training – non-member rates included to allow for attendance in short term promotional programs
- Stadium Hire and entry
 - Casual entry – increase by 50c
 - Basketball training and games

Nuriootpa Pool and Williamstown Pool entry fees have increased moderately by 20c for a casual visit and the introduction of a concession rate at \$4.30.

Rex aquatic members will also be able to use the outdoor pools at both Williamstown and Nuriootpa included within their membership fee. Members of outdoor pools will still be required to pay Rex fees for entry, unless there is an outage experienced at an outdoor pool and officers determine to allow access. This authorisation is provided under existing delegation through the Chief Executive Officer.

Previous increases included a 50c increase to Swim School fees in 2018/19. The increase proposed for 2019/20 still places the Rex competitively within the marketplace. In the 2017/18 year, Health Club fees were increased by 50c per week.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Proposed Fees and Charges (Ref: 19/20870)

Attachment 2: Pricing Analysis (Ref: 19/20871)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing



How We Work – Good Governance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

To ensure that Council is able to recover its costs in relation to user paid services provided to the community.

COMMUNITY CONSULTATION

Draft fees and charges are part of the documentation available for the draft budget consultation process.

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE

7.4.1.1

PROPOSED ROAD CLOSURE – 2019 BAROSSA VINTAGE FESTIVAL – ANGASTON TOWN DAY - AMENDMENT

B9032 19/1567

Author: Manager Engineering Services.

MOVED Cr Johnstone that the Commissioner of Police be advised that The Barossa Council endorse the closure of the following roads on Sunday 28 April 2019:

Murray Street, Angaston, from Sturt Street to Tyne Street
from 8.00am up to 9.00am,

to stage the Angaston Town Day "Something in the Street" event as part of the 2019 Barossa Vintage Festival.

Seconded Cr Miller

CARRIED 2018-22/165

PURPOSE

A request has been received from Angaston Community Business Alliance to amend the previously Council approved temporary road closure of Murray Street, Angaston, for the staging of the 2019 Barossa Vintage Festival Angaston Town Day event.

REPORT

This amendment to Report 7.4.1.3 22 January 2019 (attached) allows an additional hour for organisers to set up prior to the commencement of the event and the extension of the road closure from Tyne Street to Middle Street caters for the smooth transition of "Punkt Zu Punkt" running participants into the main street precinct when exiting Shemmeld Lane.

Summary and Conclusion

Council has previously approved the road closure (attached) required to stage the event on Sunday 28 April 2019. The proposed road closure amendment is pursuant to Section 33 of the Road Traffic Act 1961.

The road closure amendment has been deemed necessary by organisers as a risk mitigation strategy to maintain the safety of participants and the general public.

The total cost to Council to facilitate the proposed events remains \$1,100 inclusive of Council staff costs for the road closures and speed restrictions and removal and reinstatement of the pedestrian refuge infrastructure in Murray Street.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Report 7.4.1.3 22 January 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



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 actual cost of \$1,100 to provide Council resources for the road closures and speed restrictions and removal and reinstatement of the pedestrian refuge infrastructure in Murray Street 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.

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE

7.5.1. DEVELOPMENT SERVICES REPORT - DEBATE

7.5.1.1

GAWLER EAST - TRAFFIC INTERVENTIONS AND COMMUNITY INFRASTRUCTURE DEED AND LAND MANAGEMENT AGREEMENT

B1723

Author: Director Development and Environmental Services

MOVED Cr de Vries that Council;

- (1) Advise the Town of Gawler that Council does not support signing the Traffic Interventions and Community Infrastructure Deed as drafted.
- (2) Advise the Town of Gawler that it will consider a Community Infrastructure Deed for the collection of developer contributions to support social and community infrastructure and transfer to the Town of Gawler funds collected through an appropriate Land Management Agreement or other legal mechanism, where part 3 of this resolution has not been achieved.
- (3) Authorise the CEO to formally commence negotiations with Town of Gawler to investigate and implement the option to have the land contained within the Springwood development which is in The Barossa Council transferred to the Town of Gawler via a boundary adjustment.
- (4) Advise the Town of Gawler that the identified traffic interventions for Kalbeeba Road and the intersection of Kalbeeba Road/Barossa Valley Way will be monitored over the life of the development and considered for future intervention as deemed necessary by Council and that Council will not contribute funding for any State roads, or costs associated with growth directly attributable to the development.

Seconded Cr Wiese-Smith

CARRIED 2018-22/166

PURPOSE

To seek Council position on signing of a Traffic Interventions and Community Infrastructure Deed and Land Management Agreement as part of the Gawler East development.

REPORT

Background

The Gawler East Zone within Gawler's and The Barossa Council's Development Plan was rezoned by the Minister in August 2010.

At the time of rezoning the Town of Gawler, The Barossa Council, Lend Lease and the State Government agreed in principle to contribute financially towards a series of traffic interventions, most noticeably the construction of the Gawler East Link Road (GELR).

Springwood Development Nominees Pty Ltd (Springwood Communities) have honoured Lend Lease's previous commitments in this regard.

Introduction

Following the execution of the Deeds between the Town of Gawler and the Minister for Transport and Infrastructure for the Gawler East Link Road, the Town of Gawler's solicitors have prepared a subsequent Deed between Council, Springwood Communities and The Barossa Council requiring contributions from Springwood Communities for Traffic Interventions and Community Infrastructure.

The Barossa Council is required to be a signatory to this Deed, as a small portion of Springwood's land is located within The Barossa Council (Refer **Figure 1**).

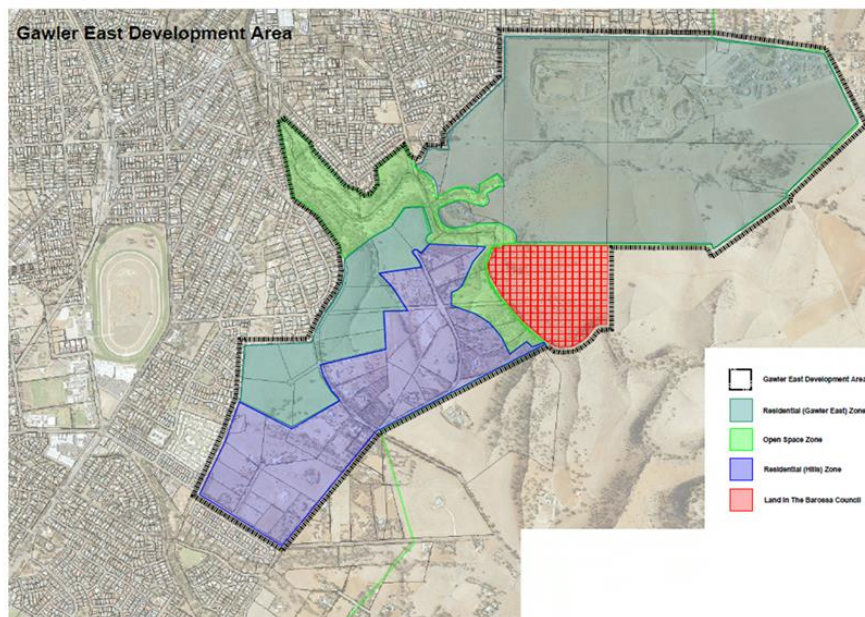


Figure 1 - Barossa Land Parcel

The Deed establishes a governance framework for the management and expenditure of funds associated with the delivery of Traffic Interventions and Community Infrastructure. As a result, the Deed proposes the establishment a Project Control Group (PCG).

The PCG membership is to comprise of representatives from Town of Gawler, The Barossa Council, Springwood Communities, Commissioner of Highways and Other Future Developers. The group will provide direction, and manage day to day issues during the course of delivery of the Traffic Intervention and Community Infrastructure. It should be noted that the PCG is otherwise intended to function as a consultative body, and accordingly its recommendations or suggestions will not be binding on the parties or in any way affect, oblige or qualify the obligations of the parties.

Discussion

The proposed Deed between Town of Gawler, The Barossa Council and Springwood Communities is intended to deal with The Barossa Council's Traffic Interventions and Social Infrastructure only.

