



## *The Barossa Council*

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

held on Tuesday 16 July 2019 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

#### **1.1 WELCOME**

Mayor Bim Lange declared the meeting open at 9.00am.

#### **1.2 MEMBERS PRESENT**

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

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

Cr Richard Miller

Cr Kathryn Schilling

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

Nil

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

**MOVED** Cr Haebich that the Minutes of the Council meeting held on Tuesday 18 June 2019 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Hurn

**CARRIED 2018-22/240**

**MOVED** Cr de Vries that the Minutes of the Confidential Council meeting held on Tuesday 18 June 2019 at 9.59am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Angas

**CARRIED 2018-22/241**

**MOVED** Cr Barrett that the Minutes of the Confidential Council meeting held on Tuesday 18 June 2019 at 10.21am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Angas

**CARRIED 2018-22/242**

**MOVED** Cr Wiese-Smith that the Minutes of the Special Council meeting held on Thursday 27 June 2019 at 6.00pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Johnstone

**CARRIED 2018-22/243**

**1.6 MATTERS ARISING FROM PREVIOUS MINUTES**

Nil

**1.7 PETITIONS**

Nil

**1.8 DEPUTATIONS**

Nil

**1.9 NOTICE OF MOTION**

**MOVED** Mayor Lange that Council rescind part 2 of 2018-22/205 from Council meeting 18 June 2019, being "that Council 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 Johnstone**CARRIED 2018-22/244**

**MOVED** Mayor Lange that Council proceed with the Williamstown dog park as consulted on with the community at Williamstown Queen Victoria Jubilee Park and achieve a larger park, through the relocation of the playground, as outlined in the Williamstown oval and precinct masterplan.

**Seconded** Cr de Vries**AMENDMENT**

**MOVED** Cr Wiese-Smith that Council proceed with the Williamstown dog park and undertake further investigation into alternative locations in consultation with the community.

**Seconded** Cr Troup

The amendment was put and

**LOST**

The original motion was put and

**CARRIED 2018-22/245****1.10 QUESTIONS – WITH OR WITHOUT NOTICE**

Nil

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

**MOVED** Cr Hurn that the Mayor's report be received.

**Seconded** Cr Johnstone**CARRIED 2018-22/246****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 Johnstone that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

**Seconded** Cr de Vries

**CARRIED 2018-22/247**

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

Nil

### **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 EXECUTIVE SERVICES - DEBATE**

##### **7.2.1. CHIEF EXECUTIVE OFFICER - DEBATE**

###### **7.2.1.1**

###### **SAFETY OF CHILDREN AND VULNERABLE ADULTS POLICY**

**B6321**

Author: Governance Advisor

**MOVED** Cr Boothby

(1) That Council receives, considers and approved the draft Safety of Children and Vulnerable Adults Policy, as attached at Attachment 1 to this report;

(2) That Council receives the draft Reporting Suspicion of Children at Risk of Harm Process, attached for Council's information at Attachment 2 of this report, which will be approved by the Chief Executive Officer in accordance with administrative processes.

**Seconded** Cr Angas

**CARRIED 2018-22/248**

### **PURPOSE**

Council is asked to review and consider the draft Safety of Children and Vulnerable Adults Policy as attached.

### **REPORT**

#### Background

Council's Safe Environment (Minimising the Risk of Harm to Children and Vulnerable Adults) Policy was adopted on 21 June 2011, and reflects Council's commitment to the safety of children and vulnerable adults who use and receive Council services, and participate in Council activities. The Policy is in line with recent legislative requirements.

#### Introduction

On 1 July 2019, the *Children and Young People (Safety) Act* and the *Child Safety (Prohibited Persons Act 2016)* fully commenced, replacing the *Children's Protection Act*. There has also been

legislative changes to legislation around the safety of vulnerable adults, with the impending full commencement of amendments to the *Office for Ageing Act*, by the *Office for the Ageing (Adult Safeguarding) Amendment Act 2018*, which are expected to commence later this year.

The Safe Environment (Minimising the Risk of Harm to Children and Vulnerable Adults has now been reviewed to align with the legislative changes.

#### Discussion

In order to align with the legislative changes, the 2011 Policy has undergone a name change – now called the Safety of Children and Vulnerable Adults Policy (the “Policy”), a draft of which is attached at Attachment 1.

The Policy applies to Council's Elected Members and Workers who provide services to children and vulnerable adults, including via Council's activities and programmes. The Policy aims ensure that Council maintains strong commitments to the safety of children and vulnerable adults, in:

- Council's recruitment, selection and training processes;
- engaging contractors,
- updating the requirements in the Policy to align with legislation, including the definitions of “harm” and “at risk”;
- reporting requirements for Mandated Notifiers and reporting mechanisms for non-Mandated Notifiers,
- providing support to children, vulnerable and their parents and carers;
- setting out supportive behaviours, safe protective work practices and unacceptable behaviours;
- appointing a Child Safety Officer;
- setting out requirements for confidentiality, risk management and information sharing;
- setting out consequences for victimisation and breach of this Policy.

A supporting process to the Policy - the Reporting Suspicion of Children at Risk of Harm Process (the “Process”) has also been developed and is attached for Council's information at Attachment 2. The Process provides guidance to Elected Members and Workers on the reporting requirements for:

- Mandated Notifiers;
- Non-Mandated Notifiers;
- Contractors and Consultants;

and provides guidelines for supporting children, parents, Workers and those reporting a suspicion of a child at risk of harm; incident recording; and information sharing.

The Process will be approved by the CEO in accordance with administrative processes.

While the Policy deals with the safety of both children and vulnerable adults, it is important to note that the Process only relates to the safety of children. This is due to the fact that the reporting processes vary depending on whether the matter relates to a child or vulnerable adult. Further, the amendments to the *Office for Ageing Act* have not fully commenced and the Adult Safeguarding Unit, which will be the main authority to which reports will need to be made with respect to the safety of vulnerable adults, has not been established. It is anticipated that once these amendments commence, and the Adult Safeguarding Unit is established, a supporting Process dealing with the safety of vulnerable adults and reporting mechanisms will be developed.

#### Summary and Conclusion

Council is now asked to

- receive, consider and approve the attached draft Safety of Children and Vulnerable Adults policy; and
- receive the attached draft Reporting Suspicion of Children at Risk of Harm Process, which will be approved by the Chief Executive Officer in accordance with administrative processes.

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

**Attachment 1** -Draft Safety of Children and Vulnerable Adults Policy

**Attachment 2** - Draft Reporting Suspicion of Children at Risk of Harm Process

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Community and Culture

2.12 Contribute to a safer community.

### 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.

### Legislative Requirements

Aged Care Act 1997  
 Children and Young People (Safety) Act 2017  
 Children and Young People (Safety) Regulations 2017  
 Child Safety (Prohibited Persons) Act 2016  
 Child Safety (Prohibited Persons) Regulations 2019  
 Local Government Act 1999 s39, 121  
 Office for the Ageing Act 1995  
 Office for the Ageing (Adult Safeguarding) Amendment Act 2018  
 Ageing and Adult Safeguarding Regulations 2019  
 SA Disability Inclusion Act 2018  
 SA Charter of the Rights and Freedoms of Older People

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### Financial

There are no financial considerations

### Resource

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

### Risk Management

Risk is minimised by ensuring that Council has up to date policies and processes that are legislatively compliance, to ensure the safety of children and vulnerable adults that are based on legislative requirements and best practice principles.

## COMMUNITY CONSULTATION

No consultation is required under legislation.

### **7.2.1.2**

### **ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2018-2019**

**B1485**

Author: Governance Advisor

**MOVED** Cr de Vries

- (1) That Council approves the annual report on the Internal Review of Council Decision applications received and completed in the 2018-2019 financial year as required under Section 270(8) of the Local Government Act 1999.
- (2) That Council notes that the policy and process for Section 270 Review requests will be reviewed and any proposed amendments brought to Council for consideration.

**Seconded** Cr Boothby

**CARRIED 2018-22/249**

## PURPOSE

Council is asked to approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

## REPORT

### Background

Section 270 (1) of the Local Government Act 1999 ("the Act") requires a Council to establish procedures for the review of decisions of:

- (a) the council;
- (b) employees of the council;
- (c) other persons acting on behalf of the council.

Section 270(8) of the Act further states:

*"A Council must, on an annual basis, initiate and consider a report that relates to –*

- (a) The number of applications for review made under this section; and*
- (b) The kinds of matters to which the applications relate; and*
- (c) The outcome of applications under this section; and*
- (d) Such other matters as may be prescribed by the regulations."*

Additionally, Council's *Internal Review of Council Decisions Process* requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council's customer service, policies and processes.

### Introduction

One application for Internal Review under Section 270 was received between 1 July 2018 and 30 June 2019:

- One application with respect to a decision made by Council at its Special Council meeting of 27 June 2018 regarding the outcome of the community consultation on the Barossa Regional Culture Hub and the next steps of the project.

Two other applications for review were received during the 2018-2019 financial year, however the applications were either not determined to fall under the scope of Council's Policy and Process, or later withdrawn.

### Discussion

In summary the matters were:

#### **1. Internal Review – Barossa Regional Culture Hub public consultation and next steps in project – 12 July 2018**

The Applicant made a request for an Internal Review into issues relating to Council's decision made at its Special Council meeting of 27 June 2018 to receive the outcome of the community consultation of the Draft Master Plan for the Barossa Regional Culture Hub; endorse the Draft Master Plan subject to conditions; receive associated cost estimate reports and decisions on the next steps of the project.

The review required investigation into matters:

- Due to the nature of the decision, and pursuant to Council's Policy and Process, Ms Felice D'Agostino of Norman Waterhouse Lawyers was appointed as the external reviewer to investigate and review the matter.
- During the investigation and review process, the applicant was given the opportunity to provide further submissions to support the application. The applicant and Council were also provided opportunities to view the draft review report, and provide further information.
- Ms D'Agostino's report, which was provided to Council and the applicant on 5 October 2018, reviewed whether the decision made by Council was legally, procedurally and meritoriously correct.

