



## *The Barossa Council*

### **MINUTES OF THE MEETING OF THE BAROSSA COUNCIL**

held on Tuesday 18 June 2019 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

#### **1.1 WELCOME**

Deputy Mayor, Cr John Angas declared the meeting open at 9.00am.

#### **1.2 MEMBERS PRESENT**

Deputy Mayor, Cr John Angas, Crs Tony Hurn, David Haebich, Leonie Boothby, Dave de Vries, Kathryn Schilling, Richard Miller, Don Barrett and Carla Wiese-Smith

#### **1.3 LEAVE OF ABSENCE**

Cr Johnstone

#### **1.4 APOLOGIES FOR ABSENCE**

Mayor Bim Lange

Cr Cathy Troup

**MOVED** Cr de Vries that the apologies received from Mayor Bim Lange and Cr Cathy Troup be noted.

**Seconded** Cr Miller

**CARRIED 2018-22/198**

#### **1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION**

**MOVED** Cr de Vries that the Minutes of the Council meeting held on Tuesday 21 May 2019 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Haebich

**CARRIED 2018-22/199**

**MOVED** Cr Wiese-Smith that the Minutes of the Confidential Council meeting held on Tuesday 21 May 2019 at 9.29am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Hurn

**CARRIED 2018-22/200**

**MOVED** Cr Barrett that the Minutes of the Special Council meeting held on Wednesday 5 June 2019 at 6.00pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Haebich

**CARRIED 2018-22/201**

#### **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 Boothby

**CARRIED 2018-22/202**

**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 Boothby that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

**Seconded** Cr Miller

**CARRIED 2018-22/203**

**5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA**

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

**6.1 VISITORS TO THE MEETING**

Nil

**6.2 ADJOURNMENT OF COUNCIL MEETING**

Nil

**7. DEBATE AGENDA**

**7.1 MAYOR – DEBATE**

Nil

**7.2 CHIEF EXECUTIVE OFFICER - DEBATE**

**7.2.1.1**

**REQUEST TO SUPPORT COMMUNITY WATER SUMMIT/MEETING**

**B1132**

**MOVED** Cr de Vries that Council officers and the Mayor continue to support the initiative of Mrs Evans to bring together experts, community and other representatives to review and consider long term water management issues for the Barossa region and:

- (1) Allocate \$3,000 from the Elected Members Donations – Sundry fund to support the costs of hosting the summit / meeting and pay those funds to RDA Barossa who will assist with hosting and managing the event.
- (2) Indicate that Council will consider further support of up to \$2,000 from the 2019/20 budget should it be necessary and authorise the Chief Executive Officer to allocate those funds on evidence of need.

**Seconded** Cr Boothby

**CARRIED 2018-22/204**

#### **PURPOSE**

To resolve to support a community led water summit and meeting with in-kind and financial support.

#### **REPORT**

There has been extensive activity around water management in the wider region for some time. RDA Barossa (RDA Barossa Gawler Light and Adelaide Plains) has undertaken and coordinated studies, policies and assisted with projects in this space for some years as a significant regional economic and community development matter.

The current RDA Barossa policy position is encased in Revision 2045. A water summit was held in Roseworthy in June 2015.

Recent localised issues, drought and growing impacts on our ecology from numerous pressures highlights the opportunity to revisit water policy for the area and also share knowledge and understanding.

Through an approach from a local passionate community member (Mrs Evans) the water summit/meeting idea has been discussed with Council and also the RDA Barossa Chief Executive Officer. RDA Barossa will assist hosting and be a conduit to support the initiative as has the Mayor, Chief Executive Officer and their shared Executive Assistants and Director of Development and Environmental Services to date researching locations, providing input into the outline and providing background documentation of policy and legislative matters that Council has already considered at various times.

The initiative outline and request for assistance is provided at the Attachments. It is anticipated that the location would be low cost, utilising community catering and limited to approximately 200 people.

The initiative would not meet other funding grant programs, but annually Council allocates \$3,000 for good initiatives that arise which are outside of grant programs to provide assistance where it deems it important and relevant to the community and the community plan. The 2018/19 allocation remains unspent.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Emailed Request  
Current Initiative Outline

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

Community Plan



Natural Environment and Built Heritage



Community and Culture



Business and Employment

- 1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
- 1.2 Support native eco systems through a planned management approach.
- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.
- 2.3 Contribute to creating strong and sustainable community networks.
- 2.4 Encourage and support volunteering in the community.
- 2.8 Provide opportunities for the community to participate in local decision-making.
- 2.11 Encourage a learning community.
- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.7 Collaborate with industry leaders to ensure informed decision making and Council representation in relation to economic growth, planning and development.

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Outlined in body of report.

#### **COMMUNITY CONSULTATION**

Initiative is about community engagement and exchange of knowledge and ideas for future policy and program priorities.

#### **7.2.1.2**

#### **REQUEST TO CONSIDER CHANGE IN SCOPE OF DOG PARK AREAS**

**B9263**

**MOVED** Cr Wiese-Smith that Council:

- (1) Allocate an additional \$7,000 to extend the Nuriootpa Dog Park to its maximum capacity taking account of the various limitations but not exceeding 3,000 square metres.
- (2) Defer any investment in the Williamstown Dog Park until it has investigated the ability to relocate the Williamstown Dog Park to Doug Lane Reserve with the Minister in the first instance and officers bring a report back once a response is received.

**Seconded** Cr Schilling

**CARRIED 2018-22/205**

#### **PURPOSE**

To provide direction if Council wishes to increase the scope of the Nuriootpa Dog Park construction and undertake investigation to relocate the Williamstown Dog Park.

#### **REPORT**

##### Background and Introduction

This matter has been debated by Council on various occasions and it recently approved the progression of the Nuriootpa and Williamstown Dog Parks. The report is provided at the Attachments.

The scope of the final proposals included locations in Nuriootpa, in the linear park to the northern end adjacent to Penrice Road and Williamstown Queen Victoria Jubilee Park, adjacent and incorporating parts of the existing playground.

Among other things these locations were chosen due to:

- 1. Relative separation from residential land uses;
- 2. Car parking nearby;

3. Access to water nearby at the Nuriootpa site;
4. Proximity to the Nuriootpa main street;
5. Open spaces and complementary infrastructure, especially at Williamstown and regularly utilised by the community.

Recently, due to final stages of implementation and final walk through assessment, stakeholders, through Cr Wiese-Smith have lobbied that the dog parks be larger. As a result Cr Wiese-Smith made enquiry with the Mayor and foreshadowed a notice of motion. In assessment of the request to me by the Mayor I considered that regardless of it being a motion or an officer report the level of work required to address the concerns was equivalent and I elected to submit an officer report.

The current scope is directly related to the available budget from the grant of \$100,000 from the Minister, and areas of the locations including an additional amount of \$10,940 by Council for construction and an estimated \$5,000 in maintenance costs per annum.

The estimate scope and final design of the two parks is provided at Attachment 2 and are approximately 1,750 square metres for the Nuriootpa dog park and Williamstown is 1,300 square metres.

Whilst there are many learnings in this project for us all, the Council approved the inherent scope at its December 2018 meeting after consulting with the wider community. In February 2019, Council reviewed the location of the Nuriootpa park after receiving a deputation from concerned residents. Council then reaffirmed the Nuriootpa location in March 2019. Since then officers have undertaken final procurement and are ready to implement what was the approved scope, the budget being the first determining factor of how large the parks are.

#### Discussion

As a result of the requests made of me further work has been done and the following findings are presented for review and direction of the Council.

1. As per the sketches at the Attachments there is varied ability to increase the size of the parks in either location; certainly the Nuriootpa location might be able to be sized up a little by taking in more area to the west (although there are limitations due to the location of a rising main in that location) and north and incorporating trees and taking it over the earth mound, therefore it will become significantly more visible. The estimates provided are exactly that, broad estimates at this time, and depending on Council's decision further more accurate information would be finalised. At best with Nuriootpa, depending on final location of pipes and trees in and around the area, a dog park of between 2,587.5 – 2,700 square metres might be able to be achieved. Interestingly trying to change the shape a little accords with the principles of the Dog and Cat Management Board – Dog Park Guidelines (the guidelines) and making it irregular is preferred. If this was achievable the extra fencing is estimated at \$2,000, subject to conditions outlined below. To be clear the Nuriootpa dog park if extended cannot move south, it would then be in the high risk flood flow in the river, as it is the southern boundary in a significant flood will have water in it and will have to be closed due to the risks.
2. It is not possible to scale up Williamstown without further encroaching onto the playground area unless the scope incorporates the whole playground which is not suggested as some people don't want to be around dogs and will limit access of the playground to the general community.

According to the Guidelines, parks range from 17,000 square metres to 100 square metres - most in the document seem to be around the 2,000 to 2,500 square metres in size.

The approximate cost of additional fencing, assuming direct line (or practically direct line) and no more gates is \$80 per linear metre. Hypothetically if we push the dog parks to 3,000 square metres for each park we need to fund (and this will be variable depending on actual final shape) in the order of \$6,400 for Nuriootpa and \$14,880 for Williamstown. Allowing for contingency an estimate of a further \$25,000 plus additional annual operating costs which would be determined as part of further investigation if Council instructs me to do this work.

I reiterate the above analysis is a desktop and general site analysis only, not a detailed and surveyed design, and thus would need to be confirmed accurately depending on Council's direction.

Subsequent to the work undertaken above a recent walk around with regard to the Williamstown proposal with stakeholders has resulted in the suggestion that it be moved to Doug Lane Reserve. This option has not been explored in any detail as the original scope of the project was to locate the parks on Council land, this reserve is not Council land rather it is a road reserve under the control of the Minister for Planning, Transport and Infrastructure. Initial views are three key points need to be considered by Council before diverting resources:

1. We would need to seek the views of the Minister before proceeding and if he is amenable what legal mechanism is required and at what cost;
2. This is one of the main southern entrances to the town of Williamstown and dog parks ultimately are constructed of 1.8M high chain mesh fencing; and
3. As per the dog park guidelines there is no formalised car park and unlikely to be a water location available - these would need to be installed as part of a final project and potentially of additional cost not quantified at this point.

If Council does proceed to investigate this site, officers will write to the Minister to seek his views before proceeding any further, if that is supported it is recommended that Council undertake consultation with the community as this is a shift from the current position. If this is not successful I am informed stakeholders are satisfied with the current location, with a view to future expansion if possible. A future expansion cannot be accommodated unless Council determines to incorporate the playground, or relocate that playground (which is envisaged at some point in the masterplan for the Williamstown park) or, indeed the dog park in the future.