Traffic Interventions

The traffic interventions, their costs and their apportionments has been a point of discussion between the Town of Gawler, The Barossa Council and Springwood Communities over the past few years.

Specific details of the apportionment approach and the rationale is quite extensive, and members had been previously briefed at a Council workshop. The summary is provided below.

In simple terms this apportionment was based on a methodology that considered the cost of the intervention, existing base case demand for an intervention by natural growth, and the degree of

responsibility for the intervention as a result of new traffic generated from developed land in the Gawler East residential zones.

1N : Kalbeeba Road upgrade

The preferred route for travel to the Barossa Valley from Gawler East lands. A section of this road is unsealed and to achieve the required objective it was recommended that it be sealed.

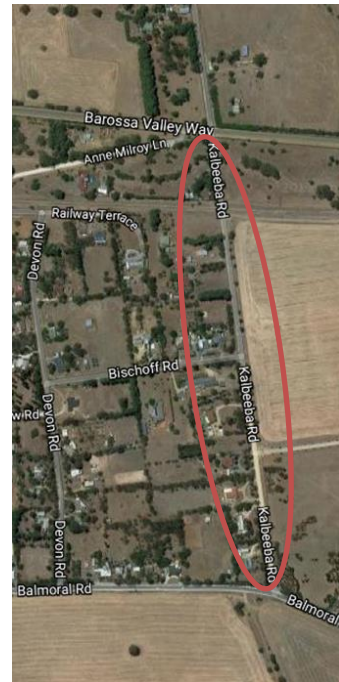
Traffic volumes are expected to increase by 1,200 to 1,400 vehicles per day from Gawler East.

Proportion of Cost:

100% TBC

Estimated Cost:

\$1,215,137



1O : Kalbeeba Rd/Barossa Valley Way

Proposed intersection upgraded to provide turn lanes into Kalbeeba Road from Barossa Valley Way. It is unsure whether any connection would be provided in the long term to the north into Concordia.

Expected increase in traffic volumes are likely to be in the order of 2,500 to 3,400 vehicles per day from Gawler East.

Proportion of Cost:

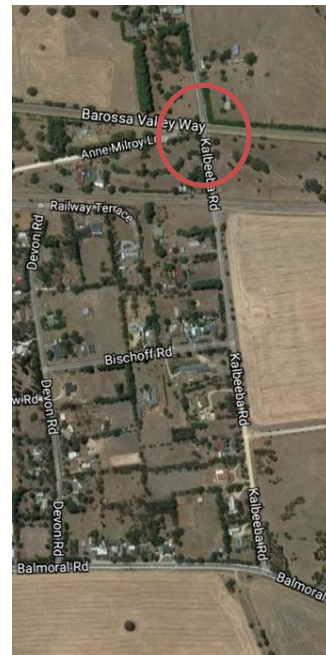
23% TBC

23% DPTI

54% Developer

Estimated Cost:

\$190,762



As part of the Deed, the developer is to pay the 'Traffic Interventions Allotment Payment' to the Town of Gawler as each allotment is given clearance.

Community Infrastructure

Like the traffic interventions, the costs and the apportionment of Community Infrastructure has also been factored into the various Deeds that underpin the Gawler East development.

\$7.6 Million is the estimated cost for Community Infrastructure based on developable area, shared between:

- Minister
- Commissioner of Highways
- Town of Gawler

- Springwood Development
- Other Developers

The Deed acknowledges that part of the land is currently within the boundary of The Barossa Council. The Deed has been drafted so that the Developer will pay the Town of Gawler (and not The Barossa Council) the Community Infrastructure Allotment Payment applicable to that portion of the land. The actual mechanism will be that the developer is to pay The Barossa Council. The Barossa Council is then responsible for passing this payment to Town of Gawler.

Land Management Agreement

The purpose of the Land Management Agreement is to bind the Deed to the Land.

Summary and Conclusion

As part of briefings on the Gawler East development, the previous Council had raised its concern over the need to be party to the proposed Deeds, and wished to explore the option of transferring the Barossa land parcel to the Town of Gawler as part of a boundary adjustment, pending the amendment to the Local Government Act.

Council administration has raised this concept with the Town of Gawler CEO on a few occasions.

The Town of Gawler CEO has requested that the Deed be formally presented to Council with the desire to firm up a position on whether to execute the Deed or pursue the boundary adjustment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Draft Gawler East Infrastructure Deed

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.

Legislative Requirements

Local Government Act 1999
Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

The Town of Gawler and Springwood Communities are seeking to have all traffic interventions captured within the series of Deeds to be signed for the development, thereby ensuring that funds are suitably allocated across each of the key stakeholders.

Council's contribution to the proposed traffic interventions is approximately \$1.4 million. This contribution is currently unbudgeted. Council will need to factor this in both the Long Term Financial Plan and Asset Management Plan.

Risk Management

As stated in the Report, The Barossa Council is required to be a signatory to this Deed, as a small portion of Springwood's land is located within The Barossa Council. There is no other mechanism to enable contributions from Springwood Communities for traffic interventions and community infrastructure. Equally, only The Barossa Council can execute the Land Management Agreement for the land within the Council area.

The staging of Springwood would see the land in The Barossa Council area potentially being the last area to be developed for housing. The Town of Gawler is keen to see the Deed executed as early as possible, while the land remains within the Barossa.

The Town of Gawler are prepared to add a Clause that stipulates that the Deed is void should the boundary adjustment be implemented prior to the land being ready for development.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy unless otherwise determined by Council.

7.5.1.2

CONCORDIA PRECINCT PLANNING – ISSUES PAPER

Author: Director, Development and Environmental Services

MOVED Cr de Vries that Council endorses the Issues Paper as a basis for discussion with the Department of Planning, Transport and Infrastructure, Renewal SA and Concordia Land Management in the formulation of a Memorandum of Understanding or Deed as a supplement to the Business Case prepared pursuant to the *Urban Renewal Act 1995*.

Seconded Cr Miller

CARRIED 2018-22/167

PURPOSE

To seek Council endorsement of the key parameters to be considered in the establishment of a Precinct Authority pursuant to the *Urban Renewal Act 1995*.

REPORT

Background

At the 19 February 2019 meeting, Council considered a report on Concordia Growth Area – Precinct Planning, and resolved to establish a small internal Working Group, comprising the Mayor, Deputy Mayor, Chief Executive Officer, Director, Development and Environmental Service and Principal Planner to work with officials from the Department of Planning, Transport and Infrastructure and the proponent on the preparation of a Memorandum of Understanding or Deed that outlines the key governance establishment and Precinct Planning parameters, on the basis of supporting a Statutory Corporation as the Precinct Authority.

In addition, Council requested that a subsequent report be presented to Council to endorse the Memorandum of Understanding (MOU) or Deed (Note: in this report reference is made to MOU).

Introduction

The Working Group has met on three occasions.

As part of its deliberations, the Group developed an Issues Paper that seeks to consolidate the key parameters that need to be factored into the establishment of a Precinct Authority pursuant to the Urban Renewal Act.

A copy of the Issues Paper is provided in Attachment 1.

Discussion

Issues Paper:

A confidential draft copy of the Issues Paper has been distributed to Department of Planning, Transport and Infrastructure, Renewal SA and Concordia Land Management (CLM) for comment/feedback in order to have common understanding of Council's position in supporting the establishment of a Precinct Authority.

CLM provided an initial response (Attachment 2) that was considered by the Working Group at its last meeting. Overall, CLM are supportive of the matter raised, and are prepared to incorporate elements within the Business Case and/or the MOU.

Key points raised:

- Authority membership – open to having five members but additional cost should be considered.
- Process of membership selection may be determined by the Minister. May not be able to commit to the Expression of Interest process.
- Character/Vision Panel – The need for an additional panel may not be required, as the Authority would engage with Council through the planning process, and that the community would have input through the Community Panel and design/vision could be address by the Design Review Panel.
- Underlying Zoning – CLM have considered having a Deferred Urban Zone in place. This would be subject to further discussion.