The review concluded that Council's decision of 27 June 2018 was the best and/or preferable decision. The review recommended that Council reconsider all the information before it at the time it made the decision, the information submitted by the applicant and the reviewer's report to determine whether the decision was the best and/or preferable decision.

As per the reviewer's recommendations, at its meeting on 16 October 2018, Council reconsidered all the information before it at the time it made the decision, the information submitted by the applicant and the reviewer's report to determine whether the decision was the best and/or preferable decision. Council resolved that its decision of 27 June 2018 was legally, procedurally and meritoriously correct and reaffirmed its original decision.

A table detailing the Officer resources expended to date on this review is attached for information.

The Applicant was provided with the determination of the review on the 18 October 2018.

Council is aware that the applicant referred the matter to:

- The Ombudsman, however the applicant was refused on the basis that it was not considered to be in the public interest to investigate the complaint, and the application was deficient in substantiating the claims made.
- the Auditor-General, however, Council is not aware that the matter was investigated.

#### **Attachments**

Attachment 1: Section 270 Internal Review - Assessment of resources

### **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.

#### **Legislative Requirements**

Local Government Act 1999, Section 270

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

#### **Finance**

As per attachments

#### **Resource**

As per attachments

#### **Risk Management**

In reviewing these decisions, Council assesses if it is managing risk appropriately and makes policy and process improvements if needed.

### **COMMUNITY CONSULTATION**

Not required under Legislation and Council's Public Consultation Policy.

#### **7.2.1.3**

#### **TANUNDA TO GAWLER CYCLE AND WALKING TRAIL**

#### **B1930**

**MOVED** Cr Boothby that Council:

- (1) Names the Tanunda to Gawler Cycle and Walking Trail the Barossa Trail.
- (2) Approves a budget increase of \$15,000 to implement the renaming signage and marketing collateral.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/250**

### **PURPOSE**

Council is asked to consider renaming the Tanunda to Gawler Cycle and Walking Trail, known as the Jack Bobridge Track (the track).

#### REPORT

The track was constructed during three financial years with its conclusion in 2015. On 20 December 2011 minute page reference 2011/324 the then Council determined to name the track after Jack Bobridge.

The track has significant community and visitor use and as such has considerable connection to Brand Barossa. There is also significant marketing and other materials branded.

The stocktake of materials and estimates to provide new branding are as follows:

1. On-line, fact sheets and other references are not significant and easily and quickly changed within existing resources;
2. The Barossa by bike map will need to be rebranded, it is currently available across the region. Of the current print of 30,000 there are estimated to be 18,000 remaining in stock. The original cost was \$6,500 plus \$1,000 for the set up/ artwork, with price changes overtime we estimate \$9,000 in total;
3. There are five commissioned interpretative signs which will also need rebranding, they cannot be removed as they are connected to grant funding and provide a story to the region. The signs are fixed to iron sculptures, but the plates are attached to the sculptures by rivet and can be replaced. Each plate is approximately \$200-\$300 plus labour replace estimated at \$3,500. These signs are branded also with State / DPTI logo and they need to remain on the signs for as long as the asset is used.
4. There are approximately 10 blue and white standard signs at each "entry point" to the requiring rebranding. The cost to replace each is at \$100 each plus a further \$1,500 labour - \$2,500 to replace.

A renaming provides an opportunity to rebrand the track.

At this time it is suggested that the track be named the Barossa Trail.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

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

##### Community Plan



Community and Culture



Business and Employment

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

##### Legislative Requirements

Local Government Act 1999, Section 219

#### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

##### Finance

Costs to be funded are not budgeted and total \$15,000.

##### Resource

As outlined in the report.

##### Risk Management

No specific physical risk, need to align track with Brand Barossa and the worldwide name of Barossa is a key consideration.

**COMMUNITY CONSULTATION**

Not required under Legislation and Council's Public Consultation Policy.

**7.2.1.4****STRATEGIC REFORM AND POLICY PLATFORM PAPER****B9100**

**MOVED** Cr Johnstone that Council endorse the Strategic Reform and Policy Platform paper 2019-22 as presented at the Attachment and authorise the Chief Executive Officer to make final administrative and typographical changes.

**Seconded** Cr Angas

**CARRIED 2018-22/251**

**PURPOSE**

Council is asked to consider and finalise its strategic reform and policy platform paper which sets the future focus directions of Council and the executive for the remaining term of Council.

**REPORT**Background

This Council has had various conversations and workshops on what it would like to work on and strive to achieve during its term, indeed some of the items in the 10 point plan at the Attachment have already commenced.

Discussion

The work has encased thoughts, ideas and visions for the current Council. Importantly this work gives a basis for each member and the Executive to be clear about its policy platform when talking to community, industry, other Councils, other representative levels of government and interested stakeholders.

The then point plan is strategic and aspiration, and importantly much of the ground work has been done to inform the Community Plan review through this process. The 10 points are:

1. Ease of Doing Business with Council
2. Reforming the Framework of Local Government
3. Delivering the Highest Priorities of The Big Project
4. Efficient Governance and Understanding Services and Services Levels
5. Community, Social, and Environmental Thinking for the Future
6. Having a Conversation about Local Government Boundaries is Supported
7. Economic Development, Jobs, Tourism and Industry Support
8. Connecting with and Understanding of the First Peoples of the Barossa
9. Thinking about and Planning for the Future
10. Finding New Ways

Each area of the plan has high level policy statements supported by a background introduction providing guidance for the future decision making of Council and its Executive.

Summary

The plan is now of sufficient maturity to endorse and start embedding in our operations and strategies. As outlined above that will include:

1. Revising the Community Plan in line with these 10 points;
2. Aligning Councils lobbying, advocacy and decision making;
3. Ensuring staff understand Councils priorities and policy base and the annual activities and day to day work are working towards these points;
4. Checking progress against these statements.

Importantly as part of the discussion the Council has made statements as to our and the chambers culture and how we will work together to achieve in this term of Council.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Strategic Reform and Policy Platform 2019-22 v5 May 2019

**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

All strategies to be aligned.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Will be assessed on a case by case basis as matters arise in supporting the 10 point plan.

**COMMUNITY CONSULTATION**

Not required under Legislation and Council's Public Consultation Policy but will be consulted upon by embedding it into the Community Plan.

**7.2.2 FINANCE - DEBATE****7.2.2.1****MONTHLY FINANCE INTERIM REPORT (AS AT 30 JUNE 2019)****B411**

Author: Senior Accountant

**MOVED** Cr Hum that the Monthly Finance Interim Report as at 30 June 2019 be received and noted.**Seconded** Cr Boothby**CARRIED 2018-22/252****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**DiscussionThe Monthly Finance Interim Report (as at 30 June 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.

Work will continue on the finalisation of these figures until the completion of the external audit process, scheduled for September, after which the full financial statements will be presented to Council. Further updates will also be presented to Council including analysis, material variances and a final report on financial results.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Monthly Finance Report 30 June 2019

Policy

Budget &amp; 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****CONSIDERATION AND ADOPTION OF AUDIT COMMITTEE RESOLUTIONS****B9085**

**MOVED** Cr de Vries that Council, having reviewed the Minutes of the Audit Committee meeting held 7 June 2019, adopt the Resolutions contained therein.

**Seconded** Cr Hurn

**CARRIED 2018-22/253**

**PURPOSE**

The Minutes of the Audit Committee meeting held 7 June 2019 are presented for the consideration and adoption of 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: Minutes of the Audit Committee meeting held 7 June 2019

**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.

- 6.9 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**

The consideration and adoption of recommendations of Council committees is a risk management tool.

#### **COMMUNITY CONSULTATION**

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

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

#### **7.3.1.1**

#### **THE BIG PROJECT – CONSIDERATION DRAFT AQUATIC STRATEGY 2019-2069**

#### **SHORT TERM SUSPENSION OF FORMAL MEETING PROCEDURE – 10.02AM**

With the leave of the meeting Mayor Lange advised a short term suspension of formal meeting procedure for 20 minutes to allow informal discussion on the matter 7.3.1.1 – *The Big Project – Consideration Draft Aquatic Strategy 2019-2069*.

#### **RESUMPTION OF FORMAL MEETING PROCEDURE – 10.22AM**

Mayor Lange advised the end of the short term suspension of formal meeting procedure with the resumption of formal meeting procedure at 10.22am.

**MOVED** Cr de Vries that Council:

- (1) Receives and notes the draft Aquatic Strategy 2019 to 2069 reference 17/615 (the Strategy).
- (2) Notes the conclusions of the Strategy and notes the three options provided.
- (3) Pursues the recommendation to achieve a mix of traditional, modern and emerging aquatic services at the locations identified in Table 13 of the Strategy as its preferred approach and releases the Strategy for community consultation on that basis.
- (4) Notes that work on the prioritisation of projects by Council is continuing and will determine any implementation timeframe for recommendations together with facility design, project planning and securing necessary funding.
- (5) Requires a business case for the preferred approach to be developed for each of the facility locations taking into account the feedback from community consultation.
- (6) Approves the draft Community Consultation Plan for the Strategy included with the report reference.

**Seconded** Cr Johnstone

**MOVED** Cr Wiese-Smith that the matter lie on the table.

**Seconded** Cr Troup

**CARRIED 2018-22/254**

#### **PURPOSE**

To present the draft Aquatic Strategy for consideration by Council.

**REPORT****Background**

The development of a draft Aquatic Strategy (the Strategy) was a deliverable of the original Project Scope of The Big Project and one of the four Project focus areas (refer The Big Project visual provided as *Attachment 1*). The development work commenced in 2016/17 but was held in abeyance whilst work on the Federal Regional Growth Fund application was prioritised.