The current grant funding agreement does not require any Council contribution and the parks are required to be installed by 31 May 2020. As a result of this request, current budgeted funds will now be carried over into the 2019/20 financial year.

Should Council ultimately determine to relocate either park a rescission motion of Council would be required.

#### Summary

Council has been asked to reconsider the scope of the current dog parks and officers now seek direction.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

18 December 2018 Council Report and Minutes

Sketches of Dog Park Areas

Typical Dog Park Fencing

Dog and Cat Management Board – Dog Park Guidelines link

<http://gooddogsa.com/media/W1siZiIsIjIwMTUvMDMvMDMvOWM2bGhqZG8yZ19VbmxlYXNoZWREb2dQYXJrcy5wZGYiXV0/UnleashedDogParks.pdf>

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

Community Plan



Community and Culture

#### Legislation

Local Government Act 1999

Dog and Cat Management Act

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Other than that outlined in the body of the report, should Williamstown be relocated and as outlined off-street car parking would be necessary to allow safe access. Based on a recent analysis of a car parking proposal in Nuriootpa which would have yielded 13 car parks according to the standard at a cost of \$50,000, but that was an established car park which would have needed resealing not establishment, which would require earthworks, rubble and base preparation estimated to be a further \$25,000. It is estimated therefore that a car park development of say 10 car parks would be in the order of \$57,000. This would also need more accurate calculations if Council proceed this far.

**COMMUNITY CONSULTATION**

Initial community consultation has included two rounds to seek input as to need and secondly options for location of dog parks. Dependent on the direction of Council, further consultation in relation to the Williamstown park location m

**7.2.1.3****CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND ASSOCIATED DOCUMENTS****B1485**

Author: Governance Advisor

**MOVED** Cr de Vries

- (1) That pursuant to Section 92(5) of the Local Government Act 1999, before Council adopts, alters or substitutes this proposed Code of Practice for Access to Council and Committee Meetings and Associated Documents ("Code of Practice"), it makes copies of the proposed draft Code of Practice (at *Attachment 1*) available for inspection or purchase at its principal office and inspection on its website and invites submissions from the public, pursuant to its Public Consultation Policy by placing a Notice in The Herald and The Leader newspapers for a period of at least 21 days.
- (2) At the conclusion of the public consultation period and at the subsequent Council meeting, Council receives and considers all feedback on the proposed Code but in the absence of any feedback at the conclusion of the public consultation period that the Code of Practice be immediately adopted without further reference to Council.

**Seconded** Cr Boothby**CARRIED 2018-22/206****PURPOSE**

Council is asked to consider and endorse the draft Code of Practice for Access to Council and Committee Meeting and Associated Documents (the "Code of Practice") for public consultation in accordance with section 92(5) of the *Local Government Act 1999*.

**PURPOSE**

Council is asked to consider and endorse the draft Code of Practice for Access to Council and Committee Meeting and Associated Documents (the "Code of Practice") for public consultation in accordance with section 92(5) of the *Local Government Act 1999*.

**REPORT**Background

Council's current Code of Practice was adopted on 10 June 2016, following amendments to the *Local Government Act 1999* (the "Act"). Following the election of the new Council Body in November 2019, Council is required, pursuant to section 92(2) of the Act, to review the operation of its Code of Practice.

Introduction

Section 92(5) of the Act requires that prior to Council adopting, altering or substituting the Code of Practice, Council refer the revised draft to public consultation in accordance with its Public Consultation Policy.

Discussion

The amendments made to the Code of Practice and are set out by way of track changes to the draft Code of Practice at *Attachment 1*. Notable amendments include:

- Update of the Code of Practice to the new Policy template;
- Inclusion of the abbreviated 'CEO' throughout the Code, with a reference included in the Definitions;
- Addition of a definition for 'Agenda'
- Meeting – Committee definition amended to exclude the Barossa Assessment Panel;
- Removal of the text in italics at clause 4.1.1;
- Council and Committee dates and times – clause 4.2.3
- Clause 4.6.6 deleted as it is adequately covered by clauses 4.4.3 and 4.6.5
- Clause 4.7 amended for clarity
- Amendment to delegation of annual review of confidentiality orders – addition of 'or other officer' for matters where CEO has a conflict of interest – clauses 4.8.4 and 4.8.7
- Clause 4.8.6 clarified
- Reference to the *Internal Review of Council Decisions Process* at clause 4.10.2 and at Item 6;
- Tender Committee deleted from Appendix 1 as it no longer exists
- Various changes for clarity and consistency (see track changes)

As part of the public consultation process, it is recommended that public notices be published on The Leader and The Herald newspapers, and on Council's website and Facebook page for a period of 21 days. In addition, copies of the Code of Practice will be made available at Council's principal office for inspection and purchase, and on Council's website for inspection. At the conclusion of the public consultation, any community feedback will be referred to Council for consideration. In the event that there is no community feedback, the Code of Practice will be adopted by Council without requiring referral back to Council.

#### Summary and Conclusion

Council is asked to consider and endorse the draft Code of Practice for public consultation.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachment 1:** draft Code of Practice for Access to Council and Committee Meetings and Associated Documents

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



How We Work – Good Governance

#### Corporate Plan

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

#### Legislative Requirements

Local Government Act 1999, Section 92

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

#### **Financial**

Costs to advertise in The Herald and Leader newspapers will be approximately \$1,000 and can be sourced from existing budgets.

#### **Resource**

Nil

#### **Risk Management**

In order to be legally compliant, Council must establish a Code of Practice for Access to Council and Committee Meetings and Associated Documents and review this document involving public consultation within the first 12 months of a periodic election. The Code actually reduces the risk of an Ombudsman's investigation as there is an improved transparency for the community in understanding the Council decision making process and accessing as much information as is appropriate under relevant legislation.



**COMMUNITY CONSULTATION**

As per Council's Public Consultation Policy, the appropriate method of consultation in this situation is that Council publishes a notice on its website, and in the two local newspapers circulating in the Council region describing the matter for which public consultation was required and inviting interested persons to make submissions to the Council within a period being at least twenty-one (21) days from the date of the Notice (Section 50(4a) of the Local Government Act 1999).

**7.2.2 FINANCE - DEBATE****7.2.2.1****MONTHLY FINANCE REPORT (AS AT 31 MAY 2019)****B411**

Author: Senior Accountant

**MOVED** Cr de Vries that the Monthly Finance Report as at 31 May 2019 be received and noted.

**Seconded** Cr Boothby

**CARRIED 2018-22/207**

**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 May 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, December and March.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Monthly Finance Report 31 May 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.

**7.2.2.2**

**PUBLIC SUBMISSIONS ON THE DRAFT ANNUAL BUDGET & BUSINESS PLAN 2019/20 INCORPORATING THE LONG TERM FINANCIAL PLAN 2019/20 TO 2028/29**  
**B8923**

Author: Manager, Financial Services

**MOVED** Cr de Vries that Council, having considered the submissions received during the public consultation period in relation to the draft Annual Budget and Business Plan 2019/20 incorporating the Long Term Financial Plan 2019/20 to 2028/29, endorses amendments to the draft document as recommended by Officers in the summary report.  
**Seconded** Cr Haebich **CARRIED 2018-22/208**

**PURPOSE**

To review public submissions on the Draft Annual Budget & Business Plan 2019/20, incorporating the Long Term Financial Plan 2019/20 to 2028/29.

**REPORT**Discussion**Public Submissions**

Council must consider any submissions made during the public consultation period before adopting its Annual Budget/Business Plan (AB&BP) (with or without amendment) as required in Section 123 of the Act.

The consultation process:

- public notices were placed in the Leader and Bunyip newspapers on 22 May 2019 asking for public submissions on the draft AB&BP;
- a media release to highlight the Council Budget focus – the Mayor provided additional information as and when requested by the media;
- the draft AB&BP incorporating LTFP was available at Council's Principal Office, Branch Offices/Libraries and on Council's website;
- at the 5 June 2019 Special Council Meeting:  
at 6.00pm, for a period of 1 hour, any interested person was invited to address Council in support of their submission.

As consultation closes at 5pm on 12 June 2019, a summary and the actual submissions received during consultation will be emailed to Elected Members prior to the June Council meeting.

Council are to provide direction as to which items are to be included in the final draft of the AB&BP.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: 2019/2020 Annual Budget Public Consultation Submissions (to be emailed after Public Consultation closes and will also be added to the website)

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.
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- 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 Act 1999

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

#### Financial

All submissions must be assessed by Council to consider the affect, if approved, on the long term financial sustainability of Council and any risk management issues.

### **COMMUNITY CONSULTATION**

Detailed within this report and included as part of the draft Annual Budget and Business Plan 2019/2020 consultation and adoption process, and in accordance with the Act.

#### **7.2.2.3**

#### **DISCRETIONARY RATE REBATES – 2019/2020**

#### **B8200**

Author: Senior Rates Officer

Pursuant to S73 of the Local Government Act 1999, Cr Kathryn Schilling disclosed a material conflict of interest in the matter 7.2.2.3 – *Discretionary Rate Rebates – 2019/2020* as she is on the Board of the Nuriootpa Futures Association, which own the Coulthard House property and has applied for discretionary rate rebate for 2019/2020.

Cr Schilling advised the Council of her conflict of interest and left the meeting at 9.37 am.

Pursuant to S73 of the Local Government Act 1999, Deputy Mayor, Cr John Angas disclosed a material conflict of interest in the matter 7.2.2.3 – *Discretionary Rate Rebates – 2019/2020* as he is a member of the Board of Management of Barossa Village, which, if approved will receive a benefit of rebated rates.

Deputy Mayor, Cr Angas advised the Council of his conflict of interest and left the meeting at 9.37am.

Mrs Joanne Thomas the appointed Acting Chief Executive Officer for the meeting in the absence of Mr Martin McCarthy declared the Chair vacant due to Deputy Mayor, Cr Angas' conflict of interest and called for nominations for the election of Chair for the item 7.2.2.3 – *Discretionary Rate Rebates – 2019/2020*.

Cr Boothby nominated Cr de Vries to Chair the meeting for the Item 7.2.2.3 – *Discretionary Rate Rebates – 2019/2020*.

**MOVED** Cr Boothby that Cr de Vries be elected to Chair the meeting for Item 7.2.2.3 – *Discretionary Rate Rebates – 2019/2020*.

**Seconded** Cr Hurn

**CARRIED 2018-22/209**

Cr de Vries assumed the Chair at 9.39am.