Memorandum of Understanding:

The purpose of preparing a MOU is to establish agreed understanding between the parties of the respective roles, operating arrangements and commitments to establishing a Precinct Authority. The content of the MOU will also assist in finalising the Business Case that is be prepared under the Act.

Signing of the MOU will be dependent on who the parties are (i.e. if the Authority, can only be signed once the Authority is established).

Next Steps:

Following endorsement of the Issues Paper, a subsequent report will be presented to Council to endorse a MOU. The MOU will be prepared jointly between Council and CLM. The MOU will address the key partnership elements between Council and CLM and/or the Precinct Authority. It is expected that the MOU would be presented to the May 2019 Council meeting.

CLM are to finalise the Business Case, incorporating elements from the Issues Paper that relate to the statutory process for establishing a Precinct Authority. The Business Case is then to be considered by the Minister for Housing and Urban Development. The Act requires the Minister to consult with Council prior to his determination of the Business Case to establish the Authority.

The timing of receiving the Business case is uncertain, but it is anticipated it could be in May/June 2019.

Summary and Conclusion

The internal Working Group has prepared an Issues Paper that details issues, structures, non-negotiables and ideas that need to be covered in the MOU and Business Case.

The Paper is presented to Council for endorsement.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Issues Paper (draft)

Attachment 2 – CLM response to Issues Paper

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.
- 1.6 Apply development policies to protect places of environmental value and significance.
- 1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.
- 1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.

Legislative Requirements

Development Act

Planning, Development and Infrastructure Act

Urban Renewal Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial Management

Nil

Risk Management

Nil

COMMUNITY CONSULTATION

Not required at this point by legislation or Council's Public Consultation Policy.

7.5.1.3**NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DEVELOPMENT PLAN AMENDMENT – ASSESSMENT OF PUBLIC SUBMISSIONS AND AGENCY COMMENTS, AND FINALISING DPA FOR APPROVAL (B6245)**

Author: Principal Planner

MOVED Cr de Vries that:

- (1) Council acknowledges the Public Submissions and Agency comments received in relation to the draft *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment*.
- (2) Council adopts the advice of the Nuriootpa (Sturt Highway Service Centre) DPA Committee in relation to responses to the Public Submissions and Agency comments on the draft *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment* contained in this report;
- (3) Council proceeds with the *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment*, subject to it being amended as proposed in this report and submitted to the Minister for Planning for approval together with a *Summary of Consultations and Proposed Amendments* report to be prepared by staff under delegation;
- (4) The Director Development and Environmental Services be authorised to make any necessary minor amendments to the *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment* as directed by Department of Planning, Transport and Infrastructure staff or the Minister for Planning.

Seconded Cr Hurn**CARRIED 2018-22/168****PURPOSE**

This report relates to Public Submissions and Agency comments received on the draft Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment (DPA) and recommends that various alterations be made to the draft DPA prior to it being submitted for approval. The report follows consideration of these matters by the Nuriootpa (Sturt Highway Service Centre) DPA Committee (the Committee) and is based on the advice received from the Committee with regard to each Submission and Agency comment.

REPORTBackground*Request to rezone land*

At its meeting on 16 May 2017 Council considered a request from Rocland Wines Pty Ltd to initiate a DPA to facilitate a Highway Service Centre on the corner of the Sturt Highway and Belvidere Road, Nuriootpa. The request was to rezone the land from Primary Production (Barossa Valley Region) Zone to Commercial Zone and to introduce a Policy Area which would apply to the land.

Under the current zoning all forms of development are non-complying with various exceptions; however none of the components of the Highway Service Centre are listed as exceptions. The intent of the request was for the Development Policies to be changed so that the development would be a merit form of development in the zone.

The proponent had dismissed the non-complying approach due to the risk of third party appeals. The Proponent advised at the time of the request that the Coordinator-General would not appoint the Development Assessment Commission (now the State Planning Commission) as the Relevant Authority because the development would be non-complying. An option for the Minister for Planning to declare the development as a Major Project under Section 46 of the Development Act 1993 was also not available because the land is located in the rural area of the Barossa Valley Character Preservation District.

Council decision to initiate the DPA

Council agreed to consider the request on 16 May 2017 and at its meeting on 18 July 2017 formally initiated the DPA, simultaneously endorsing the Statement of Intent and a Deed of Agreement with the land owner which primarily addressed procedural aspects. The draft DPA was endorsed for public and agency consultation by Council at its meeting on 21 August 2018.

Although the request from the owner was to rezone the land, the draft DPA proposes to retain the land in the Primary Production (Barossa Valley Region) Zone but to amend the zone policies whereby the proposed development would be a merit form of development.

The *rezoning* approach was rejected due to associated complexities to facilitate the proposed development while not impeding the existing uses on the land, but also to acknowledge the potential for the highway service centre development not proceeding and the paramount risk that the land could have as an unintended consequence become available for a broad range of commercial and industrial uses.

Developer funded DPA

The DPA is known as a 'Developer Funded DPA' where the Proponent contributes an amount towards the cost of the DPA as agreed with Council. As indicated previously a Deed of Agreement addresses obligations, commitments, cost sharing and the like. The Developer has arranged all necessary investigations under the supervision of Council officers and arranged for preparation of the proposed Policy amendments in consultation with Council officers.

Despite being a Developer Funded DPA Council retains full control over the DPA process. To date this has included endorsement of the Statement of Intent, and endorsement of the draft DPA for consultation. With a Developer Funded DPA Council also retains full control of a DPA through to submission with the Minister for Planning with the Council endorsing a DPA prior to submission.

Intended outcomes of the DPA

The adopted approach, to retain the land in the Primary Production (Barossa Valley Region) Zone and to introduce a Policy Area specific to the subject land to accommodate the development of a Highway Service Centre, recognises the substantial existing investment in wine industry infrastructure on the land.

The draft DPA proposes the following main changes:

- Amend Policy Area Map Baro/2, to include a new Policy Area called "Nuriootpa Sturt Highway Service Centre, Policy Area 13".
- Amend the Objectives, Desired Character Statement and Principles of Development Control in the Primary Production (Barossa Valley Region) Zone to provide for development of a highway service centre and associated land uses on the land

- Amend the list of non-complying land uses in the zone to exclude development associated with the Highway Service Centre

The Policy changes will not authorise the proposed development as such, but will set out the development assessment procedures and the Policies against which any application would be assessed. Subsequent development approval would still be required.

Public consultation

Public consultation on the draft DPA was conducted from Thursday 13 December 2018 to Thursday 21 February 2019.

23 written Public Submissions and comments from 10 Agencies were received during the consultation period. The Public Submissions were made available for public inspection between the end of consultation and the public meeting which was held on 4 March 2019. At the public meeting three submitters or their representatives made verbal submissions. No additional persons requested to speak at the meeting. A record of the public meeting is included in Attachment 1.

Key issues and concerns raised in submissions and agency comments

Copies of the Public Submissions and Agency comments have previously been supplied to Elected Members.

The major themes raised in the Public Submissions and Agency comments were:

Need/competition:

- Query need for an additional facility
- Potential impacts on existing businesses

Traffic/safety:

- Concerns about increasing risks at an existing poor intersection
- Inadequate investigations regarding heavy vehicle traffic accessing and exiting site
- Increase in cross highway traffic

Zoning/land use and precedence:

- Should retain land for primary production use
- Precedent for other development

Developer/operator:

- Query who developer is
- Concerns if a particular fuel retailer

Location:

- If facility needed, consider site closer to Gawler or in Truro
- Strategic reports and plans don't include option for a Service Centre on the Highway
- No holistic or evidence-based research undertaken to identify appropriate location of a Highway Service Centre across the whole extent of the Highway

Amenity/character:

- Proposal will be unsightly and ruin amenity of area
- Loss of rural character

Noise:

- Assessment does not take into account lower background noise due to 80 kph change
- Assessment does not include impacts from noise from trucks pulling into and leaving the Service Centre at all hours
- Potential impacts on nearby sensitive residential development including Retirement Villages

Other:

- Potential impact on native vegetation and fauna habitat to the north west of the land
- Negative effect on property values
- Marshalling facility would be inconsequential and should be deleted

- Policy direction presents an inconsistent approach to the direction of Policy Reform being progressed by DPTI, premature in context of forthcoming Planning and Design Code
- Design needs to provide suitable entry and exit and to accommodate all vehicles
- Concern if development hinders possible future Highway duplication
- Suggested alternative bypass option
- Seek reduction in speed limit to 80 kph for the impacted section of Highway
- Seek safe Mawson Trail crossing across Highway
- Requests suitable fencing on shared boundary for security

DPA Committee advice

The Nuriootpa (Sturt Highway Service Centre) DPA Committee was appointed by Council to consider all Submissions and Agency comments and to provide advice to Council or the Strategic Planning and Development Policy Committee.