The format and content of the Strategy is based on good practice models researched from across the recreation sector including the subject matter expertise derived from officer participation in Aquatics & Recreation Victoria (ARV), an interstate industry body that is particularly active and regarded in the aquatic sector. Officers, Elected Members and representation from the Nuriootpa Pool community group have attended past ARV events to assist with the development of a future strategy over recent years.

In addition a research paper into trends around outdoor aquatic centre provision to inform the future options for the Nuriootpa War Memorial Swimming Pool is included as an addendum to the Strategy document.

The draft Strategy was presented to Council at its Workshop on 5 June 2019. Since that time, the cost per visit data for each of the three pools has been amended to aggregate over the last 5 years rather than the 12 month data for 2017/18 previously quoted.

**Introduction**

The draft document has now been completed and is provided as *Attachment 2*.

**Discussion**

The purpose of the Strategy is to provide an assessment of the current status and future requirements for aquatic services in the Council region. It takes into account the locations, age, current condition, usage, trends and costs of operating the existing facilities and provides options and recommendations for services through the next 50 year period.

The basic premise of research and the approach taken is an assessment of whether current facilities are traditional, modern or emerging in the nature of the service and customer experience they provide. The options and recommendation are based around what Council may consider to be its future role in the provision of aquatic services and what type of services should be dependent on future funding decisions and allocations through the Big Project prioritisation process.

**Conclusions**

The Strategy identifies that the Council's current aquatic services provision can be summarised as:

Traditional (indoor/outdoor)	Modern	Emerging
The Rex Williamstown Queen Victoria Jubilee Park Swimming Pool (WQVJP Pool) Nuriootpa War Memorial Swimming Pool (NWMS)	The Rex	Nil

Options for Council in the future provision of aquatic services are identified as:

1. Maintain status quo
  - Council continues to invest in the Whole of Life Costs (WOLC) of all facilities with no future significant capital investment in the upgrade of any of the facilities and with a rolling break fix approach to maintenance and capital investment planning / funding.
  - It is not possible to determine the remaining lifespan of either the WQVJP Pool or NWMS based on this approach.
  - Maintain current aggregated and indexed level of investment – Operational \$1,437,730
  - Determine capital investment on a case by case basis.
  - Maintain current aggregated and indexed cost per visit subsidy - \$21.73
    - The Rex - \$4.81, NWMS Pool - \$19.32 and WQVJP Pool - \$41.06
  - Average travel time for residents to a Council operated facility is 21 mins / 16kms

NB: Council may at some point in the future determine dependent on the cost / benefit of any issue arising with WQVJP Pool or NWMSP that it is not possible to maintain the status quo approach/option.

2. Maintain Traditional and Modern Indoor / Phase out Traditional Outdoor
  - Given the age, condition and investment in the Barossa Aquatic Fitness Centre - Council continues to invest in the WOLC of the Rex.
  - Council determines at what point continued investment in WQVJP Pool ceases.
  - Council determines at what point continued investment in NWMSP ceases.
  - Aggregated operational investment reduces over time taking into account indexation and ongoing WOLC increases for the Rex over time as the facility ages.
  - Aggregated cost per visit subsidy reduces over time taking into account adjustments over time for the Rex.
  - Average travel time for residents to Council operated facilities averages at 8 mins / 18kms but this is skewed heavily in favour of residents in the north of the area.
  
3. Maintain Traditional Indoor / Repurpose Traditional Outdoor
  - Council continues to invest in the WOLC of the Rex.
  - Council prioritises the works identified in the Big Project planning for the WQVJP Pool project (repurposing to an outdoor activity orientated facility as part of the Southern Barossa Hub Project Master Plan) – this would retain the pool as a traditional style facility.
  - Council prioritises the works identified in the Big Project planning for the NWMSP and develops an emerging, outdoor water park style facility.
  - Aggregated operational costs subject to review but potential for improved return on investment subject to levels of visitation, operational / charging model, infrastructure maintenance requirements of updated / new facilities.
  - Objective for aggregated cost per visit subsidy to reduce as a result of the capital investment and potential for increased visitation.
  - Average travel time for residents to Council operated facilities will be maintained at current level in the long term but may increase in the short term depending on the prioritisation and subsequent timeframe for implementation of the Big Project.

*NB: Implementation of the Big Project prioritisation will be subject to projects meeting the funding criteria set by Council.*

#### Other

During the period of the development of the strategy, the condition and sustainability of the current NWMSP has been of concern to both Council and the community as articulated by the NWMSP community user group, which liaises on a regular basis with Officers and Elected Members.

Officers have provided regular updates to Council regarding the ongoing operational challenges arising from the condition of the NWMSP. At the time of developing this report, the Pool is undergoing the usual, annual out of season assessment for essential and recommended works in readiness to prepare for the 2019/20 season. This will include a reassessment of the significant area of leakage after the Pool is emptied. Once this process is concluded, Officers will provide further information on any out of budget expense items arising for further consideration.

#### **Summary and Recommendations**

The Strategy provides a current status and future assessment of aquatic service provision in the Council region. Aquatic Services are one of the four identified community infrastructure areas of The Big Project.

The Council's recommended potential future aquatic services provision with the objective of covering all the service sectors is summarised as follows:

<b>Traditional (indoor / outdoor)</b>	<b>Modern</b>	<b>Emerging</b>
The Rex (Tanunda) WQVJP Pool (Williamstown)	The Rex (Tanunda)	NWMSP (Nuriootpa)

#### **Recommended Actions:**

1. Council to review draft Aquatic Strategy – determine if the conclusions and recommendations are supported
2. Council pursues the recommended Strategy to achieve a mix of traditional, modern and emerging aquatic services at the locations identified in Table 13, subject to community consultation, The Big Project prioritisation process, appropriate facility design and project planning and securing agreed funding.
3. In relation to recommendation 2. above, prepare a business case for each element and location.
4. A process for community consultation to be approved by Council, together with any associated costs.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	The Big Project Visual - 17/55653
Attachment 2:	Draft Barossa Aquatic Strategy 2019-2069 – 17/615
Attachment 3:	Draft Community Consultation Plan – 19/38768

#### 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

3.3 Ensure Council's sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.

3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

##### Legislative Requirements

Local Government Act 1999

#### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

##### **Financial**

No financial impacts; all expenditure is within allocated budget.

Prioritisation of projects for future funding by Elected Members will continue during the May to July 2019 report period. Previous prioritisation of projects to date has been based on specific funding application criteria.

##### **Resource**

Big Project work is resourced jointly between Director Corporate and Community Services (0.4 FTE) and Manager, Community Projects (0.5 FTE).

##### **Risk Management**

Ongoing risk assessments continue to be reviewed as Officers work as necessary through phases of The Big Project development and project specific implementation. Ongoing risk assessment on each of the aquatic facilities helps inform maintenance and expenditure priorities subject to sub delegations and any necessary approvals by Council.

**COMMUNITY CONSULTATION**

A Draft Communication and Community Consultation Plan is provided as [Attachment 3](#).

**7.3.2 MANAGER COMMUNITY PROJECTS / MANAGER COMMUNITY AND CULTURE-DEBATE****7.3.2.1****TENNIS AND NETBALL COURT CONDITION AUDIT REPORT AND REPAIR AND RENEWAL COSTS FOR THE LONG TERM FINANCIAL PLAN**  
**B9249**

**MOVED** Cr Barrett that Council:

- (1) Receives and notes the findings and recommendations of the Barossa Court Audit Report dated March 2019, reference 19/14717.
- (2) Endorse the Barossa Court Audit Report, dated March 2019 reference 19/14717, including the recommended prioritisation of timing and costs and the associated Due Diligence documentation provided in accordance with Council's Prudential Management Policy.
- (3) Adopt the principle at this stage that implementation of future works will be based on a consistent standard court surfacing for sporting clubs that play within the Barossa and Light Tennis Association, and the Barossa, Light and Gawler Netball Association of a non-cushioned acrylic based on a whole of life cost benefit approach.
- (4) Approve \$250,000 as a quarter one budget adjustment in the 2019/2020 budget (that includes a \$40,000 existing 2019/2020 budget provision) for works at the Old Talunga Park courts, identified as the highest priority works in the Audit Report subject to securing matched grant funding.
- (5) Notes that the approach identified in item (4) above aligns with the Talunga Park and Old Talunga Park adopted Master Plan as part of The Big Project.
- (6) Apply the recommended indicative repair and renewal values documented in Attachment 3 of the report: "Courts Repair and Renewal costings for inclusion in the Long Term Financial Plan" commencing in the 2020/2021 financial year.

**Seconded** Cr Boothby

**CARRIED 2018-22/255**

**PURPOSE**

Council to receive and review the recent Barossa Court Audit Report with a recommendation to incorporate the proposed, phased roll out of the associated expenditure into the Long Term Financial Plan.

**PURPOSE**

Council to receive and review the recent Barossa Court Audit Report with a recommendation to incorporate the proposed, phased roll out of the associated expenditure into the Long Term Financial Plan.

**REPORT**

Council recently engaged *insideEdge* Sport and Leisure Planning to conduct condition audits of all the tennis / netball courts and associated infrastructure in our region. The report is provided at [Attachment 1](#).

Nine sites were included in the assessment totalling 49 courts. 14 of those are asphalt and 35 acrylic playing surfaces, with a varying identified range of quality and associated infrastructure such as fencing, lighting and nets and poles.

The industry benchmark for the provision of courts per population is 1 : 3,000 – 1 : 4,000. The Barossa Council has a court to population ratio of 1 : 500, which far exceeds that standard; however, not all of those facilities are within the recommended service levels. A breakdown of ratios for townships is included on the report on page 4. An assessment of population growth and demographics is also included and results in the ratio remaining well within the industry benchmark (1 : 588) with estimated 18% population growth in 10 years. This indicated that our region has sufficient numbers of courts based on current needs assessment and demographic data collected through the Big Project development process.