**MOVED** Cr Boothby that the proposed Discretionary Rate Rebates be adopted for the 2019/2020 rating year excluding the rebate for Lionize (Tanunda Railway Station property formerly leased by Triple B FM) as the criteria for application of the rebate no longer apply.

**Seconded** Cr Hurn

**CARRIED 2018-22/210**

#### PURPOSE

To consider the application of Discretionary Rate Rebates for the 2019/2020 rating year.

#### REPORT

##### Discussion

The report in Attachment 1 outlines proposed Discretionary Rate Rebates to be applied for the 2019/2020 rating year. A summary of estimated Mandatory Rebates for the same period is also included for information purposes (Attachment 2). Under legislation mandatory rebates must be rebated, as a result a Council resolution is not required.

The Discretionary Rebates have increased from last year, due to the following:  
Anticipated additions to the existing independent living units within the four local retirement villages. The Discretionary Rebates will again reviewed in 2019/2020 to confirm suitability and equality.

Allowance of \$18,000 for the proposed Primary Production rate rebate. This will effectively cover the anticipated level of applications for the new rebate.

The Mandatory Rebate amount is expected to increase from last year, particularly in the area of Community Services, as Housing SA continues to transfer ownership of their properties to Housing Associations who are entitled to the Mandatory Rebate of 75% of total rates. We currently have 47 properties that are eligible for the rebate and it is expected approximately 3-5 more will be added in 2019/2020.

Pursuant to the Local Government Act sections noted below, Council needs to review the application of Discretionary Rate Rebates applied, on an annual basis.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Proposed Discretionary Rebates 2019/2020 Attachment 2: Estimated Mandatory Rebates 2019/2020

Policy

Budget & Business Plan and Review Policy

Draft Rate Rebate Policy

#### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

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 Act 1999 – Sections 160-165 Local Government Act 1999 – Section 166

## **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

### **Financial**

The Budget 2019/2020 consultation document includes estimated Mandatory Rate Rebates of \$492k and Discretionary Rate Rebates of \$151k (includes the proposed Primary Production rate rebate \$18k), based on last year's actuals and the 2.5% indexation and relevant growth.

The Discretionary Rebate amount has been re-calculated applying an indexation on last year rate charge. As the majority of the Discretionary Rebate assessments are assigned to the rate type "Other", we have used rating information for this rate type from the draft budget for consultation document to provide more accurate indexation calculations. The rate type "Other" valuation increase (including growth) multiplied by the proposed rates in dollar results in a net increase in general rate charges of 2.75%. As listed in Attachment 1 a Discretionary Rebate amount of \$149K is now required and if approved by Council with this report the budget 2019/20 will be adjusted.

Any rebate approved by Council will apply to both General - Rates and Community Wastewater Management Systems - Service Rates as required by Local Government Act 1999 Section 159 (9).

## **COMMUNITY CONSULTATION**

The annual budget process includes public consultation on the 2019/2020 Budget, which closed on 12 June 2019.

Cr Schilling returned to the meeting at 9.44am.

Deputy Mayor, Cr Angas returned to the meeting and resumed the Chair at 9.44am

### **7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES – DEBATE**

Nil

### **7.3.2 MANAGER COMMUNITY AND CULTURE - DEBATE**

#### **7.3.2.1**

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

**B7908**

**MOVED** Cr Boothby that Council, having reviewed the Minutes of the Barossa Regional Gallery Committee meeting held 26 March 2019, adopt the Resolutions contained therein.

**Seconded** Cr Haebich

**CARRIED 2018-22/211**

## **PURPOSE**

Minutes of the Barossa Regional Gallery Committee meeting held 26 March 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 26 March 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.

**7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE****7.4.1.1****SPRINGTON QUARRY EXTRACTIVE MINERALS LEASE 6230 - SURRENDER B2792**

**MOVED** Cr de Vries that:

- (1) Council surrender the Extractive Mineral Lease 6230 over the area known as the Springton Quarry, and
- (2) The Mayor and Chief Executive Officer be authorised to Sign all associated surrender documents under Common Seal.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/212**

**PURPOSE**

To proceed with the surrender of Extractive Minerals Lease 6230 as moved at the Council meeting of 21 June 2016, Minute 2014-18/670.

**REPORT****Background**

Since 11 September 2006 Council has held an Extractive Minerals Lease (EML) over the land known as the Springton Quarry. The materials from this quarry are solely utilised for Council's personal use, primarily for constructing and maintaining road, footpath and other infrastructure requiring crushed rubble product.

Report 7.2.1.9 dated 21 June 2016 (*attached*) summarised 18 months of corresponding and discussion with the Department of State Development concerning royalty returns and the position of Council and it was carried at that meeting;

*"That Council agrees to surrender the Extractive Mineral License 6230 over the area known as the Springton Quarry on condition that the Department of State Development accept the offer in good faith and not pursue the matter further."*

It has been confirmed that there is no need to have the area licensed as the product is not utilised for commercial purposes. The issue that has been long standing is payment of historical rubble royalties. January 2015 Council ceased paying rubble royalties while the matter was being disputed.

Following a confidential resolution of Council the CEO resolved this long standing matter with the Department for Energy and Mining (DEM) and the Treasurer with all parties settling on a reduced liability for the historical rubble royalties.

Surrendering the EML relinquishes other obligations that fall under the Mining Act such as the requirement to have an onerous Program for Environmental Protection and Rehabilitation (PEPR).

Moving forward, Council will need to continue to pay rubble royalties of 52c a tonne until such time as the EML surrender takes effect and our obligations under the Mining Act are relinquished. However, relinquishing obligations under the Mining Act results in Council being caught by the provisions of the Local Government Act and normally would be required to pay royalties of 55c per tonne on rubble used from Springton Quarry. This provision has been in place since June 2015 but moving forward Council won't need to pay royalties under this arrangement as rubble royalties have been abolished as announced as part of the 2018-19 State Budget.

### **Summary and Conclusion**

Report 7.2.1.9 dated 21 June 2016 (*attached*) summarised 18 months of corresponding and discussion with the Department of State Development concerning royalty returns and the position of Council and it was carried at that meeting;

*That Council agrees to surrender the Extractive Mineral License 6230 over the area known as the Springton Quarry on condition that the Department of State Development accept the offer in good faith and not pursue the matter further.*

All outstanding royalty payments have now been finalised with the DEM and the surrender can proceed.

Council continues to progressively rehabilitate the site in-line with our draft environmental and rehabilitation plan.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment – Report 7.2.1.9 Springton Quarry Mining License

### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS - CHECK**

#### Community Plan



Natural Environment and Built Heritage



Infrastructure

1.11 Ensure the unique character of the rural landscape is appropriately managed.

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

#### Corporate Plan

6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

#### Legislative Requirements

Local Government Act 1999

Mining Act 1971

Native Vegetation Act 1991

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The proposal will have no financial, risk or resource concerns as addressed in the original report 7.2.1.9 21 June 2016.

**COMMUNITY CONSULTATION**

Community consultation is not required under the Act or Council's Public Consultation Policy.

**7.4.1.2****THE HEYSEN TRAIL – REQUEST FOR SUPPORT TO USE UNMADE PUBLIC ROAD****B7970**

Pursuant to S75 of the Local Government Act 1999 Cr Don Barrett disclosed a perceived conflict of interest in the matter 7.4.1.2 – *The Heysen Trail – Request for Support to Use Unmade Public Road* as he is a long standing member of the Friends of the Heysen Trail.

Cr Barrett advised Council of his perceived conflict of interest to ensure the interest was noted and further that he would remain in the meeting and vote on the matter.

**MOVED** Cr Haebich that Council endorses in principle the relocation of The Heysen Trail within the unmade public road that bisects parcels D54092, Q327 and Q325 linking Forestry SA land with the Ross Fire Track, subject to notification by the Department for Environment and Water - Parks and Regions to the key stakeholders, groups and adjoining landholders regarding the proposed trail route relocation process.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/213**

**PURPOSE**

To consider a request from The Department for Environment and Water – Parks and Regions seeking approval and support to use an unmade public road for realigning the Heysen Trail.

**REPORT****Background**

The first section of the Heysen Trail was opened in 1976 and the Trail reached final completion in 1993. The development of the trail by the then Department of Recreation and Sport was made possible by the cooperation and support of state government departments, many district and local councils, numerous volunteers and most importantly, some five hundred individual landowners. The 1200km hiking Heysen Trail runs from Cape Jervis on the Fleurieu Peninsula to Parachilna Gorge in the Flinders Ranges traversing through the Barossa region. The Heysen Trail is recognised internationally as one of the world's great long distance walks.

**Introduction**

Council has received a request from the Parks and Regions Section of the Department for Environment and Water (DEW) seeking Council's support and approval to align the Heysen Trail along a safer route (*attached*) of unmade public road reserve to take walkers off Wirra Wirra Road, the current alignment.

**Discussion**

DEW advise that wherever possible when planning the Heysen Trail route, DEW and walkers seek to avoid sharing narrow rural roads with vehicle traffic for public safety reasons. Unmade roads provide quiet, scenic corridors for walkers that show the area at its best, rather than a hard surfaced road. This is a key reason why walking groups strenuously argue against the closure and sale of some unmade public roads in rural areas.

In many cases to minimise impact on farming activities, DEW has negotiated alternative routes for the trail within private land in lieu of using an unmade public road when a landowner is sympathetic. Unfortunately DEW advise in this situation both recent landowners have declined this option.



The requested unmade public road is currently under Permit to the adjoining property owner, however, the Permit states that "No unmade public road can be rented unless the Permit Holder allows free and unrestricted access by others over the land". This statement allows for Council to approve a Permit to the adjoining property owner and the realignment of the Heysen Trail for recreational use.

### **Summary and Conclusion**

DEW is seeking the support and approval of Council to align the Heysen Trail along the safer route of the unmade public road reserve that bisects parcels D54092, Q327 and Q325 linking Forestry SA land with the Ross Fire Track and take walkers off Wirra Wirra Road. If approved by Council, DEW will organise for the portion of unmade public road identified in the map to be surveyed and pegged to ensure the Heysen Trail does not encroach onto neighbouring land.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment – Map of Heysen Trail near Wirra Wirra Peaks

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

#### Community Plan



#### Natural Environment and Built Heritage

- 1.6 Support tourism development that is sensitive to the natural environment and sustainable.
- 1.11 Ensure the unique character of the rural landscape is appropriately managed.



#### Community and Culture

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area. '



#### Health and Wellbeing

- 4.2 Create opportunities for people of all ages and abilities to participate in the community.