The Committee met on 3 April 2019. A summary and analysis on the Public Submissions is included in Attachment 2 and a summary, analysis and officer recommendation on Agency comments is included in Attachment 3.

The Committee agreed to the recommended responses to Submissions and Agency comments presented to it. A record of the Committee meeting is included in Attachment 4.

The Committee advice to Council is to adopt the DPA with the following changes:

1. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 6 with:

“6 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.”
[Reason: in response to agency comment A8]
2. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 7 with:

“7 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.” *[Reason: in response to agency comment A8]*
3. Insert instructions to introduce the following new heading and new Principles of Development Control:

“Air Quality

 - 8 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
 - 9 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
 - (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
 - (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.”
[Reason: in response to agency comment A8]
4. In the proposed new Nuriootpa Sturt Highway Service Centre Policy Area 13 replace proposed Policy Area PDC 3(a) with: “(a) provide safe and convenient access to and from the adjoining road network for all vehicles (up to and including the largest vehicle type expected to access the site).” Note: additional wording requested by the agency is underlined. *[Reason: In response to agency comment A10]*

In brief, the recommended changes are to insert instructions to amend General Section: Interface between Land Uses section policies relating to noise, air quality and odour, and to amend proposed Policy Area 13 Principle of Development Control 3(a) to ensure that safe and convenient access to and from the adjoining road network is provided for all vehicles up to and including the largest vehicle type expected to access the site.

The recommended changes have been consolidated into an annotated version of the Amendment – refer [Attachment 5](#).

Council decision

As indicated above, the Committee advice to Council is to adopt the DPA with changes; however Council may also decide that additional changes are necessary prior to submitting the final DPA to the Minister for Planning for approval.

Alternatively Council may decide to decline to proceed any further with the amendment after which it would need to advise the Minister for Planning of that decision.

Approval steps

If Council adopts the DPA with the recommended changes a *Summary of Consultations and Proposed Amendments* document will be prepared by staff under delegation for submission to the Minister for Planning. That report will summarise the consultation process and how Council responded to each Submission and Agency comments.

While it is not uncommon for other 'minor' issues to be raised by Department of Planning, Transport and Infrastructure after the DPA is submitted for approval, all the required Policy matters have been addressed by Council. Unless major Policy issues are identified it is suggested that the Director Development and Environmental Services be authorised to negotiate and make any required changes to the DPA, provided they do not denigrate the intent of Council's proposed Policy approach or derogate from Council's intended outcomes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Record of public meeting
Attachment 2: Summary and analysis on public submissions
Attachment 3: summary and analysis on agency comments
Attachment 4: Record of DPA Committee meeting
Attachment 5: Annotated amendment instructions

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

Legislative Requirements

Development Act 1993

Development Regulation 2008

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

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

Resource

Refer above discussion.

Risk

The Deed of Agreement and various Legislative provisions ensure that Council controls the DPA process including the right to decide not to proceed with the DPA at any stage. However given

the current Planning reforms the potential exists for the Minister for Planning to not approve a final DPA. Alternatively the project could be delayed significantly if any proposed Policy approach is only able to be incorporated into the forthcoming Planning and Design Code via a new and unknown 'designated instrument' amendment process.

COMMUNITY CONSULTATION

Consultation has been undertaken in accordance with Legislative requirements and no further consultation is required. All submitters will be notified in writing of Council's decision and after the Minister for Planning has made a decision.

7.5.2. ENVIRONMENTAL SERVICES - DEBATE

7.5.2.1

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) – NOTICE OF BUSINESS PLAN 2018–2021 AND DRAFT BUDGET 2019–2020 **B9072**

Author: Director, Development and Environmental Services

MOVED Cr de Vries that Council:

- (1) Endorse the draft Gawler River Floodplain Management Authority Business Plan 2019–2022 and the draft Budget 2019-2020 as circulated to the Constituent Councils.
- (2) Authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority of its resolution by the 31 May 2019.

Seconded Cr Johnstone

CARRIED 2018-22/169

PURPOSE

The attached documents have been circulated for consideration and approval by Constituent Councils in accordance with Clause 11.2.3 of the Charter for the Gawler River Floodplain Management Authority.

REPORT

Background

The Gawler River Floodplain Management Authority (GRFMA) is established as a Regional Subsidiary pursuant to section 43 and Schedule 2 of the *Local Government Act 1999* to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.

Constituent Councils are City of Playford, Adelaide Plains Council, Town of Gawler, The Barossa Council, Light Regional Council, and Adelaide Hills Council.

Introduction

The Executive Officer of the GRFMA has written to the Constituent Councils regarding the draft GRFMA Business Plan 2019-2022 and Draft 2019/20 Budget (*Attachment 1*).

The GRFMA must submit in draft form the Business Plan and Draft Budget to each Constituent Council before 31 March for approval of its contribution for the year.

Both the draft Business Plan and Budget were reviewed at the 7 February 2019 GRFMA Board Meeting and the 15 March 2019 meeting of the GRFMA Audit Committee, and subsequently at a special meeting of the Board on 21 March 2019.

The documentation was received on 24 March 2019, and are now presented for endorsement.

Discussion

BUSINESS PLAN 2019-2022:

The draft Business Plan is provided in *Attachment 2*.

The GRFMA has focussed on the outcomes of the Gawler River 2016 Flood Review, with work being undertaken to facilitate flood mitigation in the lower Gawler River.

The GRFMA has pursued Federal and State Government funding for the proposed Gawler River Northern Floodway at a cost of approximately \$27 million. While the GRFMA was unsuccessful in the recent Building Better Regions Fund (BBRF), the Board will continue to pursue funding from Federal and State Government for the project.

Page 6 of the Plan outlines the Work Priorities for 2019-2022.

DRAFT BUDGET 2019-2020:

The draft Budget has been prepared based on the 2018-19 budget with an annual escalator (Local Government Price Index) of 2.9% to general expenses, excluding Chair honorarium, EO consultancy costs and Audit Committee Chair honorarium.

The draft budget is provided in Attachment 3.

The 2019-20 subscription for The Barossa Council is \$31,562, an increase of \$121.

Summary and Conclusion

The draft Business Plan 2018-2021 and Budget 2018-2019 have been circulated for consideration and approval by Constituent Councils in accordance with the GRFMA Charter.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Letter from Executive Officer, GRFMA

Attachment 2: Gawler River Floodplain Management Authority Business Plan 2019 – 2022

Attachment 3: Gawler River Floodplain Management Authority Draft Budget 2019 -2020

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

- 1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.
- 3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.
- 4.15 Plan for and where appropriate support response to extreme weather events or disasters in the region.
- 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 or State bodies.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

As indicated in the Business Plan, the scope of the GRFMA annual Budget and operations is small in comparison to the extensive undertakings by Constituent Councils.

Principally the Budget revenue is sourced from predetermined 'formulae based' financial contributions by the six Constituent Councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

The financial contributions are listed on page 5 of the Business Plan.

Risk Management

The GRFMA and Constituent Councils have a level of responsibility to act on dealing with known potential flood risks. The GRFMA needs to be seen to be moving forward in seeking to address flood measures in a strategic and financially sustainable manner.