A visual assessment was completed as well as a request to all tennis and netball clubs to provide local feedback on condition and any updated usage requirements. The Angaston Tennis and Netball clubs both provided feedback at Attachment 2. The Mount Pleasant Tennis and Netball clubs have provided informal feedback that their priority would be to address the condition and associated lighting of courts identified in the report at numbers 3, 4 and 5.

The report identifies deficiencies with court surfaces, line marking, fencing, lighting, run-off compliance and nets and poles. It is recommended that run-off compliance only be addressed when there is full re-surfacing required.

The table in Attachment 3 outlines the improvements required, phasing of works and indicative costings that would need to be included in Council's Long Term Financial Plan to address the recommendations over a phased period. Appendix 1 of the report provides the detailed report of assessment with associated photographs and will form the basis of a scope of works as each component is due for implementation.

A further consideration with regard to re-surfacing courts, is that of the type of court surfacing and the life-cycle estimates of each. The report describes the three typical surface types in Section 3 as acrylic, clay or grass; and the life expectancy and typical replacement and maintenance costs.

The Angaston Netball club requested in September 2018, support for a grant application for resurfacing the Angaston courts with a new cushioned surface. The project cost for this new surface type was \$301,000 for 6 courts (\$50,167 per court). It was unclear at the time how appropriate this cushioned, layered surface would be for tennis as well as netball. Land owner support was provided, subject to support of the surface choice by all user groups and clubs. This grant application was not successful and the audit report now provides data not previously available to determine the appropriate prioritisation of future funding requests and the true extent of works required.

However, officers now recommend that Council works towards achieving consistency across courts within The Barossa Council region where there is tennis or netball played within the Barossa and Light Tennis Association or the Barossa, Light and Gawler Netball Association. Review of current surface types within our region, the life expectancy and associated whole of life costs indicates that an acrylic, non-cushioned surface provides the best cost benefit, with typical acrylic replacement (does not include cost of sub-base preparation) cost of \$8,000 and a life span of 8 years. Full rebuild including sub-base cost with acrylic surface is approximately \$100,000 per court.

There are considerations that link to Council's Lease and Licence Policy including: court availability by general public, costs of power for court lighting and responsibility for nets and poles. Officers will bring a further report to Council with regard to a review of that Policy and considerations in due course.

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

Attachment 1:	Barossa Tennis and Netball Court Condition Audit Report - 19/14717
Attachment 2:	Feedback letters from Angaston Netball and Tennis clubs – 19/32030 and 19/32032
Attachment 3:	Courts Repair and Renewal Costings for inclusion in the Long Term Financial Plan

Attachment 4: Due Diligence Level 3 Report for Mount Pleasant Courts Whole of Life Costs  
– 19/34051

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### Financial Management Considerations

To ensure that the Long Term Financial Plan (LTFP) covers the repair and replacement of existing assets, Council provides for this in the forward years in both operating expenditure for maintenance and capital expenditure for asset renewal/ replacement.

The LTFP capital expenditure budgets are drawn from the adopted Infrastructure and Asset Management Plans (IAMP - last updated in 2016) along with any updated information as and where provided.

The LTFP includes estimated renewal expenditure amounts each year at the asset class level but does not list specific details for all asset types. For example, Community Assets such as the tennis or netball courts, ovals, cricket pitches, etc. are not individually listed in the LTFP.

The Draft LTFP 2019/20 to 2028/29 for Recreation asset renewal/replacement has the following amounts included:

- internal roads and all other recreation parks assets \$498,000, not asset type specific, a general allocation based on the previous year's amount indexed at 3.5% pa. (this amount was reduced by Council by \$110k as part of Works' three year review program during the 19/20 workshops and budget assessments); and
- playgrounds a total of \$602,000 - this includes the forward years 2022/23 to 2028/29 at a standard yearly allocation of \$30,000 pa.

If the above works are approved for \$1.4m, an increase to the LTFP renewal capital expenditure amounts for these tennis and netball court and related assets will be required. This amount may be offset by grant income and/or Community Club contributions and/or Community Club loans. An estimate for this offset funding will assist in the LTFP financial and cash flow planning.

During 2020 the IAMPs are due for review where an update to the asset stock, expected lives and, where required, condition assessments drawn from Council's asset registers, will be undertaken. This together with the Barossa Court Audit Report will inform and update the LTFP renewal programs for the relevant asset classes.

### Risk Management Considerations

Adoption of this more strategic approach to court asset management would ensure that whole of life costs are more accurately incorporated into forward capital and operational planning. It is recommended that court playing surfaces are maintained to the agreed service levels to ensure safe facilities for community sporting clubs as well as general public use and support community participation, health and wellbeing outcomes as articulated in Council's Community Plan.

## COMMUNITY CONSULTATION

Community sporting clubs were notified of the condition audit being scheduled and also sent the draft report for their feedback. No further community consultation is required under Council's Public Consultation Policy unless Council's chooses to do so.

## 7.3.2.2

**DRAFT MEMORIALS ON COMMUNITY LAND POLICY****B825****MOVED** Cr de Vries that Council:

- (1) Endorse the Draft Memorials on Community Land Policy as presented for public consultation under section 202(2) of the Local Government Act 1999 and in accordance with Council's Public Consultation Policy, subject to alteration to clause 4.1.2 – referenced in (4) below;
- (2) Approve the Draft Community Consultation and Communications Plan;
- (3) Require officers to submit a further report to Council at the conclusion of the consultation period outlining all submissions received.
- (4) Replace clause 4.1.2 – final bullet point to read “*Council will use best endeavours to contact relatives in the event that a memorial on community land needs to be removed or relocated.*”

**Seconded** Cr Boothby**CARRIED 2018-22/256****PURPOSE**

Presenting the updated Draft Memorials on Community Land Policy for Council's consideration to release for community consultation.

**REPORT**Introduction

Memorials dedicated to loved ones or those that have provided service is a sensitive but important topic for our community.

The Memorials on Community Land Policy is due for review and as well as reviewing the policy that applies to memorials on community land to commemorate local persons that have passed, the additional considerations of roadside memorials and the scattering of ashes on community land have been included.

Discussion

Officers have prepared an updated draft Policy (Attachment 1), incorporating the following considerations:

- Memorials placed in parks, gardens and reserves
- Roadside memorials depicting road accidents resulting in a fatality
- Scattering of ashes in parks, gardens and reserves, including cemeteries

The key policy principles for each of the considerations is to provide a compassionate, considerate and flexible approach to managing memorials:

Memorials in Parks and Gardens require applications to:

- be approved by Council via a report to an ordinary Council meeting
- be in keeping with existing masterplans or strategies for the site
- not compromise the aesthetic or cultural integrity of the site
- address Costs considerations
- accept that Council may direct the memorial to be removed or relocated as community needs change for the site
- no time limit for the memorial unless otherwise directed by Council.

Roadside Memorials

- Flexible, balanced, compassionate approach to individual preferences, road safety considerations, and nearby resident / businesses
- Memorials not to be installed with fixed footings
- Memorials to be least 1 metre outside the line of any guidepost, at least 2 metres way from edge of any road and 1 meter from the edge of any public accessway

- Memorials not compromise the health or integrity of any tree
- Should be a maximum size of approximately 1m square
- Should be temporary in nature, in place for 15 months or other appropriate time as negotiated with the family and friends of the deceased person and Council.

#### Scattering of Ashes

- Scattering of ashes is not recommended on Community Land

It is important to provide an appropriate amount of time for the community consultation phase. A four and a half week period throughout August 2019 is proposed. Attachment 2 provides the Draft Community Consultation and Communication Plan.

#### Summary and Conclusion

Council understands that the loss of a loved one is very difficult and can have a devastating impact for families and friends. The Memorials on Community Land Policy incorporating Roadside Memorials and scattering of ashes attempts to provide consistency across the region and guidance to officers on the receipt of requests and ongoing management of memorials.

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

Attachment 1: Draft Memorials on Community Land Policy Ref: 19/31010

Attachment 2: Draft Community Consultation and Communication Plan Ref: 19/39204

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

#### Community Plan



##### Community and Culture

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



##### Community and Culture

2.12 Contribute to a safer community

#### Corporate Plan



##### How We Work – Good Governance

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

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

#### Legislation

Local Government Act 1999 Section 221

Road Traffic Act 1961

Highways Act 1926

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

#### Financial and Resource Management

Administrative and advertising (463-820) costs for applications can be absorbed from existing operating budget.

#### Risk Management

The implementation of a Memorials on Community Land Policy will provide consistency across the region and guidance to officers on the receipt of requests and ongoing management of memorials.

### **COMMUNITY CONSULTATION**

Community Consultation will be completed in accordance with Council's Public Consultation Policy. The Draft Community Consultation and Communication Plan is provided at Attachment 2.

#### **7.3.2.3**

### **AMENDMENTS TO TERMS OF REFERENCE COMMUNITY TRANSPORT AND HOME ASSIST ADVISORY GROUP**

**B7318**

Author: Coordinator Community Transport and Home Assist

**MOVED** Cr Angas that Council approve the changes to the Barossa & Light Community Transport and Home Assist Advisory Group Terms of Reference as provided in Attachment 2 of this report.

**Seconded** Cr Haebich

**CARRIED 2018-22/257**

#### PURPOSE

To present proposed changes to the Barossa & Light Community Transport and Home Assist Advisory Group Terms of Reference.

#### REPORT

The Terms of Reference (TOR) for Barossa & Light Community Transport and Home Assist Advisory Group (the Group) are reviewed with the commencement of each new Group. The Group runs for the life of Council.

