



## *The Barossa Council*

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

held on Tuesday 20 August 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, Russell Johnstone, Don Barrett, Cathy Troup, Kathryn Schilling, Richard Miller and Carla Wiese-Smith

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

Cr Leonie Boothby

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

Cr Dave de Vries

**MOVED** Cr Miller that the apology received from Cr de Vries be noted.

**Seconded** Cr Johnstone

**CARRIED 2018-22/267**

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

**MOVED** Cr Haebich that the Minutes of the Council meeting held on Tuesday 16 July 2019 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Barrett

**CARRIED 2018-22/268**

**MOVED** Cr Johnstone that the Minutes of the Confidential Council meeting held on Tuesday 16 July 2019 at 11.05am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/269**

#### **1.6 MATTERS ARISING FROM PREVIOUS MINUTES**

Nil

#### **1.7 PETITIONS**

Nil

#### **1.8 DEPUTATIONS**

Nil

**1.9 NOTICE OF MOTION**

Nil

**1.10 QUESTIONS – WITH OR WITHOUT NOTICE**

Questions – On Notice – Cr Carla Wiese Smith - Williamstown Dog Park

**QUESTION:**

What consultation has/will be undertaken with the Williamstown community regarding the selected dog park location?

**RESPONSE:**

Council undertook a community survey to ascertain interest and general location ideas prior to endorsing the parks and accepting funds from the relevant Minister.

Further various meetings were held onsite with Debbie Boehm, Mayor Lange, Cr Wiese-Smith and Park Managers (WQVJP).

Council resolved not to undertake further consultation by defeating the amendment motion, therefore no further specific engagement will occur.

**QUESTION:**

What consultation has/will be undertaken with the Williamstown community regarding the decision to remove/relocate the WQVJP playground to make way for the dog park?

**RESPONSE:**

Consultation as part of the Williamstown QVJP Masterplan process which included at least 10 stakeholder sessions and wide community consultation prior to adopting the plans. Relevant stakeholders will be engaged in implementation.

**QUESTION:**

What is the anticipated date for the playground relocation?

**RESPONSE:**

No defined project start date as yet - once the contractor has reviewed the site and we have done another walk through with stakeholders and Works Department these details will be finalised.

**QUESTION:**

As there is currently no grassed area at the Williamstown site (resulting in wet, slippery conditions during winter and very dry, dusty conditions during summer) and safety concerns have been raised regarding slippery pine needles:

- What remediation works will be undertaken to ensure the ground surface is not only safe, but suitable for the intended purpose?
- How will a safe, grassed area be maintained in the dog park?

**RESPONSE:**

As with all services, sites will be monitored including any request for service activity. Current service levels are acceptable for those children and adults utilising the facility at present.

Council has not agreed to any change in the Williamstown dog park surface treatment, the Nuriootpa park will be monitored to understand impacts on the surface as well as any impact on the structure of the flood banks, and appropriately managed thereafter.

**QUESTION:**

With limited parking space near WQVJP during home football games, what is the plan to ensure (safe) parking spaces are available for dog park users?

**RESPONSE:**

Access will be limited for a short period of time being 11 days per annum, off street car parking is also located to the east and west of the location. Unfortunately there will be a temporary impact for a limited timeframe at the location.

**QUESTION:**

What is the final area of each of the Nuriootpa and Williamstown dog parks?

**RESPONSE:**

With Council having now made its final decisions contractors are being organised. The Nuriootpa park should achieve an estimated size of around 2,700 square metres and Williamstown, once the contractor has reviewed, will be reported back to Council, but in accordance with Council's instructions staff will attempt to ensure it is expanded to 3,000 square metres.

**QUESTION:**

What are the anticipated completion dates for the Nuriootpa and Williamstown dog parks?

**RESPONSE:**

Nuriootpa components have now been ordered and it is estimated to be completed in October 2019. With Council reconsidering Williamstown and putting the contractor on hold it is unknown at this time when Williamstown will be complete, this will be reported back to Council as soon as a confident target date can be provided.

**MOVED** Cr Miller that Council receive and note the questions on notice and responses and that they be entered into the minutes of the meeting.

**Seconded** Cr Haebich

**CARRIED 2018-22/270**

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

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

**Seconded** Cr Hurn

**CARRIED 2018-22/271**

**3. COUNCILLOR REPORTS**

Nil

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

Cr Angas did not wish to withdraw item 4.2.1.1 – *Local Government Association SA – Membership Subscription 2019/20* but asked the Chief Executive Officer the amount of the membership subscription.

Mr Martin McCarthy, Chief Executive Officer advised the membership subscription was in the vicinity of \$41,000 (confirmed after the meeting to be \$41,236).

**5.2 RECEIPT OF CONSENSUS AGENDA**

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

**Seconded** Cr Johnstone

**CARRIED 2018-22/272**

**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**

9.27am - Mayor Lange presented Youth Grant certificates to Amber Perry, Liam Tappert, Finn Reed, Jessica Gobell, Austin McDonald, Mitchell McDonald, Riley McDonald, Maegan Schiller, Hayden Schiller, Kai Carson, Bailey Lobegeiger, Max Moritz and Kegan Coulter – Refer Minute Book page 2019/335

**6.2 ADJOURNMENT OF COUNCIL MEETING**

10.40am – Refer Minute Book page 2019/340

**7. DEBATE AGENDA****7.1 MAYOR – DEBATE**

Nil

**7.2 EXECUTIVE SERVICES - DEBATE****7.2.1.1****NOMINATIONS FOR CHAIR AND DEPUTY CHAIR OF LEGATUS GROUP**

**B9103 19/41182**

**MOVED** Cr Angas that the correspondence be received and noted.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/273**

**PURPOSE**

Tabling calls for nomination for Chair and Deputy Chair of Legatus Group.

**REPORT**

A call for nominations to the Chair or Deputy Chair (2) at the upcoming Annual General Meeting of Legatus has been issued, please find attached.

The Mayor is effectively the member of Legatus and is therefore the only member that can nominate.

Should the Mayor or Council wish to nominate the Mayor nominations are required by 23 August 2019.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Email correspondence

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

Community Plan



How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Section 43 of the Local Government Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

**COMMUNITY CONSULTATION**

No consultation required by legislation or policy.

**7.2.1.2**

**THE BAROSSA COUNCIL QUARTER 4 – 2018/19 PERFORMANCE & ACTIVITY REPORT  
19/46004**

Author: Manager Strategic Projects

**MOVED** Cr Wiese-Smith that Council receives and notes The Barossa Council Quarter 4 – 2018/19 Performance & Activity Report.

**Seconded** Cr Hurn

**CARRIED 2018-22/274**

**PURPOSE**

To provide Council's Quarter 4 – 2018/19 Performance & Activity Report on measures adopted within the Barossa Council Corporate Plan 2016/17 to 2019/20.

**REPORT**

Background

Since November 2016, Council has been presented with Quarterly Performance Reports on measures adopted within the Corporate Plan.

Introduction

The Barossa Council Quarter 4 – 2018/19 Performance & Activity Report provides performance results against Corporate Plan measures as at 30 June 2019. The report also includes a suite of activity measures, providing a snapshot of activity undertaken over the quarter in the delivery of key internal and external Council services under each Community Plan Theme.

Discussion

As part of ongoing continuous improvement activity officers are continuing to refine counting rules and formulas for the extraction and analysis of data, which may result in the revision of previously reported results where the data has been refined or cleansed. Where this is the case, the report will include a disclaimer regarding the nature of any changes implemented and its impact on the data.

Additionally, where justification exists, performance targets may be amended to reflect a more realistic figure. As above, where this is the case, the report will include an explanation of the nature of and justification for any changes implemented and its impact on the data.

Summary and Conclusion

The Barossa Council Quarter 4 – 2018/19 Performance & Activity Report is presented for Council consideration.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

The Barossa Council Quarter 4 – 2018/19 Performance & Activity Report.

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

Community Plan



## How We Work – Good Governance

Corporate Plan

A6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

Legislative Requirements

Nil

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Current resources are sufficient to provide ongoing quarterly reporting.

**COMMUNITY CONSULTATION**

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

**7.2.1.3****COMPLAINT HANDLING PROCESS UNDER THE CODE OF CONDUCT FOR COUNCIL MEMBERS B1485**

Author: Governance Advisor

**MOVED** Cr Johnstone

- (1) That pursuant to Part 2 of the Code of Conduct for Council Members, Council receives, considers and approves the draft Complaint Handling Process under the Code of Conduct for Council Members (the "Process"), as attached to this report; and
- (2) That, in accordance with clause 4.2.1 of the Process, where the Mayor and Deputy Mayor have a conflict of interest which would prevent them from facilitating the Process, one of the following Elected Members will be approached by the Chief Executive Officer to do so in the following order in case of conflict: Cr Angas, Cr Wiese-Smith and Cr Schilling.

**Seconded** Cr Haebich

**CARRIED 2018-22/275**

**PURPOSE**

To receive and consider the draft Complaint Handling Process under the Code of Conduct for Council Members (attached); and to appoint three Elected Members, one of whom would facilitate the Process in the event that the Mayor and Deputy Mayor are unable to do so due to a conflict of interest.

**REPORT**Background

Pursuant to section 63(2) of the *Local Government Act*, Council's Elected Members are required to comply with the provisions of the Code of Conduct for Council Members (the "Code") in carrying out their roles. The Code requires Council to adopt a process for the handling of alleged breaches of Part 2 Behavioural Code. The process must be reviewed within 12 months of the Local Government election.

Introduction

The Code allows for complaints about alleged breaches of the Code relating to behaviour (Part 2 of the Code) to be brought to the attention of the Mayor or Chief Executive Officer. The complaint is then investigated and resolved in accordance with the process for handling such complaints. Council's process is the Complaint Handling Process under the Code of Conduct for Council Members (the "Process").

The Process also requires that Council appoint three Elected Members, one of whom would facilitate the Process in the event that the Mayor and Deputy Mayor are unable to do so due to a conflict of interest.

Discussion

The Process has now been reviewed by officers. The draft Process is attached with amendments included by way of track changes.

Updates to the Process include:

- Update to clause 4.1 for simplification;
- Update to clarify the language used in clause 4.2.1 for clarity, and the support role of the CEO;
- Additions and updates to clause 4.5.2 to reiterate ICAC reporting requirements and compliance with Council's policies on public interest disclosures, which are yet to be adopted by Council;
- Additions and updates to the Definitions section to ensure consistency;
- Other minor updates for consistency and completeness.

Upon Council appointing the Elected Member Delegates, in accordance with clause 4.2.1 of the Process, a copy of the resolution will be attached to the Process at Appendix 1 during finalisation, for ease of reference.

Summary and Conclusion

Council is now asked to receive and consider the attached draft Complaint Handling Process under the Code of Conduct for Council Members; and to appoint Elected Member Delegates pursuant to clause 4.1.2 of the Process.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachment 1** - Draft Complaint Handling Process under the Code of Conduct for Council Members

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

How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Local Government Act 1999, section 63

Local Government (General) Regulations 2013, regulation 7

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

A budget adjustment would be made at the appropriate time for any complaints that are referred to the Governance Panel.

Resource

Input from the CEO is within his current day-to-day operational responsibilities.

Risk Management

Risk is minimised by having an appropriate process in place, with higher level complaints referred to Governance Panel or other appropriate bodies for action. The Process is also based on the Local Government Association's Model Procedure.

**COMMUNITY CONSULTATION**

No consultation is required under legislation.

**7.2.1.4****INTERNAL REVIEW OF COUNCIL DECISIONS POLICY AND PROCESS**

**B1485**

Author: Governance Advisor

**MOVED** Cr Johnstone that Council receives, considers and approves the draft Internal Review of Council Decisions Policy and Process, as attached at Attachment 1 and Attachment 2 respectively, to this report.

**Seconded** Cr Barrett

**CARRIED 2018-22/276**

#### **PURPOSE**

To receive and consider the draft Internal Review of Council Decisions Policy and Process as attached.

#### **REPORT**

##### Background

Pursuant to section 270 of the *Local Government Act 1999* (the "Act"), Council is required to have 'procedures for the review of decisions of' Council, employees of Council and persons acting on behalf of Council.

##### Introduction

Council's Internal Review of Council Decision Policy and Process (the "Policy" and "Process" respectively) govern the management of applications to review decisions by Council, its employees and persons acting on its behalf.

The Policy and Process are now due for periodic review. Updates have been made by way of track changes to the Policy and Process at Attachment 1 and Attachment 2 respectively, and incorporate feedback and process gaps identified while managing such applications.

##### Discussion

Updates to the Policy include:

- New clause 2.2.6 reflecting section 270(4) of the Act – that an application may be refused on the basis that it is frivolous or vexatious, related to employment or where the applicant does not have sufficient interest in the matter.
- Minor clarifications, updates to grammar, formatting and other minor updates for completeness.

Updates to the Process include:

- The addition of the definition 'Worker' and replacement of 'staff' in the body of the Process to 'Worker', in line with other Council Policies and Processes.
- New paragraph at clause 4.1.3 to reiterate that the section 270 review process can be triggered/used at any time.
- Removal of CEO decisions at clause 4.1.3 which requires immediate referral of certain decisions to the internal review mechanism, to allow CEO decisions to be resolved using other processes.
- At clause 4.5.2 – Elected Body decisions now to be reviewed by an external body only and not by Elected Body so as to avoid any bias. Decisions reviewed by an external body would still require the Elected Body to revoke, affirm or vary the original decision as this can only be done by the Elected Body.
- At clause 4.6.5 – for consistency to align with decisions reviewed by Council officers, where an external reviewer has reviewed a decision made by an Employee or person on behalf of Council (but not the Elected Body), and the power to make that decision has been delegated by the Elected Body to the CEO, the external reviewer to report their recommendation to the CEO for a determination as to whether the decision should be affirmed, varied or revoked. Alternatively, where the CEO has a conflict of interest or has not been delegated the power by Council, the report can be made to a senior Worker if the power to make the decision has been delegated (or sub-delegated as the case may be) to the senior Worker.
- Additional paragraph at clause 4.6.7 – clarifying that external panel or body reviewing a decision must provide their full draft report to the applicant to allow a reasonable opportunity for the applicant to provide a response to the draft report, further feedback or any new information, and that any response or information provided by the application must be considered by the external reviewer prior to issuing the final report.



- New paragraph at clause 4.6.7 to address providing the full draft report of the reviewer's provisional determination or *Summary Investigation Report and Findings* (the "draft report") to the applicant for comment, where there are legal or other reasons that warrant confidentiality in relation to the draft report, either in part or full. In such cases, the reviewer may (but is not limited to) redact parts of the draft report before providing it to the applicant; provide the draft report in confidence to the applicant; not provide the draft report to the applicant. However, in the latter case, the applicant must be informed of the provisional determination and be allowed a reasonable opportunity to respond. In all such cases, the reviewer must ensure that procedural fairness is observed in accordance with the Policy and Process.

#### Summary and Conclusion

Council is now asked to receive, consider and approve the attached draft Internal Review of Council Decisions Policy and Process.

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

**Attachment 1** -Draft Internal Review of Council Decisions Policy

**Attachment 2** -Draft Internal Review of Council Decisions Process

### **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

Sections 270 and 271 Local Government Act 1999

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

#### Financial

There are no financial considerations.

#### Resource

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

#### Risk Management

Risk is minimised by ensuring that Council has up to date policies that comply with legislation, and take into account process gaps identified during the use and application of the Policy and Process. The Policy and Process are based on the Local Government Association's model procedure.

### **COMMUNITY CONSULTATION**

No consultation is required under legislation.

#### **7.2.1.5**

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

#### **B1485**

Author: Governance Advisor

**MOVED** Cr Wiese-Smith that Council receives, considers and approves the draft Code of Practice for Access to Council and Committee Meetings and Associated Documents (the "Code of Practice") at Attachment 1 of this report, noting the minor amendment that has been made to the Code of Practice following public consultation.

**Seconded** Cr Miller

**CARRIED 2018-22/277**

**PURPOSE**

Council is asked to receive, consider and approve the attached draft Code of Practice for Access to Council and Committee Meetings and Associated Documents (the "Code of Practice"), which has now undergone public consultation in accordance with section 92(5) of the *Local Government Act 1999*. While no submissions were received during the public consultation period, Officers have made a minor change to the draft Code of Practice and for this reason, the Code of Practice requires further consideration and approval by Council.

**REPORT**Background

At Council's meeting of 18 June 2019, it resolved as follows:

**MOVED** Cr de Vries

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

**Seconded** Cr Boothby

**CARRIED** 2018-22/206

Introduction

Public consultation on the draft Code of Practice was undertaken for a 21 day period from 3 July 2019 to 5.00pm, Wednesday 24 July 2019. Public notices were published in the Wednesday, 3 July 2019 edition of the *Leader* and *Herald* newspapers, Council's website and Facebook page (see Attachment 2 to this report for copies of the public notices, website and Facebook posts). The draft Code of Practice was also made available for inspection and purchase at Council's principal office and on the website during the public consultation period.

Discussion

No submissions on the draft Code of Practice were received during the public consultation period.

Council resolved at its meeting on 18 June 2019, that in the event that no submissions are received on the draft Code of Practice, the Mayor would approve the draft Code of Practice without further reference to Council. However, following the public consultation, Officers have made a minor change to the draft Code of Practice, and for this reason, it is being referred back to Council for further consideration and approval.

The draft Code of Practice is attached at Attachment 1 of this report, with the minor change highlighted in green and made by way of track changes (at clause 4.1.4) with further details below.

The minor change is at clause 4.1.4 of the Code of Practice and clarifies that 'a hard copy of the Council meeting agenda will be provided at Council Branches, however the notice provided at the Council Principle Office is that which is deemed to satisfy the Act'. Previously, it was not clear that only hard copies of Council meeting agendas would be available at Council Branches. Both Council and Committee meeting agendas and notices are available in hard copy at Council's principal office and electronically on Council's website.

Summary and Conclusion

Council is asked to receive, consider and approve the attached draft Code of Practice for Access to Council and Committee Meetings and Associated Documents.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

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

**Attachment 2** – copies of public notices published in the Herald and Leader newspapers, and posts on Council's website and Facebook page, during the public consultation.

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

### Corporate Plan

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

### Legislative Requirements

Local Government Act 1999, Section 92

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### Financial

The cost of publishing public notices in the Herald and Leader newspapers (\$512) was sourced from existing budgets.

### Resource

Nil

### Risk Management

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

## COMMUNITY CONSULTATION

Public consultation on the draft Code of Practice was carried out in accordance with Council's Public Consultation Policy and the *Local Government Act*. Due to the minor nature of the amendment made by Officers following the public consultation, and the purpose of the amendment being to clarify administrative arrangements in relation to the availability of meeting agendas, it is Officers' view that further public consultation on the minor amendment is not required.

### 7.2.1.6

## **APPROVAL TO PROCEED WITH FINAL CONSIDERATION OF REVOCATION OF COMMUNITY LAND STATUS – MOUNT PLEASANT & DISTRICT GOLF CLUB LAND**

### **B9002**

Author: Governance Advisor

Mayor Lange referred Councillors to a letter received from the President of the Mount Pleasant & District Golf Club Incorporated, Mr Dave Swann and tabled at the meeting for information.

### **MOVED** Cr Angas

(1) That pursuant to Section 194(3)(b) of the *Local Government Act 1999*, Council revokes the Community Land classification over the land occupied by the Mount Pleasant & District Golf Club, which is comprised of:

- (i) Certificate of Title Volume 5903 Folio 355  
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited  
Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- (ii) Certificate of Title Volume 5903 Folio 356

- Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
- (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17  
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
- (referred to as the "Land")
- (2) That the Chief Executive Officer excludes the Land from the Council's Community Land Register.
- (3) That the Chief Executive Officer advises adjacent landowners of the Council's decision from the Council meeting held 20 August 2019.
- (4) That the Chief Executive Officer proceed with negotiating the commercial agreements for the transfer of the Council-owned land described at (1)(i) and (ii) above, for nil consideration, to the Mount Pleasant & District Golf Club Inc., in accordance with the Council resolutions of 21 May 2019, 19 March 2019, 16 May 2017.
- (5) That the Chief Executive Officer facilitates the withdrawal of the dedication of the Crown land as 'Parklands' in accordance with the requirements of the *Crown Land Management Act 2009*, in the event that the Crown approves transfer of the Crown land described in 1(iii) above, to Mount Pleasant & District Golf Club Inc.

**Seconded** Cr Johnstone

**CARRIED 2018-22/278**

#### **PURPOSE**

By letter dated 30 July 2019 (but received 2 August 2019), the Minister of Planning, Transport and Infrastructure's delegate has approved the proposal to revoke the community land status over the land occupied by the Mount Pleasant Council & District Golf Club (described further in this report). In order to proceed with the revocation, Council is now asked to formally approve the revocation of the said land's Community Land status, in accordance with the requirements of the *Local Government Act 1999*.

#### **REPORT**

##### Background

On 21 May 2019, Council resolved:

##### **MOVED** Cr de Vries

- (1) That Council note and consider the feedback from community members and the Department of Environment and Water's approval to revoke the Community Land status over the Crown land portion of the Land (described in item 2 below), in accordance with the conditions of the consent made on behalf of the Minister, which are attached to this Report.
- (2) Pursuant to section 194 of the *Local Government Act 1999*, that Council continue the process to revoke the Community Land classification over the land occupied by the Mount Pleasant & District Golf Club, which is comprised of:
- (i) Certificate of Title Volume 5903 Folio 355  
Described as Allotment comprising of Pieces 12, 13 and 14 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga
  - (ii) Certificate of Title Volume 5903 Folio 356  
Described as Allotment 100 Filed Plan 218873 in the area named Mount Pleasant, Hundred of Talunga
  - (iii) Portion of Crown Record Volume 5905 Folio 821 – Allotment 17  
Described as Allotment 17 Deposited Plan 24931 in the area named Mount Pleasant, Hundred of Talunga

- (3) That the Chief Executive Officer prepare a report and submit it to the Minister for Transport, Infrastructure and Local Government seeking approval to revoke the Community Land classification of the said land parcels.
- (4) That should the revocation be approved by the Minister for Transport, Infrastructure and Local Government, the matter be referred back to Council for final resolution in accordance with section 194(3)(b) of the Local Government Act 1999.
- (5) That should Council give final approval for the revocation of the Community Land status, that Council endorse the subsequent gifting of the Council-owned land identified in this report from Council to the Mount Pleasant & District Golf Club Inc., in accordance with Council's resolutions of 19 March 2019 and 16 May 2017, noting that:
- (a) The terms of the gifting of the Council-owned land from Council to the Mount Pleasant Golf Club Inc. will be negotiated between the parties following the revocation of the Community Land status of the land upon which the Mount Pleasant & District Golf Club is located;
  - (b) Council is not expected to be a party to any future transfer of the Crown land portion of the golf club land. It is expected that if the Crown approves the transfer of the Crown land to Mount Pleasant & District Golf Club Inc., the dedication of the Crown land as 'Parklands' will need to be withdrawn;
  - (c) The gifting of the Council owned land parcels is for nil consideration, however noting that any GST, stamp duty or other fees and charges associated with the transfer will not be the responsibility of Council, but that Council may pay all necessary and reasonable legal costs of the transfer;
  - (d) The future use of the land is not expected to change, with the exception of the Mount Pleasant & District Golf Club Inc. possibly seeking to expand the use of the golf club to other community uses, to optimise revenue capacity;
  - (e) That when negotiating the gifting of the Council owned land to Mount Pleasant & District Golf Club Inc., officers will endeavour to put in place a legal mechanism that secures the use of the land for the community, and reverts the land back to the community through Council in the event that the land use changes or the Mount Pleasant and District Golf Club Inc. ceases to exist.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/186**

#### Introduction

The report to the Minister was sent on 29 May 2019 and contained copies of reports to Council and confirmed minutes of the relevant decisions, and copies of public notices and supporting materials used for public consultation.

Approval by the Minister's delegate to proceed with final consideration to revoke the Community Land status was received on 2 August 2019 (see Attachment 1). Having considered the documents provided to the Minister and the public consultation undertaken by Council, the Minister's delegate is 'of the opinion that, on balance, the revocation will be more positive than not in its effect' and has approved Council's proposal to revoke the Community Land status of the Land (refer Attachment 1).

#### Discussion

Following the Minister's delegate's approval section 194(3)(b) of the *Local Government Act 1999* Council is required to formally resolve to revoke the community land status of the Land.

Upon Council's approval, the Chief Executive Officer will then advise adjacent landowners of Council's decision.

Officers will remove references to the relevant parcels in Council's Community Land Register.

Following the finalisation of the revocation of the Community Land status over the Land, Officers will then negotiate the gifting of the Council-owned land parcels to the Mount Pleasant & District Golf Club, to give effect to Council's previous resolutions. The terms of the transfer will be negotiated in accordance with Council's resolution of 21 May 2019 (set out above).

In the event that the Crown land is transferred to the Mount Pleasant & District Golf Club (keeping in mind that Council will not be a party to the transfer), the dedication of the Crown land under

Council's management, care and control, will need to be revoked in accordance with the *Crown Land Management Act 2007*.

Summary and Conclusion

Council is asked to consider the Officer recommendation and confirm the revocation of the Community Land status of the Land, in accordance with its previous decisions.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachment 1** – Letter from the Department of planning, Transport and Infrastructure confirming the Ministerial delegate's approval of Council's proposal to revoke the community land status of the Land, dated 30 July 2019 and received on 2 August 2019.

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



How We Work – Good Governance

Corporate Plan

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

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

Legislative Requirements

Local Government Act 1999, Section 194

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The financial costs associated with the public consultation process was sourced from existing budgets, as detailed in the Council report of 21 May 2019. There are no further financial or resource implications specifically relating to the revocation of community land status, and any further duties will be undertaken as part of Officers' current roles.

Further to Council's resolution of 21 May 2019, if the revocation of the community land status is approved by Council, and Council begins negotiating the gifting of the Council-owned land to the Mount Pleasant & District Golf Club for nil consideration, Council has resolved that 'any GST, stamp duty or other fees and charges associated with the transfer will **not** be the responsibility of Council, but that Council may pay all necessary and reasonable legal costs of the transfer [*emphasis added*].'

Risk is mitigated by complying with the relevant section of the Local Government Act.

**COMMUNITY CONSULTATION**

Community consultation for this entire revocation of community land process has occurred in accordance with Section 194 of the *Local Government Act 1999* and Council's Public Consultation Policy, and has been further validated by the approval to proceed with final consideration by Council received from the Minister's delegate on 2 August 2019.

**7.2.1.7**

**FINAL COMMERCIAL AND VALUATION DOCUMENTS FOR LAND EXCHANGE BETWEEN CHATEAU TANUNDA (IVIVI PTY LTD) AND COUNCIL B7081**

**MOVED** Cr Miller that Council:

- (1) Being satisfied with the Valuation Report approves the draft Contract for the Exchange of Land as presented at *Attachment 2* and authorise the Chief Executive Officer to make further changes and authorise the Agreement on condition that:

- a. Chateau Tanunda (Ivivi Pty Ltd) shall at least transfer the portion of land being certificate of title volume 5962 folio 146 of approximately 8,241 square metres and \$25,000 to Council to balance the market values of the land; and
- b. Any stamp duty costs shall be borne by Chateau Tanunda (Ivivi Pty Ltd);
- (2) Authorise the Chief Executive Officer to proceed with final negotiations with the Executor/s of the Estate of Elma Keil for the finalisation of the Indenture Deed principally on the terms outlined in the draft at *Attachment 3* and bring a final report back to Council for endorsement.
- (3) Authorise the Chief Executive Officer to proceed with settlement of the land exchange after completion of the Contract for the Exchange of Land under resolution 1, and that the said land be excluded from community land status pursuant to Section 193(4) of the Local Government Act, until the Indenture Deed is settled under resolution 2 and that a final report be brought to Council for rededication of the land under Section 193(5) of the Local Government Act and application to an appropriate community land management plan.

**Seconded** Cr Hurn

**CARRIED 2018-22/279**

#### **PURPOSE**

To seek final approval of the commercial agreement to exchange land with Chateau Tanunda as previously contemplated by Council.

#### **REPORT**

##### Background and Introduction

Following approval of the Minister's delegate dated 19 April 2018 and Council of 26 April 2018 to revoke the classification of Council land as community land officers have been liaising with representatives of Chateau Tanunda to proceed with the land exchange.

##### Discussion

To ensure proper process and having considered matters of probity and Council's Asset Disposal Policy I did engage an independent firm to undertake a valuation of the land to aid negotiation processes. In October 2018 this report was undertaken by Land Services SA after undertaking a request for quotation process. The valuation was concluded and provided as at 8 November 2018. Since that time I have been undertaking periodic discussions with the owner and also liaising with planning to facilitate the land division, utilising this report as the basis of a fair commercial arrangement.

The land division is now practically complete, with administrative processes for registration and issuing of the approved deposited plan currently underway.

The valuation report highlights that the estimated market value of Council's land (unfettered, which it will be with the removal of the legislative community land matters and the Keil Deed) is \$685,000. Conversely the portion of land to be provided to Council has an estimated market value of \$660,000. Among other things therefore I have negotiated a position that ensures Council and thereby the community receives a value of the land plus \$25,000. The valuation report is attached at Attachment 1.

Other than the matter above the other key outcomes of the commercial agreement are:

1. Each shall bear their own costs in negotiating and delivering the agreement;
2. Any stamp duties shall be the responsibility of Chateau Tanunda;
3. Manages the application of GST;
4. Manages the issues of default;
5. All costs associated with the land division are the responsibility of Chateau Tanunda.

Further, and as agreed in principle with the Executors of the Keil Deed, a revised Deed has been drafted and predominantly reflects the prior agreement, bar the acknowledgement by the Executors that the use of the land for a cultural, artistic and heritage development is understood and supported. The Cultural Hub project could utilise a small area of the land to support public

use however the vast majority of the land will remain in some way open space such as an open air performance area. Of course the final designs remain a work in progress, but the working group and Director are aware of the prominent need to ensure public access and provision of recreational and park land areas. A preliminary briefing has been scheduled with the Executor/s should Council agree to the draft documentation.

#### Summary and Conclusion

The Council is asked to endorse the Commercial Land Exchange Agreement and Deed and authorise the Chief Executive Officer to make final arrangements consistent with the documents provided and conclude the land exchange. Once the land exchange has concluded and at an appropriate juncture the entering into the Deed and rededication of the land for community land purposes will be made.

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

- Attachment 1 - Valuation Report
- Attachment 2 – Land Exchange Contract - Draft
- Attachment 3 – Indenture Deed – Draft
- Attachment 4 – Assessment against Council Asset Disposal Policy

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

##### Community Plan



Natural Environment and Built Heritage



Community and Culture



Health and Wellbeing



Business and Employment

- 1.4 Develop and maintain streetscapes that reflect the character and heritage of the region.
- 1.6 Support tourism development that is sensitive to the natural environment and sustainable.
- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.2 Support the development of activities that celebrate the history and culture of the Barossa and its people.
- 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.
- 4.6 Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.
- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.
- 5.13 Support economic development through events.

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

There are no other risk or resourcing matters not explored by prior considerations or outlined in this report. Strategically Council has identified the land as highly supportive of the ongoing benefit for the community and releasing land which remains undeveloped to potentially develop a 5 star accommodation offer is of further economic and social benefit. Should the accommodation not proceed there still remains a strong benefit in the land being received by Council as it is located closer to the main street and interacts with other Council land and assets.

The financial impacts of this decision are presently within existing budget and either already paid for such as legal advice and the valuation analysis and in transacting of the settlement process existing resources will support it and costs of conveyancing and adjustments will be incurred.



Further the risk matters previously addressed in the Asset Disposal Policy are represented for Council's review, at Attachment 4, there is no further update than that previously provided. It is reiterated the only person in the market than can assist in meeting the principles of the Indenture Deed is Chateau Tanunda and therefore it is somewhat questionable that a market truly exists, in any case the independent valuation and negotiations to date also address this issue.

### **COMMUNITY CONSULTATION**

Community consultation for this entire revocation of community land process and culture hub has been extensive. Further both matters have been challenged under Section 270 of the Local Government Act and the Ombudsman and found to be proper or the best or preferable decision. At appropriate times the Mayor and or Chief Executive have met with the Executor/s to keep them up to date as was committed.

### **VISITORS TO THE MEETING - 9.27AM**

Mayor Lange welcomed Amber Perry, Liam Tappert, Finn Reed, Jessica Gobell, Austin McDonald, Mitchell McDonald, Riley McDonald, Maegan Schiller, Hayden Schiller, Kai Carson, Bailey Lobbegeiger, Max Moritz and Kegan Coulter to the meeting and presented them with Youth Grant certificates.

Mayor Lange thanked each recipient for their attendance and congratulated them on their achievements.

### **RESUMPTION OF COUNCIL MEETING – 9.45AM**

The Council meeting resumed at 9.45am.

#### **7.2.1.8**

### **THE BIG PROJECT PRIORITISATION AND FINANCIAL MODELLING – THE NEXT PHASE**

**B5601**

#### **MOVED** Cr Johnstone

- (1) That Council having considered, reviewed and analysed The Big Project masterplans, community needs and benefits as gathered through the master planning and community engagement processes over the past 33 months, financial modelling and ability to fund projects, economic development opportunities, third party and grant funding alignment endorse the "Target Next Phase Priorities and Associated Analysis – August 2019" document as presented at the Attachment.
- (2) That Council noting that current 2019-20 financial year programs being the Angaston Railway Station masterplan implementation, Tanunda Recreational Park acceleration works, Nuriootpa Centennial Park multi-use change rooms and Old Talunga Recreation Park tennis/netball upgrades are approved projects that are below the thresholds of the Prudential Management Policy under to Section 48(aa1) of the Local Government Act for a full independent prudential report proceed as budgeted.
- (3) That Council noting that the "Target Next Phase Priorities and Associated Analysis – August 2019" include some projects that are above the expenditure threshold for a full independent prudential management report as contemplated by the Prudential Management Policy under to Section 48(aa1) of the Local Government Act undertake the required full prudential management report as outlined by Clause 4.3 of the policy on the remaining projects in totality and that the Chief Executive Officer proceed to engage an independent consultant to undertake the work.

- (4) That Council acknowledge that the target plan will be adjusted and revised depending on the availability and success of grant applications, annual funding allocations, changing community need, and resourcing needs to deliver this aspirational target plan.
- (5) That the Mayor release a public statement relative to this resolution of Council.

**Seconded** Cr Angas

#### **AMENDMENT**

Cr Haebich proposed the following amendment:

*To remove the Barossa Culture Hub from the Big Project and park for a period of 5 years in order for Council to concentrate on the remaining projects that affect the majority of rate payers and their families.*

Mayor Lange ruled that the amendment would substantially change the intent of the motion and the amendment as proposed by Cr Haebich was not accepted.

Much discussion ensued.

The motion was put and

**CARRIED 2018-22/280**

Cr Haebich called for a division.

Mayor Lange set aside the decision.

Mayor Lange asked those voting for the motion to stand.

Those voting for the motion:

Crs Johnstone, Troup, Miller, Angas and Schilling

Those voting against the motion:

Crs Wiese-Smith, Haebich, Barrett and Hurn

Mayor Lange declared the motion

**CARRIED 2018-22/281**

#### **PURPOSE**

To review the work to prioritise and financially model The Big Project Next Phase and endorse the associated plan.

#### **REPORT**

##### **Background and Introduction**

Council in 2016 endorsed a report to commence an ambitious project to fundamentally develop a generational plan for the future. This became known as The Big Project and officially commenced in November 2016. Resources have been devoted to developing the masterplans through engagement and consultation on a raft of plans in four key outcome areas:

1. Recreation and Sporting Facilities;
2. Aquatic Strategy;
3. Cycle and Leisure Tourism;
4. Arts Culture and Heritage Tourism.

The level of work has reached a level of maturity for the new Council to set a plan for the future. The outcomes of the work over the past 6 months by Council supported by staff is the Target Next Phase Priorities and Associated Analysis – August 2019 ("target plan") document as presented at the Attachment. The target plan provides relevant extract plan details, financial analysis and prioritisation, resourcing and grant program assessments.

##### **Discussion**

The ultimate role of Council is to plan and set strategy for the future. The past Council commenced this thinking by developing an aspirational vision through its 20 year Community Plan

and then committing to The Big Project. As a result of that platform the current Council has been working towards an informed assessment of all the various projects. In order to undertake this work Council has:

1. Reviewed the masterplans including site visits to many;
2. Considered ways to assess the many competing demands across multiple facilities by assessing (some and not limited to) the following factors supported by the information in the Attachments:
  - a. Vision of the plans and community;
  - b. Economic development and growth opportunities especially culture, art and recreational and sporting tourism;
  - c. Needs analysis;
  - d. Participation and population;
  - e. Renewal and upgrade priorities versus new infrastructure;
  - f. Ability to attract and align with understood State and Commonwealth grant programs and strategies;
  - g. Third party funding support;
  - h. Shared use and multi-use efficient infrastructure opportunities;
  - i. Upstream project needs to achieve main targeted outcomes;
  - j. Risk profile.

Some overriding project principles were identified:

- Retaining a decentralised / local approach to recreational facilities rather than a centralised, greenfield approach.
- Shared use facilities wherever practicable.
- Maintaining Business as Usual investments and strategies without impact from The Big Project deliverables.
- Leveraging matched funding, co contributions, partnership approaches wherever possible.

The second clear role for Council was to allocate future budgeted resources based on its assessment of the above factors and assess the downstream impacts and outcomes.

The results of the analysis and many discussions is a target plan for the next phase of implementation projects, noting many projects of The Big Project have either commenced or are already concluded being:

1. Opening of the Warren Reservoir to recreational use;
2. Implementation of a replacement bridge to Williamstown recreation park;
3. Tanunda oval enlargement, lighting, electrical capacity upgrade and upgrade/extension of the show hall;
4. Angaston Railway Precinct masterplan implementation;
5. Nuriootpa Centennial Park multi-use change rooms;
6. Purchasing land for the future expansion needs of Nuriootpa Centennial Park;
7. Angaston number two oval is in the early stages of planning and a grant submission being made, if successful implementation will then commence (most likely in 2020-21);
8. Old Talunga Recreation Park upgrade to tennis and netball courts is also in the early stages of planning and subject to a grant application.

After assessing the array of projects and considerations the summarised priority outcomes are:

1. Recreation and Sporting Facilities;
  - a. Tanunda recreation park – part investment of \$6.918M (additional to accelerated projects in progress);
  - b. Southern Recreational Hub – Lyndoch Recreational Park – part investment \$6.968M which at this time includes Rugby relocation but only playing infrastructure, Council has indicated an interim move is likely to be required;
  - c. Nuriootpa Centennial Park – part investment \$6.520M (\$1M already funded in multi-use change rooms);
  - d. Talunga and Old Talunga Recreation Park – part investment \$2.872M
  - e. Murray Recreation Park – part investment \$145K;
  - f. Stockwell Recreation Park – part investment \$2.428M; and

- g. Angas Recreation Park – part investment \$3.353M.
2. Aquatic Strategy is currently still before Council and will be discussed further at this time. No modelling included as is not part of the target plan priorities.
  3. Cycle and Leisure Tourism will continue to be pursued separately through the Adelaide Wine Capitals Trail across the current six Council initiative.
  4. Arts Culture and Heritage Tourism will be pursued through the Barossa Culture Hub which includes activation of other halls in accordance with the decentralised model and relevant programs and is included in the target plan.

There are many assumptions in the financial modelling estimates and the target plan. The key assumptions to achieving the target plan are:

1. Borrowings are secured at 4.2% or lower over a 25 year repayment timeframes;
2. Delivery of the program is over a minimum of 5 years, likely to be longer;
3. Grant funding is achieved at the estimates provided;
4. Third party funding contributions from clubs, groups and other bodies is provided to support construction costs (cash and/or in kind) either directly or amortised over a period of time;
5. Grant and third party contributions are generally a maximum 40% of the infrastructure construction estimates (some grants and third party contributions already received) to give applications a better chance of support;
6. Inflationary pressures remain stable and do not extend beyond a real level of 2.1% as it applies to local government (for clarity not the consumer price index);
7. Revenues and existing service levels remain as they are currently budgeted in the estimated 10 year long term financial plan period;
8. Final design, procurement and other construction models used to achieve approved projects.

Clearly one of the challenges for Council is prioritising a long term aspirational vision and plan, which means the allocation of scarce resources (in the sense of economic definition of scarce resources). It means it will take at least a decade, if not more, to deliver on all the main aspects of the plan. The total costs of The Big Project items at present are estimated in the order of \$88M; noting the last masterplan is still being developed, Springton Recreation Park. Council has predicated The Big Project on maintaining existing service levels for items not within its scope, to proceed on a basis of \$88M would not meet this outcome without serious service level reductions, borrowing levels that would be unreasonable and significant increased risk to Council and associated rates increases.

The target plan has expenditure thresholds of some of the projects that triggers the requirements of Section 48 of the Local Government Act and the supporting Prudential Management Policy thereby requiring a full independent prudential report. Rather than undertaking a report for each individual project that reaches the threshold test in the Local Government Act and associated policy it is recommended that the target plan, excluding those already approved 2019-20 projects which do not meet the threshold test (which is all of them) be done in totality. Doing a full prudential report will test the target plan and its level of spending and more efficiently address the financial, economic, strategic and operating risk and sustainability matters in a single process/report.

### **Summary/Conclusion**

The Big Project has now reached a level of maturity that has seen it transitioning from planning to implementation, the attached target plan has been developed over six months and is now tabled for formal consideration and endorsement.

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

Attachment - The Big Project Target Next Phase Priorities and Associated Analysis – August 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 under the community plan

#### Legislative Requirements

S8, S48 of the Local Government Act

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

#### **Financial and Resources**

The final document in the target plan presented at the *Attachment* addresses resourcing issues. Clearly a plan of this size cannot be resourced by existing resources. Depending on the success or otherwise of grant applications and third party funding, resourcing will be structured around the best and appropriate delivery model based on the assessment of annual business plans and budget settings. The financial model estimates include significant external and/or internal resourcing increases to appropriately manage project delivery, engagement, financial, strategic, construction and operational risk.

The financial model estimates provided in the Attachment are summarised as follows. The estimates are based on the best information we have and can materially change based on the eight key assumptions outlined in the body of this report:

1. Total cost is \$38.962M which includes escalation costs over the current five year timeframe and includes upstream projects that would need to happen to achieve the project outcomes.
2. Total borrowings to achieve this will be \$22.4M.
3. Current budgeted amounts in the long term plan are \$28M spend with \$13M borrowings.
4. The third party funding and grants target is \$14.806M, grants are set for a target of \$12.566M being 32.25% of the cost.
5. Over the 10 year estimates operating costs and borrowing impacts are:
  - a. Operating costs are in the order of \$15.798M over 10 years including depreciation the cash cost being \$7.845M – this is total cost not incremental and a large portion of the estimates associated with the original budgeting of \$28M expenditure are already in the long term plan;
  - b. Depreciation is estimated at \$7.953M.
  - c. Interest costs are \$7.601M.
  - d. Net operating impact is an operating loss of \$5.174M.

The long term financial plan estimate impacts over 10 years are:

1. Operating profit reduced but over a 10 year period remains in surplus of \$1.277M the impact being \$5.174M. Importantly the operating profit dips into deficit for four years ranging from \$458K to \$7K and continues to rise thereafter.
2. The cash position remains viable over the 10 year estimate including paying the final Rex balloon payment in total, the cash impact over this period is \$22.84M.
3. Debt levels peak around year 4 at \$28.0M or net debt to income ratio of 65.32% this is the equivalent of a household owning a \$300,000 house in the valley and owing \$195,960 on that house.

Please note this does not include any of the Nuriootpa pool or alternative modelling, as Council has laid the matter on the table for further discussion. The current estimates for the water play area ranging to the full idea:

1. Water Play Area component - \$2.675M
2. Swimming Pool component - \$5.864M
3. Full initial scope - \$11.893M.

It is considered that the inclusion of any of these items will have a material effect on the financial model and at this time cannot be accurately modelled and on the balance of probability would require Council to reduce other expenditure in the target plan.

Importantly the estimates provided based on the eight key assumptions and subject to a prudential assessment by an independent consultant, an ability to achieve the plan within existing long term budget settings.

### **Risk Management**

Broad risk management principles have been applied to the project planning stages. Further the financial, economic, strategic and operating risk matters will be assessed as part of the full independent prudential management report. Each project will be risk assessed as part of implementation processes as and when they are fully funded.

### **COMMUNITY CONSULTATION**

Extensive community engagement and consultation has been undertaken over the past three years and will be ongoing on a project by project basis.

### **ADJOURNMENT OF COUNCIL MEETING – 10.40AM**

**MOVED** Cr Angas that the meeting adjourn for a 10 minute break at 10.40am.

**Seconded** Cr Miller

**CARRIED 2018-22/282**

### **RESUMPTION OF COUNCIL MEETING – 10.49AM**

The Council meeting resumed at 10.49am.

Cr Haebich returned to the meeting at 10.50am.

#### **7.2.1.9**

### **REQUEST TO CLOSE ROADS AND GIFT TO DEPARTMENT OF ENVIRONMENT AND WATER (DEW) FOR EXPANSION OF KAISERSTUHL CONSERVATION PARK (the PROPOSAL)**

**B9101**

**MOVED** Cr Wiese-Smith

That Council having considered the request agree in principle to the proposal to commence a road closure process as outlined in the Attachments and authorise the Chief Executive Officer to authorise the preliminary plan on condition that the Department of Environment and Water;

- (1) Pay all costs of the road closure process;
- (2) That all submissions from consultation under the road closure process be provided to Council before authorisation of final road closure documentation;
- (3) Pay any and all costs associated with the transfer of the land should the closure be approved including taxes and out of pockets costs incurred by Council are borne by the Department; and
- (4) The Department allow access to the area known as Granites Track to link Rifle Range Road and Goodchild Road to passive recreational pursuits including walking and bicycle uses is provided for the loss of the road reserve linkages.

- (5) Not proceed with any road closure process until potential matters of access and land locking of properties are resolved to the satisfaction of Council.

**Seconded** Cr Miller

**CARRIED 2018-22/283**

#### **PURPOSE**

To review the request of the DEW to close three portions of unmade road reserve and provide them for expansion of Kaiserstuhl Conservation Park.

#### **REPORT**

Council has received correspondence which has been clarified with the DEW seeking to undertaken road closures of unmade road reserves for the expansion of Kaiserstuhl Conversation Park. Officers have indicated support for the environmental benefits of the project and there is little foreseeable need for the road reserve should alternative passive recreational access be provided through the existing "Granites track".

The relevant correspondence and response to enquiries is at the *Attachment*.

The proposal has environmental positive benefits and they are outlined.

The road closure process will require engagement publicly and DEW will consult directly with effected landowners.

Should a final road order proceed it is considered appropriate for the community and recreational benefit (of the park expansion and managed access to passive recreational use) and environmental outcomes to proceed with transfer without monetary contribution.

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

Letter to Mayor Lange and Response to Questions  
Preliminary Closure Plan

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

Community Plan



Natural Environment and Built Heritage

1.2 Support native eco systems through a planned management approach.

Legislative Requirements

Roads (Opening and Closing) Act  
Local Government Act

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

There are no resourcing or financial issues, work will be supported with existing resources. Risk of the closure process are low and a final report will come to Council with consultation outcomes.

#### **COMMUNITY CONSULTATION**

Community consultation will be undertaken by DEW in accordance with the Road (Opening and Closing) Act.

#### **7.2.1.10**

#### **TRAINING AND DEVELOPMENT REQUEST – COUNCILLOR KATHRYN SCHILLING**

**B9401**

Mayor Lange referred members to the Training Request form received from Cr Kathryn Schilling and tabled for information.

Pursuant to S73 of the Local Government Act 1999 Cr Schilling disclosed a conflict of interest in the matter 7.2.1.10 – *Training and Development Request – Councillor Kathryn Schilling* as she stands to obtain a benefit (or suffer a loss) depending on the outcome of the consideration of the matter.

Cr Schilling advised Council of the conflict of interest and left the meeting at 10.55am.

**MOVED** Cr Wiese-Smith

- (1) That Council receives, considers and approves Cr Kathryn Schilling's request to attend the Accelerate Leadership Program (the "training program") for Women held by the Local Government Association and up to \$200 per day for attendance costs.
- (2) That, in accordance with the Elected Members' Training and Development Plan, following completion of the training program, Cr Kathryn Schilling completes the *Elected Members' Training Feedback Questionnaire*, to outline the nature of the activity and the benefits gained through attendance along with feedback ideas to enhance the activity, and provide the questionnaire to the Chief Executive Officer for inclusion in Council's Consensus Agenda for the next available Council meeting.

**Seconded** Cr Johnstone

**CARRIED 2018-22/284**

**PURPOSE**

To obtain Council's approval for Cr Kathryn Schilling's request to attend the Accelerate Leadership Program for Women held by the Local Government Association – a training activity that is not in the Elected Members' Training and Development Plan 2019-2020.

**REPORT**

Background

Council's *Elected Members' Training and Development Policy* (the "Policy") sets out Council's position and procedures for Elected Members who wish to attend training sessions.

The supporting *Elected Member's Training and Development Plan 2019-2020* (the "Plan") sets out activities that Elected Member can attend without further Council approval.

For activities that are not included in the Plan, Council approval is required where the activity is anticipated to cost \$500 or more.

Introduction

Cr Kathryn Schilling has indicated her interest in attending the Accelerate Leadership Program for Women, a 3-day training program held by the Local Government Association (the "training program"), as detailed in her email dated 13 August 2019 to the Executive Assistant to the CEO and Mayor. Cr Schilling will complete a form prior to the Council meeting which will be tabled.

The training program is not a mandatory training activity, and is not included in the Training Plan. As per the Policy, Council's approval is required as the costs associated with attendance is over \$500.

Discussion

The cost of registering for the training program is \$1,900 + GST, and attendance is required on 1 day in September and 2 consecutive days in October. Further costs include accommodation, meals and transport if required will be finalised with the Chief Executive Officer and approved if necessary in accordance with the policy. An allowance of \$200 per day will be sufficient to cover claims.



The training program will assist Cr Schilling in her role as an Elected Member by exposing her to leadership principles and technical training in her role with Council and as a community representative.

Summary and Conclusion

Council is asked to receive, consider and approve Cr Kathryn Schilling's request to attend the Accelerate Leadership Program for Women held by the Local Government Association, in accordance with the *Elected Members' Training and Development Policy*.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

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



How We Work – Good Governance

Corporate Plan

6.13 Ensure that Elected Members undertake training and development to assist them in making informed decisions.

Legislative Requirements

*Local Government Act 1999, section 80A*

*Local Government (General) Regulations, regulation 8AA*

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial

Costs associated with attending the training activities are allocated for this purpose in Council's approved budget. There are sufficient funds, and a budget adjustment is not required.

Resource

There are no resource implications, except for financial considerations discussed above.

Risk Management

Risk is minimised by ensuring that Elected Members undertake training and development to assist them in performing their roles. The training program is run by the Local Government Association.

**COMMUNITY CONSULTATION**

No community consultation is required.

Cr Schilling returned to the meeting at 10.56am.

**7.2.2.1**

**MONTHLY FINANCE REPORT (AS AT 31 JULY 2019)**

**B411**

Author: Senior Accountant

**MOVED** Cr Johnstone that the Monthly Finance Report as at 31 July 2019 be received and noted.

**Seconded** Cr Angas

**CARRIED 2018-22/285**

**PURPOSE**

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

**REPORT**

Discussion

The Monthly Finance Report (as at 31 July 2019) is attached. The report has been prepared comparing actuals to the Original adopted budget 2019/20.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: Monthly Finance Report 31 July 2019

Policy

Budget & Business Plan and Review Policy

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

How We Work – Good Governance

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

Legislative Requirements

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

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

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

**COMMUNITY CONSULTATION**

Community Consultation was part of the original budget adoption process in June 2019, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

**7.3 CORPORATE AND COMMUNITY SERVICES - DEBATE****7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES****7.3.1.1****THE BIG PROJECT (GENERATIONAL COMMUNITY INFRASTRUCTURE PROJECT) – QUARTERLY UPDATE REPORT – QUARTER 11 – MAY 2019 TO JULY 2019**

**B5601**

**MOVED** Cr Angas that Council:

- (1) Receive and note the Quarter 11 Report: May 2019 to July 2019 inclusive, in respect of progress on "The Big Project" – Generational Community Infrastructure Project and incorporating summary of work completed Ref: 19/43558.
- (2) Supports the development of a revised reporting format for The Big Project based on project and funding deliverables and outcomes rather than the current activity based reporting approach with a target to deliver during 2019 calendar year.

**Seconded** Cr Hurn

**CARRIED 2018-22/286**

**PURPOSE**

To provide a progress update to Council following completion of Quarter 11 (May 2019 to July 2019) of the implementation of "The Big Project" – Generational Community Infrastructure Project (the Project).

**REPORT****Background**

At its Meeting on the 21 May 2019, Council resolved that:

**MOVED** Cr de Vries that Council receive and note the Quarter 10 Report: February 2019 to May 2019 inclusive, in respect of progress on "The Big Project" – Generational Community Infrastructure Project and incorporating summary of work completed Ref: 19/26904.

**Seconded** Cr Angas

**CARRIED 2018-22/191**

**Introduction**

As part of the governance arrangements for The Big Project (as referenced in item 2.4 of the February 2017 Council resolution), a quarterly update to report on progress to Council is required.

**Discussion**

A report on the progress items actioned during the Quarter 11 report period is provided as Attachment 1.

**Summary and Conclusion**

The focus of direct project activity has been around:

- Angaston Railway Station

- Stage 1 – Station Building

- Restoration works continuing
- Plaster stabilisation complete
- Jacking and restumping complete
- Works in roof space underway, identifying more white ant damage
- Continuing discussion with future lease holder on fitout requirements

- Stage 2 – Open Space, Landscaping, Playground and Trail

- Design at 100% completion
- Release of tender packages during early August
- Continuing community discussion for in-kind, discounted or high value local works
- Initiated community discussion regarding South Terrace entranceway that was previous excluded from scope.

- Tanunda Recreation Park Acceleration

- Oval Lighting:

- Successful Office of Recreation, Sport and Racing Grassroots funding confirmed and documentation executed with Department.
- Waiver to appoint CSJ Electrical to supply and install oval lights now implemented. Contract executed and order for lights placed with Musco Lighting within budget for equipment.
- 12-14 week lead in time for delivery of equipment
- Footings designs with Officers to complete Building Consent
- Associated works for electrical capacity upgrades to supply lighting upgrades proceeding see below.
- Letter to Tanunda Football Club regarding contribution and ongoing dialogue with Club President
- Decommissioning / demolition of existing lights to be phased as far as practicable to work around training and competition requirements of clubs depending on the need for lighting at that time. New lights will be installed but cannot be commissioned until power upgrade works completed (timing dependent on SA Power Network). Intent to retain existing lights as operational during that period.

- Electrical Capacity Upgrade:

- Request for updated quote with SAPN via service consultants Bestec. All fees paid.

- Written confirmation of revised offer for contestable and non-contestable works awaited from SAPN including specification for contestable works.
- Design for tender of electrical services complete as far as possible pending final documentation from SAPN
- Tender for electrical works to be conducted
- Easement required for access to new SAPN infrastructure. Work in progress and awaiting transfer of land from Crown

Show Hall Extension / Upgrade:

- Open Tender request issued 26 June 2019 closed 29 July 2019 (extended from original close date of 23 July 2019)
- Tender evaluation undertaken 31 July to 13 August 2019
- Confidential Report to Council 20 August 2019 Council Meeting (or Special Council Meeting as required) for award of contract of works
- Ongoing stakeholder liaison regarding clearing of surplus items stored in Hall; scoping and design of replacement Lone Pine Display with Tanunda Agricultural Bureau.
- Conclusion of Building Rules Certification with external certifiers (significant liaison and work around updated fire compliance requirements).

Oval Widening and Irrigation:

- Reduced scope of landscape design developed for 2018 Regional Growth Fund application to enable only essential landscape and civil works required to facilitate the oval widening but enable future landscape requirements as per Master Plan and when funding is available.
- Scope and specification of essential works to be concluded to enable procurement process for works.
- Irrigation components re costed to include expanded oval.
- 2017 resolution of Council required further report to Council with cost of associated landscaping works not included in original accelerated works budget. That information still required to report to Council. Work in progress.

It is envisaged that work to conclude agreement for the gifting and transfer of the Tanunda Recreation Park land from the Crown will be concluded during the next reporting period.

- Nuriootpa Centennial Park – Change Room Facilities
  - Successful Office of Recreation, Sport and Racing Grassroots funding confirmed and documentation executed with Department. Funding announcement event Minister Knoll representing Minister Office Recreation Sport and Racing, Mayor and Club representatives completed.
  - Design for Development Planning Consent almost concluded for application during August 2019.
  - Select Tender process for Design and Construct process proposed for progress August / September 2019.

**Project and Grant Funding**

Grassroots Office Recreation and Sport; SANFL; SACA and Netball SA:

2 successful applications confirmed during the reporting period:

- Nuriootpa Centennial Park – mixed use change rooms - \$890k application (\$350k grant, 540k Council and stakeholder contributions)
- Tanunda Recreation Park – Oval Lighting Upgrade - \$412,500k application (\$206,250 grant, \$206,250 Council contribution)

All documentation executed. First milestone reports due in September 2019.

2<sup>nd</sup> Round of Grassroots Funding now open via an initial Expression of Interest submission. Formal applications from 11 September to 13 November 2019.

Proposed to submit:

- Old Talunga Park netball and tennis court upgrade (as per approved Master Plan and prioritisation of outcomes of facilities audit endorsed by Council at 16 July 2019 Council Meeting).
- 2<sup>nd</sup> recreational playing area – Angas Recreation Park.

Open Space Funding Application (PIRSA)

Confirmation received that application on behalf of partner Councils and Stakeholders for the Strategic Planning of the Adelaide Wine Capital Cycle Trail (the Regional Cycle Trail) submitted in February was unsuccessful. Group meeting 19 August to review next steps.

Building Better Regions Fund (Round 4) (BBRF) – Federal

Next round of BBRF foreshadowed in Federal Budget and anticipated for release anytime between now and end of 2019.

Work continuing on progressing the Barossa Culture Hub as a shovel ready application.

Project Prioritisation:

Subject of separate Chief Executive Officer Agenda Report 20 August 2019 Council Meeting.

Future Reporting:

It is a recommendation of this report that future reporting post re prioritisation and as the Project increasingly transitions to an implementation phase, be outcome/deliverable based on implemented projects rather than activity based.

A revised reporting structure/template using Council's standard Reporting Software (Magiq) to be developed with a view to delivering a revised format by the end of 2019.

### ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: The Big Project – Quarterly Update Report – Q11 (May 2019 to July 2019)  
Ref: 19/43558.

### 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 direct financial impacts or considerations as a result of the quarterly reporting process. Specific component project related financial considerations are addressed as separate reports to Council as required and through monthly and quarterly Uniform Presentation of Finances reporting.

**Resource**

The Director Community Projects returned to the substantive role of Director, Corporate and Community Services (DCCS) effective 1 July 2018. Big Project work is now being resourced jointly between DCCS (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.

**COMMUNITY CONSULTATION**

A Communication plan and Community Consultation plan for the Project have been documented and are reviewed periodically with Communication and Marketing Officers, the Chief Executive Officer and periodically with The Big Project Working Party.

A Consultation plan for each individual component project is also developed and reviewed for approval as part of the separate Agenda reporting processes to Council.

Regular updates are provided to the community via press releases, d'Vine adverts and newsletters, radio interviews, website and social media content.

No direct project consultation during the report period.

**7.3.2 MANAGER COMMUNITY PROJECTS - DEBATE****7.3.2.1****DRAFT EVENT MANAGEMENT POLICY****B2250**

**MOVED** Cr Schilling that Council:

- (1) Endorse the Draft Event Management 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;
- (2) Approve the Draft Community Consultation and Communications Plan for consultation to take place between 21 August 2019 and 13 September 2019.
- (3) Require officers to submit a further report to Council at the conclusion of the consultation period outlining all submissions received.

**Seconded** Cr Miller

**CARRIED 2018-22/287**

**PURPOSE**

Presenting the updated Draft Event Management Policy for Council's consideration to release for community consultation.

**REPORT***Introduction*

Council's Event Management Policy is due for review. Officers from various departments of Council have had input into the review as events in our region are supported in many and varied ways across the organisation. Such as assessment and approvals, facilities management and remediation, after hours call outs and occasionally claims or risk issues.

*Discussion*

Internal review of events including successful and challenging considerations over the last few years has occurred on an ad hoc but semi-regular basis. In an effort to reduce administration and red tape for our customers, the Event Application Form has been simplified and reduced from initially an 18 page document, to 13 pages and then a 3 page document in the last 24 month period. The elements of events that continue to lead to significant discussion are generally in the following categories:

- Fees and Charges
- Bonds

- Booking Officer responsibilities
- Insurance requirements
- Facility Servicing
- Effect of high impact events on ovals
- Increasingly, the consideration of waste management and sustainable events
- Road closures and impacts on business trade not associated with the event

The Policy provides guidance on the roles and responsibilities of Event Organisers and Council and timeframes for applications.

It is noted that Event Organisers that operate regular and recurring events within our region (such as agricultural shows, motor vehicle events, arts and cultural events – music / food and wine / Christmas parades) have worked collaboratively with Council and developed their understanding of requirements and management of events significantly over the last few years. Compliance, legislative and Work Health Safety considerations at a national and state level have increased and Council officers have worked closely with Event Organisers to provide support to achieve compliance with an appropriate risk based approach, trying to reduce the challenge and burden where possible.

As well as a general review, the following inclusions have been incorporated:

#### Events In Recreation Parks

Council acknowledges the history and heritage of local community events held at Recreation Parks. Events such as our region's agricultural shows have significant and valued contribution to our community's wellbeing and connectedness. They are also an opportunity for local communities to showcase the culture and history of the Barossa.

The demand for high quality sporting surfaces at recreation parks has increased and to provide for this community need and the associated health and wellbeing also arising from these activities, Council continues to invest significantly in sporting oval surfaces and infrastructure. Upgrades of drainage and irrigation systems, de-compaction works and compliant sizing and runoff distances have been achieved over recent years.

Ad hoc, High Impact Events, by their nature, can cause damage to surfaces used primarily and most regularly for both passive and active recreational purposes and can undermine the works implemented by Council and community volunteers to maintain the surface quality as required on a day to day basis by our community. Post-event remediation can also be a significant cost to Council and ratepayers.

For this reason, it is proposed that subject to adoption of the draft policy and at a date to be agreed, the use of oval surfaces will no longer be permissible for High Impact Events or elements of an event that have a potential High Impact. Council staff are able to work with Event Organisers of such events to select the most appropriate facilities for their event. This may include offering several facilities for different components of the event.

#### Consecutive Bookings After Hours at Facilities

Subject to approval, consecutive bookings on a weekend are permissible and frequently occur. However, unless agreed by Officers, the activities necessary for servicing the facility will only be carried out by Council on Fridays and Mondays. ie the facility will not be cleaned by Council in between consecutive bookings that take place on a Saturday or Sunday and like all bookings, the responsibility to ensure the facility is clean and tidy will be the departing Event Organiser in accordance with the Event Conditions. If additional waste bins are required to cater for multiple bookings, these can be provided in addition to the general facility allocation at an additional charge and can be considered with the Booking Officer as part of the booking process.

Event Organisers will be expected to check with the Booking Officer prior to the day of their event whether there are other bookings at the same facility immediately prior or following their booking. Booking Officers will also be expected to advise Event Organisers of other bookings at the facility that occur immediately prior to or following their booking.

#### Waste Management

Council is committed to continuous improvement in waste and recycling services. Council encourages Event Organisers and Event Participants to implement environmentally responsible

event practices, such as provision of compostable packaging, beverage cups, serving plates and utensils.

Booking Officers will work with Event Organisers for options to maximise the diversion of materials from landfill and into recycling and organic streams.

#### Summary and Conclusion

Officers recommend that the updated Events Management Policy is provided to the community for feedback. A Consultation and Communication Plan is provided that also documents the action of writing to the main Event Organisers to inform them of the consultation process and their opportunity to provide feedback.

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

Attachment 1: Draft Event Management Policy Ref: 14/32852

Attachment 2: Draft Community Consultation and Communication Plan Ref: 19/45705

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

#### **Community Plan**



##### Community and Culture

2.2 Support the development of activities that celebrate the history and culture of the Barossa and its people.

2.6 Support a vibrant and growing arts, cultural, heritage and events sector.

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



##### Infrastructure

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

3.6 Invest in, and advocate for, community facilities that support cultural and community participation.

#### **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

Work Health Safety Act 2012

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

#### Financial Management

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

Costs of promoting the community consultation process will be met from existing 2019/20 Budget.

#### Risk and Resource Management

The Event Management Policy will be implemented with a risk based approach to cater for individual events. Officers work with Event Organisers to ensure that their event is well managed and successful.

By carefully considering high impact events on ovals, the risk of damage to oval surfaces requiring remediation at significant cost to Council is avoided. The time taken for remediation is also a factor when delivering quality oval surfaces to users with formal licence agreements with Council, in which there are obligations on Council to provide safe surfaces to an agreed level of service.

### **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 for consultation to occur between the period 21 August 2019 and 13 September 2019 inclusive.



Event Organisers with known High Impact components of their event have been advised via separate letter that the Policy is being reviewed and that high impacts on ovals being considered. Also in the communication is the confirmation that any change regarding high impacts on ovals will not be implemented for this upcoming 2020 show season.

### 7.3.2.2

#### **CONSIDERATION AND ADOPTION OF COMMUNITY ASSISTANCE SCHEME COMMITTEE RESOLUTIONS**

##### **B3342**

**MOVED** Cr Miller that Council, having reviewed the Minutes of the Community Assistance Scheme Committee meeting held 7 August 2019 adopt the Resolutions contained therein.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/288**

#### **PURPOSE**

The Minutes of the Community Assistance Scheme Committee meeting held 7 August 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 Community Assistance Scheme Committee meeting held 7 August 2019

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

Community Plan

Corporate Plan



How We Work – Good Governance

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

Legislative Requirements

Local Government Act 1999

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

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

#### **NURIOOTPA LOCAL AREA TRAFFIC STUDY - PEDESTRIAN CROSSING – GAWLER STREET - NURIOOTPA**

##### **B9330 19/41830**

Author: Manager Engineering Services

**MOVED** Cr Wiese-Smith that, with reference to the Nuriootpa Local Area Traffic Study by HDS Australia Pty Ltd, dated May 2019, Council's preferred Gawler Street, Nuriootpa pedestrian crossing treatment is for two Pedestrian Refuge pedestrian crossing devices – the first located between Murray Street and Second Street and the second west of Second Street.

**Seconded** Cr Hurn

**CARRIED 2018-22/289**

#### **PURPOSE**

The Department of Transport, Planning and Infrastructure (DPTI) have requested comment from The Barossa Council on the proposed construction of a pedestrian crossing facility in Gawler Street, Nuriootpa, as a result of a successful grant application by the Community Co-op Store (Nuriootpa) Ltd.

#### **REPORT**

##### **Introduction**

In October 2018, the DPTI advised Council of a successful application by the Nuriootpa Community Co-op Store for funding from the State Government "Fund My Neighbourhood" grant scheme to install a pedestrian crossing in Gawler Street, Nuriootpa.

A draft design was developed by the DPTI for a single "Wombat Crossing" - where all vehicles give way to pedestrians stepping out onto the crossing - at the location in Gawler Street in-line with the Community Co-op Store Mall entrance axis. This is approximately 60 metres west of the existing signalised pedestrian activated crossing at the corner of Murray Street and Gawler Street.

At the time, Council staff expressed concerns relating to possible road safety issues relating to a Wombat Crossing at this location. Issues included road safety and pedestrian safety matters, i.e. vehicles turning from Murray Street into Gawler Street having to stop for all pedestrians, resulting in queuing in Gawler Street and around into Murray Street, and traffic congestion generally.

The DPTI conducted a community consultation process for the Wombat Crossing option, which included a display at the Community Co-op Store Mall during December 2018. A wide range of community concerns were expressed, including objections to the Wombat Crossing option and the traffic congestion at this particular location. The Minister for Transport was briefed about the issues and requested further options be investigated for the site.

Subsequently, a traffic study was undertaken by Council, in partnership with DPTI, to assist the traffic control decision making for the area. The cost of the traffic study was reimbursed to Council by DPTI.

A presentation made at the Council workshop held 7 August 2019 outlined the data associated with the Nuriootpa Local Area Traffic Study Attachment 1.

##### **Discussion**

The Nuriootpa Local Area Traffic Study performed by HDS Australia Pty Ltd, dated May 2019, included analysis of traffic issues in Nuriootpa from Murray Street to Third Street, including side streets and car parks and wider area as deemed necessary.

The Local Area Traffic Study report examined the following key issues:

- Road Safety Audit findings
- Traffic congestion and traffic count data
- Pedestrian crossing count data
- Community consultation feedback

The main issues identified by the Road Safety Audit are:

- Absence of a designated pedestrian crossing place where the pedestrian path from the Community Co-op Store Mall building connects with Gawler Street;

- Confusion caused by vehicles in the eastbound direction that are indicating to turn right on approach to the Community Co-op Store north car park, and the potential that this could result in a crash involving a pedestrian with eastbound vehicles;
- Parallel parking along Gawler Street results in restrictions to sight distance for pedestrians crossing and also for vehicles exiting Second Street and the shopping centre car parks;
- Potential side swipe or rear end crashes resulting from vehicles undertaking a left turn from Second Street following by a right turn into the Community Co-op Store north car park, and vice versa;
- Consider installing an additional raised island with pedestrian refuge to the west of Second Street (adjacent Mitre 10);
- In the concept design Option 2, pedestrians would need to look over their left shoulder to sight vehicles turning right from the Community Co-op Store north car park.

The Local Area Traffic Study report findings indicated that significant improvements in safety for pedestrians would be achieved with either of the below options:

1. A Wombat Crossing in Gawler Street, in-line with the Community Co-op Store Mall entrance axis, and an additional Pedestrian Refuge, adjacent Mitre 10.
2. A Pedestrian Refuge at each of the same two locations.

In considering the matters evaluated in the study the need for a designated crossing point is justified based on current traffic and pedestrian volumes, and these are expected to increase with future development of Nuriootpa, estimated to be approximately 1,000 new residential allotments within the next five years.

In addition to the proposed crossing location, it is recommended that consideration be given to installing a second crossing point to the west of Second Street, consisting of a raised island with pedestrian refuge.

Although Option 1 is recommended as a preferred option, Option 2 would also provide a significant safety improvement to the current arrangement. It is also considered that Option 2 is the preferred option on the condition that the second crossing point noted above is adopted.

The use of two consecutive devices of the same type would provide a consistent approach for pedestrian and vehicle use along Gawler Street, and may receive a more favourable acceptance by local residents. It may also result in more predictable driver and pedestrian behaviours and therefore lead to a safer outcome.

The construction cost of Option 2 is considerably lower than Option 1, and could be considered as a low cost option with the view to evaluating its performance before further considering Option 1 in the future.

The report recommends a number of other improvements to be considered as part of the preferred pedestrian crossing design implementation, including:

- Consider removal of the right turn movement at the intersection of Second Street and Gawler Street.
- Develop a strategy to even out the off-street parking usage.
- Consider improvements and widening to the Community Co-op Store north access way to Gawler Street.
- Consider reducing on-street parallel parking along Gawler Street, between Murray Street and Third Street.

As this project was initiated by the community and the other suggested improvements impact on Council infrastructure, the DPTI consider it necessary for Council to consider the recommendations of the report, take into account the community needs and feedback and advise the department of their preferred option.

Once the preferred option is decided by Council, the department will develop plans for the installation of the devices and any community consultation required for the ultimate scheme.

It should be noted that the funding for this project will only be available until the end of the 2019 calendar year.

### **Summary and Conclusion**

With reference to the Nuriootpa Local Area Traffic Study by HDS Australia Pty Ltd, dated May 2019, and the community consultation comments received to date, Council's preferred Gawler Street, Nuriootpa, pedestrian crossing treatment is for two Pedestrian Refuge pedestrian crossing devices – the first located between Murray Street and Second Street, adjacent the Community Co-op Store shopping centre mall entrance, and the second west of Second Street, adjacent Mitre 10.

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

Attachment 1 - Nuriootpa Local Area Traffic Study

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

Community Plan



Infrastructure

- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 3.7 Ensure infrastructure meets the needs of people and provides for all abilities access

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

Gawler Street, Nuriootpa is under the care and responsibility of the DPTI.

The design and construction of the traffic control device(s) in Gawler Street would be funded by the DPTI. The DPTI funding will only be available until the end of the 2019 calendar year.

There is no approved Council capital budget for these works. Council undertook the Nuriootpa Local Area Traffic Study with the HDS Australia consultant costs reimbursed to Council by the DPTI.

### **COMMUNITY CONSULTATION**

The community consultation process associated with the Gawler Street pedestrian crossing project was undertaken by the DPTI.

#### **7.4.1.2**

#### **PROPOSED ROAD CLOSURE - 2019 MOUNT PLEASANT CHRISTMAS STREET PARTY** **B9032 19/45088**

In correspondence prior to the Council meeting Cr Don Barrett asked that it be noted that the application for the Proposed Road Closure – 2019 Mount Pleasant Christmas Street Party was made by the Mount Pleasant Community Association Incorporated, not the Mount Pleasant Progress Association as referenced in the report for this matter.

Pursuant to S73 of the Local Government Act 1999, Cr Barrett disclosed a material conflict of interest in the matter 7.4.1.2 – *Proposed Road Closure – 2019 Mount Pleasant Christmas Street Party* as his wife, Mrs Susanne Barrett is the Secretary of the Mount Pleasant Community Association Incorporated.

Cr Barrett advised Council of the conflict of interest and left the meeting at 11.05am.

**MOVED** Cr Wiese-Smith that the Commissioner of Police be advised that The Barossa Council endorses the closure of:  
Melrose Street, Mount Pleasant, from McGormans Road to Saleyard Road between 5.00pm and 7.00pm, and;  
Melrose Street, Mount Pleasant, from Saleyard Road to Phillis Street between 5.00pm and 10.00pm on Saturday 7 December 2019 to stage the 2019 Mount Pleasant Christmas Street Party

**Seconded Cr Troup****CARRIED 2018-22/290****PURPOSE**

Mount Pleasant Christmas Street Party Committee has applied to The Barossa Council for support as they plan the 2019 Mount Pleasant Christmas Street Party on Saturday 7 December 2019.

**REPORT****Discussion**

Application has been received from the Mount Pleasant Progress Association requesting Council assistance and support for the 2019 Mount Pleasant Christmas Street Party.

Organisers have requested an earlier commencement time for the closures, however, Officers maintain a 5.00pm start is appropriate to allow local traders maximum trading time on the day.

**Summary and Conclusion**

Council has supported this event for many years by assisting the local community to prepare and stage this event and by organising and implementing the road closures for the event.

Council Operations staff has further assisted the local community to prepare and stage this event with assistance in the following areas:-

- Street sweeping - as close as possible to the event
- Emptying of bins – also as close as possible to the event

Attending to these items enables the Committee to successfully host the event each year as per the Community Plan.

Council Officers will also request SAPOL direct that persons taking part in the 'Barossa Christmas Parade' on the above roads be exempted from all Australian Road Rules relating to pedestrian behaviour on roads.

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

**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 in-kind cost and implementation of the road closure estimated to be \$1465.00 is to be met by Council via Council's Road Closure – Support budget.

**Risk management**

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public. Council staff will closely monitor the road closure and reopen the road/s as soon as practical after the conclusion of the event.

**COMMUNITY CONSULTATION**

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

Cr Barrett returned to the meeting at 11.06am

**7.4.1.3****PROPOSED ROAD CLOSURE – 2019 BAROSSA CHRISTMAS PARADE  
B9032 19/45085**

**MOVED** Cr Wiese-Smith that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:

Murray Street, Tanunda from Theodor Street to the Northern Archway, and Bilyara Road, Tanunda from Elizabeth Street to Park Street, and Elizabeth Street, Tanunda for a distance of approximately 80 metres from Murray Street, and Basedow Road, Tanunda between Murray Street and McDonnell Street, and Julius Street, Tanunda for a distance of approximately 100 metres from Murray Street, and John Street, Tanunda for a distance of approximately 75 metres from Murray Street, and Bushman Street, Tanunda from Murray Street to Edward Street, and Young Street, Tanunda for a distance of approximately 225 metres from Murray Street, and Jane Place, Tanunda from Murray Street to Maria Street, between 5.00pm and 10.00pm, on Friday 6 December 2019 to stage the 2019 Tanunda Christmas Pageant.

**Seconded** Cr Miller

**CARRIED 2018-22/291**

**PURPOSE**

Tanunda Christmas Pageant Committee has applied to The Barossa Council for support as they plan the 2019 Barossa Christmas Parade on Friday 6 December 2019.

**REPORT****Background**

Council has supported township Christmas parades for many years by organising and implementing the required road closures for the events.

**Introduction**

The 2019 Barossa Christmas Parade will require a street closure and diversion of traffic on the night and Council operations staff will be required to provide this support.

Organisers have requested an earlier commencement for the 2019 Parade, however, Officers maintain a 5.00pm start as in previous years is appropriate to allow all local traders maximum trading time on the day.

**Summary and Conclusion**

Council Operations staff has further assisted the local community to prepare and stage this event with assistance in the following areas:-

- Erecting Christmas banners by mid-November
- Providing and monitoring extra rubbish and recycling bins during the event

- Street sweeping – pre and post event.

Attending to these items enables the Committee to successfully host the event each year as per the Community Plan.

Council Officers will also request SAPOL direct that persons taking part in the 'Barossa Christmas Parade' on the above roads be exempted from all Australian Road Rules relating to pedestrian behaviour on roads.

## 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 in-kind cost and implementation of the road closure estimated to be \$3,075.00 is to be met by Council via Council's Road Closure – Support budget.

### **Risk management**

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public. Council staff will closely monitor the road closure and reopen the road/s as soon as practical after the conclusion of the event.

## COMMUNITY CONSULTATION

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

## **7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE**

### **7.5.1. DEVELOPMENT SERVICES - DEBATE**

#### **7.5.1.1**

### **JOINT PLANNING ARRANGEMENTS – BUSINESS CASE (FURTHER INFORMATION)**

#### **B6622**

Author: Director, Development and Environmental Services

**MOVED** Cr Angas that Council has the matter in *Agenda Item 7.5.1.2 Joint Planning Arrangements – Business Case* of the 18 June 2019 Council Meeting lifted from the table for discussion.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/292**

**MOVED** Cr Angas that Council

- (1) Agree to proceed with the preparation of the Joint Planning Arrangement Business Case in collaboration with the partner councils (Option 'A'), with the intent to formally consider the Business Case at a future Council meeting to determine whether to proceed or not in the establishment of a Joint Planning Board for the Region.
- (2) Authorise the Chief Executive Officer and/or his delegate to continue to liaise with the State Planning Commission and the Department of Planning, Transport and Infrastructure on key issues that may influence the decision to proceed with a Joint Planning Arrangement, and provide regular updates.

**Seconded** Cr Johnstone

**CARRIED 2018-22/293**

#### **PURPOSE**

To lift the report from the table and reconsider the matter on whether to proceed in the development of the Business Case for the establishment of a Joint Planning Board pursuant to Section 36 of the *Planning, Development and Infrastructure Act 2016*.

#### **REPORT**

##### Background

At its meeting on 18 June 2019, Council considered the report *Joint Planning Arrangements – Business Case (Attachment 1)* and resolved to lay the report on the table.

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

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

*Seconded* Cr Miller

**CARRIED 2018-22/215**

##### Discussion

##### Partner Council:

All Partner Councils were presented with details of the Business Case at a Workshop, and were provided with a subsequent report to consider whether to proceed with the finalisation of the Business Case.

Gawler and Light Regional Councils resolved to proceed, while Adelaide Plains elected not to proceed. Each resolution is provided below.

Adelaide Plains Council meeting held on 24 June 2019.

*Moved Councillor Strudwicke  
Seconded Councillor Lush*

*That Council, having considered Item 14.5 – Joint Planning Arrangements – Business Case, dated 24 June 2019,*

- 1. Determines not to proceed with the establishment of a Joint Planning Board for the region; and*
- 2. Authorises the Chief Executive Officer and/or his delegate to continue to liaise with the State Planning Commission and the Department of Planning, Development and Infrastructure on key issues with regard to planning arrangements for the Council district.*

**CARRIED**

Light Regional Council meeting held on 25 June 2019.

*Moved Cr Rohrlach  
Seconded Cr Close*

*That Council:*



1. Agree to proceed with the preparation of the Joint Planning Arrangement Business Case in collaboration with the partner councils (Option 'A'), with the intent to formally consider the Business Case at a future Council meeting to determine whether to proceed or not in the establishment of a Joint Planning Board for the region.
2. Authorise the Chief Executive Officer and/or his delegate to continue to liaise with the State Planning Commission and the Department of Planning, Transport and Infrastructure on key issues that may influence the decision to proceed with a Joint Planning Arrangement, and provide regular updates.

CARRIED

Town of Gawler meeting held on 25 June 2019.

Moved: Cr D Fraser

Seconded: Cr N Shanks

That Council:

1. Agrees to proceed with the preparation of a Joint Planning Arrangement Business Case with partner councils, with the intent to consider the Business Case at a future Council meeting to determine the next steps and whether to proceed or not in the establishment of a Joint Planning Board.
2. Authorise the Chief Executive Officer delegate to staff to continue liaising with the State Planning Commission and the Department of Planning, Development and Infrastructure on key issues and provide regular updates and further information comes to hand.

CARRIED UNANIMOUSLY

*Regional Plan:*

In regard to the capacity for a council consortium to develop a Regional Plan even though the subject area is part of *The 30 Year Plan for Greater Adelaide*, the Manager Planning Reform at the Department of Planning, Transport and Infrastructure advised in an email (31 July 2019):

*"In relation to the preparation of a regional plan; section 64 states that:*

*(1) Subject to subsection (2), the Commission must prepare a Regional Plan for each planning region.*

*(2) If a Joint Planning Board has been constituted in relation to an area of the State, the Regional Plan for that area must be prepared by the Joint Planning Board and the Commission will prepare the Regional Plan for any balance of a planning region that remains outside the area in relation to which the Joint Planning Board has been constituted.*

*Greater Adelaide must be declared as a 'Planning Region', so our interpretation of the above provision is that you can prepare the Regional Plan for the component of the Plan that is covered by the Joint Planning Board area.*

*(4) A Regional Plan may—*

*(a) be divided into various parts that relate to subregions; and*

*(b) include structure plans, master plans, concept plans or other similar documents.*

*Should the Joint Planning Board be established, the Government could consider establishing subregions as set out above, and thus the Regional Plan could be divided into parts".*

In a previous email;

*"a Regional Plan must be consistent with any State Planning Policy (insofar as may be relevant to the relevant region or area). In effect, the SPPs replace some of the State interests currently expressed in the 30 Year Plan for Greater Adelaide".*

Further, the Chair of the State Planning Commission, Michael Lennon recently addressed the members of the RDA Board where the matter of regional planning was raised. Mr Lennon emphasised that a Joint Planning Board would have jurisdiction for its Region, and that the Regional Plan would need to be consistent with any practice direction issued by the Commission.

The Act is silent on who approves a Regional Plan. There are no Regulations at present that relate to the preparation of a Regional Plan, other than that information about the implementation and

operation of the Joint Planning Board's Regional Plan must be reported each year as part of its Annual Report (refer Clause 6, *Planning, Development and Infrastructure (General) Regulations 2017*).

*Financial Assistance:*

To date, the State Government has provided a significant financial contribution to assist councils in establishing Joint Planning Boards, including engaging Jeff Tate Consulting to deliver a suite of materials to assist councils in preparing Business Cases, Planning Agreements and Regional Plans. A number of Workshops were also held with council representatives to work through the range of questions about Joint Planning arrangements. This included a commitment from councils and DPTI in working through how this new governance model could work.

The Manager Planning Reform advised the following:

*"We are committed to providing assistance to councils in preparing Regional Plans through the provision of data, research, demographics, mapping and a range of other support tools. This commitment is included within the Guide to Regional Plans.*

*However, in terms of direct funding this would need to be considered on a case by case basis and where it could be demonstrated that there was strategic benefit to do so. A strong commitment to what is intended to be delivered would be a critical component of our consideration. Specifically, we would need firm objectives, agreed timeframes, and a sound strategic outcome.*

*The intent of Joint Planning Arrangements is to provide a more cost-effective model of governance for planning through the sharing of resources across a region – it is of course voluntary for councils to adopt where there is a sound business case to do so. Shared resources for preparing a Regional Plan, which can then lead to Regional Code Amendments (which can be undertaken in parallel) can have substantial benefit in terms of costs and achieve better outcomes overall".*

The Business Case template has provision to identify sources of funding for the establishment and operation of the Joint Planning Board.

The snippet below is taken from the template.

### **13. JOINT PLANNING BOARD FUNDING AND FINANCIAL MANAGEMENT**

If agreed by the Councils, sections 13.1, 13.2, 13.3 and 13.5 could be completed for the Business Case and the remainder could be completed for the Business Plan.

#### **13.1. Funding model**

The following funding model will be adopted for the JPB: **Describe the proposed funding model.**

In populating the draft Business Case, Council officers envisaged that there would be a shared level of funding from State Government. The preferred option would be a 50/50 share between State Government and the Partner Councils.

The Planning Agreement need not be executed unless the funding model is agreed upon by the Minister for Planning and the Partner Councils, noting the Department's advice that funding would be determined on a 'case by case basis and where it could be demonstrated that there was strategic benefit to do so'.

#### Summary and Conclusion

The preparation of the Business Case will enable the Partner Councils to evaluate the cost/benefits of establishing a Joint Planning Board. The template is designed to allow each council to evaluate its own objectives and help determine if it wishes to proceed or not proceed into the next phase of establishing a Joint Planning Board.

Despite the decision of Adelaide Plains Council to not proceed, the remaining three councils would still be in a position to complete the Business Case phase before deciding on whether to proceed to the final phase of establishing a Joint Planning Board in consultation with the Minister for Planning.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Council Report 18 June 2019

Guide to Regional Plans

[https://www.saplanningportal.sa.gov.au/\\_data/assets/pdf\\_file/0006/529737/Regional\\_Plans\\_Guidelines.pdf](https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0006/529737/Regional_Plans_Guidelines.pdf).

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.

Legislative Requirements

Planning, Development and Infrastructure Act 2016

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

*Financial Management*

Nil

*Risk Management*

Nil

## COMMUNITY CONSULTATION

Nil

### **7.5.2 ENVIRONMENTAL SERVICES – DEBATE**

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**

#### **SOFT PLASTICS RECYCLING PILOT PROJECT AND REGIONAL RECYCLING PROJECT B7240**

Author: Director Development and Environmental Services

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

- (1) Support continuation of the Soft Plastics Recycling project for an additional six month period, and authorise the Director, Development and Environmental Services to execute a new Service Agreement with the partner organisations.
- (2) Allocate \$8,000 from the Recyclables Collection Reserve as part of the First Quarter Budget Adjustment in support of the Soft Plastics Recycling Project.

- (3) Provide in principle support for the Regional Recycling Project aimed to improve recycling of packaging waste, and assist smaller wineries to become more sustainable, and authorise the Director Development and Environmental Services to have further discussion with Green Industries SA to determine if the Regional Recycling Project is eligible under the Lead, Educate, Assist, Promote (LEAP) Grant, and who should be driving the Grant application, if supported.

**Seconded** Cr Johnstone

**CARRIED 2018-22/294**

#### **PURPOSE**

To provide feedback on the Soft Plastics Recycling Pilot Project (initial six month trial) conducted in association with The Father's Farm, YCA Recycling and Light Regional Council, and seek support to extend the trial for an additional six month period, and seek support to investigate the Lead, Educate, Assist, Promote (LEAP) Grant being offered by Green Industries SA in support of a Regional Recycling Project.

#### **REPORT**

##### Background

In 2017 YCA Recycling approached The Barossa Council to determine the level of interest for recycling, particularly soft plastics.

Council supported the idea of hosting a Pilot Program to determine the level of interest, and sought to identify a site that could host container bins.

The Father's Farm had approached Council with the idea to improve community perception around recycling, building on its current activities. The Father's Farm were open to the idea of being a host for a deposit and collection point.

The three parties agreed to trial a soft plastics deposit and collection service.

##### Introduction

In 2019, a Service Agreement to conduct a Soft Plastics Recycling Pilot Project was signed between The Father's Farm, YCA Recycling, Light Regional Council and The Barossa Council.

The primary objective of the Soft Plastics Recycling Pilot Program was to promote and increase the knowledge of recycling by facilitating a coordinated soft plastics deposit and collection scheme.

The program aimed at collecting the soft plastics generated from the agricultural sector in the Barossa Valley. The target material being:

- Clear plastic film
- Chemical drum (20 Litre, 25 Litre, 100 Litre)
- Irrigation pipe/ Dripper pipe
- Strappings

The Soft Plastics Recycling Pilot was conducted between 11 February and 31 July 2019.

##### Discussion

Soft Plastics Recycling Pilot Program:

With The Fathers' Farm waiting on development approval for the site to operate as a Waste Depot, Council did not actively promote the recycling service to the main target industries in the region, namely small to medium sized commercial and industrial operators.

YCA Recycling reported that the amount of material received and processed during the Pilot was not significant. However, YCA Recycling acknowledge that there could have been more material had the promotion occurred.

Attachment 1 contained a Summary Report provided by The Father's Farm on their perspective on the pilot.

Regional Recycling Project:

At the April meeting of the Regional Waste Management Services Working Group Craig Grocke (RDA Barossa) and Tim Hackett (Henschke Wines) addressed the Working Group, providing details of a new recycling project that is a collaboration within the Wine Industry. The wineries currently involved are compiling information on waste streams (types and volumes) and disposal methods. These wineries are seeking a partnership with Council/councils to assist with funding applications and promotion.

On 7 August 2019, Craig and Tim met with representatives of Light Regional and Barossa Councils to discuss the opportunity to submit an application for the Lead, Educate, Assist, Promote (LEAP) Grant being offered by Green Industries SA.

Funding is available for information tools, education, mentoring and recognition type projects that support SA industry to improve productivity, rely less on raw materials, water and energy, prevent wastage and reduce costs.

The proposed Regional Recycling Project aims to improve recycling of packaging waste, and assist smaller wineries to become more sustainable. The intent is to produce an electronic portal accessible for the public and businesses to identify potential suppliers of waste management services, locations to drop off and other conditions around the use of waste services.

The potential project stakeholders include:

- Barossa Wine Industry
- Green Industries SA
- Australian Packaging Covenant
- Waste and Recycling service providers
- Light Regional and Barossa Councils

It has been acknowledged that the Soft Plastics Recycling Pilot would benefit from the Regional Recycling Project, and would be one of the key sites that would receive recycling material.

#### Summary and Conclusion

While the Soft Plastics Recycling Pilot Project did not generate a large volume of recycled material being collected and disposed of, all parties agree that with a directed promotional campaign amongst the target audience a better result can be achieved.

Accordingly, it is recommended that an additional six month program be undertaken that is preceded with a targeted promotion, and provide support to investigate the Lead, Educate, Assist, Promote (LEAP) Grant.

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

Attachment 1 – Pilot Project Report – Father’s Farm

### **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*

Council had allocated funding to support the Pilot Program. This comprised of \$5,000 towards the Depot operational costs for The Father's Farm and funds to cover the rental (\$20/bin) and transportation (\$300/pick up) for the bins. These costs were shared between Light Regional and Barossa as part of the Service Agreement.

Should Council support the additional Pilot Program, it is recommended that an additional budget allocation of \$8,000 be taken from the Recyclables Collection Reserve. The balance of the reserve as at 30 June 2018 is \$118,240. The balance as at 30 June 2019 is still being calculated at the time of preparing this report.

#### *Risk Management*

Now that the site operated by The Father's Farm has received the necessary approvals, there is greater capacity to receive a range of waste streams. Hence, they are keen for Council to continue to provide financial support.

### **COMMUNITY CONSULTATION**

Should Council agree to continue its support for the Pilot, the parties will undertake greater promotion of the service that is available at the Depot. No community engagement is proposed as part of the Program.

## **8. CONFIDENTIAL MATTER – 11.08AM**

### **8.1 CHIEF EXECUTIVE OFFICER - CONFIDENTIAL – 11.08AM**

#### **8.1.1**

#### **BAROSSA GRAPE AND WINE ASSOCIATION (BGWA) – SALE OF PROPERTY MURRAY STREET TANUNDA – COUNCIL'S FIRST RIGHT OF REFUSAL UNDER THE LEASE**

The matter of the agenda item being the commercial consideration to either accept or refuse the first right of the BGWA building in Murray Street Tanunda being information that is commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest pursuant to Section 90(3)(d) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure that commercial conditions of a contract of sale of the property including pricing being sought by BGWA should Council exercise its first right of refusal does not prejudice the future sale activity of BGWA.

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 would unreasonably expose the sensitive interests of BGWA and potentially disclosure could give an unfair advantage to a person with whom Council proposes to do business should Council exercise either of its first and last rights of refusal.

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

**MOVED** Cr Johnstone that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(d)(i) and (ii) of the Local Government Act 1999, relating to 8.1.1 Barossa Grape and Wine Association (BGWA) – Sale of Property Murray Street Tanunda – Council's First Right of Refusal Under the Lease 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 be information that is commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest; 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 so that the disclosure would not unreasonably expose the sensitive interests of a BGWA, and, potentially disclosure could give an unfair advantage to a person with whom Council proposes to do business should Council exercise either of its first and last rights of refusal.

**Seconded** Cr Wiese-Smith

**CARRIED 2018-22/295**

After moving in to confidence but before any debate on the Confidential matter 8.1.1 – Barossa Grape and Wine Association (BGWA) – Sale Of Property Murray Street Tanunda – Council's First Right Of Refusal Under The Lease, Cr Angas, pursuant to S73 of the Local Government Act 1999, disclosed a material conflict of interest in the matter as his wife is a member of the Barossa Grape and Wine Association Board.

Cr Angas left the meeting at 11.09am.

**RESUMPTION OF OPEN COUNCIL MEETING – 11.19AM**

The open meeting of Council resumed at 11.19am.

In the matter 8.1.1 – Barossa Grape and Wine Association (BGWA) – Sale of Property Murray Street Tanunda – Council's First Right of Refusal Under The Lease:

**MOVED** Cr Hurn that Council, having considered the Barossa Grape and Wine Association (BGWA) Notice under the Lease Agreement Extension dated 21 June 2016:

- (1) Confidential resolution
- (2) Confidential resolution
- (3) Authorise the Chief Executive Officer to inform BGWA and Tourism Barossa Incorporated of Council's decision
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, report, attachments and all documents other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 20 August 2019 in relation to item 8.1.1 Barossa Grape and Wine Association (BGWA) – Sale of Property Murray Street Tanunda – Council's First Right of Refusal Under the Lease be kept confidential and not available for public inspection until BGWA has concluded its market approach, offered Council its last right of renewal and any

subsequent transaction has been completed and authorise the Chief Executive Officer to review and revoke the order.

**Seconded** Cr Miller

**CARRIED CO2018/22-13**

Cr Angas returned to the meeting at 11.19am.

## **8. CONFIDENTIAL MATTER – 11.19AM**

### **8.2 DIRECTOR CORPORATE AND COMMUNITY SERVICES - CONFIDENTIAL – 11.19AM**

#### **8.2.1**

#### **TENDER - TANUNDA RECREATION PARK SHOW HALL EXTENSION AND REFURBISHMENT T0102/2019**

The matter of the agenda item being a tender for the provision of services pursuant to Section 90(3)(k) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure that commercial in confidence information is not divulged and Council does not disclose information which may prejudice the outcome of the tender or future tenders.

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

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

- The disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the extension and refurbishment works to the Tanunda Recreation Park Show Hall and the Council report, attachments, and associated document; and
- The disclosure would give an unfair advantage to a person with whom Council proposes to do business.

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

**MOVED** Cr Hurn that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999 relating to the receiving, reviewing and assessing of the Tender for the Tanunda Recreation Park Show Hall Extension and Refurbishment works, being information that must be considered in confidence in order to ensure that Council does not disclose information relating to tenders for the supply of goods, the provision of services or the carrying out of works; and



- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the unreasonable exposure of commercial in confidence information provided by tenderers through the tender process and the Council report, attachments and associated documents and to prevent an unfair advantage to a person with whom Council proposes to do business.

**Seconded** Cr Miller

**CARRIED 2018-22/296**

### **RESUMPTION OF OPEN COUNCIL MEETING – 11.22AM**

The open meeting of Council resumed at 11.22am.

In the matter *8.2.1 – Tender - Tanunda Recreation Park Show Hall Extension and Refurbishment T0102/2019*:

**MOVED** Cr Angas that Council:

- (1) Confidential resolution
- (2) Confidential resolution.
- (3) Confidential resolution
- (4) Having considered the Tender Evaluation Report for the Tender for the Tanunda Recreation Park Show Hall Extension and Refurbishment works T0102/2019, and subject to approval of recommendation (2) above, awards the contract to BG Building Group on the basis that the submission represents the best overall value for money.
- (5) Confidential resolution.
- (6) Confidential resolution.
- (7) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, agenda report and all attachments and associated documents in relation to Confidential Council meeting held on 20 August 2019 in relation to item 8.2.1 and titled "Tender – Tanunda Recreation Park Show Hall Extension and Refurbishment T0102/2019" other than the Minutes relating to the identity of the successful tenderer [Item (4)] and this confidentiality order, be kept confidential and not available for public inspection until the end of the Tanunda Recreation Park Show Hall Extension and Refurbishment works – T0102-2019 and that the Chief Executive Officer be delegated the power to review and revoke this order.
- (8) Authorise the Chief Executive Officer to release information relating to the tender in accordance with Section 91(8)(b) and 91(8)(ba) of the Local Government Act.

**Seconded** Cr Johnstone

**CARRIED CO2018/22-14**

## **9. URGENT OTHER BUSINESS**

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

**MOVED** Cr Wiese-Smith that Cr Boothby be granted Leave of Absence for the Council meeting to be held on Tuesday 17 September 2019.

<b>Seconded</b> Cr Miller	<b>CARRIED 2018-22/297</b>
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**9.2 REQUEST – LEAVE OF ABSENCE – CR SCHILLING**

Pursuant to S73 of the Local Government Act 1999 Cr Schilling disclosed a material conflict of interest in the matter 9.2 – *Request - Leave of Absence – Cr Schilling* as she is seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Cr Schilling advised Council of the conflict of interest and left the meeting at 11.22am

<b>MOVED</b> Cr Haebich that Cr Schilling be granted Leave of Absence for 8 September 2019 to 10 September 2019 and 26 October 2019 to 9 November 2019.	<b>CARRIED 2018-22/298</b>
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<b>Seconded</b> Cr Wiese-Smith	<b>CARRIED 2018-22/298</b>
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Cr Schilling returned to the meeting at 11.23am.

**9.3 REQUEST – LEAVE OF ABSENCE – MAYOR LANGE**

Pursuant to S73 of the Local Government Act 1999 Mayor Lange disclosed a material conflict of interest in the matter 9.3 – *Request – Leave of Absence – Mayor Lange*, as he is seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Mayor Lange advised Council of the conflict of interest and left the meeting at 11.23am.

Deputy Mayor, Cr John Angas assumed the Chair at 11.23am.

<b>MOVED</b> Cr Hurn that Mayor Lange be granted Leave of Absence from 27 September 2019 to 13 October 2019, inclusive.	<b>CARRIED 2018-22/299</b>
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<b>Seconded</b> Cr Barrett	<b>CARRIED 2018-22/299</b>
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Mayor Lange returned to the meeting and resumed the Chair at 11.24am.

**10. NEXT MEETING**

Tuesday 17 September 2019 at 9.00am.

**11. CLOSURE OF MEETING**

Mayor Lange declared the meeting closed at 11.25am.

Confirmed at Council Meeting on 17 September 2019

Date:.....

Mayor:.....