COMMUNITY CONSULTATION

The GRFMA Charter requires that the Business Plan and Draft Budget are circulated to the Constituent Councils seeking support prior to their adoption. There is not an obligation or need for community consultation in relation to this matter.

7.5.2.2.

LEASE – SEEDING NATIVES REQUEST FOR REDUCED LEASE FEE - Mt PLEASANT BRANCH AND LIBRARY OFFICE

B6469

Author: Director Development and Environmental Services

Pursuant to S75 of the Local Government Act 1999 Cr Barrett disclosed a perceived conflict of interest in the matter 7.5.2.2 – *Lease – Seeding Natives Request for Reduced Lease Fee – Mt Pleasant branch and Library Office* as he has been involved in discussions with the CEO of Seeding Natives Inc with regard to the proposed lease.

Cr Barrett advised Council of his perceived conflict of interest and remained in the meeting and voted on the matter.

Pursuant to S75 of the Local Government Act 1999 Cr Johnstone disclosed a perceived conflict of interest in the matter 7.5.2.2 – *Lease – Seeding Natives Request for Reduced Lease Fee – Mt Pleasant branch and Library Office* as he has been involved in discussions with the CEO of Seeding Natives Inc with regard to the proposed lease.

Cr Johnstone advised Council of his perceived conflict of interest and remained in the meeting and voted on the matter.

MOVED Cr Angas that Council

- (1) Approve the Community Facilities Lease between The Barossa Council and Seeding Natives Incorporated for the Mount Pleasant Branch and Library Office area at a reduced fee.
- (2) Approve a phased approach to the Lease fee.
- (3) Approve the Community Facilities Lease for a term of three years, with an option to extend for a further two years.

Seconded Cr de Vries

LOST

MOVED Cr Boothby that Council

- (1) Approve the Community Facilities Lease between The Barossa Council and Seeding Natives Incorporated for the Mount Pleasant Branch and Library Office area at the rate of \$1.00 per annum and outgoings.
- (2) Approve the Community Facilities Lease for a term of three years, with an option to extend for a further two years.

Seconded Cr de Vries

CARRIED 2018-22/170

PURPOSE

Seek endorsement to enter into a Lease Agreement at a reduced fee for Seeding Natives Incorporated.

REPORTBackground

The Upper Torrens Land Management Project (the UTLMP) operated as a Section 41 Committee of The Barossa Council since 1998, which together with the Adelaide Hills Council provided the community based Committee with governance, and financial management assistance and oversight, in the conduct of projects and expenditure of grant funding.

The UTLMP was successful in winning a commitment of some \$1.5M in 2012 from the Federal Biodiversity Grant to undertake a six year Grassy Groundcover Revegetation Program in the Upper Torrens (the Grassy Groundcover Restoration Project - GGRP).

With the winding up of the Section 41 Committee in 2017, a newly established Board of Seeding Natives Inc. was established to oversee the activities of the GGRP beyond the grant funding.

Today, Seeding Natives Inc. is a not for profit business specialising in the ecological restoration of native grasslands and associated ecosystems.

Seeding Natives Inc. has received deductible gift recipients status with the Australian Taxation Office in order that it can obtain funding from philanthropic organisations so that it can continue the efforts of the GGRP Project Officer. In addition, the Board is in the process of seeking charitable status.

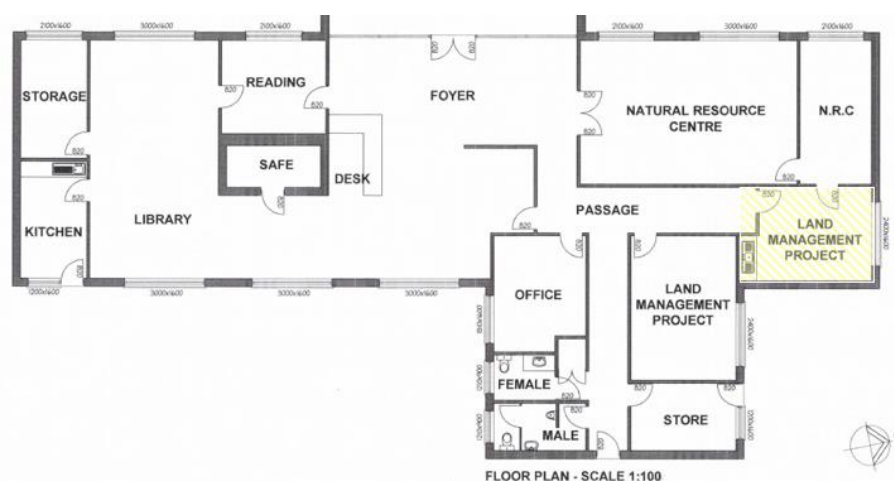
The aims of Seeding Natives Incorporated are to:

- Make a significant contribution towards the reconstruction of 150,000 Ha of habitat restoration in the Adelaide Mount Lofty Ranges
- Continue to address the scarcity of adequate local native seed reserves for restoration activities through the expansion of seed production areas
- Continue to innovate specialised seeding machinery to increase production efficiencies
- Inspire the community and facilitate habitat restoration on private land
- Educate the community about the importance of grasslands, diverse habitat restoration and ongoing management techniques
- Provide a range of specialist habitat restoration services to Government, commercial and private customers.

Discussion

Since the S41 Committee was dissolved, Seeding Natives Inc. have continued to utilise office space at the Mount Pleasant Branch and Library Office for the administration of the service.

The office space utilised is shown on the floor plan, titled "Land Management Project". The Lessee also utilises office equipment and kitchen facilities.



Discussions have continued with Seeding Natives Inc. to finalise a Lease from Council.

An initial comparison to another commercial arrangement in place as well as a review of Council's internal costs associated with this space and office equipment utilisation determined a lease fee of \$7,225 (excl GST) p.a.

While the service delivered by Seeding Natives Inc. is of value to the community, at this stage there is limited capacity within its business finances to fund a lease fee. Consequently, Seeding Natives Inc. has sought support from Council by providing 'in kind' support through the provision of the office space.

There is precedent to provide a stepped fee over a number of years and officers recommend that Council consider this approach, as an alternate to providing the office 'in kind'.

To support a new business in the start-up phase, the intention is to phase this fee over the first two years of the lease:

Year	Weekly Fee	Yearly Fee
Year 1 (2019-20)	\$46.31	\$2,408.33
Year 2 (2020-21)	\$92.63	\$4,816.67
Year 3 (2021-22)	\$138.94	\$7,225.00

At the end of the initial lease period, there will be a need to review the quantum to account for any change in circumstances and CPI increases.

Any improvements that are specific to the business, will need to be funded by the business and in the early years, the reduced fee allows for capacity to achieve any required improvements.

It is noted that there is also a land-only Lease fee for land at Talunga Park and the Barossa Bushgardens for shedding and seed raising beds. This agreement is ready to be signed.



Figure 1 - Talunga Park Shed



Figure 2 –Bushgardens Seed Production Area

As part of these Leases, Seeding Natives Inc. will be required to have its own insurance to protect its assets that are located on Council Land. Outgoings, such as water usage will be on-charged to the lease holder.

Summary and Conclusion

To continue to support Seeding Natives Inc., it is recommended that a phased approach to lease fee be considered.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Lease Agreement – Seeding Natives Inc.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Natural Environment and Built Heritage

Corporate Plan

- 1.8 Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial Management

A lease fee of \$7,225 (excl GST) per annum has been proposed. To support a new business in the start-up phase, the intention is to phase this fee over the first two years of the lease:

Year	Weekly Fee	Yearly Fee
Year 1 (2019-20)	\$46.31	\$2,408.33
Year 2 (2020-21)	\$92.63	\$4,816.67
Year 3 (2021-22)	\$138.94	\$7,225.00

Resource

Existing administration and management support for Lease preparation, execution and financial management.

Risk Management

Risk in relation to the possibility of a failed business venture is that of the proprietor; however officers will support through a proposed phased increment of the lease fee and lease terms that encourage ongoing communication and flexibility to give the business the best chance of success as well as linkages to business resources through Regional Development Australia, Barossa and facilities based maintenance that are of Council's responsibility. A priority is not to have the premises unoccupied or not operating consistently at proposed opening times with the potential knock on effect to Council's reputation.