The TOR were first adopted by Council on 16 December 2014 ([Attachment 1](#)) and again by the current Council in November 2018:

**“MOVED** Cr Johnstone that Council:

- (1) Appoint Cr Boothby to the Community Transport and Home Assist Advisory Group for the life of this Council (or until further reviewed and changed);
- (2) Adopt the existing Terms of Reference for the Community Transport and Home Assist Advisory Group.

**Seconded** Cr Miller

**CARRIED 2018-22/31”**

The TOR were reviewed at the first meeting of the Group on 28 February 2019. The following changes were agreed:

- Update the “purpose of Community Transport Scheme” wording to better reflect current practice.
- Change meeting frequency wording “to be held at a minimum of quarterly or as agreed”.
- Change maximum group members from 16 to 12.
- Change minimum group members from 8 to 6.
- Remove Mid-Murray Council from the representatives list (as Mid-Murray Council no longer provide Community Passenger Network services).
- Some minor moving of points so they sit under the appropriate section.

The updated TOR ([Attachment 2](#)) were distributed and were agreed by the Group at the meeting on 6 June 2019.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Barossa & Light Community Transport and Home Assist Advisory Group Terms of Reference adopted 2014 and 2018

Attachment 2: Updated draft Barossa & Light Community Transport and Home Assist Advisory Group Terms of reference.

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

Community Plan



How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Local Government Act 1999

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

There are no financial, resource or risk management considerations.

**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****2019 BAROSSA MARATHON – ROAD CLOSURE REQUEST  
B9032 19/32617**

Author: Manager Engineering Services

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

Magnolia Road, Tanunda between Neldner Road and Research Road (5.30am-2.00pm), and

Research Road, Tanunda between Magnolia Road and Angaston Road (7.15am-2.00pm), and

Nuraip Road, Nuriootpa between Research Road and Light Pass Road (7.15am-11.30am), and

Light Pass Road, Light Pass between Nuraip Road and Penrice Road (7.30am-1.30pm), and

Penrice Road, Light Pass between Stockwell Road and Research Road (7.45am-1.00pm), and

Research Road, Nuriootpa between Penrice Road and Angaston Road (7.45am-1.00pm)

on Sunday 11 August 2019 for the purpose of the 2019 Barossa Marathon.

**Seconded** Cr Hurn

**CARRIED 2018-22/258**

**PURPOSE**

A request has been received from the South Australian Road Runners Club Inc as organisers of the 2019 Barossa Marathon Running Festival for the closure of a number of roads in Tanunda for the staging of the 2019 Barossa Marathon, which is to be held on Sunday 11 August 2019.

**REPORT****Discussion**

The Barossa Marathon is a walking and running event incorporating 42.2km, 21.1km, 10km and 5km events, the first event was held in 2012.

Event organisers are satisfied with the course designed for recent events and have elected to continue to replicate that same course for the 2019 event.

Makesafe Traffic Management (SA) has been engaged by organisers to prepare the event Traffic Management Plan and to also implement and monitor the road closures on race day.

Elected Members are advised that an approved road closure can be reopened earlier than approved but cannot remain in place later than approved i.e. the organisers have the flexibility to open up roads early if the runners are compete.

**Summary and Conclusion**

The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961.

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

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

Community and Culture



Health and Wellbeing



Business and Employment

- 2.1 Initiate and support activities which encourage participation and pride in The Barossa Council area.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 5.13 Support economic development through events

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS****Financial and Resources** -

The cost to advertise and implement the road closure is to be met by organisers.

**Risk management** -

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

**COMMUNITY CONSULTATION**

The community will be advised of the proposal by public advertisements to be placed in The Herald and The Leader and also via placement of the SAPOL notice on Council's website.

**7.4.1.2****2019 ADELAIDE HILLS RALLY - PROPOSED ROAD CLOSURE****B9032 19/34377**

Author: Manager Engineering Services

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

Starkey Road, Mount Crawford between Cricks Mill Road and Glen Devon Road between 7.00am and 1.00pm,

on Sunday 22 September 2019 to stage the 2019 Adelaide Hills Rally.

**Seconded** Cr Angas**CARRIED 2018-22/259****PURPOSE**

Ultimate Motorsport Events has applied to The Barossa Council for support as they plan the 2019 Adelaide Hills Rally on Sunday 22 September 2019.

**REPORT****Background**

The dates for the 2019 Adelaide Hills Rally will be from 20 – 22 September based at the Mount Barker Showgrounds and traversing the greater Adelaide Hills Region.

The Special Stage of Round 5 of the CAMS Australia Rally Championship and Round 4 of the MRF Tyres SA Rally Championship will utilise Starkey Road to join two sections of the Telephone Road forest section.

### **Summary and Conclusion**

The Rally will require a road closure and diversion of traffic on race day and organisers have engaged Workzone Traffic Control Pty Ltd to implement and monitor the closure.

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

### Community Plan



Community and Culture



Health and Wellbeing



How We Work – Good Governance

- 2.1 Initiate and support activities which encourage participation and pride in The Barossa Council area.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 5.13 Support economic development through events.

### Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

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

### **Financial and Resources** -

The cost and implementation of the road closure and associated advertising is to be met by the organisers.

### **Risk management** -

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

## **COMMUNITY CONSULTATION**

The community will be advised of the proposal by public advertisements to be placed in print media by SAPOL and also via placement of the SAPOL Section 33 notice on Council's website.

### **7.4.1.3**

### **REQUEST FOR UPGRADE TO CARPARK – REAR OF THE HUB – 83-87 MURRAY STREET - TANUNDA** **B750 19/38127**

Author: Manager Engineering Services

Pursuant to S75 of the Local Government Act, Cr Cathy Troup disclosed a perceived conflict of interest in the matter 7.4.1.3 – *Request for Upgrade to Carpark – Rear of the Hub – 83-87 Murray Street – Tanunda* as she is part of various committees and groups in The Hub, but is not on the Management Board.

Cr Troup advised the meeting of her conflict of interest and that she would remain in the chamber and vote on the matter.

**MOVED** Cr Haebich that:

- (1) Council do not allocate funding or resources for upgrade of the carpark at the rear of 83-87 Murray Street, Tanunda, as the carpark is located on private land.

- (2) Council support external grant initiatives of the Christian Community Hub for the upgrade of the carpark by their organisation.

**Seconded** Cr Hurn

**CARRIED 2018-22/260**

#### **PURPOSE**

The Committee of the Christian Community Hub (The Hub) has requested assistance from Council to upgrade the carpark at the rear of The Hub at 83-87 Murray Street – Tanunda.

#### **REPORT**

##### **Background**

The Christian Community Hub (The Hub) has been in discussions with The Barossa Council since at least 2002 concerning the carpark on private land behind The Hub property at 83-87 Murray Street, Tanunda. This private carpark extends to behind the property at 79-81 Murray Street, previously owned by The Barossa Council and used as the Tanunda Library, now owned by P McGorman. The carpark is accessed from Bushman Street and is readily used by the general public accessing the Tanunda main street precinct. Refer locality plan attached.

Discussions with The Hub in 2002 were had around a possible lease agreement between The Hub and The Barossa Council for management of the carpark, which was never realised.

Subsequent discussion in 2012 focussed on the car parking arrangements in context of the wider Tanunda main street precinct and community consultation as a part of the "Tanunda Urban Design Framework" Plan. This Plan has since been finalised, with implementation of the design development and construction of the proposed works dependent on available funding within a future Council budget.

Recent correspondence received from The Hub dated 20 July 2018 again seeks Council assistance to upgrade the carpark as it is not only used for The Hub, but also by members of the general public – see attached. Use of the carpark and associated maintenance pressures have increased in recent times due to increased main street development, such as the Valley Hotel. Issues with the carpark include flooding even in light rain, potholes, unsafe and uneven surface, unmarked parking spaces and the absence of disabled and pram parking. Recent recorded pedestrian falls have highlighted the continuing safety issues.

The Hub has sought external funding to assist with the carpark upgrade. Their recent "Fund My Neighbourhood" application for upgrade works was however un-successful.

The Hub has offered to contribute \$2,500 to the cost of the carpark upgrade by Council.

##### **Discussion**

The Barossa Council "Infrastructure Asset Management Plan (IAMP), Transport" was approved by Council in November 2008, with revisions in May 2017, and lists all of the Council carpark assets in Tanunda, which does not include the carpark at the rear of The Hub.

Any upgrade work by Council at The Hub car park would therefore need to be performed under a lease agreement if ongoing maintenance was to be the responsibility of Council. Otherwise the cost of any upgrade work by Council would need to be gifted to The Hub, with no ongoing responsibility to Council.

The Hub carpark is estimated to be an area of approximately 700 square metres, with costs of forming and sealing estimated to be between \$12,000 and \$22,000, depending on the amount of formation work required, whether a bituminous spray seal or Hotmix seal is placed and extent of ancillaries such as edging and line marking.

##### **Summary and Conclusion**

There is no allocation in the current financial year budget for upgrade works of this carpark.

Council is unable to allocate funding or resources for upgrade of carparks or other infrastructure on private land without a formal agreement in place.

If an agreement was put in place, Council would require the carpark to be formally acknowledged on Council's carpark asset register and a Level of Service allocated for ongoing maintenance.

Works on private land may create an unrealistic precedence in terms of community expectation for works on private land at other locations in the town and the wider region.

#### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Locality Plan.

Attachment 2 – Correspondence from The Hub, dated 20 July 2018.

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

##### Community Plan

Identify Theme/s (utilising the icons)



Infrastructure

- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.

#### FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Any increase to the levels of service associated with a new Council car parking asset will require the necessary capital upgrade and operational maintenance budgets.

With Council acceptance of the asset and level of service rating, capital upgrade costs associated with carpark upgrade are estimated to be notionally \$22,000.