#### Business and Employment

- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

#### Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

#### Legislative Requirements

Local Government Act 1999

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The following issues were raised by staff during a telephone conversation telephone with DEW:-

- How will the trail be marked – letter refers to "pegging"?
- What are the expectations/conditions for walkers using the trail – in regard to staying on the track and rubbish etc?
- Who is responsible for walker safety if they venture off track?
- Who is responsible for the maintenance of the designated trail?
- What measures are in place in regard to biosecurity?
- Who monitors the compliance of walkers staying to the track, especially in this case where the track physically dissects a property?

- What options are available to a property owner if they believe/witness walkers accessing private property?

Staff were directed to the Friends of the Heysen Trail website <https://heysentrail.asn.au/heysen-trail/> and maps associated with the Heysen Trail which clearly provide information regarding the following:-

- Practical Information
- The Walkers Code
- Walk Planning
- Bushwalking Safety Information, and
- Walkers Advisory Note

Following a review of this information, staff are satisfied that anyone using the track will require an official map detailing their responsibility regarding the use of trail and the care to be taken.

If the requested realignment is approved, DEW advise that the trail will be clearly marked within the unmade public road along the centreline using the standard trail maker as is currently in use along the existing trail route spaced at approximately 300m distances and closer if the terrain requires.

It is also advised that the trail is generally open during autumn, winter and spring (April to October) and closed during Fire Danger Season. All trail infrastructure is inspected annually to identify any required maintenance or missing markers.

#### **COMMUNITY CONSULTATION**

The Friends of the Heysen Trail, on behalf of DEW had been negotiating with the adjoining property owner to resume access through their property, however, this has not been successful. DEW are now seeking approval and support from Council to use the unmade public road.

Council together with DEW and The Friends of the Heysen Trail will need to engage with the adjoining property owner to finalise the logistics of the proposed works associated with the realignment.

### **7.5.1 DEVELOPMENT SERVICES REPORT - DEBATE AGENDA**

#### **7.5.1.1**

#### **HERITAGE AND CHARACTER IN THE NEW PLANNING SYSTEM**

#### **B3624**

Author: Principal Planner, Development Services

**MOVED** Cr Boothby that Council:

- (1) Receives and notes the report;
- (2) Expresses its concerns to the Minister for Planning and the State Planning Commission regarding the proposed approach to heritage places in the Planning and Design Code as attached; and
- (3) Does not initiate a Development Plan Amendment to designate existing contributory items as Local Heritage Places in the event the State Planning Commission maintains its proposal to not carry over contributory items into the Planning and Design Code.

**Seconded** Cr Miller

**CARRIED 2018-22/214**

#### **PURPOSE**

To receive information on the approach to be followed by the State Government regarding heritage and character in the forthcoming Planning and Design Code and its potential impact on our community, and to endorse a response to the proposals.

<b>REPORT</b>
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Background

At its meeting on 21 May 2019 Council received a report advising that the Environment, Resources and Development Committee of Parliament (ERDC) had completed its inquiry into the current state and potential for reform of local, state and national heritage in South Australia, and advice that it had released its findings and recommendations (refer Consensus Agenda Item 4.5.1.1).

The ERDC recognised the value and importance of heritage conservation and recommended various short and long term actions to address identified issues with the existing heritage system, with the recommended actions put forward in the context of the current planning reforms being implemented.

The ERDC's report was released on 29 April 2019. The following week the State Planning Commission released a suite of documents that outline its policy position on the preservation of heritage and character in neighbourhoods and the design quality of the built environment. The documents are contained in Attachment 1. The Minister for Planning has also written to Council about the Commission's approach – refer Attachment 2

Given its timing it is evident the Commission's approach to heritage management does not incorporate or reflect the ERDC's findings and recommendations, and as reported below several fundamental aspects are contrary to the ERDC's findings and recommendations with associated detrimental policy outcomes for our community.

The Commission is not inviting comments on its approach but has instead published the documents to give the community insight into how these key matters are to be addressed in the new planning system. The Commission advises that the opportunity to comment on these policy positions will be through the statutory consultation period for the next phases of the Code (mid-2019 for regional council areas and late 2019 for metropolitan council areas).

ERDC recommended actions and Commission approach

The key ERDC recommendations are:

- Develop a staged Statewide, collaborative and strategic approach to heritage reform commencing in 2019; reporting to the Houses of Parliament with a plan on how a staged approach might work in early 2020
- Until any heritage reforms are adopted, initially transfer all items on existing heritage places and databases to the Code
- Undertake an audit or review of local and state heritage places and contributory items (to commence in 2020)

In general terms the Commission's position is:

- State Heritage Places to be carried over into the new planning system
- Local Heritage Places to be carried over
- Historic Conservation Areas to be carried over as a *Local Heritage Area Overlay*
- Contributory Items to not be carried over.
- Councils can seek to 'elevate' contributory items to local heritage place status through a Development Plan Amendment under the current planning system
- Historic Character Areas to be carried over as a *Character Overlay*
- Demolition of State or local heritage places to be performance-assessed development

In brief, it appears the Commission will implement its own reforms to heritage management in the absence of and prior to a Statewide review as recommended by the ERDC. Significantly it will not carry over contributory items contrary to the ERDC's findings and recommendation.

Existing approach to heritage in the Development Plan

The Development Plan currently includes:

- 77 State Heritage Places

- 321 Local Heritage Places
- 10 Historic Conservation Areas
- 202 contributory places
- 2 Historic Character Policy Areas one of which contains 5 individual precincts
- 3 character-type precincts
- General Section policies for Heritage Places and Historic Conservation Area
- Historic Conservation Guidelines which apply to development within a Historic Conservation Area
- Demolition or part demolition of a State heritage place is non-complying in the majority of zones
- Land division to create an additional allotment containing an existing State or local heritage place of no greater than 1 ha is merit within the Primary Production Zone, Primary Production (Barossa Valley Region) Zone and the Rural Landscape Protection Zone (creation of additional allotments is normally non-complying in those zones).

#### How the Commission approach affects The Barossa Council

The following scenario would result based on the information contained in the Commission's documents:

<b>Existing</b>	<b>Planning and Design Code</b>
Table Baro/6 - State Heritage Places	Places to be mapped and identified in a <b>State Heritage Places Overlay</b>
Table Baro/5 - Local Heritage Places	Places to be mapped and identified in a <b>Local Heritage Places Overlay</b>
Historic Conservation Area	<b>Local Heritage Area Overlay</b>
Angaston Centre Area 1	Each of these areas have unique tailored desired character statements. The Commission documents indicate that a "single set of consistent policies will apply across the state" implying that these local policies will be lost. This would be an issue as the current local policies play an important role in the assessment process.
Angaston Residential Area 2	
Bethany Area 3	
Goat Square Area 4	
Kronndorf Area 5	
Moculta Area 6	
Mount Pleasant Area 7	
Murray Street Tanunda Area 8	
Stockwell Area 9	
Williamstown Area 10	
Table Baro/4 - Contributory Items	Not carried over. Commission indicates that the <b>Local Heritage Area Overlay</b> policies "will address them", but no detail is provided on how this will be achieved
Tanunda Historic Character Policy Area 2	<b>Character Overlay</b>
Precinct 11 Basedow Road	Each of these areas have unique tailored desired character statements. The Commission documents indicate that a "single set of consistent policies will apply across the state" implying that these local policies will be lost. This would be an issue as the current local policies play an important role in the assessment process.
Precinct 12 Crayford	
Precinct 13 MacDonnell Street	
Precinct 14 Tanunda West	
Precinct 15 Tanunda North	
Lyndoch Residential Historic Character Policy Area 5	<b>Character Overlay</b> Refer above regarding local policy
Precinct 38 Eden Valley Character	<b>Character Overlay</b> Refer above regarding local policy
Precinct 39 Springton Character	<b>Character Overlay</b> Refer above regarding local policy
Table Baro/2 - Historic Conservation Guidelines	The Commission documents give no direction on these. Removal of these policies would be an issue

<b>Existing</b>	<b>Planning and Design Code</b>
Demolition or part demolition of a State heritage place = non-complying	Demolition to be performance-assessed development. Associated legislative provisions will give the applicant appeal rights but no third party appeal rights, a reverse of the current approach.
Land division to create an additional allotment containing an existing State or local heritage place	Anticipated to be maintained as performance-assessed development

#### Review of heritage places

The current General Section policies were introduced via the *Better Development Plan and General Development Plan Amendment (DPA)* on 18 August 2011. The existing lists of local heritage places and contributory places, the historic conservation areas, the policy areas, and zone provisions are derived from the Development Plans of the former Councils or from a *Heritage Plan Amendment Report (PAR)*. That PAR followed a detailed heritage survey in 2000, with interim effect given to the PAR on 27 March 2003. The PAR was approved on 24 March 2004.

There has been no subsequent review of any of the listed places, areas, or policy intent although in August 2016 two local heritage items were removed from list following their demolition.

Council's last *Strategic Directions Report* in 2013 included a project to review the current heritage policies including:

- ensure 'accuracy' of existing listed places (e.g. property addresses and description)
- explore potential to designate additional places (either voluntary listing, as a result of a further heritage survey, or revisiting of proposed heritage places removed from the Heritage PAR)
- review historic conservation area boundaries and contributory places taking into account development which has taken place since introduction (e.g. review role of contributory places, review if subsequent alterations or development have modified original values or significance of an area or a place)
- explore potential to designate additional historic conservation areas
- explore potential to incorporate incentives to protect and enhance heritage places (e.g. potential for heritage places to be used for activities that are normally non-complying developments)

When approving the *Strategic Directions Report* work program the previous Minister for Planning placed a low priority on the heritage review project. The need for review remains and in this context the ERDC's recommendation that existing places be audited and their purpose and role reconsidered in the context of a comprehensive rework of the whole heritage system is appropriate. In contrast the Commission's intent to remove contributory items from the system at this point is inappropriate.

Despite the anticipated Statewide audit and review proposed by the ERDC, Council staff will seek to address known issues with existing heritage place descriptions, boundaries and addresses through the Code transition process over the next months.

#### Contributory items options

The Commission's intent to remove contributory items will affect all councils with Historic Conservation Areas and contributory items. The Commission argues that these items have no legislative 'legitimacy' and therefore should be removed; however it is considered that the overlay provisions provide the necessary scope to identify these places within the proposed Local Heritage Area Overlay.