If the commercial arrangements are not sustained and to avoid the premises being unoccupied, alternative models for a community use could be further explored if the need arises.

COMMUNITY CONSULTATION

Formal community consultation is not required under Council's Public Consultation Policy or legislation.

7.5.2.3**LANDSCAPE SA BILL 2019 – PROPOSED LANDSCAPE BOUNDARIES****B9228**

Author: Director, Development and Environmental Services

MOVED Cr Angas that Council

- (1) Receive and note the response from the Minister for Environment and Water to Council's letter dated 20 December 2018.
- (2) Note that the Landscape SA Bill 2019 has been introduced into Parliament, along with the proposed boundaries for the Landscape Boards.
- (3) Write to the Minister for Environment and Water stating strong opposition to being located within the proposed Northern and Yorke Landscape Region, and seek to advocate for the Barossa, Light and Lower North region to be included within the proposed Hills and Fleurieu Landscape Region.

Seconded Cr Wiese-Smith**CARRIED 2018-22/171****PURPOSE**

To provide Council with an update of the proposed Landscape SA Bill.

REPORTBackground

The State Governments intends to repeal the *Natural Resources Management Act 2004* and replace it with a new Landscape South Australia Act.

In the lead up to the State Election the Marshall Liberal Government stated that it will make "NRM reform a foundation of our environmental and regional policies through decentralisation of decision making and empowerment of communities."

Introduction

At the December 2018 meeting, Council received a Report on the NRM Reform, and in particular the outcomes of the community engagement undertaken by Becky Hirst Consulting.

Discussion

Besides receiving and noting the Consultation Report, Council resolved to write to the Minister for Environment and Water seeking clarification on the future structural arrangements for the forecast Northern Hills and Plains Region ([Attachment 1](#)), as there were concerns that The Barossa Council could be located within the Northern and Yorke Landscape region.

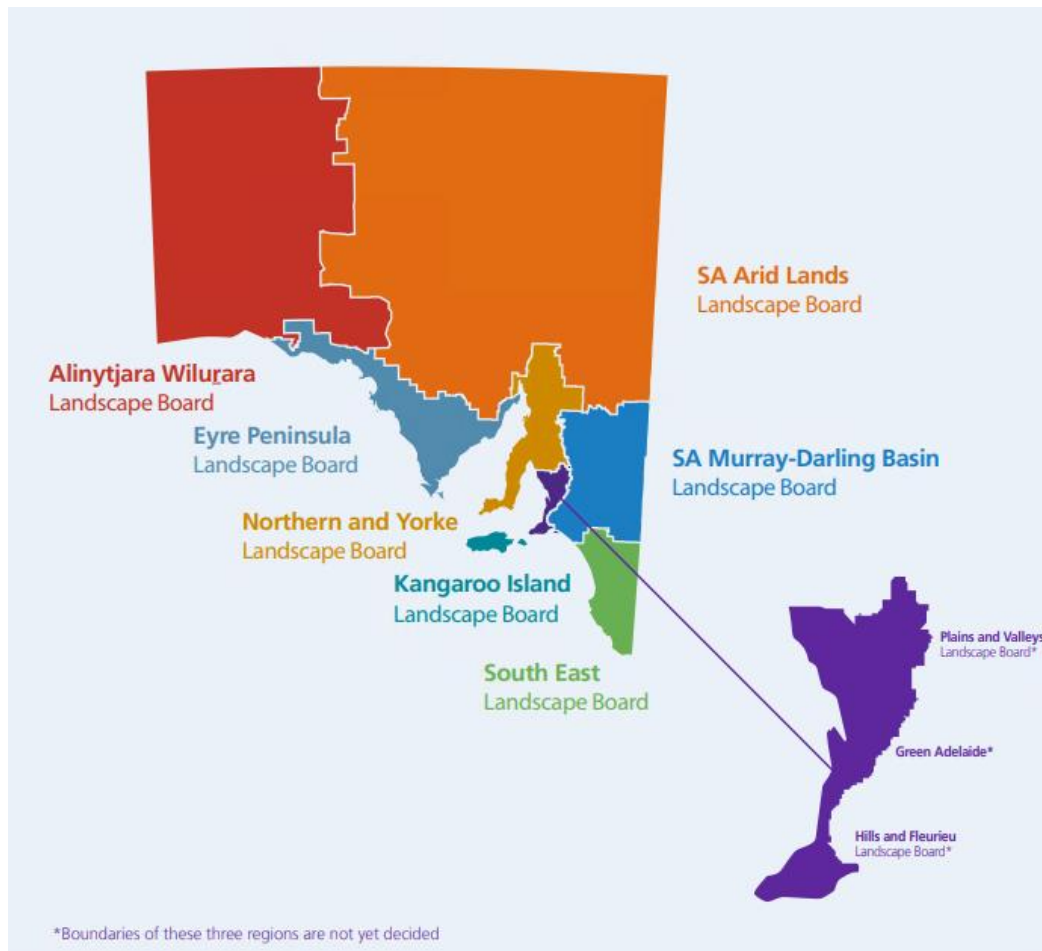
Minister Speirs responded on 17 February 2019 ([Attachment 2](#)), stating that "the boundary arrangements for the proposed new Boards have not yet been determined. Board regions can only be established upon passage of proposed Legislation upon proclamation of the Governor; and after my recommendation".

On 20 March 2019, the Minister announced that the Landscape SA Bill 2019 had been introduced into the South Australian Parliament. A summary of the Bill is provided in [Attachment 3](#). With that announcement, the Minister included the proposed boundaries of Regional Landscape Boards ([Attachment 4](#)).

In the initial Discussion Paper (July 2018), the current Adelaide and Mount Lofty Ranges NRM region was to be split into three Landscape Regions:

- Green Adelaide
- Plains and Valleys
- Hills and Fleurieu

The final boundary for these Regions were yet to be finalised, as noted on the map below.



Under the proposed Landscape Regions released on 20 March 2019, all existing NRM regional boundaries are unchanged, except for Adelaide and Mount Lofty Ranges; Northern and Yorke; and SA Murray-Darling Basin.

The Adelaide and Mount Lofty Ranges NRM Region is now split into the following three Regions:

- Green Adelaide
- Northern and Yorke
- Hills and Fleurieu

The Barossa, Light and Lower North Region (comprising Adelaide Plains, Barossa, Gawler and Light Regional Councils) is located within the Northern and Yorke Region, rather than the previously proposed Plains and Valleys. The Northern and Yorke Region also incorporates part of the previous SA Murray-Darling Basin NRM Region.

In addition, the Hills and Fleurieu Region has been extended to include areas in the previous SA Murray-Darling Basin Region. Green Adelaide comprises metropolitan Adelaide from Aldinga in the south to the Gawler River in the north (excluding the Town of Gawler).

As noted in the previous Report, the Minister does not intend to undertake any further community consultation on the reform and regional boundaries.

Notwithstanding this, it is recommended that Council write again to the Minister highlighting disapproval of being located within the Northern and Yorke region. A draft letter is provided in [Attachment 5](#).

As the Landscape SA Bill has now been introduced into Parliament, Council should seek to advocate for support from Parliamentarians from all parties to seek support to have the Barossa, Light and Lower North region included within the proposed Hills and Fleurieu Landscape Region.

Implications of Boundaries on NRM hosted programs:

Natural Resource Centres

The Natural Resources - Adelaide and Mount Lofty Ranges (NR-AMLR) fund a number of NRCs across its region.

The Barossa Bushgardens NRC, Gawler Environment Centre and Mount Pleasant NRC will be in the Northern and Yorke Landscape Board Region. Adelaide Hills NRC, South Coast Environment Centre, Willunga Environment Centre and Normanville NRC will be in the new Hills and Fleurieu Landscape Board Region. Adelaide Sustainability Centre and Port Environment Centre will be in the Green Adelaide Board Region.