The operations maintenance budget would require to be increased to accommodate the costs of ongoing maintenance in accordance with Council's IAMP.

#### COMMUNITY CONSULTATION

The IAMPS have previously been presented for community review.

##### 7.4.1.4

#### **REASSESSMENT OF ROAD CLASSIFICATION AND ROAD NAMING – GOVERNMENT ROAD – COCKATOO VALLEY**

**B9309 19/38915**

Author: Manager Engineering Services

**MOVED** Cr de Vries that:

- (1) With reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the service level classification for "Government Road", Cockatoo Valley, from Woodlands Road, westward to the end of the road reserve, be amended to have the following asset assessment rating scores:

1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
2. Social Priority - Score 2 (Low Social Importance, < 5 dwellings)
3. Freight Priority - Score 0 (No commercial vehicles)
4. Tourist Priority - Score 0 (No tourist potential)
5. Economic Priority - Score 0 (No development potential)
6. Accident History - Score 0 (No accident history)

- (2) "Government Road", Cockatoo Valley, informally known as "Sandland Road (West)", from Woodlands Road, westward to the end of the road reserve, be named Tomley Road.

**Seconded** Cr Troup

**CARRIED 2018-22/261**

#### **PURPOSE**

A request has been received from J Pridham for the upgrade of the unmade road – Government Road – Cockatoo Valley. This will require the road to be allocated with a Level of Service classification and to be formally named.

#### **REPORT**

##### **Background**

Government Road, Cockatoo Valley, is also informally known as Sandland Road, as a result of the extended relation to the existing Sandland Road located on the opposite (eastern) side of Woodlands Road. Refer attached general locality plan.

The name Government Road is a default road name allocated by the Lands Title Office to road reserves on a paper plan where no other name exists.

A development application for a garage shed at the rear of the property at 284 Woodland Road (Section 190) was approved in 2002. The planning conditions of development approval did not specify any safe access requirements to the allotment. As a result of significant dense native vegetation on the allotment, access was subsequently constructed from the end of the unmade Government Road at the side of the property, rather than from the fully made Woodlands Road at the front.

A further development application for a dwelling on the property was approved in 2011. The planning conditions of development approval required that Private roads and access tracks shall be made safe and convenient with a formed all weather surface. There was however no requirement to upgrade the Public road access – Government Road. Pre-existing use of Government Road to access shed development already on the site assumes access is appropriate for purpose and any upgrade, if required, is deemed to be the responsibility of Council. Refer attached plan.

Correspondence has been received from J Pridham, dated 5 June 2019 and 11 June 2019, for the upgrade of the unmade road – Government Road – Cockatoo Valley, for road safety reasons.

##### **Introduction**

The Barossa Council "Infrastructure Asset Management Plan (IAMP), Transport" was approved by Council in November 2008, with revisions in May 2017.

Section 3.4 of the IAMP outlines service level classifications for all roads across the Council area, defined in terms of Community Levels of Service and Technical Levels of Service. Community Levels of Service measure how the community receives the service and whether the organisation is providing community value. Each measure is intended to be rated with a score based on empirical field data collection. The six measures of assessment for Roads are:

1. Function
2. Social Importance
3. Freight Use
4. Tourist Importance
5. Development Potential
6. Accident History

Council's asset management data base identifies Government Road as a rural road reserve with an unmade road. As such there is no recognised Council road asset in Government Road.

The unmade road is approximately 520 metres in length and has been shaped within the natural earth and rock surface over time. The existing surface includes sections ranging from exposed "ironstone" rock to sandy clay. There has been no placement or construction of crushed rubble road base or other infrastructure such as stormwater drainage.

The level of road safety provided by an unmade road of this nature is unknown as the surface materials and formation have no quantifiable engineering specification or quality to assess against. The road properties would vary significantly during the yearly season cycle. Especially in the wet, the road would become slippery and not provide desirable safe road access to a residential dwelling.

Government Road has become the primary access to the Pridham residence and the only access to a rural paddock at the road end. Therefore, in accordance with the Local Government Act, the road is required to be maintained by Council in a safe and convenient condition commensurate to its use.

An unmade road is not able to be improved by grading unless there is a depth of rubble base material to work with, to ensure a compacted road surface can be achieved, consistent with the quality and surface finish of other roads in the region. Notwithstanding, the unmade road surface has been loose graded by Council on at least one occasion over the past 10 years.

The road asset Level of Service (LoS) requirements are outlined in Council's Infrastructure Asset Management Plan (IAMP).

For the road to be upgraded to the required LoS, Council is first required to:

- Allocate an appropriate LoS to the road in accordance with Council's IAMP.
- Name the road so it can be recorded in Council's IAMP as a road asset.

### **Discussion**

The Level of Service appropriate for Government Road would be the lowest classification for a rural road in Council's IAMP. This is consistent with Sandland Road nearby, which has similar uses and community expectations.

The proposed Level of Service scores for Government Road are as follows:

1. Function Priority – Score 2 (Class 5: Local Access, < 5 dwellings)
2. Social Priority – Score 2 (Low Social Importance, < 5 dwellings)
3. Freight Priority – Score 0 (No commercial vehicles)
4. Tourist Priority – Score 0 (No tourist potential)
5. Economic Priority – Score 0 (No development potential)
6. Accident History – Score 0 (No accident history)

The Daily Average Vehicle Counts traffic counts on Government Road would be low. The road currently accesses a single existing dwelling and a rural paddock.

There has been no recorded crash accident history on Government Road.

The road is proposed to be upgraded to the lowest level Council asset – a rural road – with compacted rubble road pavement up to 6 metres, where space allows. The road will however be mostly narrower than this, down to nominal 3 metres in places, to fit within the existing cut formation and native vegetation constraints. The road construction will need to include appropriate drainage infrastructure such as culvert crossings at natural low points.

The cost of road construction is estimated to be approximately \$25,000.

Regarding road names, these are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process".

The name TOMLEY has been selected from a list formulated from local history groups and the general community requests over time.

David Ronald Tomley was born 23 September 1924 in Adelaide and with his family moved to Cockatoo Valley in 1937, his mother was a sister to Tom and Allan Childs of Williamstown. The following points provide a summary of David Tomley.

David joined the Navy in 1942 and served on the ship Quickmatch for the duration of the war, boxing was a passion and he was boxing champion in the navy in his weight division. David played football for Sandy Creek and won the Sunday Mail – Mail Medal in 1950 and was runner up in 1949. Weight lifting was also a passion for him and in 1966 he won the National Record Holder for his age group. As part of this background, he was selected to go to the Melbourne Olympics as a minder for the Russian Team in weight lifting. David worked for the Gawler Fire Brigade from 1955 for 9 years, and then for PMG (now Telstra) from 1964 until he retired at age 60.

**Summary and Conclusion**

Government Road is not currently registered as a road asset on Council's IAMP. The road therefore is not included in Council's road maintenance plans.

Given the road accesses a residential dwelling, it is not deemed to be fit for purpose in its current form.

For the road to be upgraded it will require Council to approve an appropriate road asset level of service. This process will require the road to be named for Council to record the road asset in the IAMP.

If upgraded, the road will incur future capital upgrade grading and operational maintenance interventions as outlined in Council's IAMP. The frequency of grading is expected to be as required, subject to inspection and would not be more than once per year.

Within The Barossa Council region, there are no existing roads with the name TOMLEY.

In accordance with The Barossa Council "Selection of Road and Public Place Names Process", it is proposed that "Government Road", Cockatoo Valley, informally known as "Sandland Road (West)", from Woodlands Road, westward to the end of the road reserve, be named Tomley Road.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 - General locality plan.

Attachment 2 – Plan, showing dwelling access.

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

Community Plan



Infrastructure

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

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Any increase to the levels of service associated with Government Road will require a commensurate increase in the necessary capital road upgrade and operational road maintenance budgets.

With acceptance of this asset rating amendment recommendation the road upgrade cost of \$25,000 will require a budget adjustment to be funded from the \$200,000 unallocated re-sheet budget. The operations maintenance budget is required to be increased to accommodate the costs of approximately one grade per year along the length of the road.

**COMMUNITY CONSULTATION**

The IAMPs have previously been presented for community review.

**7.4.1.5****NAMING OF STREETS – REDEEMER HEIGHTS LAND DIVISION - NURIOOTPA  
B7407 19/39099**

Author: Manager Engineering Services

**MOVED** Cr Wiese-Smith that the two new roads created within the Redeemer Heights land division, Nuriootpa, labelled Road A and B, be named Weidenbach Street and Siegele Close respectively.

**Seconded** Cr Hurn

**CARRIED 2018-22/262**

**PURPOSE**

A request has been received from the developer of the Redeemer Heights land division adjacent Atze Parade, Nuriootpa, for the naming of two new residential roads.

**REPORT****Background**

The construction of a new land division by Grosser Engineering Pty Ltd at Allotment 20 Atze Parade, Nuriootpa, is nearing completion. There are two new roads within the land division that are required to be named. Refer General locality plan attached and land division layout plan attached.

**Discussion**

New road names for the Nuriootpa area have been selected from a list formulated from the local history group and the general community requests over time.

Road names are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process".

Council's Local History Officer, Ms Jo Zander, assisted in the proposed street name selection of SIEGELE and WEIDENBACH. Both of these families have operated businesses in Nuriootpa for nearly 100 years.

John SIEGELE operated as a blacksmith in Angaston before his son, Alfred, opened a car business in Nuriootpa in 1922. He was succeeded by his son, William (Bill). The business is now known as WA Siegele & Co., owned and operated by Bill's sons Michael and Jonathon. Bill's wife, Phillis, still lives at her home in Nuriootpa and and plays golf at the age of 93 at Barossa Valley Golf Club, Kalimna.

Benno Weidenbach was the publican at Angas Park Hotel in Nuriootpa from 1898-1913. Benno and Theo Weidenbach were publicans at the Vine Inn from 1922-1934 and Bruno Weidenbach in 1947.

Ronald Weidenbach owned and operated a shoe store in Murray Street, Nuriootpa, for many years in the mid-twentieth century. Ron and his wife, Hazel, were both active in the community and were keen golfers at Barossa Valley Golf Club, Kalimna. Ron took up flying on his retirement from the shoe store and after the death of Hazel.

**Summary and Conclusion**

Within The Barossa Council region, there are no existing roads with the names SIEGELE or WEIDENBACH.

In accordance with The Barossa Council "Selection of Road and Public Place Names Process", it is proposed that the two new roads created within the Redeemer Heights land division, Nuriootpa, labelled Road A and B, be named WEIDENBACH Street and SIEGELE Close respectively.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – General locality plan.  
Attachment 2 – Land division layout plan.

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

Community Plan



Infrastructure

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

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil. All costs associated with the naming and sign posting of new roads within land developments are borne by the developer.

**COMMUNITY CONSULTATION**

No formal community consultation has been engaged, however reference has been made to The Barossa Council "Selection of Road and Public Place Names Process".

**7.5.1 DEVELOPMENT SERVICES - DEBATE**

Nil

**7.5.2. ENVIRONMENTAL SERVICES REPORT - DEBATE****7.5.2.1****GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY – CHARTER REVIEW  
B9072**

Author: Director Development and Environmental Services

**MOVED** Cr Johnstone that Council;

- (1) Receive and note the final Draft GRFMA Charter Review document.
- (2) Authorise the Chief Executive Officer or his delegate to inform the Executive Officer of the GRFMA that Council supports the revised draft of the Charter as presented, and notes that a subsequent request to adopt the amended Charter will be forthcoming.

**Seconded** Cr de Vries**CARRIED 2018-22/263****PURPOSE**

To seek Council comments and support for the revised version of the Gawler River Floodplain Management Authority Charter.

**REPORT**Background

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

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

The operations of the Authority is governed by its Charter.

Introduction

In April 2017, a motion to review the GRFMA Charter was proposed during debate of the proposed Northern Floodway Project. This followed a previous resolution that the GRFMA not review the Charter until such time as flood mitigation infrastructure was costed.

The intent of the motion was to ensure all councils are aware of the percentage rates of contribution each council makes to the Authority and noted some small councils have a smaller ratepayer base and limited capacity to pay.

Review of the Charter to 'change' the contribution funding formulae at this time was not considered necessarily the best option or only option as clause 10.7 of the GRFMA Charter provides opportunity for future consideration.

Clause 10.7 "*The Board on behalf of the Authority may enter into separate funding arrangements with Constituent Councils and with any State or Federal Government or their agencies in respect of any project undertaken or to be undertaken by or on behalf of the Authority*".

In mid-2017, Adelaide Plains Council (APC) sought to withdraw from the Authority.

In October 2017, the GRFMA Board resolved to initiate processes to progress review of the GRFMA Charter and Governance framework, but subsequently deferred advancement of the Review

pending decision process by the Minister for Local Government in relation to the APC's application for withdrawal.

In May 2018, the Board resolved to form a Charter Review Working Group consisting of one representative from each Constituent Council, to consider and develop a suitable methodology and process to facilitate delivery of the GRFMA Charter and Governance Review.

At the August 2018 meeting, the Board endorsed the Charter Review Working Group recommendation that the Review be undertaken in two phases consisting of:

- a) A Charter Review to be undertaken now as the shorter-term action: and
- b) Following completion of the Charter Review a further process to scope and consider other contemporary governance arrangements be undertaken.

The Review specifically excluded a review of the quantum of Constituent Council contributions to the subsidiary. This will be undertaken as a separate review.

Over the period since August 2018, the Charter Review Working Group had presented a working draft of a revised Charter that was in line with current best practice. The group also received legal review of the Charter.

At the April 2019 meeting, the Board received the final Draft GRFMA Charter Review document and following discussion and agreement on identified items directed that a copy of the final draft GRFMA Charter Review document, as amended, be provided to Constituent Councils for comment and support.

The Board also reinforced that it will, amongst other aspects and as a priority, commit to a further review of the Charter during the 2019-20 financial year that examines percentage rate contributions for each council.

#### Discussion

As stated, the Charter Review Working Group conducted the review with the intent to bring it in line with current best practice, using other similar subsidiary authorities as guidance.

A final comparative clean version of the Charter is provided in Attachment 1. A comparative tracked version is provided in Attachment 2.

A summary of key changes include:

- Introduction of a definitions and interpretation sections
- New options to identify Board and Deputy Board Members:
  - Council CEO or nominee plus a Deputy
  - Elected Member plus Deputy
- Removal of 'Observers' to meetings
- New process for appointment of Chairperson three-year term.
- Reworded and reorganised to reflect Role and Functions and provision for a new Code of Practice for Meeting Procedures.
- Provision for the establishment of Committees
- Provision for Annual Business Plan and Annual Budget - clarification that Council approve the Budget as a whole.
- New Management Framework requiring a Long-Term Financial Plan, a Strategic Plan and an Asset Management Plan as well as annual Budget.

The Executive Officer has written to each Constituent Council seeking feedback and indication of support by 15 July 2019. This is not a formal resolution to adopt the revised Charter, but only to seek feedback. A final version of the Charter will be forwarded for formal resolution of amendments and adoption.

#### Summary and Conclusion

The GRFMA has conducted a review of its Charter.

The Charter is now presented to each Constituent Council for consideration and comment, with the need to formally advise the Authority that it supports the revised Charter with or without amendments.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Revised Charter (clean version)  
Attachment 2 – Revised Charter (tracked version)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Natural Environment and Built Heritage



Infrastructure



Health and Wellbeing



How We Work – Good Governance

### Corporate Plan

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

### Legislative Requirements

Local Government Act 1999

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### *Financial Management*

The Review specifically excluded a review of the quantum of Constituent Council contributions to the subsidiary.

At the April 2019 meeting, the Board reinforced that it will, amongst other aspects and as a priority, commit to a further review of the Charter during the 2019-20 financial year that examines percentage rate contributions for each council.

### *Risk Management*

Nil

## COMMUNITY CONSULTATION

Nil

### **7.5.3 HEALTH SERVICES – DEBATE**

Nil

### **7.5.4 REGULATORY SERVICES – DEBATE**

Nil

### **7.5.5. WASTE SERVICES - DEBATE**

#### **7.5.5.1.**

#### **HARD WASTE SERVICE OPTIONS**

**B7240**

Author: Director Development and Environmental Services

**MOVED** Cr de Vries that Council:

- (1) Support, subject to final operational considerations, the implementation of a Hybrid of Options 3 and 4 as outlined in the *Hard Waste Options Paper* (dated 4

June 2019) as a means of providing a hard waste service for the 2019-20 financial year.

- (2) Authorise the Chief Executive Officer or his Delegate to amend Clause 4.17.1 in the Waste Management Service Policy, by deleting 'disposal' from the first sentence.

**Seconded** Cr Johnstone

**CARRIED 2018-22/264**

#### **PURPOSE**

To present options for a hard waste services to council residents, and seek a minor amendment to the Waste Management Service Policy.

#### **REPORT**

##### Background

As part of Council's broader Waste Management Strategy, the Development and Environmental Services Directorate has been exploring opportunities to address other key waste streams, such as soft plastics, hard and electronic waste.

Throughout, and subsequent to the community engagement for the new waste contract Council has received commentary (ie. submissions, Facebook comments) for the need to provide a hard waste service for ratepayers, particularly since the closure of the Belvidere Road Facility that was operated by Cleanaway.

##### Introduction

The Barossa Regional Procurement Group included hard waste as part of the mix of services to be quoted as part of the tender. The tenderers were requested to quote on an Annual Kerbside Collection Campaign, as a means of determining the potential cost of providing the service.

When adopting the *Waste Management Service Policy* in April 2018, it was resolved that Council may offer a hard waste (including e-waste) disposal service. The extent and scope of this service to be considered annually as part of the budget process.

In 2018, to address this need, Council supported a number of new initiatives including participating in the *Garage Sale Trail* and supporting the Scheme Waste (e-waste) Depot operated by The Fathers Farm (now called John's Shed).

##### Illegal dumping:

Regional councils are faced with a level of illegal dumping of waste, including household items. While there are significant penalties (for individuals, penalties can be as high as \$500,000 or four years imprisonment, for a corporate body the penalty can be as high as \$2 million) the ability to identify who is responsible and prosecute can prove difficult.

Data from the customer request system shows the level of dumping activity reported to Council in the past two financial years:

<b>Request Type</b>	<b>17/18</b>	<b>18/19</b>
Litter Control – Private Land	6	9
Litter Control – Public Land – Removal	79	86
Litter Control – Public Land – Investigation	22	29
<b>Total</b>	<b>107</b>	<b>127</b>

While not a full proof solution, the provision of a hard waste service does assist in the reduction in dumping within some areas. However, it is noted that those responsible for dumping are generally located beyond the council area.

##### Discussion

Both the previous and current Council have been provided briefings on hard waste management options.

During the budget discussion for 2019-20, Elected Members requested that Council Administration provide detail on options to be considered.

At the July workshop, Elected Members were presented with options to supplement the existing service levels made available to residents. These options are:

- Option 1A - Annual area-wide collection campaign for townships and voucher disposal for rural areas
- Option 1B - On Call Service collection campaign for townships and voucher disposal for rural areas
- Option 2 - Discount Voucher Disposal at commercial operators/other facilities
- Option 3 - Council site skip bins
- Option 4 - Increase service levels at Springton Transfer Station

Details on these options and their respective costings is summarised in the Hard Waste Options Paper (*Attachment 1*).

Waste Management Services Policy:

It is recommended that Clause 4.17 in the Waste Management Service Policy be amended (ie. deletion of the word 'disposal') to enable Council to consider a variety of hard waste service options each year.

#### Summary and Conclusion

Following commentary (ie. submissions, Facebook comments) for the need to provide a hard waste services for ratepayers, a number of options have been investigated and subsequently presented to Council for consideration as part of the 2019-20 budget process.

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

Attachment 1 – Hard Waste Options Paper

Waste Management Service Policy <https://www.barossa.sa.gov.au/sections/development-works-services/waste-disposal/waste-services>

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

#### Community Plan



Natural Environment and Built Heritage

#### Corporate Plan

- 1.9 Participate in initiatives, or advocate for, improvement to recycling, re-use, and minimisation education initiatives to reduce waste disposed to landfill.
- 4.10 Facilitate access to hard and green waste facilities and associated recycling opportunities that reduce waste disposed to landfill and support the environment.

#### Legislative Requirements

Local Government Act 1999

Environment Protection Act 1993

Green Industries SA Act 2004

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

#### Financial Management

\$74,711 is allocated for the Springton Transfer Station within the Works and Engineering Services 2019-20 budget. Option 4 would require an increase in the WES budget allocation for disposal costs and wages.

\$50,000 (\$20K carried forward from the 18-19 budget) have been allocated in the Development and Environmental Services 2019-20 budget to provide a hard waste service. Of the options presented, Option 3 is achievable within the allocation. Options 1 and 2 would require a budget adjustment (potentially from Waste and Recycling Reserves) to cover the expected costs.

#### Risk Management

The Barossa Regional Procurement Group opted to include hard waste as part of the mix of services to be quoted as part of the tender. The tenderers were requested to quote on an Annual

Campaign. For The Barossa Council the hard waste collection service was proposed to commence operation in the week beginning early October and conclude at the end of the week beginning early December. The waste contract with Solo Resource Recovery, reserves the right for Council to consider the provision of a kerbside collection service.

Options 1 and 2 present less risk to Council, as it is the contractor or resident that is taking responsibility for the collection and disposal of the waste. In effect the end to end process of these options limits the level of council involvement.

Options 3 and 4 provide a level of risk to Council. The operations would be located primarily on council owned land, though there are options for alternate non council land to be considered. The options would also require council resources (ie. depot staff) to manage the site and handle the waste.

A full assessment of the operational impacts of Options 3 and 4 will need to be undertaken before these options are implemented. Options 3, in particular, would need a full risk assessment to be conducted before a 'pop up' facility could operate.

Any formal approval/licensing requirements will also need to be considered.

<b>COMMUNITY CONSULTATION</b>
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Nil

**8. CONFIDENTIAL MATTER – 11.05AM**

**8.1 MAYOR - CONFIDENTIAL – 11.05AM**

**8.1.1**

**CHIEF EXECUTIVE OFFICER'S 2018/19 PERFORMANCE AND CONDITIONS OF CONTRACT REVIEW**

**E1200**

Pursuant to S120(1) of the Local Government Act 1999 Mr Martin McCarthy, Chief Executive Officer, disclosed a conflict of interest in the matter 8.1.1 *Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review* as it relates directly to his performance outcome, future targets and contractual conditions of employment.

Mr McCarthy advised Council of the conflict of interest and stated he would remain in the meeting to answer any questions from members and would leave the meeting prior to any debate commencing.

All other staff members left the meeting at 11.05am.

Cr Johnstone retired from the meeting at 11.05 and returned at 11.07am.

Mr McCarthy left the meeting after answering question at 11.26am.

The matter of the agenda item being a matter pertaining to the review of an employee's performance and employment conditions pursuant to Section 90(3)(a) of the Local Government Act 1999 ("the Act") being information that should be considered in confidence in order to ensure that private information as contemplated by the Section 90(9) being information that is personal as it relates to the employment conditions and performance of the Chief Executive Officer. The personal affairs definition under Section 90(9) will be limited to consideration of the necessary matters and no resolution may be made that restrict the release of information required under of Section 91(8) of the Act which is to release information on the remuneration and conditions of service will be disclosed in the public register of salaries, once set.

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 given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

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

**MOVED** Cr Hurn that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public and officers be excluded from the meeting, in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999, relating to agenda item 8.1.1 Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review 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 release information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); 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 are that the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

**Seconded** Cr de Vries

**CARRIED 2018-22/265**

#### **RESUMPTION OF OPEN COUNCIL MEETING – 11.43AM**

The open meeting of Council resumed at 11.43am.

In the matter *8.1.1 – Chief Executive Officer's 2018/2019 Performance and Conditions of Contract Review*:

**MOVED** Cr de Vries that Council, having noted the exceptional performance results (including similar results now over seven years and three consecutive Councils) showing a performance outcome of 8.07 out of a possible 9 from 21 respondents this financial year, the Chief Executive Officer's annual performance report, and the remuneration and conditions of contract request, congratulates Mr Martin McCarthy on the performance outcome and:

- (1) Conclude the annual performance review and move to secure the long term service of the Chief Executive Officer.
- (2) Authorise the targets as outlined in the annual performance report of the Chief Executive Officer for the 2018/19 financial year.

- (3) In accordance with the contract of employment for the Chief Executive Officer, authorise the revised remuneration and conditions of contract conditions as requested and agreed between the Performance Review Committee and the Chief Executive Officer as outlined in Attachment 6a and 6b and in accordance with this report authorise the Mayor to finalise a new contract of employment substantially in accordance with that outlined and to execute the contract on behalf of Council.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 (the Act), makes an order pursuant to Section 91(7), that the report, documents and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 16 July 2019 in relation to item 8.1.1 Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review be kept confidential and not available for public inspection, except information required to be released pursuant to Section 91(8) of the Act, until the conclusion of the Chief Executive Officer's employment and the said order be reviewed by Council annually on the basis it has received and discussed a matter pertaining to the employment and performance review and conditions of employment of the Chief Executive Officer as contemplated by Section 90 (3)(a) of the Act.

**Seconded** Cr Johnstone

**CARRIED CO2018/22-12**

## **9. URGENT OTHER BUSINESS**

### **9.1 REQUEST – LEAVE OF ABSENCE – CR BOOTHBY**

Pursuant to S73 of the Local Government Act 1999 Cr Boothby disclosed a material conflict of interest in the matter 9.1 – *Request - Leave of Absence – Cr Boothby* 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 Boothby advised Council of the conflict of interest and left the meeting at 11.44am.

**MOVED** Cr Wiese-Smith that Cr Boothby be granted Leave of Absence from Saturday 3 August 2019 to Thursday 29 August 2019 inclusive.

**Seconded** Cr Troup

**CARRIED 2018-22/266**

Cr Boothby returned to the meeting at 11.45am.

## **10. NEXT MEETING**

Tuesday 20 August 2019 at 9.00am.

## **11. CLOSURE OF MEETING**

Mayor Lange declared the meeting closed at 11.45am.

Confirmed at Council Meeting on 20 August 2019

Date:.....

Mayor:.....

**CONFIDENTIAL**

**CONFIDENTIAL MINUTES  
OF THE MEETING OF THE BAROSSA COUNCIL  
held pursuant to the provisions of Section 90(2) of the Local Government  
Act 1999 on  
Tuesday 16 July 2019 commencing at 11.05am**

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**MEMBERS PRESENT**

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

**OFFICERS PRESENT**

Mr Martin McCarthy, Chief Executive Officer (until 11.26am)

**LEAVE OF ABSENCE**

Cr Richard Miller  
Cr Kathryn Schilling

**APOLOGIES**

Nil

**8.1. MAYOR - CONFIDENTIAL****8.1.1****CHIEF EXECUTIVE OFFICER'S 2018/19 PERFORMANCE AND CONDITIONS OF CONTRACT REVIEW**  
**E1200**

Mr Martin McCarthy remained in the meeting to answer questions from members.

Cr Johnstone retired from the meeting at 11.05am and returned at 11.07am.

Cr Hurn retired from the meeting at 11.18am and returned at 11.20am.

Mr Martin McCarthy left the meeting at 11.26am prior to any debate on the matter.

**MOVED** Cr de Vries that Council, having noted the exceptional performance results (including similar results now over seven years and three consecutive Councils) showing a performance outcome of 8.07 out of a possible 9 from 21 respondents this financial year, the Chief Executive Officer's annual performance report, and the remuneration and conditions of contract request, congratulates Mr Martin McCarthy on the performance outcome and:

- (1) Conclude the annual performance review and move to secure the long term service of the Chief Executive Officer.
- (2) Authorise the targets as outlined in the annual performance report of the Chief Executive Officer for the 2018/19 financial year.

- (3) In accordance with the contract of employment for the Chief Executive Officer, authorise the revised remuneration and conditions of contract conditions as requested and agreed between the Performance Review Committee and the Chief Executive Officer as outlined in Attachment 6a and 6b and in accordance with this report authorise the Mayor to finalise a new contract of employment substantially in accordance with that outlined and to execute the contract on behalf of Council.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 (the Act), makes an order pursuant to Section 91(7), that the report, documents and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 16 July 2019 in relation to item 8.1.1 Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review be kept confidential and not available for public inspection, except information required to be released pursuant to Section 91(8) of the Act, until the conclusion of the Chief Executive Officer's employment and the said order be reviewed by Council annually on the basis it has received and discussed a matter pertaining to the employment and performance review and conditions of employment of the Chief Executive Officer as contemplated by Section 90 (3)(a) of the Act.

**Seconded** Cr Johnstone

**CARRIED CO2018/22-12**

**CLOSURE OF CONFIDENTIAL MEETING**

There being no further business the confidential meeting closed at 11.43am.

Confirmed at Council meeting Tuesday 20 August 2019

Date: .....

Mayor: .....