Experience shows that it is problematic to propose to remove policies from a Development Plan and to then reverse that decision and re-introduce them following consultation, especially if the change affects individual land owners. The same challenge is expected with amendments to the Code in that if contributory items are not in the exhibited Code for regional (Phase 2) and Greater

Adelaide (Phase 3) it is most unlikely they would be inserted following consultation. In this regard the proposal that Councils and the community can only comment on this significant change through the statutory consultation process is unreasonable and seemingly at odds with principles within the Commission's own Community Engagement Chart – i.e. the Commission appears to be *consulting* on their changes rather than *engaging* with councils and the community about the matter and to collaboratively develop an agreed approach.

It is suggested a more reasonable approach would be to initially transition them across into the Code (as recommended by the ERDC), undertake the Statewide audit and review, and then, depending on the audit and review outcomes, prepare a subsequent amendment to the Code to introduce any future heritage reforms.

As indicated above, it is proposed that Councils can seek to 'elevate' contributory items to local heritage place status through a "Heritage" Development Plan Amendment (DPA) under the current planning system after which those places would be identified in the Local Heritage Area Overlay within the Code. The process being offered for this option is explained in the letter from the Minister for Planning contained in Attachment 2. This option is considered problematic for the following reasons:

- Need for all proposed listings to be sufficiently justified to demonstrate that they meet the heritage criteria as stipulated under section 23(4) of the Development Act 1993 and associated impacts on Council's budget
- Inability to receive interim operation effect which increases the risk of development such as demolition being undertaken on proposed places which could undermine their significance
- Diversion of personnel resources from current projects

The requirement to justify any proposed listing is understood; however this process will essentially involve a two stage review process to firstly identify which of the existing 202 items warrants detailed review, and secondly to undertake a detailed heritage assessment for each place proposed to be listed. Each stage would require engagement of a suitably qualified and experienced heritage consultant, with a ballpark cost of \$200-500 per item and an overall cost of approx. \$40,000 - \$100,000.

While it is hoped that the Commission will rethink its approach and will transition all contributory items into the Code, in the event that this does not change, undertaking a DPA at this point in time would be beyond our capacity and it is proposed that we do not take up that option.

#### Demolition in Character Areas

The papers released by the Commission indicate that approval for demolition is not currently required in 'character areas'. This is incorrect as development plan consent is required for demolition in Council's Tanunda Historic Character Policy Area and Lyndoch Residential Historic Character Policy Area. It is considered this statutory position should be maintained either through the new regulations or the Code.

#### Feedback to the Commission

As indicated, the Commission is not inviting comments on its approach with input only being sought through the statutory consultation period for the next phases of the Code later this year. However it is known that other affected Councils and the LGA have or propose to provide comments to the Commission and the Minister on the proposed approach. It is recommended that our Council adds to those voices as per the recommended resolution above.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Papers released by the State Planning Commission

Attachment 2 – Letter received from Minister for Planning

Attachment 3 – Draft comments to Minister for Planning and State Planning Commission

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

Community Plan



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

### Legislative Requirements

- *Development Act 1993*
- *Planning, Development and Infrastructure Act 2016*
- *Development Regulations 2008*
- *Character Preservation (Barossa Valley) Act 2012*
- The Barossa Council Development Plan
- South Australian Planning Strategy: The 30-year Plan for Greater Adelaide chapter, 2017 Update
- Addendum to two volumes of the South Australian Planning Strategy: the 30-Year Plan for Greater Adelaide and Murray Mallee Region Plan: Barossa Valley and McLaren Vale Character Preservation

### **FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

There are no financial, resource or risk aspects if the Commission proceeds with its changes. If Council decides to undertake a DPA process to elevate contributory items to Local Heritage Place status it will have significant budgetary and resource impacts.

### **COMMUNITY CONSULTATION**

Consultation on the draft Planning and Design Code is anticipated to take place in late 2019. If Council undertakes a DPA process regarding contributory items, additional consultation will take place in accordance with legislative requirements which include direct consultation with affected land owners.

#### **7.5.1.2**

### **JOINT PLANNING ARRANGEMENTS – BUSINESS CASE**

#### **B6622**

Author: Director, Development and Environmental Services

**MOVED** Cr Boothby the matter lie on the table pending further information on:

- (1) The related decisions in respect of the establishment of Joint Planning Boards by Town of Gawler; Light Regional Council and Adelaide Plains Council and the requirement for associated business case development.
- (2) Stakeholder clarification in respect of the capacity for a council consortium to develop a Regional Plan even though the subject area is part of The 30 Year Plan for Greater Adelaide.
- (3) The South Australian State Government documenting its position on the financial support for Regional Planning arrangements.

**Seconded** Cr Miller

**CARRIED 2018-22/215**

### **PURPOSE**

To seek Council direction on where to proceed in the development of the Business Case for the establishment of a Joint Planning Board pursuant to Section 36 of the *Planning, Development and Infrastructure Act 2016*.

### **REPORT**

Background

Under the *Development Act 1993*, the Planning Strategy (a combination of documents, plans, policy statements, proposals and other material designed to facilitate strategic planning and co-ordinated action on a State-wide, regional or local level) is maintained by the State Government.

In the new planning system, the Planning Strategy is replaced with Regional Plans that are required to reflect State Planning Policies which will be prepared by the State Planning Commission on behalf of the Minister for Planning (the Minister) to collectively set out the State's overarching goals or requirements for the planning system.

The new system presents an opportunity for councils to have involvement in the preparation of the Regional Plan as members of a Joint Planning Board.

Where there is no Joint Planning Board, the Regional Plan is prepared by the State Planning Commission.

Maintaining an involvement in strategic planning is a key driver for many councils exploring Joint Planning Arrangements.

### Introduction

A Joint Planning Board is established through a Planning Agreement with the Minister.

A Joint Planning Board may include:

- a council or group of councils (whether affecting the entirety or a part of the respective council area),
- any other Minister who requests to be involved, and
- if the Minister thinks fit, any other entity (whether or not an agency or instrumentality of the Crown) that has requested or agreed to be a party to the agreement.

A Planning Agreement is required to include an outline of the Joint Planning Board's purpose and outcomes it is intended to achieve and may provide for:

- (a) the setting of objectives, priorities and targets for the area covered by the Agreement;
- (b) governance arrangements, such as the constitution of the Joint Planning Board including:
  - (i) the membership of the Board, to be between 3 and 7 members (inclusive);
  - (ii) the criteria for membership (ensuring that its members have qualifications, knowledge, expertise and experience necessary to enable the Board to carry out its functions effectively);
  - (iii) the procedures to be followed with respect to the appointment of members; and
  - (iv) the terms of office of members; and
  - (v) conditions of appointment of members (or otherwise how those conditions will be determined) and the grounds on which, and the procedures by which, a member may be removed from office;
  - (vi) the appointment of deputy members; and
  - (vii) the procedures of the board.
- (c) the delegation of functions and powers to the Joint Planning Board (including, if appropriate, functions or powers under another Act); and
- (d) the staffing and other support issues associated with the operations of the Joint Planning Board; and
- (e) financial and resource issues associated with the operations of the Joint Planning Board, including—
  - (i) the formulation and implementation of budgets; and
  - (ii) the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and
- (f) any other matters that the parties to the agreement think fit.



A Planning Agreement expires after 10 years and may be replaced at that time. Otherwise a Planning Agreement may be varied by agreement between the parties or ended either by mutual agreement between the parties or otherwise by the Minister.

### Discussion

In March 2017, the Department of Planning, Transport and Infrastructure (DPTI) invited councils to submit joint Expressions of Interest to participate in a Joint Planning Agreements Pilot Scheme.

A key outcome of the Pilot has been the development of a Business Case template to be populated by councils proposing a Joint Planning Board structure.

The template is a comprehensive document that requires exploration of all aspects that require consideration as part of evaluating a new administrative structure of this nature. A section encourages councils to explore precisely what they are looking to achieve (objectives) through collaboration with their partner councils and other entities. A section is included to consider and determine the proposed regional boundaries.

The document also applies consideration to the collaboration objectives through a lens of 'Banding' (Figure 1). This starts with a simple structure that can be added to for greater delegations of responsibility/complexity if this proves to be desirable and functional amongst the Joint Planning Board proponents.

## PLANNING AGREEMENTS

### PLANNING AGREEMENTS BETWEEN COUNCILS AND THE MINISTER FOR PLANNING

#### BAND 1

Planning, Development and Infrastructure Act functions

Preparing a Regional Plan (mandatory)  
Regional Assessment Panel and Manager  
Code Amendments  
Infrastructure Agreements  
Planning and Building Compliance.

#### BAND 2\*

Other Local Government functions

Local Government functions beyond the Planning, Development and Infrastructure Act 2016 that could be delegated to the Joint Planning Board by the Councils.

### PLANNING AGREEMENTS THAT MAY INVOLVE OTHER MINISTER(S) OR BODIES

#### BAND 3\*

Agreed delegation of non-traditional Local Government functions from State Agencies

Functions that are not currently Local Government functions but may be able to be delegated to a Joint Planning Board by another agency subject to agreement and legislative change.

Figure 1 – Band options

One of the key reasons for preparing the Business Case was to enable councils to determine if their region is ready to collaborate, with councils needing to consider, amongst other things, the following:

- Does each council have a commitment and passion to a regional approach?
- Is there political and community will to pursue a regional approach?
- Is there equity across each council?
- Do you have a robust business case including a clear value proposition?
- Do you have the right governance model?
- Is the infrastructure in place to support the governance model?
- Is there an alignment of culture and common purpose between parties?

There is no specific timeframe in which a Joint Planning Board is to be established. However, there is still significant amount of work to be undertaken by the partner councils to complete the Business Case.

Throughout the Pilot, in agreement with the management of the partner councils, senior management have populated as much of the Business Case template as a first-step (Attachment 1).

As shown in Figure 2, the partner councils are still within the investigative phase. A key step in the preparation of the Business Case is to conduct a Workshop with each of the partner councils to determine the individual council objectives that are sought from the joint planning arrangements.

While the flowchart mentions a Regional Workshop to agree on the objectives, it had been agreed that this would be undertaken by the individual partner councils.

Following the completion of the Business Case, each Council will need to formally resolve whether to proceed or not proceed in the establishment of a Joint Planning Board.

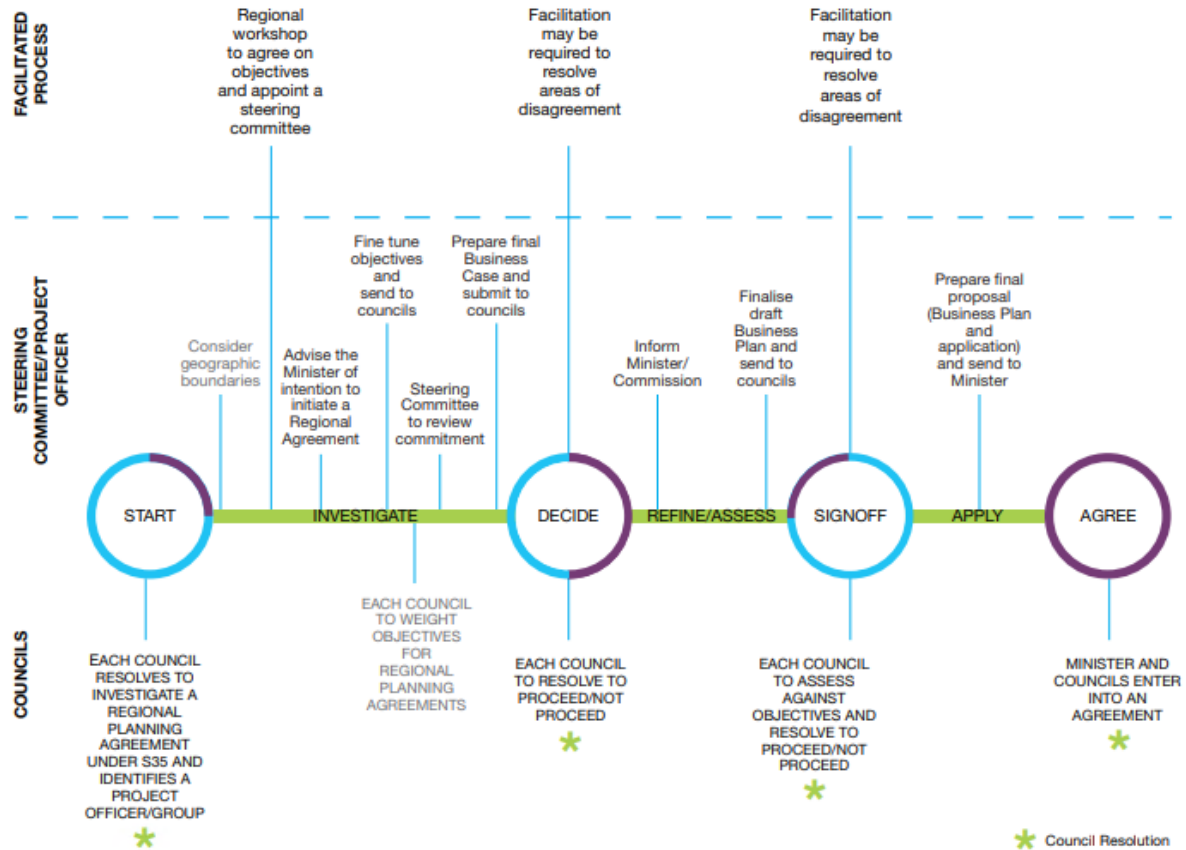


Figure 2 – Regional Planning Arrangements - Model Process

Following a briefing of the Mayors and Chief Executive Officers on 24 April 2019, it was agreed that each Council would be presented with an update and seek direction on whether each Council wished to proceed with the development of the Business Case, with the partner councils.

As presented at the June workshop, three options were presented:

- Option A** – pursue the establishment of a Joint Planning Board, and seek clarification from the Minister on key issues that may influence the decision to proceed.
- Option B** – look at a collaborative model for the Council to formulate a regional position.
- Option C** – Allow the State Planning Commission to plan for the region/council area.

A key consideration in which option to pursue, is whether each partner council wishes to have any direct control for the preparation of the Regional Plan, subject to Practice Directions issued by the State Planning Commission.

As stated, the default position in the absence of a Planning Board is that the Regional Plan will be prepared by the State Planning Commission. Councils will have input as part of the community engagement process outlined by the Community Engagement Charter.

Both Options B and C only provide capacity for councils to influence the outcomes of the Regional Plan via submissions (consistent with the current practice for reviewing/updating the Planning Strategy).

Summary and Conclusion

The partner councils participated in the Planning Arrangement Pilot Scheme to explore how Planning Agreements and Joint Planning Boards will work, and to prepare guidelines to assist councils that are seeking to form a Joint Planning Board.

As part of the process, the partner councils had populated the Business Case template to commence the process.

A decision is now required by each of the partner councils whether they wish to proceed further in the joint planning arrangement process.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – draft Business Case

Initiating and Establishing a Planning Agreement and Joint Planning Board Guidelines

[https://www.saplanningportal.sa.gov.au/\\_data/assets/pdf\\_file/0005/529736/Initiating\\_and\\_Establishing\\_a\\_Planning\\_Agreement\\_and\\_Joint\\_Planning\\_Board\\_Guidelines.pdf](https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0005/529736/Initiating_and_Establishing_a_Planning_Agreement_and_Joint_Planning_Board_Guidelines.pdf)

**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

Identify Theme/s (no need to identify if already identified in Community Plan above)

Identify Action/s

Legislative Requirements

Planning, Development and Infrastructure Act 2016

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS***Financial Management*

Section 13 of the Business Case template requires the partner councils to consider board funding and financial management. This includes consideration of start-up costs, plant and equipment, statement of expected income and expenditure.

If councils agree to proceed in establishing a Joint Planning Board, there will be a need for each Council to set aside future funds for the establishment and ongoing operations of the Board.

A full evaluation of the cost for establishing and maintaining a Board is yet to be undertaken. The draft Business Case has only indicative costs at this point in time. Wherever possible, costs will be kept to a minimum (i.e. no office premise is proposed – utilising council facilities for meetings etc.)

*Risk Management*

The Business Case template requires the partner councils to consider the risks and opportunities associated with each activity to be undertaken by the Planning Board. In addition, the process

enables the partner councils to assess each of the Objectives set, and the respective weighting and rating.

Overall the Business Case template seeks to evaluate the merits of establishing a Joint Planning Board to assist each council in determining whether to proceed or not proceed with the regional collaboration.

#### COMMUNITY CONSULTATION

Nil

### **7.5.2 ENVIRONMENTAL SERVICES - DEBATE**

#### **7.5.2.1**

#### **NOMINATIONS SOUGHT FOR THE NATIVE VEGETATION COUNCIL**

#### **B303**

Author: Director, Development and Environmental Services

**MOVED** Cr Hurn that Council receives this report, notes its contents and does not provide a nomination on this occasion.

**Seconded** Cr Miller

**CARRIED 2018-22/216**

#### PURPOSE

To determine interest from Elected or Staff Member, for nomination for consideration as a representative on the Native Vegetation Council (NVC).

#### REPORT

##### Background and consideration

The Minister for Environment and Water, has written to the LGA requesting nominations for a Local Government Member on the Native Vegetation Council (NVC) for a two year term commencing on 13 September 2019. Nominations must be forwarded to the LGA by COB Thursday 4 July 2019.

##### Discussion

Members are referred to LGA Circular 21.4 dated 17 May 2019 (*Attachment 1*) providing details of the role of the Native Vegetation Council, and seeking one member position on the Native Vegetation Council. Appointments to the Native Vegetation Council are for a period of two years commencing 13 September 2019.

The LGA is currently represented by Cr John Neal, of the Regional Council of Goyder, with the role of his Deputy currently vacant. Cr Neal's term on the NVC expires on 12 September 2019, and he is eligible for re-appointment.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or council staff.

Nominations addressing the Selection Criteria for the Native Vegetation Council (refer *Attachment 2*) must be forwarded by Council using the application form along with an up-to-date CV/Resume, by COB 4 July 2019 (refer *attachment 3*)

The LGA Board of Directors will consider nominations received at its meeting on Thursday 18 July 2019.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: LGA Circular 21.4

Attachment 2: Selection Criteria

Attachment 3: Nomination Form

#### COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

##### Community Plan



## Natural Environment and Built Heritage

- 1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
- 1.2 Support native eco systems through a planned management approach.
- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.

### **Corporate Plan**

- 1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 1.6 Apply development policies to protect places of environmental value and significance.

### **Legislative Requirements**

Local Government Act  
Natural Resources Management Act

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

### **COMMUNITY CONSULTATION**

Not required

#### **7.5.2.2**

#### **LANDSCAPE SA BILL – LGA SUBMISSION**

**B9228**

Author: Director Development and Environmental Services

**MOVED** Cr Hurn that Council note and endorse the Submission by the Local Government Association on the Landscape SA Bill, and comments provided by Council administration.  
**Seconded** Cr Boothby **CARRIED 2018-22/217**

### **PURPOSE**

To provide Council with details of the LGA Submission on the Landscape SA Bill and comments provided by Council administration

### **REPORT**

#### Background

Since the 2018 State Government election, the State Government has implemented a process with the aim of repealing the *Natural Resource Management Act 2004*, to be replaced by a new Landscape SA Act.

Councils were involved in a consultation process undertaken by the Department of Environment and Water (DEW) in late 2018. The LGA, along with many councils provided Submissions to the Minister based on a series of Workshops and a Discussion Paper titled '*Managing our Landscapes- Conversations for Change*'.

Based on the outcomes of the consultation, the State Government has developed the Landscape SA Bill (the Bill), which was introduced to Parliament on 20 March 2019.

#### Introduction

The LGA will be providing a detailed response to the State Government with regard to the Bill, along with making representations on behalf of councils as the Bill is debated by Parliament.

Discussion

The LGA has sought comments and feedback from councils to inform LGA advocacy activities, which will allow the LGA to target its efforts on issues of most interest to councils.

The LGA has provided a clause by clause analysis of the Bill, seeking feedback from Councils.

Council administration provided comments (Attachment 1) which had been submitted to the LGA by the close of feedback on 24 May 2019.

Summary and Conclusion

The LGA had provided the opportunity for Councils to provide feedback on the Landscape SA Bill.

Council administration had provided feedback.

This report is presented to Council to note and endorse the LGA submission and comments provided.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Landscape SA Bill 2019 Analysis for Consultation

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan

Natural Environment and Built Heritage



Business and Employment

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.

5.9 Contribute to informed decision making and the promotion of Council and community interests in relation to economic growth, planning and development through participation on peak bodies, industry boards and working parties.

Legislative Requirements

Natural Resources Management Act 2004

Landscape SA Bill 2019

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS***Financial Management*

Nil

*Risk Management*

Nil

**COMMUNITY CONSULTATION**

Nil

**7.5.3. HEALTH SERVICES - DEBATE****7.5.3.1****REGIONAL PUBLIC HEALTH PLAN REVIEW**

**B2316**

Author: Director, Development and Environmental Services

**MOVED** Cr de Vries that Council:

- (1) Affirms its desire to continue its public health planning within a regional framework; and
- (2) Authorises the Chief Executive Officer or his delegate to commence a review of the Regional Public Health Plan, in collaboration with the relevant partnering Councils, pursuant to Section 51(19) of the *South Australian Public Health Act 2011*; and
- (3) Appoints Cr Boothby as Council's representative on the Regional Public Health Plan Review Working Group.

**Seconded** Cr Hurn

**CARRIED 2018-22/218**

#### **PURPOSE**

To seek Council's endorsement to commence a review of the Regional Public Health Plan in accordance with Section 51(19) of the *South Australian Public Health Act 2011* and confirm elected member representation on the Review Working Group.

#### **REPORT**

##### Background

The *South Australian Public Health Act 2011* (the Act) identifies councils as the Local Public Health Authority for their areas. The Act also allows councils to tackle new and emerging health issues and put plans in place to make communities a better and healthier place to live.

In this framework, councils are required to have a Public Health Plan, with the option of instead having a Regional Public Health Plan with Ministerial approval.

The first such (and current) Plan was prepared as a regional one and Council endorsed the *Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan* (the Regional Public Health Plan – 'RPHP') in 2014. The preparation of the Regional Public Health Plan was the result of a collaboration with Light Regional Council, Town of Gawler and Adelaide Plains Council.

The Act requires that RPHP's must be reviewed at least once in every five years. Introduced in 2014, Council's current RPHP is now required to be reviewed. This review should ensure consistency with the new State Public Health Plan 2019-2024.

##### Introduction

The Act aims to provide a modernised, flexible legislative framework, to ensure South Australia better responds to new public health challenges as well as traditional hazards. The Act replaced the previous *Public and Environmental Health Act 1987*.

The Act is more forward thinking, and based on outcomes and the concept of 'harm to public health', whichever form that may take.

It also sets the way for health authorities to be able to tackle new and emerging health issues and some that have not even evolved or have been identified, and to put in place plans to deal with these threats and to make communities a better and more healthier place to live. Importantly, the Act identifies councils as the local public health authority for their areas.

Section 37 of the Act outlines the functions of a council, namely:

- to take action to preserve, protect and promote public health within its area
- to cooperate with other authorities involved in the administration of the Act
- to ensure that adequate sanitation measures are in place in its area
- insofar as is reasonably practicable, to have adequate measures in place within its area to ensure that activities do not adversely affect public health
- to identify risks to public health within its area
- as necessary, to ensure that remedial action is taken to reduce or eliminate adverse impacts or risks to public health
- to assess activities and development, or proposed activities or development, within its area in order to determine and respond to public health impacts (or potential public health impacts)

- to provide, or support the provision of, educational information about public health and to provide or support activities within its area to preserve, protect or promote public health
- such other functions assigned to the council by the Act.

#### State Public Health Plan

In October 2013, SA Health released the inaugural State Public Health Plan titled 'South Australia a Better Place to Live'. A second State Public Health Plan has recently been introduced under Section 50 of the Act - State Public Health Plan 2019-2024 (the Plan).

The Plan has been developed in partnership with a broad range of public health stakeholders. The purpose of the Plan is to guide coordinated action over the next five years in partnership with local councils and with a range of public health partners, to improve the health and wellbeing of all South Australians.

The Plan recognises Council as a primary health provider, with a role to lead and coordinate on behalf of our community, deliver services and initiatives, and to advocate, regulate and partner with other agencies as appropriate.

The Plan does not imply that Council's area of responsibility should increase to encompass all aspects of public health. Rather, it is acknowledged that protecting, promoting and improving public health requires the effort and interventions of Local, State and Commonwealth Governments, along with non-Government and private providers.

The Plan's vision for "A healthy, liveable and connected community for all South Australians" is supported by four strategic priorities, under the headings of the public health approaches of promote, protect, prevent and progress. These priorities are:

- Promote: Build stronger communities and healthier environments
- Protect: Protect against public and environmental health risks and respond to climate change
- Prevent: Prevent chronic disease, communicable disease and injury
- Progress: Strengthen the systems that support public health and wellbeing

The actions outlined in the Plan under these priorities are a combination of progressing ongoing and essential services as well as new work focussing on the priorities and identified public health risks and opportunities. The strengthening of existing partnerships and the development of new partnerships is also a key feature of the Plan. It provides a framework to work together to take early action to protect health, prevent illness and promote physical and mental health and wellbeing for all South Australians.

#### Regional Public Health Plans

Under Section 51 of the Act Council is required to develop its own Public Health Plan to protect, improve and promote community health and wellbeing.

The Minister for Health and Ageing formally approved regional collaboration to develop a RPHP on 18 December 2013. A consultant was engaged to assist the Councils involved to undertake the planning process. Since then the Barossa, Light, Gawler and Adelaide Plains councils have worked together to develop and implement a RPHP, titled *Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan* for the region. A link to the plan is provided in this report.

Under the Act, a RPHP must:

- comprehensively assess the state of public health in the region; and
- identify existing and potential public health risks and provide for strategies for addressing and eliminating or reducing those risks; and
- identify opportunities and outline strategies for promoting public health in the region; and
- address any public health issues specified by the Minister following consultation with SAPHC and the LGA; and
- include information as to—



- (i) the state and condition of public health within the relevant region, and related trends; and
- (ii) environmental, social, economic and practical considerations relating to public health within the relevant region; and
- (iii) other prescribed matters; and
- include such other information or material contemplated by this Act or required by the regulations.

Section 52 of the Act also requires Councils to report on RPHP's to the Chief Public Health Officer every two years. The report must contain a comprehensive assessment of the extent to which, during the reporting period, the Council has progressed implementing its RPHP.

Since the implementation of the RPHP, a working group (representing the four participating Councils) has worked in collaboration to provide two progress reports, in September 2016 and October 2018. The working group meets regularly on a quarterly basis to oversee the promotion, implementation and review of the RPHP.

#### Discussion

Section 51(19) of the Act directs that 'A Regional Public Health Plan must be reviewed at least once in every 5 years'.

The current RPHP was introduced in mid-2014 and therefore a review is required in accordance with the Act. A review is also timely given the recent release of the second version of the State Public Health Plan and the requirement under the Act that the RPHP "should be consistent with the State Public Health Plan."

In response to the submission of the last Regional Progress Report in October 2018, the Chief Public Health Officer noted "*The ongoing collaboration and collegiate approach to the governance of the region's RPHP, with representation from member councils to support its development, review and implementation*".

It is considered appropriate that Council now resolves to commence a review of the RPHP in collaboration with the partnering Councils. Such a review would likely incorporate a gap analysis to identify consistency with the State Public Health Plan, liaison with SA Health, identification of key strategic issues, tasks and actions. Links to Council's Strategic Plans would also be examined.

The Working Group at its last meeting also resolved to seek an elected member from each Council to participate in a Review Working Group.

#### Summary and Conclusion

The *South Australian Public Health Act 2011* requires that Regional Public Health Plans must be reviewed at least once in every five years.

Council's current Regional Public Health Plan is now required to be reviewed. This review should ensure that the plan is consistent with the new State Public Health Plan 2019-2024.

Council's endorsement to commence the review is required. Elected member representation on the Review Working Group is also recommended.

A budget allocation to assist in the review of the RPHP is proposed within the 2019-2020 operational budget.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan:

<https://www.barossa.sa.gov.au/Media/Default/Community%20and%20Cultural%20Services/Public%20Health%20and%20Safety/Part%20A%20Barossa%20Light%20and%20Lower%20North%20PH%20Plan%20Final.pdf>

#### **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

4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan.

### Legislative Requirements

South Australian Public Health Act 2011

## **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

### *Financial Management*

It is estimated that the review may cost in the order of \$20,000 to \$40,000 depending on the final scope of the review. This would cover consultancy work, advertising and additional consultation.

Each of the participating councils will allocate funds to the review. An amount of \$9,600 is currently incorporated into the proposed 2019-2020 operational budget.

### *Risk Management*

The Act requires that Regional Public Health Plans must be reviewed at least once in every five years. Introduced in 2014, Council's current Regional Public Health Plan is now required to be reviewed. The review should ensure consistency with the new State Public Health Plan 2019-2024.

By adopting the recommendation Council will ensure it meets the requirements of the *South Australian Public Health Act 2011*, and the responsibilities it has as a local public health authority for its area.

## **COMMUNITY CONSULTATION**

Community consultation will be programed as part of the review process.

### **8. CONFIDENTIAL MATTER – 9.59AM**

#### **8.1 MANAGER COMMUNITY PROJECTS – 9.59AM**

##### **8.1.1**

#### **SANTOS TOUR DOWN UNDER 2020**

The matter of the agenda item being a Report regarding Council's potential Expression of Interest to host an event or events in the 2020 Santos Tour Down Under and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 ("the Act") being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, 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 as commercial in confidence. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted by Events South Australia.

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 Hurn 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 Acting Chief Executive Officer, Director Development and Environmental Services, Manager Engineering Services, Manager Community Projects, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (d) of the Local Government Act 1999 relating to agenda item 8.1.1 Santos Tour Down Under 2020 being information that must be considered in confidence in order to ensure that Council does not disclose commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; 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 information has been provided to Council as commercial in confidence and Council could be prejudiced if it disclosed this information.

**Seconded** Cr de Vries

**CARRIED 2018-22/219**

### **RESUMPTION OF OPEN COUNCIL MEETING – 10.20AM**

The open meeting of Council resumed at 10.20am.

In the matter 8.1.1 – Santos Tour Down Under 2020:

**MOVED** Cr de Vries that Council:

- (1) Confidential resolution
- (2) Confidential resolution
- (3) Confidential resolution
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(b)(i) and (ii) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes, report and attachments other than the minutes relating to the confidentiality order of the Confidential Council Meeting held on 18 June 2019

in relation to Confidential Item Number 8.1.1 and titled Santos Tour Down Under 2020, be kept confidential and not available for public inspection until such date as any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted.

**Seconded** Cr Miller

**CARRIED CO2018/22-10**

## **8. CONFIDENTIAL MATTER – 10.20AM**

### **8.2 CHIEF EXECUTIVE OFFICER – CONFIDENTIAL – 10.20AM**

#### **8.2.1**

#### **SECTION 270 LOCAL GOVERNMENT ACT - REVIEW OF COUNCIL DECISION**

The matter of the agenda item being a review of a Council decision under section 270 of the *Local Government Act*, pursuant to Section 90(3)(a) and (f) of the *Local Government Act 1999* ("the Act") being information that must be considered in confidence, as it is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial. In particular, the Report contains information of a personal nature about the applicant and relates to a matter in respect of which he may elect to be prosecuted.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that:

- *the disclosure of private information of an individual would be unfair or harmful;*
- *detriment to the public (ie disclosing information which would inhibit the flow of information to law enforcement agencies);*
- *disclosure would prejudice the maintenance of law.*

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

Pursuant to S120(2) of the *Local Government Act 1999* Mr Gary Mavrinac, Director Development and Environmental Services, disclosed a Conflict of interest in the matter 8.2.1 - *Section 270 Local Government Act - Review Of Council Decision* as he was the original decision maker in the matter under review.

Mr Mavrinac advised Council of the conflict of interest and left the meeting at 10.21am.

**MOVED** Cr Hurn 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 Acting Chief Executive Officer, Manager Engineering Services, Governance Advisor and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(a) and (f) of the *Local Government Act 1999*, relating to 8.2.1 *Section 270 Local Government Act – Review of Council Decision*, being

information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial; and

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of private information of an individual that would be unfair or harmful; cause detriment to the public (ie disclosing information which would inhibit the flow of information to law enforcement agencies); and/or prejudice the maintenance of law.

**Seconded** Cr Miller

**CARRIED 2018-22/220**

Cr Haebich left meeting (during the confidential meeting) at 10.40am.

**RESUMPTION OF OPEN COUNCIL MEETING – 10.42AM**

The open meeting of Council resumed at 10.42am.

In the matter 8.2.1 – *Section 270 Local Government Act – Review of Council Decision*:

**MOVED** Cr Boothby

- (1) Confidential resolution
- (2) Confidential resolution
- (3) Confidential resolution:
- (a) Confidential resolution
  - (b) Confidential resolution;
  - (c) Confidential resolution; and
  - (d) Confidential resolution.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, and pursuant to section 90(3)(a) and (f) of the Act, being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial, makes an order pursuant to Section 91(7), that the reports and attachments, and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to item 8.2.1 Section 270 Local Government Act – Review of Council Decision be kept confidential and not available for public inspection until the applicant has exhausted all legal avenues in relation to matters for which he may elect to be prosecuted in relation to the contents of the Report, and authorise the Chief Executive Officer to review and revoke the order.

**Seconded** Cr Miller

**CARRIED CO2018/22-11**

Mr Gary Mavrinac returned to the meeting at 10.42am.

**9. URGENT OTHER BUSINESS****9.1 REQUEST – LEAVE OF ABSENCE – CR SCHILLING**

Pursuant to S73 of the Local Government Act 1999 Cr Schilling disclosed a material conflict of interest in the matter 9.4 – *Request - Leave of Absence – Cr Schilling* as she is seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Cr Schilling advised Council of the conflict of interest and left the meeting at 10.43am.

**MOVED** Cr Wiese-Smith that Cr Schilling be granted Leave of Absence from Saturday 13 July 2019 to Saturday 20 July 2019.

**Seconded** Cr Miller

**CARRIED 2018-22/221**

Cr Schilling returned to the meeting at 10.44am.

**9.2 REQUEST – LEAVE OF ABSENCE – CR MILLER**

Pursuant to S73 of the Local Government Act 1999 Cr Miller disclosed a material conflict of interest in the matter 9.4 – *Request - Leave of Absence – Cr Miller* 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 Miller advised Council of the conflict of interest and left the meeting at 10.44am.

**MOVED** Cr Hurn that Cr Miller be granted Leave of Absence from Saturday 29 June 2019 to Monday 19 August 2019.

**Seconded** Cr Barrett

**CARRIED 2018-22/222**

Cr Miller returned to the meeting at 10.45am.

**9.3 REQUEST – LEAVE OF ABSENCE – CR BARRETT**

Pursuant to S73 of the Local Government Act 1999 Barrett disclosed a material conflict of interest in the matter 9.4 – *Request - Leave of Absence – Cr Barrett* 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 Barrett advised Council of the conflict of interest and left the meeting at 10.45am.

**MOVED** Cr Wiese-Smith that Cr Barrett be granted Leave of Absence from Saturday 6 July 2019 to Sunday 14 July 2019.

**Seconded** Cr de Vries

**CARRIED 2018-22/223**

Cr Barrett returned to the meeting at 10.46am.

**9.4 REQUEST - LEAVE OF ABSENCE – CR HAEBICH**

**MOVED** Cr de Vries that Cr Haebich be granted Leave of Absence from Thursday 27 June 2019 to Tuesday 2 July 2019.

**Seconded** Cr Miller

**CARRIED 2018-22/224**

**10. NEXT MEETING**

Tuesday 16 July 2019 at 9.00am.

**11. CLOSURE OF MEETING**

Deputy Mayor Angas declared the meeting closed at 10.48am.

Confirmed at Council Meeting on 16 July 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 18 June 2019 commencing at 9.59am**

**MEMBERS PRESENT**

Deputy Mayor, Cr John Angas, Crs Tony Hurn, Don Barrett, Kathryn Schilling, Leonie Boothby, David de Vries, Richard Miller, Carla Wiese-Smith and David Haebich

**OFFICERS PRESENT**

Mrs Joanne Thomas, Acting Chief Executive Officer, Mr Steven Kaesler, Manager Engineering Services, Mr Gary Mavrinc Director Development and Environmental Services, Mrs Rebecca Tappert, Manager Community Projects, Mrs Heidi Helbig, Communication and Engagement Officer and Ms Lorraine Walsh, Executive Assistant

**LEAVE OF ABSENCE**

Cr Russell Johnstone

**APOLOGIES**

Mayor Bim Lange  
Cr Cathy Troup

**8.1.1**

**SANTOS TOUR DOWN UNDER 2020  
B8989**

**MOVED** Cr de Vries that Council:

- (1) Accepts the offer from Events South Australia to host Stage 1 of the Santos Tour Down Under and bring a further report to Council once the Licence (Hosting) Agreement is received. The Stage loops through the townships of Tanunda, Angaston and Nuriootpa.
- (2) Approves the addition of \$15,000 ex GST to the 2019/2020 base budget for the additional hosting fee for a start and finish of \$35,000 ex GST.
- (3) Supports officers in liaising with township community representatives to host an associated community event and provides funding of \$13,000 ex GST (already in the 2019/2020 base budget) for this purpose.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(b)(i) and (ii) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes, report

and attachments other than the minutes relating to the confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to Confidential Item Number 8.1.1 and titled Santos Tour Down Under 2020, be kept confidential and not available for public inspection until such date as any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted.

**Seconded** Cr Miller

**CARRIED CO2018/22-10**

**CLOSURE OF CONFIDENTIAL MEETING**

There being no further business the confidential meeting closed at 10.20am.

Confirmed at Council meeting Tuesday 16 July 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 18 June 2019 commencing at 10.21am**

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**MEMBERS PRESENT**

Deputy Mayor, Cr John Angas, Crs Tony Hurn, Don Barrett, Kathryn Schilling, Leonie Boothby, David de Vries, Richard Miller, Carla Wiese-Smith and David Haebich

**OFFICERS PRESENT**

Mrs Joanne Thomas, Acting Chief Executive Officer, Mr Steven Kaesler, Manager Engineering Services, Mrs Ruyiyya Martin, Governance Advisor and Ms Lorraine Walsh, Executive Assistant

**LEAVE OF ABSENCE**

Cr Russell Johnstone

**APOLOGIES**

Mayor Bim Lange  
Cr Cathy Troup

**8.2 CHIEF EXECUTIVE OFFICER****8.2.1****SECTION 270 LOCAL GOVERNMENT ACT - REVIEW OF COUNCIL DECISION****SHORT TERM SUSPENSION OF FORMAL MEETING PROCEDURE – 10.24AM**

With the leave of the meeting Deputy Mayor, Cr John Angas advised a short term suspension of formal meeting procedures for 15 minutes to allow informal discussion on the matter 8.2.1 – *Section 270 Local Government Act – Review of Council Decision*.

**RESUMPTION OF FORMAL MEETING PROCEDURE – 10.39AM**

Deputy Mayor, Cr John Angas advised that formal meeting procedure resume at 10.39am.

Cr Haebich left the meeting at 10.40am.

**MOVED** Cr Boothby

- (1) That Council receive the independent external party review report and attachments, provided to officers on 4 June 2019 by the external reviewer, Ms Kate Brandon of HWL Ebsworth Lawyers, as regards a decision made by Council officers not to withdraw Expiation Notice 10327 issued to the applicant, Mr Antonio Santamaria (the "Decision"), at Attachment 1.
- (2) That, as per the external reviewer's recommendations, Council take no further action in relation to the applicant's application of 18 February

2019, to review the Decision under section 270 of *Local Government Act* (the "Application"); or the Decision.

- (3) That, in accordance with the external reviewer's recommendations, the Chief Executive Officer inform the applicant that:
  - (a) the Application does not fall within the Council Internal Review of Council Decisions Policy;
  - (b) Council has, in the interests of demonstrating transparency, fairness and accountability, determined that it is appropriate to obtain an independent report in relation to the decision to be undertaken having regard to the matters contained in Council's Internal Review of Council Decisions Policy and Process;
  - (c) the independent report has, in accordance with Council's Internal Review of Council Decisions Policy and Process, considered all the information before the original decision maker at the time of the Decision and the additional information submitted by the application, and found that the Decision has been undertaken in a legally and procedurally correct manner, and that a different decision would not provide an improved outcome; and
  - (d) no further action will be taken in relation to the Application or the Decision.
- (4) Having considered this matter in confidence under Section 90(2) of the *Local Government Act 1999*, and pursuant to section 90(3)(a) and (f) of the Act, being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial, makes an order pursuant to Section 91(7), that the reports and attachments, and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to item 8.2.1 Section 270 *Local Government Act* – Review of Council Decision be kept confidential and not available for public inspection until the applicant has exhausted all legal avenues in relation to matters for which he may elect to be prosecuted in relation to the contents of the Report, and authorise the Chief Executive Officer to review and revoke the order.

**Seconded** Cr Miller

**CARRIED CO2018/22-11**

**CLOSURE OF CONFIDENTIAL MEETING**

There being no further business the confidential meeting closed at 10.42am

Confirmed at Council meeting Tuesday 16 July 2019

Date: .....

Mayor: .....