NRM Education

The NR-AMLR fund the NRM Education program, with NRM Education Officers located across Adelaide - Southern Adelaide (City of Onkaparinga), Central Adelaide (KESAB) and the Northern Adelaide (City of Salisbury), and Barossa (The Barossa Council).

The Barossa education program will be in the Northern and Yorke Landscape Board Region, all others will be in the Green Adelaide Board Region.

Land Management

The NR-AMLR supports rural property owners to manage their land in a more sustainable way. This includes advice and training as well as financial incentives for certain activities.

Council host the Upper Torrens program

Summary and Conclusion

The Landscape SA Bill has been introduced into Parliament, along with the proposed boundaries of Regional Landscape Boards.

The Barossa, Light and Lower North Region is located within the proposed Northern and Yorke Region, contrary to the request made by Council to be located within a Peri-Urban Region.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Letter to Minister Speirs dated 20 December 2018

Attachment 2 – Response from Minister Speirs dated 17 February 2019

Attachment 3 – Summary of Landscape SA Bill 2019

Attachment 4 – Maps of proposed boundaries of regional landscape boards

Attachment 5 – Draft Letter to Minister Speirs

Link to Landscape SA Bill 2019

<https://www.legislation.sa.gov.au/LZ/B/CURRENT/LANDSCAPE%20SOUTH%20AUSTRALIA%20BILL%202019.aspx>

Link to details of Green Adelaide

<https://www.environment.sa.gov.au/topics/green-adelaide>

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 1.8 Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.

Legislative Requirements

Natural Resources Management Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management
Nil

COMMUNITY CONSULTATION

Nil

7.5.4 REGULATORY SERVICES - DEBATE

7.5.4.1

2019/2020 DOG REGISTRATION FEES

B6097

Author: Manager, Regulatory Services

Cr Haebich left the meeting at 10.58am.

MOVED Cr Hurn that Council endorses the Schedule of Dog Registration Fees detailed in this report for the 2019/2020 financial year.

Seconded Cr Johnstone

CARRIED 2018-22/172

PURPOSE

To set the Schedule of dog registration fees for the 2019/2020 financial year.

REPORT

Introduction

In preparation for the 2019/2020 financial year; Council is required to consider and adopt a Schedule of Fees in relation to Dog Registration and management.

Discussion

The State Government introduced Legislative changes in relation to mandatory microchipping and desexing, which commenced on 1 July 2018 in conjunction with the State-wide Dogs and Cats Online Database (DACO).

These changes now require all dogs to be microchipped and all dogs born after 1 July 2018 to be desexed by 6 months of age.

Councils are obliged to provide a percentage rebate (deducted from the Non-Standard Dog Fee) for a dog that is both desexed and microchipped. The Dog and Cat Management Board (The Board) recommends that this rebate be set at 50%.

The Board has provided a comparison of Dog Registration Fees across all Councils. This comparison is provided as Attachment 1.

Standard Dog

A Standard Dog is a dog that is both desexed and microchipped. The Board has recommended that a discount of 50% shall apply to a Standard Dog.

Non-Standard Dog

A Non-Standard Dog is one that is not both desexed and microchipped. A dog that is only desexed (and not microchipped) or only microchipped (and not desexed) will be classed as a Non-Standard Dog. The full registration fee will continue to apply in these cases.

Current laws require all dogs to be microchipped from 3 months of age; and all dogs born after 1 July 2018 to be desexed by 6 months of age, unless an exemption applies.

The desexing requirement applies to new generations of dogs and does not apply to dogs born before 1 July 2018.

Owners who elect not to have their dogs both desexed and microchipped will be subject to a Non-Standard Dog fee. This is designed to encourage dog owners to have their dogs desexed and microchipped in line with the requirements of the State Government, in order to be eligible for a cheaper Registration Fee.

Concession Card Holders

A discount of 50% shall apply to the holder of a current concession card. This rebate shall be applied after other rebates have been calculated as is the present case. DACO has the ability to verify the status of a concession instantly through an interface with Government databases.

In line with the recommendations of the Board, the holder of the following concession cards will be eligible for the concession discount.

Department of Veteran Affairs – Gold or White Card
Pensioner Card
Senior Health Care Card
Health Care Card

All concessions, except the Health Care Card, will be a permanent concession. The Health Care Card is a temporary concession and will be required to be validated each registration year.

Training Rebate

The Board no longer provides a recommendation or guidance about the Training Rebate for Dog Registrations, and has left it to individual councils. Traditionally a 10% rebate has been provided to give incentive to owners to have their dog obedience trained.

Consultation with other councils has revealed that some councils no longer provide a Training Rebate. Officers believe that Council should continue to encourage dog owners to attend Obedience Training by providing a discount on the Registration Fee. The rebate is calculated as a percentage of the maximum fee.

Following consultation with a local Veterinarian and Dog Trainer, the following Standard has been determined in order to be eligible for the Training Rebate. Council officers must be satisfied that the dog has been trained to an appropriate level and can:

- Walk on a loose lead in a distracting or unfamiliar environment; and
- Recalls on command while off lead in an unfamiliar environment; and
- Sit, drop and advanced stay on command; and
- Remains calm and easily controlled around other people and other dogs; and
- Displays greeting manners.

Once the dog demonstrates that it meets these requirements it will be deemed to be trained for life, or until Council officers form the view that the dog no longer meets these Standards.

To encourage attendance at Puppy Pre-School classes, it is proposed that Council will continue to provide a Training Rebate for the first year of Registration to owners that have completed Puppy Pre-School.

Working Livestock Dog

Previous changes to Legislation recognises Working Livestock Dogs as those that are kept primarily for the purpose of herding, droving, protecting, tending or working stock. It is proposed to continue to provide a set fee for registering Working Livestock Dogs.

Working Livestock Dogs are exempt from the desexing requirements.

Dog Management Fund

All councils are required to pay to the State Government (via The Board) a percentage of every Dog Registration received. For rural councils, which includes The Barossa Council, this contribution is set at 12%; and 24% for metropolitan councils.

Recent History of Dog Registration Fees

For the benefit of new Elected Members a comparison has been provided for previous financial years.

	Maximum Fee	Standard Dog
2019/2020 (Proposed)	\$80.00	\$40.00
2018/2019	\$80.00	\$40.00
2017/2018	\$80.00	\$40.00
2016/2017	\$80.00	\$40.00
2015/2016	\$85.00	\$43.00

Partial Year Registration Rebate

A partial year rebate is currently offered for new Registrations received after 1 January. This rebate acknowledges new ownership and provides incentive to new owners registering their recently acquired dogs during the second half of the registration year. This rebate is applied after all other applicable rebates have been applied and is currently set at 50% of the fee otherwise payable. It is proposed that this rebate remains at 50% for 2019/20 and does not apply to Registration Renewals.

A summary of the Dog Registration classes and recommended Fees are provided in the following table.

Registration Type	Regular	Concession
Standard Dog (Desexed & Microchipped)	\$40	\$20
Standard Dog (Desexed, Trained & Microchipped)	\$32	\$16
Non-Standard Dog (Full Registration)	\$80	\$40
Working Livestock Dog	\$23	\$23
Racing Greyhounds (Registered with Greyhound Racing SA)	\$23	\$23
Assistance Dogs	Nil	Nil
Late Registration Renewal Fee (if paid after 31 August)	\$20	\$20
Other Fees		
Dog Impound Fee	\$75.00	
Plus Daily Sustenance Fee (Per day or part thereof)	\$15.00	
Dog Business Registrations (Section 35)	As per individual registrations	
Rebates		
Standard Dog Rebate (Both Desexed and Microchipped)	50%	
Training Rebate (Applicable in addition to Standard Dog Rebate only. Calculated as a percentage of maximum fee)	10%	
Puppy Training Rebate (As above, for first year of registration only)	10%	
Concession Rebate (Maximum of two dogs)	50% of fee otherwise payable	
Partial Year Rebate (New registrations after 1 January only)	50% of fee otherwise payable	

Conclusion

This report recommends no changes to the current Dog Registration Fee structure for the coming financial year.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Dog and Cat Management Board.
Comparison of Dog Registration Fees - All councils

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

2.12 Contribute to a safer community.

Corporate Plan



Health and Wellbeing

- 4.7 Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Section 26, Dog and Cat Management Act 1995

Dog and Cat Management Regulations 2017.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

Income received from Dog Registrations must be expended in the administration and enforcement of the provisions of the Dog and Cat Management Act 1995.

Initial assessment has revealed that the transition to DACO indicates a positive financial impact for the first year of operation, as shown in the table below. This however does not factor in the additional time and resources associated with managing the new database.

This brief overview has been provided to reflect some of the costs and savings associated with DACO. It shows the total number of dogs registered in the Council area, the total revenue from Dog Registration Fees, the corresponding mandatory contribution paid to the State Government and previous expenses associated with the production and postage of Dog Registration Renewal Notices which is now undertaken via DACO.

	2017/2018	2018/2019 (to 1 April 2019)
# Dog Registrations	5278	5160
Total Dog Registration Revenue	\$212,386.00	\$224,541.00
Less mandatory contribution to State Govt (10% 2017/18)	\$21,238.00	-
Less mandatory contribution to State Govt. (12% 2018/19)	-	\$26,944.92
Council Revenue	\$191,148.00	\$197,596.08
Postage	\$3,267.00	Now funded via DACO
Renewal Notices	\$2,392.00	Now funded via DACO
Approximate Net <i>Note: Dog registrations, Mandatory contribution, renewal Notices and Postage Only</i>	\$185,489.00	\$197,596.08

As such, this report recommends no changes to the Schedule of Dog Registration Fees that were approved for the 2018/2019 financial year.

As the percentage of those dogs that are both desexed and microchipped (and therefore eligible for the 50% Registration Rebate) increases, Council may notice an impact to revenue in coming years. Careful consideration will need to be given to Dog Registration fees in future years. Officers will monitor revenue during 2019/2020 and beyond.

Council is obliged to pay 12% of every Dog Registration to The Board. As detailed above, at the time of writing this report the mandatory contribution was \$26,977.92 based on revenue received

to date. As part of the transition to DACO, Council is no longer required to fund Dog Registration Renewal Notices and associated postage.

Resource and Risk Management Considerations

DACO continues to be resource intensive at an administrative level. Every year, Council's expenditure in relation to dog management far exceeds revenue generated from Dog Registrations.

For the 2018/19 financial year, Council budgeted for a deficit of \$235,721.00 in relation to dog management.

There are no other resource or risk management considerations.

COMMUNITY CONSULTATION

Consultation is not required under Policy or Legislative requirements.

8. CONFIDENTIAL MATTER – 11.04AM

8.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES – CONFIDENTIAL – 11.04AM

8.1.1

DRAFT CROWN CONDITION AGREEMENT – TANUNDA RECREATION PARK

The matter of the agenda item being consideration of a Draft Crown Condition Agreement between the Minister for Environment and Water and The Barossa Council to formally transfer ownership of Tanunda Recreation Park from the Crown to Council, and pursuant to Section 90(3)(j) of the Local Government Act 1999 ("the Act") *being information the disclosure of which (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would on balance, be contrary to the public interest.*

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate 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 reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council in confidence, as the Crown Condition Agreement is currently in draft form and the transaction is subject to final Ministerial approval. The Crown Lands Office has advised that Crown Condition Agreements are publicly available via a website link on the Certificate of Title on SAILIS (South Australian Integrated Land Information System), and once the transaction is finalised, it can be accessed by the community.

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

MOVED Cr Johnstone that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering,

Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (j) of the Local Government Act 1999 relating to agenda item 8.1.1 *Crown Condition Agreement – Tanunda Recreation Park*, being information that must be considered in confidence in order to ensure that Council does not disclose information of a confidential nature, the disclosure of which – (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council) in this case a draft Crown Condition Agreement in respect of Tanunda Recreation Park; and (ii) would, on balance, be contrary to the public interest.

- (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 as the Crown Lands Office has requested that the matter be considered in confidence as the Crown Condition Agreement is only in draft form and the transaction is subject to final Ministerial approval.

Seconded Cr Wiese-Smith

CARRIED 2018-22/173

RESUMPTION OF OPEN COUNCIL MEETING – 11.05AM

The open meeting of Council resumed at 11.05am.

In the matter 8.1.1 – *Draft Crown Condition Agreement – Tanunda Recreation Park*:

MOVED Cr Boothby that Council:

- (1) Confidential resolution;
- (2) Confidential resolution;
- (3) Confidential resolution;
- (4) Confidential resolution;
- (5) Confidential resolution;
- (6) 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 attachments and associated documents in relation to agenda item 8.1.1 of Council's Confidential Meeting held 16 April 2019 titled "Draft Crown Condition Agreement – Tanunda Recreation Park" other than the minutes relating to this confidentiality order, be kept confidential and not available for public inspection until approval is received from the Minister for Environment and Water to the transfer of the land and the associated executed Crown Condition Agreement, and that the Chief Executive Officer be delegated the power to review and revoke this order.

Seconded Cr Johnstone

CARRIED CO2018/22-8

9. URGENT OTHER BUSINESS

9.1 REQUEST - LEAVE OF ABSENCE – CR JOHNSTONE

Pursuant to S73 of the Local Government Act 1999 Cr Johnstone disclosed a material conflict of interest in the matter 9.1 – *Request - Leave of Absence – Cr Johnstone* as he is seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Cr Johnstone advised Council of the conflict of interest and left the meeting at 11.06am

MOVED Cr Wiese-Smith that Cr Johnstone be granted Leave of Absence from 20 May 2019 to 18 June 2019.

Seconded Cr Miller

CARRIED 2018-22/174

Cr Johnstone returned to the meeting at 11.07am.

10. NEXT MEETING

Tuesday 21 May 2019 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 11.07am.

Confirmed at Council Meeting on 21 May 2019

Date:.....

Mayor:.....

CONFIDENTIAL

**CONFIDENTIAL MINUTES
OF THE MEETING OF THE BAROSSA COUNCIL
held pursuant to the provisions of Section 90(2) of the Local Government
Act 1999 on
Tuesday 16 April 2019 commencing at 11.04am**

MEMBERS PRESENT

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

OFFICERS PRESENT

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

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

Cr Haebich was not in attendance at this meeting.

8.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES**8.1.1****DRAFT CROWN CONDITION AGREEMENT - TANUNDA RECREATION PARK
B8122**

MOVED Cr Boothby that Council:

- (1) Approve the draft Crown Condition Agreement (CCA) as attached to this report (HPE Ref: 19/17656) to facilitate disposal to The Barossa Council of the Tanunda Recreation Park land ("the land") contained in Crown Records Volume 5905 Folio 680 and Volume 5752 Folio 204 for nil consideration;
- (2) Authorise the Mayor and Chief Executive Officer to execute the CCA under Council Seal;
- (3) Authorise the Chief Executive Officer to execute the Letter of Offer indicating that Council accepts the offer;
- (4) Approve the expenditure of further costs up to \$1,000 ex GST for the final document preparation and associated expenditure from existing budget allocations;
- (5) Note the advice received to date that Stamp Duty will not apply to the transaction as this is the first grant of transfer of the land from the Crown

and require officers to report to Council prior to proceeding with this matter if this advice changes;

- (6) 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 attachments and associated documents in relation to agenda item 8.1.1 of Council's Confidential Meeting held 16 April 2019 titled "Draft Crown Condition Agreement – Tanunda Recreation Park" other than the minutes relating to this confidentiality order, be kept confidential and not available for public inspection until approval is received from the Minister for Environment and Water to the transfer of the land and the associated executed Crown Condition Agreement, and that the Chief Executive Officer be delegated the power to review and revoke this order.

Seconded Cr Johnstone

CARRIED CO2018/22-8

CLOSURE OF CONFIDENTIAL MEETING

There being no further business the confidential meeting closed at 11.05am.

Confirmed at Council meeting Tuesday 21 May 2019

Date:

Mayor: