



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 17 September 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 Hurn that the apology received from Cr de Vries be noted.

Seconded Cr Miller

CARRIED 2018-22/300

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr Johnstone that the Minutes of the Council meeting held on Tuesday 20 August at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Barrett

CARRIED 2018-22/301

MOVED Cr Wiese-Smith that the Minutes of the Confidential Council meeting held on Tuesday 20 August 2019 at 11.08am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Troup

CARRIED 2018-22/302

MOVED Cr Johnstone that the Minutes of the Confidential Council meeting held on Tuesday 20 August 2019 at 11.19am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Wiese-Smith

CARRIED 2018-22/303

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

Nil

1.8 DEPUTATIONS

Nil

1.9 NOTICE OF MOTION

Cr Troup spoke to her Notice of Motion seeking to amend the following resolution of Council made at its meeting of 20 August 2019:

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

Cr Troup advised that she sought to extend the timeframe for submissions on the draft Event Management policy as it has fallen in a busy period for show societies and they have requested additional time to provide submissions.

Cr Troup further advised she proposed to amend part 2 of the resolution to allow for a further three weeks for submissions due to the above matter and to allow sufficient time to advertise the extension; noting the period for submissions has already closed and that staff advertise this extension as soon as possible.

MOVED Cr Troup 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 4 October 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 2018-22/304

1.10 QUESTIONS – WITH OR WITHOUT NOTICE

Nil

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

Mayor Lange advised that due to ill health he had been unable to attend the meetings with Mount Pleasant resident and the Cromer Tennis Clubrooms site meeting on 10 September and the Barossa Calendar launch on 13 September.

MOVED Cr Miller that the Mayor's report be received.

Seconded Cr Johnstone

CARRIED 2018-22/305

3. COUNCILLOR REPORTS

Nil

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

Nil

5.2 RECEIPT OF CONSENSUS AGENDA

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

Seconded Cr Wiese-Smith

CARRIED 2018-22/306

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

Nil

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

Nil

6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING**7. DEBATE AGENDA****7.1 MAYOR – DEBATE**

Nil

7.2 EXECUTIVE SERVICES - DEBATE**7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER****7.2.1.1****REGISTER OF INTERESTS POLICY****B1485**

Author: Governance Advisor

MOVED Cr Johnstone

(1) That Council receives, considers and approves the draft Register of Interests Policy (the "Policy"), as attached at Attachment 1; and

(2) That Council receives the draft supporting Processes to the Policy, being the Registering of Elected Member Interest Process and Registering of Officer Interests Process at Attachment 2 and 3 respectively, noting that the supporting Processes will be approved by the Chief Executive Officer.

Seconded Cr Angas

CARRIED 2018-22/307

PURPOSE

To receive and consider the draft Register of Interests Policy and to receive the draft Registering of Elected Member Interests Process and Registering of Officer Interests Process, as attached.

REPORTBackground

Pursuant to Chapter 5, Part 4, Division 2 and Chapter 7, Part 4, Division 2 of the *Local Government Act 1999* (the "Act"), Elected Members and those officers declared as Prescribed Officers are required to register their interests, by way of Primary and Ordinary returns.

Introduction

Council's Register of Interest Policy ("Policy") and associated Registering of Officer Interests Process ("Officer Process") and Registering of Elected Member Interests Process ("Elected Member Process") are now due for review in accordance with the regular review process.

An updated draft version of the Policy with track changes is provided at [Attachment 1](#). Updated draft versions of the Officer and Elected Member Processes are provided at [Attachment 2](#) and [3](#), respectively. Please note that the draft Processes are provided for Elected Member information only, as the Processes will be approved by the Chief Executive Officer due to the administrative nature of the content.

Discussion

The proposed amendments to the Policy are:

- Change to clause 4.3.1 to include as Prescribed Officers, all officers who undertake assessment and advisory services pursuant to the Development Act or Planning, Development and Infrastructure Act. This has effectively broadened a particular tranche of Prescribed Officers, which previously included officers who undertook planning assessment. As a result of the change, all team members of the Development Services Team, including contractors, but excluding administration support officers, will be required to register their interests as Prescribed Officers.
- Addition to clause 2.2 to capture Barossa Assessment Panel Independent Members and reference relevant clauses in the Policy and direction to relevant Council Policy;
- Removal of Co-ordinator, Asset Management as a Prescribed Officer position, even though the position technically satisfies the criteria for being classified as a Prescribed Officer at clause 4.3.1 – i.e. the officer has delegated powers to enter into contracts which are \$50,000 or more;
- Other updates for grammar, completeness and consistency – refer to track changes.

The proposed amendments to the Elected Member Process are:

- Removal of clause 4.2.2, which required the Chief Executive Officer to review Elected Member Returns upon receipt;
- Update to clause 4.2.2 (previous 4.2.3) to include timeframes for the Delegate to forward the Schedule of Elected Member Returns to the Mayor and CEO for signature;
- Update to language at clause 4.6.2 for clarity and to reflect language used in legislation. This is not a substantive change;
- Other updates for grammar, completeness and consistency – refer to track changes.

The proposed amendments to the Officer Process are:

- Removal of clause 4.2.2, which requires the Chief Executive Officer to review Officer Returns upon receipt;
- Updates to the language used at clause 4.2.1 and 4.1.3 for consistency with legislation and for clarity. This is not a substantial change and the effect of the clause remains the same;
- Other updates for grammar, completeness and consistency – refer to track changes.

Summary and Conclusion

Council is now asked to approve the amended Register of Interests Policy and note the changes made to the supporting Processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: draft Register of Interests Policy

Attachment 2: draft Registering of Elected Member Interests Process

Attachment 3: draft Registering of Officer Interests Process

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
Local Government (General) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource

Nil

Risk Management

Risk is reduced by the transparency and accountability provisions of the *Local Government Act 1999*.

COMMUNITY CONSULTATION

No community consultation is required for this Policy as the content is mandated by legislation and facilitated according to internal processes.

7.2.1.2

QUARTERLY UPDATE TO DELEGATIONS REGISTER

B8824 and B8826

Author: Governance Advisor

MOVED Cr Angas

- (1) Revocation of Delegations
 - (a) Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the provisions of the *Local Government Act* as specified in the extract contained in Attachment 1 of this report.
- (2) Delegations made under the Development (Waste Reform) Variation Regulations 2019
 - (a) In exercise of the powers contained in Section 44 of the *Local Government Act 1999* and Section 20 of the *Development Act 1993*, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under Clauses 2(2) and 2(3) of Schedule 1 of the *Development (Waste Reform) Variation Regulations 2019*, which are specified in an extract contained in Attachment 2 of this report.
 - (b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation.
- (3) Delegations made under the State Records Act 1997
 - (a) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under sections 15(2), 18(1), 19(1), 19(3), 19(3)(c), 19(5), 22(2), 23(1), 23(2), 23(4), 24(3), 25(1), 25(3) and 26(1) of the *State Records Act 1997*, which are specified in the extract contained in Attachment 3 of this report.
 - (b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation.
- (4) Delegations made under the Community Titles Act 1996
 - (a) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying the office of the Chief Executive Officer of the Council, the powers and functions under Section 142A(4)

of the *Community Titles Act 1996*, which are specified in the extract contained in Attachment 4 of this report.

- (b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit and in accordance with the relevant legislation.

Seconded Cr Johnstone

CARRIED 2018-22/308

PURPOSE

Council is asked to delegate the additional and amended powers to the Chief Executive Officer which are now available under the *Local Government Act 1999, Development (Waste Reform) Variation Regulations 2019, State Records Act 1997* and the *Community Titles Act 1996*.

REPORT

Background

Council may only exercise those powers and functions which are conferred on it by legislation. The ways in which Council may exercise its powers and functions are:

- When the Elected Body itself exercises the power or function at a formally constituted meeting; and
- When the legislation enables it, a power or function may be delegated pursuant to an Instrument of Delegation and exercised in the name of a delegate.

Used well, delegations greatly assist Council by enabling the Elected Body to progress with the strategic element of local government and leave the day-to-day operations and administration to the staff who have the relevant expertise and experience to deal with such matters – thus improving effectiveness and efficiency.

Introduction

The Barossa Council's Delegations Register is reviewed each financial year in accordance with Section 44(6) of the *Local Government Act 1999*, and by way of best practice, quarterly and amended in the Local Government Association's ("LGA") Quarterly Reviews of urgent updates recommend that amended Instruments of Delegation be immediately adopted. Council's most recent annual review of delegations occurred in May earlier this year.

The review before Council today is as a result of two updates:

- a quarterly one on advice from the LGA which has identified updates to the delegations templates, and confirms that new delegations should be in place as soon as possible; and
- a correction to the Instruments of Delegation by the administrators for Council's delegation software.

Attachment 5 is the LGA's Table of Delegations Updates, which outlines the required changes to powers and functions of its Instruments of Delegation under the *Local Government Act 1999, Development Act and Regulations* and *State Records Act 1997*.

Attachment 4 is an extract from Council's delegations software, which shows the update made to the Instrument of Delegation under the *Community Titles Act 1996* by the software administrators.

Discussion

1. Local Government Act

Upon the commencement of the *Public Interest Disclosure Act 2018* ("PID Act"), the *Whistleblowers Protection Act 1993* was repealed.

The PID Act requires that the Chief Executive Officer appoint Responsible Officers to receive and manage disclosures of public interest information. As a result, there is no need or legislative authority to designate responsible officer/s under the *Whistleblowers Protection Act 1993*.

The Instrument of Delegation under the *Local Government Act 1999* has now been updated to reflect this change. An extract of the Instrument showing the amendments is set out by way of track changes, attached as Attachment 1 to this report.

2. Development (Waste Reform) Variation Regulations 2019

The *Development (Waste Reform) Variation Regulations 2019* (the "DVR Regulations") came into operation on 1 June 2019, and varies the *Development Regulations 2008*.

The delegations relate to development authorisation to deal with development authorisations, as a consequence of variations to Schedule 21 or 22 of the DVR Regulations, which relate to activities of activities of environmental significant; and powers to dispense with the requirement for applications and fees.

As the delegations for the DVR Regulations sit under the Instrument of Delegation under the *Development Act 1993* and *Development Regulations 2008*, the said Instrument has now been updated to reflect this change. An extract of the Instrument showing the amendments is set out by way of track changes, attached as Attachment 2 to this report.

3. State Records Act 1997

The LGA has prepared a new Instrument of Delegation under the *State Records Act 1997*, which sets out Council's powers under the *State Records Act 1997*.

The LGA recommends that Council make delegations under the new Instrument as soon as required.

The Instrument of Delegation under the *State Records Act 1997* is attached as Attachment 3 to this report.

4. Community Titles Act 1996

From time to time, the administrators of Council's delegations software, RelianSys makes minor corrections and updates to its Instruments of Delegation. Officers have been advised that the update to the *Community Titles Act 1996* was in order to correct a provision that was previously omitted on the system.

The Instrument of Delegation under the *Community Titles Act 1996* has now been updated to reflect this change. An extract of the Instrument showing the amendment is set out by way of track changes, attached as Attachment 4 to this report.

Summary and Conclusion

Council is now asked to approve the anew and amended powers for delegation to the Chief Executive Officer.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

<u>Attachment 1 -</u>	Proposed amendments to the Instrument of Delegation under the <i>Local Government Act 1999</i>
<u>Attachment 2 -</u>	Proposed amendments to the Instrument of Delegation under the <i>Development Act 1993</i> and <i>Development Regulations 2008</i>
<u>Attachment 3 -</u>	Proposed Instrument of Delegation under the <i>State Records Act 1997</i>
<u>Attachment 4 -</u>	Proposed amendments to the Instrument of Delegation under the <i>Community Titles Act 1996</i>
<u>Attachment 5 -</u>	LGA's Table of Delegations Updates

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Local Government Act 1999

Development Act 1993 and *Development Regulations 2008*

Development (Waste Reform) Variation Regulations 2019

State Records Act 1997

Community Titles Act 1996

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Facilitation of these delegations to the Chief Executive Officer will be undertaken according to officer's existing duties.

Risk

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA). It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

COMMUNITY CONSULTATION

There is no legislative requirement to consult the community in this situation, nor, in officers' opinions, do the particular circumstances require it as the delegations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.

For transparency, the community has access to the delegations register on Council's website so is made aware of the powers of the Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer.

7.2.1.3

REQUEST BY RESIDENT TO SUPPORT COSTS OF REPAIR

B9967

MOVED Cr Angas that Council noting it has an exemption under Section 245 of the Local Government Act and that Council's insurer has rejected the claim on this basis, agrees to provide \$880 to support repair costs on condition the resident signs a Deed of Release for any and all future claims.

Seconded Cr Miller

CARRIED 2018-22/309

PURPOSE

To consider a request from a resident to support costs of repair that may have resulted from a street tree.

REPORT

Background

The resident asserts that a tree root from an adjacent road reserve in Tanunda has caused damage to his property. Officers have managed the matter in accordance with Council's insurance obligations, service levels and legal exemptions.

Discussion

Some time ago a tree matter was raised by a resident in Tanunda. The tree was investigated, in the first instance and on advice the customer request was responded to that the tree was not the cause of any issues. Upon further investigation by the resident and staff it was established that further down into the ground a root from the tree, on reasonable grounds could be the cause of damage. The tree was removed in any case due to its health.

Subsequently the resident made a claim for damages. As per normal practice and required under the rules of our insurer the claim was referred to them for assessment. The insurer rejected the claim as Council has a legal exemption under Section 245 of the Local Government Act. The resident then escalated the matter to certain members and myself. I explained the exemptions and that ultimately I could not override our insurer. After various conversation, at his request I agreed to put the matter to Council, as it is a significant policy position for Council to take and could set a very expensive precedent.

Should Council consider that it provide some support for costs it should do so knowing:

1. Our insurer Local Government Risk Services will not support any claim made for any damage now or in the future for this matter and it will mean Council is potentially financially exposed;
2. It is acting to set a significant policy position which is unknown in its long term liability to Council and contrary to legal protections it enjoys by statute.

If Council does agree to support any costs it should be done via a deed of release.

The resident has sought three quote to undertake the work they are \$880, \$1287 and \$1584.

Whilst empathetic to the matter Council must consider the long term policy position it is setting. Should Council wish to support a portion of, or all costs, I have provided below an alternative recommendation; I can do nothing other at this time than make the recommendation to reject the claim to ensure alignment with our insurer, not expose Council to additional unreasonable risk and align with the law.

Specifically Section 245 of the Local Government Act states:

245—Liability for injury, damage or loss caused by certain trees

(1) A council is not liable for any damage to property which results from—

- (a) the planting of a tree in a road; or
- (b) the existence of a tree growing in a road (whether planted by the council or not).

(2) However, if—

- (a) the owner or occupier of property adjacent to the road has made a written request to the council to take reasonable action to avert a risk of damage to property of the owner or occupier from the tree; and
- (b) the council has failed to take reasonable action in response to the request, the council may be liable for any damage to property that would have been averted if the council had taken reasonable action in response to the request.

In relation to part 2 Council has taken reasonable action as it removed the tree. There are no historical records indicating any earlier written (or verbal) requests prior to this one being raised and dealt with.

Alternative recommendation:

That Council noting it has an exemption under Section 245 of the Local Government Act and that Council's insurer has rejected the claim on this basis, agrees to provide \$X to support repair costs on condition the resident signs a Deed of Release for any and all future claims.

Summary

The matter of support costs for repair needs to be considered by Council due to the nature of the claim and the importance of the policy position in the long term.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Quotes – one quote is very hard to read but is the upper quote in any case.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance

6.5 Implement compliant and contemporary risk management initiatives.

Legislation

Section 245 of the Local Government Act

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

At this time no financial costs have been incurred to support cost of repairs. The tree removal has been funded from normal maintenance budgets.

Should Council support the costs of repair it would be funded from public liability excess budget.

Risk Management

Any risks posed by the tree have been mitigated by removal. The risks that now need to be considered on a policy basis are the balance between reputational, legal and financial matters concerning its final decision.

COMMUNITY CONSULTATION

No community consultation is required.

7.2.1.4**EXPRESSION OF INTEREST BAROSSA RAILWAY CORRIDOR
B10091**

MOVED Cr Johnstone that Council note the work undertaken to date and ratify the submission presented at the Attachment made by the Chief Executive Officer on behalf of the consortium outlined in the response.

Seconded Cr Schilling

CARRIED 2018-22/310

PURPOSE

To ratify the Expression of Interest made to the open tender by the Department of Planning, Transport and Infrastructure for future use of the Barossa Railway Corridor (the EOI).

REPORTBackground

As was outlined to Council at a special workshop an EOI was released seeking proposals for future use of the Barossa Railway Corridor.

Discussion

Over the past month the Mayor and I have met with interested stakeholders and out of that meeting developed a high level proposal. Due to the timeframes, the EOI was issued on 9 August 2019 and submissions were due on 10 September 2019. Based on preliminary work Council had started and input provided at the workshop I have proceeded to lodge an EOI as the lead of a consortium. The submission is at the Attachment and has been developed based on a multi-pronged solution and is consistent with an advocacy role highlighted in our Community Plan for public infrastructure.

The clear reality from the work done is the cost to achieve a passenger service using traditional methods (which ultimately depends on the actual conditions of the assets and corridor) is high, somewhere in the order of \$11M and this may not even achieve a full speed service. Council is not a public transport provider and nor are the other consortium members - the interest ultimately had to be connected to innovative and cost effective tourism and community transport links.

Further conversations have been held with other parties during this process however due to the very limited timeframe to develop the EOI the parties have been limited to the those in the original meeting but should a successful outcome be achieved the consortium could increase or change as the proposal is developed through to a full business case.

The proposal is strategic in nature and has not been tested in various ways due to lack of time but if successful would proceed with further investigations, conversations and business analysis. The proposal and discussions to date have made it clear we are trying to facilitate an outcome we will not at this time assume any lease or associated liabilities in any transfer of the corridor.

Council is now asked to formally ratify the submission made, if it is not supported I understand the EOI can be withdrawn.

Summary

The EOI submission is ultimately is a low risk strategic proposal where Council is trying to facilitate an innovative use and activation of the corridor in support of economic, environmental, community and innovative outcomes. No commitments are made through this EOI process rather it is a proposal for further analysis should it be successful.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Part D Response to Expression of Interest Submission – Proposal for the Use of the Barossa Rail Corridor

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Business and Employment



How We Work – Good Governance

- 1.6 Support tourism development that is sensitive to the natural environment and sustainable.
- 1.10 Facilitate opportunities to repurpose or find alternative use of built heritage.
- 2.9 Create places where people want to live and plan for the future in a coordinated, appropriate and proactive manner.
- 3.2 Collaborate with private and public utilities providers to ensure infrastructure is adequate to support the community both now and into the future.
- 3.5 Advocate for and seek out funding opportunities that support the development of community, health and other facilities and infrastructure from both state and federal government.
- 3.7 Ensure infrastructure meets the needs of people with and provides for all abilities access.
- 3.8 Support opportunities to increase community transport and access to services and facilities.
- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

- 5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource

At this time no financial costs have been incurred,

Resources have been provided internally from my time and support staff in various areas.

Should the proposal be successful a commercial full analysis, business case, legal and governance structure and other planning and investigation activities would need to be undertaken. It is clear this will consume significant internal resources namely myself, engineering and finance staff, and will require external support, it is not know at this time what costs would be incurred to develop the proposal to the stage it is commercial and operationally ready.

Risk Management

The EOI is a low risk proposal submission, risk has been mitigated to date based on being clear with the consortium we are facilitators the ultimate risk profile will be assessed should the EOI be successful.

COMMUNITY CONSULTATION

No community consultation is required for the EOI, we have engaged with four key companies to develop this proposal and as explained in the body of the report spoken to many others.

7.2.1.5

AUSTRALIA DAY 2020 **B9790**

Pursuant to S73 of the Local Government Act 1999, Cr Barrett disclosed a conflict of interest in the matter Australia Day 2020 as his wife is the Secretary of the Mount Pleasant Community Association Inc. That body runs the Australia Day event in Mount Pleasant. Consideration may be given at The Barossa Council meeting of 17/9/19 to allocate funds to assist in the running of the Mount Pleasant Australia Day event.

Cr Barrett advised Council of the conflict of interest and left the meeting at 9.11am.

MOVED Cr Johnstone that Council move the 2020 Australia Day event to Nuriootpa Centennial Park and allocates a further \$10,000 to support additional costs of hosting the event.

Seconded Cr Miller

AMENDMENT

MOVED Cr Wiese-Smith that Council move the 2020 Australia Day event to Nuriootpa Centennial Park and allocates a further \$10,000 to support additional costs of hosting the event and further provides \$500 to each of the events held in Mount Pleasant, Williamstown and Eden Valley.

Seconded

The Mayor suggested that the matter be dealt with as a separate motion and proceeded with debate on the substantive motion.

MOVED Cr Johnstone that Council move the 2020 Australia Day event to Nuriootpa Centennial Park and allocates a further \$10,000 to support additional costs of hosting the event.

Seconded Cr Miller

CARRIED 2018-22/311

MOVED Cr Haebich that The Barossa Council support ongoing Australia Day community celebrations to the following organisations:

Southern Barossa Alliance Williamstown \$500

Mount Pleasant Community Association Inc. \$500

Eden Valley Institute Inc. \$500

Support to commence from the 2019-2020 financial year with the appropriate budget adjustments to be made.

Each organisation will provide Council with a reconciliation of the monies.

Seconded Cr Wiese-Smith

CARRIED 2018-22/312

PURPOSE

To determine where to hold the 2020 event as the Tanunda Show Hall shall not be available in 2020 due to significant upgrade works being undertaken.

REPORT

Australia Day is a civic and ceremonial event held since amalgamation at the Show Hall as the only facility large enough owned by Council to hold a community wide event.

The Show Hall will not be available in 2020 due to the significant upgrades and renovations of the hall currently underway.

It is suggested that Nuriootpa Centennial Park located near the club rooms is an appropriate location as it has access to commercial kitchen, toilets and general parking and facilities that can cater for the event. Alternative locations considered are:

1. Bethany reserve, however this is significantly exposed and should the weather be against the event it will be difficult to manage.
2. Village Green, for similar reasons not considered appropriate and lack of catering and kitchen facilities.
3. All halls, none are large enough.
4. Private venues, will be prohibitively costly.

Also Council has been asked to consider, see attachment, a donation to other local events held. There are three that are held by community groups, whilst they are not the official Council event these serve a community purpose for those communities. The events are Mount Pleasant, Eden Valley and Williamstown. Williamstown group applied for some funding as part of the community new initiatives in the 2019/20 budget for \$600. Council if it wished to support these events would need to make an additional budget allocation. Should members wish to support that outcome it can consider it in the 2020/21 budget or include a resolution to the following affect in the resolution above:

That Council support the three community Australia Day celebrations at Mount Pleasant, Eden Valley and Williamstown to the value of \$X on condition that the funds are provided to a legal entity of the organisers, register for GST and that they acquit the funds annually.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Correspondence from Cr Barrett.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



Community and Culture

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource

At this time no financial costs have been incurred, it is estimate some additional costs to hire marques or other equipment will be required.

Risk Management

Nil

COMMUNITY CONSULTATION

No community consultation is required and the community will be notified of the changes through normal Australia Day publicity.

Cr Barrett returned to the meeting at 9.29am.

7.2.1.6**BOUNDARY REFORM****B5538**

MOVED Cr Angas that Council having noted the issues paper, attachments and report:

- (1) Instruct the Chief Executive Officer to prepare and lodge a proposal for boundary reform consistent with that outlined in attachment 4 and the contents of this report to the South Australian Local Government Boundaries Commission as a high priority with a target submission being made by 31 October 2019, or the Chief Executive Officer advise Council of an alternative date if this cannot be achieved at the October meeting of Council;
- (2) Establish the Boundary Reform Internal Working Group to support the Chief Executive Officer in the management of the proposal submission and thereafter processes in relation to any boundary reform proposals impact The Barossa Council;
- (3) Appoint the Mayor and Cr Johnstone, Cr Angas, Cr de Vries and Cr Wiese-Smith. to the Boundary Reform Internal Working Group.

Seconded Cr Johnstone

CARRIED 2018-22/313

PURPOSE

To consider the development and lodgement of a boundary reform proposal including the establishment of a working party to assist in boundary reform processes.

REPORTBackground

Boundary reform has long been an informal conversation of The Barossa Council and parts of the community. With recent amendments to the Local Government Act in the area of boundary reform and ongoing discussion, Council committed in its Strategy Policy and Reform Platform paper, approved on 5 July 2019 to, "Having a Conversation about Local Government Boundaries is Supported".

This report is structured to trigger the development and lodgement of an initial proposal and commence the work and community and stakeholder engagement around a possible realignment of boundaries.

Discussion**Process Summary and Strategic Considerations**

Since the swearing in of this Council and the development of the reform strategy paper Council have been discussing in various forums the need to consider boundary reform to primarily achieve the following;

1. The Barossa Council supporting and overseeing the majority of the area known as the Barossa GI (Geographical Indication);
2. Bringing together of communities of interest, generally defined as shared cultural, identity, place, social, economic and environmental interests under the banner of one Council driven by the strategic goal of the Barossa GI under one umbrella;
3. Looking for opportunities to better coordinate land use policy, economic development, tourism integration and service across these communities of interest.
4. Potentially looking for efficiencies in service provision.

I have provided reference to one specific independent study (of consolidation activities which range from amalgamation through to boundary adjustment, shared services and regional collaboration) on this matter in the attachments among many findings there are two key findings:

- “Our research indicates that consolidation.....is an essential (but not exclusive) strategy to address the challenges facing local government and secure its place in the evolving Australian system of government. The evidence shows that significant benefits can be derived from all of the approaches to consolidation examined in this study. Equally there may be dis-benefits – disruption, transition costs, weakening of local democracy, loss of local identity and employment – that need to be weighed in any strategic approach to reform”.
- That efficiencies can be found but normally need to be “ploughed back into other areas, notably asset management. We can conclude that any efficiency gains from consolidation should not be expected to deliver significant reductions in rates and charges, as has often been claimed. Greater efficiency is more likely to be reflected in enhanced capacity or improved service delivery.”

Generally the learning from the study is that there are both benefits and dis-benefits of both a financial and non-financial type which need to be carefully assessed and any reform activity is unlikely to result in savings but rather potential efficiencies in enhanced capacity or improved service delivery noting there are four type of strategic reform tested.

At attachment 1 is an issues paper outlining the processes, general matters and factors for consideration.

In summary it is likely that any proposal of the complexity and extent being considered will be a general proposal under the Local Government Act. A general proposal will require extensive analysis, engagement with stakeholders and the community before any decisions are made. It is difficult to determine what the full expectations and process will be along with cost as to date the new legislative regime has not been fully tested. The guidance provided by the Commission and Department guidelines indicate that in the first instance before proceeding with a full application that Council, should it wish to proceed, first lodge a high level proposal. The South Australian Local Government Boundaries Commission (the Commission) will then assess the proposal and advise if it considers it acceptable, requires further thinking and amendment or is rejected. Thereafter if a proposal is accepted in some form the Commission will provide further advice on what processes and investigations will be required. Costs may also be discussed at this point. From that submission a fully informed report can then be provided as to the requirements to proceed.

Draft Proposal

Over the past months officers have supported the Council in undertaking preliminary assessment of proposals under the umbrella of the strategic goal of having the Barossa GI in The Barossa Council area. It is clear however that a proposal needs to be balanced against the interests of the communities that will be affected. For these reasons the proposal is summarised as follows (attachment 4 provides a conceptual map and more detailed maps of the proposed alignment):

1. The Barossa GI and viticultural area is enclosed into the boundary, with the proposal being incorporated in the area bounded by the red boundary.
2. Using natural barriers or road reserves to delineate the boundary where possible.
3. Understanding that the Barossa GI transgresses into the Town of Gawler, whereas a boundary boarded by the North or South Para is more logical.
4. That the Springwood development area which primarily resides in the Town of Gawler transfer out of The Barossa Council.
5. Addressing the interests of the communities that will be affected or involved, that primarily associate with the Barossa, the draft proposal is:
 - a. Connecting Eden Valley via a straight line associated with the ridgeline through the Keyneton area and pushing north to Truro.
 - b. Heading from Truro west and south through Koonunga, west of Greenock to Shea Oak Lodge via Daveyston on the Sturt Highway to Gomersal Road and then Rosedale via Turretfield Road.
6. Retaining Mount Pleasant area as it is included in the Barossa Character Preservation Area.

The maps provided at attachment 4 are conceptual and noted as a starting point for discussion and will no doubt be subject to change. The draft proposal is subject to survey and other technical analysis.

As part of the work undertaken to date officers have assessed rating information across the four Councils (The Barossa Council, Light Regional Council, Town of Gawler and Mid-Murray Council) however more detailed data is needed and best assessed as part of the proposal processes, rather than the high level comparison of rating across the whole of the Council areas, as there is a high likelihood the data could materially be incorrect and mislead. For the same reasons officers have not undertaken any financial or economic assessment as any calculations will need much greater data and access to information and to develop a financial model on limited information would present potentially incorrect information and mislead. The structure of the boundary investigation process is set up for these pieces of work.

Governance

Ultimate oversight of any boundary reform process (be that initiated by Council or another party) comes from Council and cannot be delegated in terms of decision making. However, to assist in the development, analysis and engagement of boundary reform processes it would be aided by having an internal working group to assist the CEO and officers with the tasks and policy development and or responses for Council to consider.

At attachment 5 is a proposed Terms of Reference for a small Internal Working Group that in the first instance will support the CEO to formulate the paper and proposal submission to the Commission in accordance with this report and the resolution of Council should it proceed as drafted. It is recommended that this Group be kept small as it will simply provide support and input as required, it is not envisaged to undertake any significant work as the strategic and political nature of any processes will mean most matters will be discussed with full Council, its role will be to assist with development of relevant documents to come to Council.

Broader Issues

There are many broader issues and documents to be developed should a preliminary proposal be accepted by the Commission, these will be undertaken with the aid of the Internal Working Group and include:

iii

1. Project plan.
2. Risk assessment.
3. Resourcing plan once it is known from the Commission the next steps
4. Engagement strategy.
5. Raft of assessment documents relative to the proposal.

At this time it has been recommended, through discussion with the Department to not expend significant resources until the first hurdle, being the general proposal to be assessed by the Commission, has been cleared and advice provided from the Commission thereafter.

The development of an initial proposal is not expected to incur much cost and can primarily be developed in house, some external support around detailed mapping and economic assessment maybe required but can be funded from existing budget settings. If the proposal proceeds past the first assessment to a full process the cost and resource requirements, whilst unknown are likely to be substantial, and they are unbudgeted at this time.

Summary

Council has resolved as one of its 10 key policy statements to support the conversation around boundary reform. After many conversations to date this report will commence a process in support of that policy position.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Issues Paper
- Attachment 2 Regional Map
- Attachment 3 Council Map with character area and GI
- Attachment 4 General Map for Proposal for Boundary Realignment and Detailed Maps of Key Reform Components
- Attachment 5 Terms of Reference for Internal Working Party

References

1. [SA Local Government Boundaries Commission – Guidelines 1-9 \(the most relevant being at this time being 3-5\)](https://www.dpti.sa.gov.au/local_govt/boundary_changes)
https://www.dpti.sa.gov.au/local_govt/boundary_changes
2. [Consolidation in Local Government – A Fresh Look](https://opus.lib.uts.edu.au/bitstream/10453/42065/3/LG-Consolidation-vol1-Report.pdf)
<https://opus.lib.uts.edu.au/bitstream/10453/42065/3/LG-Consolidation-vol1-Report.pdf>

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

All strategies as the reform is highly strategic and impacts the core of Councils activity.

Legislation

Part 2 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource

Outlined in the body of the report.

Risk Management

This will be assessed should the initial proposal proceed. Generally the risk profile of this activity is significant as it crosses all the risk spectrum including:

1. Financial and Resource
2. Reputational
3. Political
4. Economic
5. Relationships
6. Organisational

COMMUNITY CONSULTATION

Extensive community consultation will be required to be conducted in accordance with the Commission and Department's guidelines and requirements. However, consultation is not required until the Commission has assessed the potential proposal in the first instance following initial submission, and provided preliminary feedback on whether or not a formal proposal can be submitted.

7.2.2 FINANCE - DEBATE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 31 AUGUST 2019)

B411

Author: Senior Accountant

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

Seconded Cr Johnstone

CARRIED 2018-22/314

PURPOSE

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

REPORTDiscussion

The Monthly Finance Report (as at 31 August 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 August 2019

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate Plan

How We Work – Good Governance

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

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

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

COMMUNITY CONSULTATION

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

7.2.2.2**2018/2019 DRAFT ANNUAL FINANCIAL STATEMENTS – COUNCIL CERTIFICATE B8203**

Author: Senior Accountant

MOVED Cr Miller that the Mayor and Chief Executive Officer be authorised to sign the Certification of Financial Statements for the 2018/2019 Financial Year.

Seconded Cr Wiese-Smith

CARRIED 2018-22/315

PURPOSE

Prior to presentation of the draft financial statements to the External Auditors, Council is required to authorise the Chief Executive Officer and Principal Member (Mayor) to certify the statements.

REPORT

Introduction

Regulation 14 of the Local Government (Financial Management) Regulations 2011 requires that a certification statement (in the prescribed form) be included in the Annual Financial Statements and be signed by the Chief Executive Officer and Principal Member of the Council.

Discussion

The certification statement indicates that:

- Council's Annual Financial Statements have complied with the Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and Australian Accounting Standards;
- the Financial Statements present a true and fair view of Council's financial position as at 30 June 2019 and the results of its operations and cash flows for the financial year;
- internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year; and
- the Financial Statements accurately reflect the Council's accounting and other records.

The certifiers will be required to sign the certificate prior to the final presentation of the accounts to the External Auditors. Upon completion of the audit and presentation to the Audit Committee in October, final statements will be tabled at Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCESOther

2019 Model Financial Statements: LGA website and Circular 2019 - 25.5

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate Plan

How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.16 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 14

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

There are no financial, resource or risk management considerations.

COMMUNITY CONSULTATION

Not required for this report. Following the completion of the Council's Financial Statements a copy will be placed on the Council's website.

7.2.2.3**NURIOOTPA CENTENNIAL PARK AUTHORITY – AUDIT COMMITTEE APPOINTMENTS****B9086**

Author: Manager Financial Services

Pursuant to S73 of the Local Government Act 1999, Cr Hurn disclosed a material conflict of interest in the matter 7.2.2.3 – *Nuriootpa Centennial Park Authority – Audit Committee Appointments*, as the matter pertains to the appointment of the Audit Committee of the Nuriootpa Centennial Park Authority and therefore the exemption under S74(6) does not apply.

Cr Hurn advised Council of his conflict of interest and left the meeting at 9.35am.

MOVED Cr Miller that Council, being satisfied that Clauses 25.2, 26.2.1 and 25.2.6 of the Nuriootpa Centennial Park Authority Charter (Charter) have been complied with, thereby appoint the following as members of the Nuriootpa Centennial Park Authority Audit Committee pursuant to Clause 38 of the Charter:

Members of the Nuriootpa Centennial Park Authority Board of Management

1. Mr. Guy Martin;
2. Cr Tony Hurn;

Independent Members for a period two years from 21 June 2019, with one right of extension of the appointment

3. Mr Dafydd Llewelyn;
4. Ms Elaine Ratcliffe;

Barossa Council senior officer in an advisory and non-voting capacity

5. Mr Mark Lague; and

That Mr Dafydd Llewelyn be appointed as Chair of the Nuriootpa Centennial Park Authority.

Seconded Cr Johnstone

CARRIED 2018-22/316

PURPOSE

The Nuriootpa Centennial Park Authority (NCPA) manages the Nuriootpa Centennial Park Precinct on behalf of The Barossa Council as a wholly owned subsidiary under Section 42 of the Local Government Act 1999.

The NCPA is governed by a Board of Management which has the responsibility to manage the business and affairs of the Authority in accordance with its Charter. The Charter specifies at Part 9 Clause 8 that the NCPA must establish an Audit Committee and details the conditions that apply to the Committee.

REPORT

Introduction

The Audit Committee is responsible for:

- overseeing and monitoring the participation of Management and the External Auditors in the financial reporting process;
- overseeing and making recommendations on the approach used by Management to address business risks; and
- reviewing and making recommendations on how Council's corporate, financial, governance and legal responsibilities are being addressed.

Meetings are held at least four times per year as determined by the Committee.

The appointments to the Board must be approved by the Barossa Council (Council) having taken into account clauses 25.2, 26.2.1 and 26.3.2 of the Charter, those clauses state:

- 25.2 For the purposes of sub clause 26.1.3, applicant must demonstrate a range of relevant knowledge, skills and experience in a least one of the following areas:
 - 25.2.1 commercial business management including financial management;
 - 25.2.2 marketing and/or advertising;
 - 25.2.3 commercial management preferably with property management;
 - 25.2.4 director or board member of a similar body;
 - 25.2.5 community development and significant contribution to a community based organisation/s; or
 - 25.2.6 local government experience at an elected member or senior officer level.
- 26.2.1 all appointments will be made by the Council upon written recommendation of the Board detailing how the applicant meets the criteria detailed in 25.2 after a public expression of interest process including, the placing of notices in local newspapers. This requirement applies to new appointments and reappointments.
- 26.3.2 Thereafter all appointments will be for a two year term.

Discussion

The Audit Committee Terms of Reference at clause 3.1 states that the Committee shall consist of five members and Council approves* all NCPA Audit Committee members:

1. two NCPA Board Members;
 2. two being Independent Members; and
 3. a Barossa Council senior officer appointed by the Chief Executive Officer of Council, to attend meetings in an advisory and non-voting capacity.
1. The NCPA Board appoints 2 members to the NCPA Audit Committee and depending on the timing and who, they will not necessarily change at the same time as Council Elected Member (EM) appointments:
 - i. Following the last Council Election Cr Leonie Boothby withdrew from EM roles both the NCPA Board and Audit Committee. In line with the NCPA Charter, Council appointed Cr Tony Hurn to the NCPA Board as the Council Elected Member representative. Contact was made with Cr Hurn to consider to also be the NCPA AC member, Tony accepted this in December 2018. This appointment was an administration oversight, not presented to Council for approval;
 - ii. The NCPA Board appointed NCPA Audit Committee member is Mr Guy Martin, who satisfies the requirement through his extensive knowledge of the operations of the authority, its services and as a long standing Board member and extensive industry experience in governance and project management.
 2. Two Independent Members - Mr Dafydd Llewelyn (Chair) and Mr Jonathon Gerhardy, terms of appointment have expired on the 21 June 2019.

The NCPA advertised for Expressions of Interest (EOIs) for the positions in the Leader on 17 July 2019. EOIs closed at 5.00pm on 31 July 2019 and were reviewed by an Interview Panel, consisting of the NCPA Board Chair, Mr. Guy Martin and Business Manager, Ms. Tanya Pumpa. Two Expressions of Interest (EOIs) were received (applicant 1 was received after the closing date). Ideally, Audit Committee members will have a financial, risk management and/or auditing background and retiring members are eligible for re-election. The term of appointment for Independent members is 2 years with a right of extension of the appointment by the NCPA Board and approval by Council.

At the NCPA Board meeting held in 21 August 2019, the submission from applicant 1 (Dafydd Llewelyn) the previous NCPA Audit Committee Chair, was considered and their appointment was approved as Member and Chair of the Audit Committee. Also at this meeting, applicant 2 (Ms Elaine Ratcliffe) submission was discussed with the NCPA Board consent for the Panel to conduct an interview to progress the recruitment process.

An interview was held for applicant 2 on 4 September 2019. The interview questions were in relation to their financial and business background, employment and other board and committee experiences, why they applied for the role and what will contribute to the Audit Committee.

The Panel's opinion was that applicant 2 demonstrated the required level of skill, expertise and experience to meet the requirements of an Independent Committee Member. When combined the abilities and experience along with knowledge of the NCPA operations and Audit Committee of applicant 1 with applicant 2 skills, experiences, knowledge would provide a diverse approach and contributions to the membership. Further information can be provided at the Council meeting as/if required.

A report will be presented to the 18 September 2019 NCPA Board meeting to consider appointment of applicant 2.

The NCPA Audit Committees next meeting is scheduled for the 15 October 2019 to consider the NCPA 2019 Financial Statements and discuss the audit findings with the auditor.

3. The final member of the Board, being a nonvoting member in an advisory capacity is appointed by the Chief Executive Officer* of Council, this role has been carried out by Mr Mark Lague, Manager Financial Services since September 2016. Satisfying the requirements through expertise and experience in financial management, preparing the annual updates with the draft NCPA long term financial plan (LTFP) for NCPA Board and audit committee consideration and inclusion within Council summary LTFP.

Summary

As all nominees meet one or more the other criteria, that Council approve the following appointments to the NCPA Audit Committee:

- Mr Guy Martin and Cr Tony Hurn as NCPA Board members - retrospectively;
- the Panel's opinion is that Mr Dafydd Llewelyn and Ms Elaine Ratcliffe demonstrate the required level of skill, expertise and experience to meet the requirements as Independent - Audit Committee Members; and
- the Chief Executive Officer* of Council has delegation to appoint Mr Mark Lague, Manager Financial Services as a nonvoting member in an advisory capacity.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

NCPA - Charter and Terms of Reference – copy can be provided where requested

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate Plan

How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999, Schedule 2 Clause 13(2)

LGA Information paper no. 3 – Audit Committees

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

Costs related to advertising for the Independent Members are allowed for in the NCPA Budget.

Resource

Managed within existing officer resources.

Risk Management

Adherence to the Audit Committee Terms of Reference is a risk management tool.

For expediency and ensure NCPA Audit Committee can meet scheduled requirements at their October meeting, the applicant 2 appointment has been simultaneously provided as an agenda item for both for Council to the NCPA Board meetings. As mentioned within this report the NCPA Board have already discussed applicant 2 submission and verbally approved the recruitment processes, it is likely this appointment will be endorsed at the September NCPA Board meeting. As Council meeting is prior the NCPA Board meeting the Councils decision is final and the outcome of this recommendation will be communicated to the NCPA Board.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy. A public notice requesting Expressions of Interest was placed in The Leader newspaper on 17 July 2019.

Cr Hurn returned to the meeting at 9.36am.

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

Nil

7.3.2 MANAGER COMMUNITY PROJECTS**7.3.2.1****DRAFT MEMORIALS ON COMMUNITY LAND POLICY**

B825

MOVED Cr Angas that Council:

- (1) Adopt the draft Memorials on Community Land Policy as presented in Attachment 1.
- (2) Where contact details are supplied, notify those that have made formal submissions of the outcome of the consultation process and thank them for their contribution and interest.

Seconded Cr Haebich

CARRIED 2018-22/317

PURPOSE

To summarise feedback received from the community consultation process on the draft Memorials on Community Land Policy and for Council's adoption of the final policy.

PURPOSE

To summarise feedback received from the community consultation process on the draft Memorials on Community Land Policy and for Council's adoption of the final policy.

REPORT

Introduction

At the Ordinary Meeting on 16 July 2019, Council resolved:

MOVED Cr de Vries that Council:

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

Seconded Cr Boothby

CARRIED

Discussion

The Community Consultation process was conducted in accordance with the adopted Community Consultation and Communications Plan (reference 19/39204).

No formal submissions were received via OurBetterBarossa.com.au.

Four submissions were received via email providing feedback on the following themes:

<p>Memorial Gardens</p>	<p>Under Clause 4.1.2, The Council sees the Memorial Gardens as a sacred RSL patch. No one else is allowed to utilise these spaces for physical signs of remembrance. Some others in our community see Memorial Gardens as a spot to remember all that have gone before us. This is especially so in a society where churches and cemeteries do not hold the same values as they did in the past - a society where less and less people are practicing Christians or even have a belief.</p>	<p>No specific draft policy amendment recommendation(s) made in submission</p>
-------------------------	--	--

Roadside Memorials	<p>There are now at least two generations in our community who have not lived through a war that claims lives of many young ones. There is more chance that our youth will be killed on the road than there was of their great grandparents or grandparents being killed in a war. Our generation need symbols in our community to remember and reflect on lives lost too young. In the past these were war memorials. These days it is often roadside memorials that make people think and contemplate. To ban additional memorials in memorial gardens shows a lack of compassion for those in our community who need something like this to cope and get on with life their way.</p> <p>Memorials become important historical records. They promote research and understanding of our past. They make people think. The memorial [REDACTED] on the corner of Julius Street and Murray Street in Tanunda is of immense social interest. Under the proposed Council policy such a memorial may not be allowed.</p>	Suggests that additional memorials should be allowed in designated memorial gardens
	<p>I would like to make a small comment mainly on the subject of roadside memorials, I remember many years ago when this subject was on the front page of the Leader my response at the time was "leave those poor people alone if it makes them feel a little better and it isn't dangerous what does it matter." How was I to know at the time that a few years later the subject would so personally affect myself and my family. Almost 6 years ago my daughter who was a nurse was coming home after finishing night shift she was tired and fell asleep she ran off the road and died instantly. We miss her every minute of every day as does every other family who have lost a family member in similar circumstances. I realise that these roadside memorials can't be placed where they may cause danger to others however I ask you to be lenient in your decision to remove them, no one has any idea until they are in this place.</p>	<p>No specific draft policy amendment recommendation(s). Reinforces that Council adopt a compassionate /lenient approach.</p>

Memorials in Community Places	Of the two memorials at Coulthard Reserve, Nuriootpa one is to Arthur and Gladys Reusch. Arthur was "Mr Nuriootpa" in my youth. In my opinion the little plinth is a poor memorial to a man who gave so much to his community. The second one is to Mr Heinz Amtsberg. He had been a model citizen. He volunteered at the Nuri Nursing Home and all manner of things. It is a pity their memorials are not in places more visible to the public.	No specific draft policy amendment recommendation(s) – feedback refers to the appropriateness / visibility of 2 particular existing memorials.
Scattering of Ashes	The new policy Clause 4.3 prohibits the scattering of ashes on community land. There are many people who want their ashes scattered in a lovely spot. Many lovely spots are community land. How will Council police such a policy? Will there be Ashes Inspectors? And will they pick them up with tweezers!!!!	No specific draft policy amendment recommendation(s). Questions enforceability.
	I totally agree with the current Council Policy re non-memorialisation of ashes in public spaces. We do not think that anyone should operate in scattering of ashes ad hoc! This as well as a record being kept, is The Curator's duty and should be within existing Council Cemetery spaces	Supports draft policy position.
General Maintenance – Angaston Cemetery	Comments regarding weeds, development of an indigenous garden, biodegradable containers, seating.	No specific draft policy amendment recommendation(s).
General draft policy feedback	It is extremely well constructed and worded. It is sensitive and shows compassion to those who unfortunately are placed in this situation. I think it is extremely important to maintain communication between the council and the person/s that have lost their loved ones. Just a thought- I find that there are more distractions with all the signs about coming events that are erected around the townships than the roadside memorials. This seems to be a growing thing with signs advertising coming events eg. hot rod show, Tanunda Show, enrolments for schools, barossa markets etc. etc. I feel that this is becoming more and more common and feel that surely these are also a big distraction to	No specific draft policy amendment recommendation(s). Supports draft policy position. Suggestion to address other roadside distractions.

	<p>drivers. I really think this also needs to be addressed.</p> <p>Thanks for being given the opportunity of responding to this Draft. This shows excellent communication and collaboration with your rate payers.</p>	
--	--	--

Posts on Council's facebook page to promote the consultation period reached 1321 people and achieved 74 engagements (10 likes, comments and shares, 64 post clicks)

Summary and Conclusion

Based on the feedback received, the only specific recommendation to alter the draft policy position was from 1 submission that there should be consideration to allowing additional memorials to be added into existing memorial gardens.

Officers do not consider that there is sufficient community support to alter the draft policy as presented and recommend that Council thanks the community for their feedback on this sensitive topic and adopts the policy as worded.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

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

COMMUNITY PLAN /CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

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



Community and Culture

2.12 Contribute to a safer community

Corporate Plan



How We Work – Good Governance

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

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

Legislation

Local Government Act 1999 Section 221

Road Traffic Act 1961

Highways Act 1926

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource Management

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

Risk Management

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

COMMUNITY CONSULTATION

Community Consultation was completed in accordance with Council's Public Consultation Policy.

7.3.2.2

NURIOOTPA WAR MEMORIAL SWIMMING POOL PRE-SEASON ASSESSMENT 2019/2020

B9148

Pursuant to S120(2) of the Local Government Act 1999, Mrs Joanne Thomas, Director Corporate and Community Services, disclosed a conflict of interest in the matter 7.3.2.2 *Nuriootpa War memorial Swimming Pool Pre-Season Assessment 2019/2020* as a family member is an employee of Belgravia Leisure which operates the pool on Council's behalf and whose income would be materially impacted depending on the outcome of the determination by Council.

Mrs Thomas advised Council of the conflict of interest and left the meeting at 9.38am.

MOVED Cr Wiese-Smith that Council

- (1) Approve the expenditure of up to \$50,000 ex GST from the Nuriootpa War Memorial Swimming Pool Reserve Fund via a quarter one budget adjustment for the works of; pipework intrusion leak repair and repair delaminated tiles.
- (2) Require officers to inform the community of the works to allow for opening of the Nuriootpa War Memorial Swimming Pool for the 2019/2020 season.
- (3) Conduct community consultation during the 2019/2020 season on the future aquatic needs of the community and prior to undertaking that consultation the Chief Executive Officer present an engagement strategy.

Seconded Cr Johnstone

CARRIED 2018-22/318

PURPOSE

To provide a risk assessment on the current condition of the Nuriootpa War Memorial Swimming Pool (Nuriootpa Pool) and approval of actions required to keep the pool operational for the 2019/2020 summer season.

REPORT

Introduction

The condition and use of the Nuriootpa War Memorial Swimming Pool (Nuriootpa Pool) has been the subject of several reports to Council and briefings at Council Workshops and these provide the background and context to the current Agenda report.

At the conclusion of the successful 2018/19 pool season, officers completed a risk assessment to document and assess the current hazards identified at the Nuriootpa Pool to determine solutions, cost to implement and the potential impact on the upcoming 2019/20 pool season.

At the 4 September 2019 Workshop discussion, Elected Members discussed the requirement for further information to come to a subsequent Council Meeting on:

- The minimum essential items of repair to enable the pool to operate for the 2019/20 season
- The operational savings to the community in the event that the pool were not to reopen in 2019/20.

There was also discussion in relation to the other opportunities for a future water related facility based in Nuriootpa that would in time form a component of The Big Project investments meeting identified needs for family based water and play related services.

Discussion

Essential Items of Repair 2019/20

Council has been made aware of increasing concern with the condition of the Nuriootpa Pool for a number of years and in particular, following the detailed external engineering condition assessment that was carried out by FMG Engineering prior to the 2015/16 season. Whilst the concrete shell remains in sound condition, it is the condition of the associated infrastructure (pipes, plant, tiling, hydraulic and filtration set up etc) that cause the greatest challenges. The decisions taken by Council since that time have endeavoured to balance the demand for the continued use of the pool and the associated costs per user; the rate of deterioration due to the age of the infrastructure; the changes in more contemporary pool engineering and service standards and the costs associated with implementing any significant changes.

A number of activities have been completed to understand and manage the pool's condition that continues to degrade over time. These activities have included a community survey,

introduction of Kids Swim Free initiative during school holidays, replacement of the solar heating system, significant reactive maintenance works on leaks, refresh of associated change room facilities and common areas.

The pool condition at the end of the 2018/19 season was documented via a risk assessment (Attachment 1).

Significant concerns for season open are:

- Finalise leak repair of pipework intrusion (temporary fix in place as pool was filled and due to open for season) – approx. \$15,000.
- Repair missing tiles – at least \$15,000; however until the pool is emptied it is not clear the exact extent of the tile works. It is noted that tiles will continue to delaminate with cleaning, use and deterioration resulting in the same hazard rating during the season. Contractor has also made officers aware of additional requirement of fencing and/or scaffolding the immediate area of the pool for safety of workers. This will also add an estimate \$5,000 of additional hire cost.
- Underground pipework failure – extent of risk difficult to determine as generally only determined through water loss; however could have extreme impact. The extent of water loss can fluctuate as work on leaks continues, but the 2015 condition assessment measured the rate of leakage at 19m³ per day.
- Loss of filter pod – Current 6 x filter pods approximately 20 – 30 years old, one has already failed. If a further one fails the ability to maintain the required water quality would be severely compromised. Cost of repairs circa \$30,000 plus added complexity as filter pods inaccessible in current plant room layout and particularly since the recent construction of the flood wall to the rear of the plant room.
- Investment doesn't address ageing change rooms and their deteriorating condition, and this is understandably a source of ongoing concern to users as one of the most visible aspects of the pool experience that they encounter.
- Major works on pool may trigger need to ensure compliance on water filtration system and separation for water filtration system for toddler pool.
- Water loss from the 2015 condition report is estimated at 19.13 KL per day. Council is charged a community rate service connection only.

Contractors have been approached to provide possible scheduling for pipework leak repair and tile repair. Best efforts will be made to ensure that the best visual outcome for the tile repair is achieved. This may be through either replacement of tiles or application of an epoxy / mortar like solution to cover the area where tiles have been delaminated.

The repair works above are recommended to achieve a minimum, safe standard for community use for the 2019/2020 summer season.

Total envisaged minimum expenditure for repairs 2019/20 - \$35,000 ex GST however possible to exceed this once full assessment of tiles completed once pool emptied. The provision of up to \$50,000 from the Nuriootpa War Memorial Swimming Pool Reserve Fund will allow for additional repair work if required. Should the cost be less, only the required funds will be transferred from the reserve fund.

It is important to note that if other failures are experienced during the 2019/20 season, officers will inform Council for decision on how to proceed.

If Council chose not to open for the 2019/20 season the cost consideration of not operating is \$221,528 ex GST (excluding depreciation and internal allocation costs.)

Nuriootpa Pool Visitation as at end 2017/18
9,151 - School Carnival attendances account for 2,274 visits. *Numbers do not include special events such as triathlon, film nights which are estimated at an additional 325 visits.
Open 65% of season days – 96 days out of 148 available (due to weather (open over 26 degrees) and leak repair works)
17% of total region aquatic visitations

The Council subsidy per visit as at 2017/18 is \$19.32 per visit.

By completing the proposed repair works in the lead up to the 2019/2020 season and continuing to operate as usual will provide an opportunity to have a further open conversation with the community and stakeholders regarding the current status of condition, costs and benefits and the potential for ring fencing future annual savings towards an alternative facility such as a water park.

The Nuriootpa War Memorial Swimming Pool accumulates a reserve fund earmarked for future expenditure on the facility and the balance at 30 June 2019 is \$160,000.

The overall strategy for Council's aquatic services is being developed as part of the Draft Aquatic Strategy. This report was tabled to the July Council Meeting but is currently lying on the table pending the outcome of the Big Project prioritisation.

Summary and Conclusion

An updated risk assessment of current and potential hazards at the Nuriootpa War Memorial Swimming Pool has been completed. The minimum anticipated costs of bringing the pool into operation for the 2019/20 season are detailed above as \$35,000 ex GST.

Whilst there is the potential for cost savings to arise if the pool were not to be reopened, Officers recommendation is that opening for the coming season if at all possible provides a suitable opportunity for a further full and open discussion with users and the community to be had around the costs of retaining the existing pool versus the opportunities for investment and ring fencing future Long Term Financial Plan expenditure and reserve funds towards in an alternative aquatic facility. If that were to be the decision of Council, Officers will bring forward a suggested strategy for community consultation during the 2019/20 season.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Nuriootpa War Memorial Swimming Pool – Risk Assessment
(Ref: 19/45308)

COMMUNITY PLAN /CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

2.12 Contribute to a safer community



Infrastructure

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

Corporate Plan



Infrastructure

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.

3.4 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.



Health and Wellbeing

4.6 Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.

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



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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial and Resource Management

Works will be managed by Coordinator Facilities Management with support from Manager Community Projects.

The estimated cost (ex GST) of the works are:

- Pipework intrusion leak repair - \$15,000
- Repair delaminated tiles - \$15,000 + \$5,000 in fencing / scaffold hire. However until the pool is emptied it is not clear the exact extent of the tile works.

Total estimated cost - \$35,000 to \$50,000

The Nuriootpa War Memorial Swimming Pool has a current Reserve Fund balance of \$160,000 that can be applied for this purpose.

Risk Management

Risk assessment provided at Attachment 1. Normal contract and contractor management process will manage risk during works.

COMMUNITY CONSULTATION

Consultation is not required under Legislation or Council's Public Consultation Policy unless Council determines otherwise.

Mrs Thomas returned to the meeting at 10.04am.

7.4 WORKS AND ENGINEERING SERVICES – DEBATE**7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES****7.4.1.1****BAROSSA TRAIL – PROPOSED AMENDMENT TO SCOPE OF WORKS AND BUDGET FUNDING B9793**

MOVED Mayor Lange that

- (1) Council responds to Mayor Karen Redman, Town of Gawler, confirming Council's commitment to support a joint application (2021/2022) to the State Government's Regional Growth Fund Competitive Pool for approximately \$678,000 financial assistance towards the delivery of the Strategic Cycling Connections Project which will complete the Barossa Trail to the Town of Gawler.
- (2) If and when the Grant application is successful, Council will consider any future final budget allocation at that time.
- (3) A further report be provided on other possible expenditure to utilise the Unallocated Road Reseal Budget 2019/2020 (\$351,470) and any other possible capital project savings, taking into consideration the sealing of Neldner Road and remaining section of Bushman Street, Tanunda.

Seconded Cr Miller

CARRIED 2018-22/319

PURPOSE

The Barossa Council has received a letter (attached), dated 8 August 2019, from Mayor Karen Redman, Town of Gawler, seeking support for the Barossa, Light and Lower North Cycle Tourism (Greater Adelaide Cycleway) project which will connect the Stuart O'Grady bike path with the Barossa Trail (formerly Jack Bobridge Track). Council to consider the request for a joint grant funding submission for 60% of the project costs to be funded from the 2020/21 and 2021/22 budgets.

REPORT**Background**

Completing the construction of the Barossa Trail from its current trailhead at Anne Milroy Lane to Sunnydale Avenue, a distance of 2km, will ultimately link two existing cycle paths, the Stuart O'Grady Trail (Gawler to Adelaide through the Adelaide Plains) and the Barossa Trail (linking Gawler to Tanunda).

This project has been identified as a key future infrastructure development in Regional Development Australia's Barossa Region Cycle Tourism Strategy 2017. Improving the cycle trail network links will greatly improve the trail experience and deliver greater economic benefits, predominately from tourism.

Council, in partnership with The Town of Gawler, previously submitted an application to PIRSA for the 2018/19 Regional Growth Fund for \$718,628 with Council and The Town of Gawler contributing \$348,587 and \$437,875 respectively, the total project cost being \$1.5m. This application was unsuccessful. Town of Gawler received feedback that this application narrowly missed out on proceeding to Stage 2 of the assessment process noting this application was based on the minimum 50% Council contribution. Council was also unsuccessful with a similar joint grant application, led by the Town of Gawler, to the Building Better Regions Fund in November 2018.

Introduction

The construction cost for extending the Barossa Trail from Anne Milroy to Sunnydale Avenue was estimated at approximately \$630,000 in 2018.

An updated construction cost is now estimated at \$840,661 including allowance for indexation across three financial years 2019/2020 to 2021/2022 (from the 2018 estimate), contingency and project management costs. Construction of the full project is much higher than anticipated, likely due to a number of factors including escalation of civil works construction costs in recent years and specific terrain and stormwater drainage constraints associated with the path alignment.

Discussion

It is understood that Council remains committed to the completion of the Barossa Trail extension project and will continue to work towards securing the required funding for its completion.

The project is not currently funded within the 2019/20 budget, however, there is an amount of \$351,470 currently in the unallocated road reseal budget that has been carried over from 2018/19 Barossa Trail connection budget.

The PIRSA Regional Growth Fund Competitive pool requires a minimum 50% contribution of project costs, however, based on feedback from the previous grant submission and to be more competitive it is recommended to increase Council's co-contribution to 60% (approximately \$504,396) and seek 40% funding from the State.

	ToG (60% of ToG costs)	TBC (60% of TBC costs)	PIRSA Contribution	Total
Town of Gawler path	513,006.60		342,004.40	855,011.00
Barossa Council path		504,396.60	336,264.40	840,661.00
Total		1,017,403.20	678,268.80	1,695,672.00
%		60%	40%	100%

If successful, Council's contribution will be funded from the 2020/21 and/or the 2021/22 budgets as the project can be delivered over 24 months.

As an alternative, there is the option to consider using the unallocated amount of \$351,470 for the upgrading and sealing of township roads within the region in lieu of supporting the completion of the Barossa Trail.

There is also the additional option to bring forward unallocated Roads to Recovery funding of \$96,000 each year for the next 4 years (approximately \$385,000 in total)

To assist and inform Council on the road priorities, officers have developed a draft road upgrade prioritisation list, the first page of which, listing the first 30 roads, is attached.

To develop the draft road prioritisation listing each road was scored by planning zone, existing housing density and service level (tourism, social and commercial use) and based on existing data from the Infrastructure Asset Management Plans.

Based on this criteria the top priorities are;

- 1) Short Row, Angaston (Jubilee Avenue to end)
- 2) Bushman Street, Tanunda (Macdonnell Street to end)
- 3) Bela Court, Lyndoch (Lyndoch Valley Road to end)
- 4) Altmann Street, Moculta (end to Linke Street)
- 5) Goldfields Road, Cockatoo Valley (various sections)
- 6) Fife Street, Angaston (Surface change to Lindsay Street)
- 7) Altmann Street, Moculta (Linke Street to Albert Presser Street)

Should Council seek to fund road upgrades Officers would need to bring a report back to Council once scoping and cost estimates are completed for the selected priorities.

Finally, there is also the option that if the Regional Growth Fund application is unsuccessful Council can look to fund the Barossa Trail completion without grant funding. This would require prioritising this project over other road infrastructure projects in future years

Summary and Conclusion

Taking into consideration the opportunity to partner with the Town of Gawler to seek grant funds to complete the Barossa Trail it is recommended that Council support a joint application that will assist both Councils to deliver the connection from the Barossa Trail to the Town of Gawler.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Letter from Mayor Karen Redman, dated 8 August 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

1.6 Support tourism development that is sensitive to the natural environment sustainable.



Infrastructure

3.5 Advocate for and seek out funding opportunities that support the development of community, health and other facilities and infrastructure from both state federal government.



Business and Employment

5.1 Work closely with State Government, Federal Government and stakeholder support economic growth, development and job creation.

5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Additional funds, of an estimated \$152,926 will be required to meet the 60% co-contribution amount (\$351,470 from carried forward plus \$152,926 additional funding) in budget years 2020/21 and/or 2021/2022.

COMMUNITY CONSULTATION

No community consultation has taken place on the draft road upgrade prioritisation list, this has been developed to inform Council and is based on existing data.

7.4.1.2

MOUNT PLEASANT MAIN STREET UPGRADE - STAGED WORK PRIORITY

B8301 – 19/52449

Author – Manager Engineering Services

Pursuant to S73 of the Local Government Act 1999 Cr Don Barrett disclosed a conflict of interest in the matter 7.4.1.2 – Mount Pleasant Main Street Upgrade – Staged Work Priority as his principal place of residence is the corner of Melrose Street and Saleyard Road, Mount Pleasant and the item calls for a street upgrade (footpath and kerbing) in Melrose Street between Memorial Avenue and Saleyard Road where his residence is located. This presents a material conflict of interest with Council funded improvements immediately in front of his residence.

Cr Barrett advised Council of his conflict of interest and left the meeting at 10.27am.

MOVED Cr Johnstone that the next priority construction stage location for the Mount Pleasant main street project be the upgrade of Melrose Street between Saleyard Road and Memorial Avenue on the eastern side – Option A.

Seconded Cr Angas

CARRIED 2018-22/320

PURPOSE

Clarification is required regarding the next priority location for construction works associated with the Mount Pleasant Melrose Street streetscape upgrade project.

REPORT

Background

The “Mount Pleasant Main Street, Streetscaping, Traffic Management and Landuse Masterplan”, dated March 2006, was prepared by Sinclair Knight Mertz (SKM) Engineers and Outerspace Landscape Architects, focussing on Melrose Street in the area between Tungillo Road to the south and Glen Devon Road to the north. Refer attached Masterplan document.

The final Masterplan was the result of consultation between The Barossa Council, key local stakeholders and the broader community and provides an overall vision and plan for the staged revitalisation and activation of the town centre main street precinct. The Masterplan was formally adopted by The Barossa Council at its July 2006 meeting.

Council has been progressively allocating a budget of \$80,000 for the Mount Pleasant main street upgrade works over a number of financial years. These funds have been carried forward each financial year where not spent. Additionally, in 2016 Council secured \$80,000 in funding from the State Government Open Space and Places for People grant scheme, matching the Council commitment for that financial year. These funds were expended on construction works in Melrose Street from Saleyards Road to creek crossing, east side in the 2018/19 financial year.

In summary, the following upgrade work has been completed since adoption of the Mount Pleasant Main Street Masterplan:

- Public Toilet facility upgrade – behind The Town hall (2006),
- CWA Memorial Gardens – landscaping upgrade (2007),
- Memorial Avenue – kerb, gutter and parking improvements (2007),
- Melrose Street, east side, from Phillis Street to Memorial Avenue – kerb, gutter, café protuberance and footpath upgrade (2009),
- Melrose Street, west side, from Memorial Gardens to Talunga Park Road – kerb, gutter and footpath upgrade (2010),
- Melrose Street, east side, from Saleyards Road to creek crossing – kerb, gutter and footpath upgrade, including removal of the double step to single step kerb and parking improvements (2019),
- Saleyard Road / Herriot Road - Intersection layout upgrade (2019),
- Melrose Street, west side, from creek crossing to Talunga Recreation Park – kerb, gutter and footpath upgrade (2019),
- Footbridge replacement, across Torrens River from Town Hall to Old Talunga Recreation Park facility, including compliant disability access (2019).

Additionally, other drainage upgrade work has been completed over this time in Phillis Street, Hospital Road, Hocknull Place, Isaac Street and other places in the Mount Pleasant Township.

Introduction and Discussion

The next priority stage of construction works for the Mount Pleasant Main Street upgrade is now being assessed with a number of possible options expressed to Council by the local community and other stakeholders. Refer attached locality plan:

Option A - Between Saleyard Road to Memorial Avenue, east side.

- New kerb and gutter, block paved footpath and parking improvements.
- Location is adjacent the Police Station and connects Saleyard Road to Memorial Avenue – approximate distance of 200 metres.
- The proposed scope of work will replace the double step kerb arrangement with a single step kerb including local pavement regrading, removing a recognised hazard to vehicles when opening doors and also pedestrians when stepping to and from the footpath / road surface.
- Identified as part of Stage 2 in the SKM Main Street Masterplan implementation strategy.

Option B - Between creek crossing near Joseph Street to Talunga Park Road, west side.

- New kerb and gutter, block paved footpath and parking improvements.
- Location is adjacent the Mount Pleasant Hotel Motel and connects the recently completed footpath works south of the creek crossing to the township centre – approximate distance of 90 metres.
- The proposed scope of works will improve the amenity in the locality and replace some awkward property access culvert crossings with more conventional crossovers.
- Identified as part of Stage 3 in the SKM Main Street Masterplan implementation strategy.

In terms of the next stage of construction works, Council staff suggest that priority be given to the above mentioned Option A scope, whilst the Mount Pleasant Community Association (Inc.) have suggested that priority be given to the Option B scope.

Upgrade at the Option A location will remove the inconvenient double step kerb arrangement with a single step kerb including local pavement regrading, mitigating a recognised risk hazard to vehicles when opening doors and hitting the high step-up and also to pedestrians when stepping to and from the footpath / road surface. This priority is also consistent with the staging proposal outlined in the original Mount Pleasant streetscape upgrade masterplan.

Summary and Conclusion

Council staff recommend that the next stage of the Mount Pleasant streetscape project be the upgrade of Melrose Street kerb, gutter, footpath and parking between Saleyard Road and Memorial Avenue, east side (Option A), with risk mitigation benefits.

The next following stage would reasonably be upgrade at the location between the creek crossing near Joseph Street to Talunga Park Road, west side (Option B), with amenity improvement benefits.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 - Mount Pleasant Main Street, Streetscaping, Traffic Management and Landuse Masterplan, prepared by SKM, dated March 2006. HPE 06/6521
- Attachment 2 - Melrose Street Upgrade – General Locality Plan.

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.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Melrose Street is under the care and responsibility of the DPTI.

All costs associated with the Mount Pleasant Mainstreet Upgrade Project are the responsibility of The Barossa Council and will need to be funded within the annual Council budget.

Council has allocated \$80,000 in the 2019/2020 budget for Mount Pleasant Main Street Works. It is also expected to increase this by approximately \$126,000 when savings are carried over from the 2018/2019 financial year. This will be formalised by way of a Quarter 1 budget adjustment. Option A has the advantage of remediating an existing vehicle damage and pedestrian access risk hazard.

COMMUNITY CONSULTATION

The Council approved "Mount Pleasant Main Street, Streetscaping, Traffic Management and Landuse Masterplan", dated March 2006, was prepared by SKM with broad community consultation between The Barossa Council, key local stakeholders and the broader community at the time.

Cr Barrett returned to the meeting at 10.30am.

7.4.1.3

NATIVE VEGETATION COUNCIL – REGULATION ADVICE NOTIFICATION – 85 WILLIAMSTOWN ROAD SANDY CREEK **960/331/2014 19/44810**

Author – Manager Engineering Services

MOVED Cr Angas that the Mayor and Chief Executive Office be authorised to execute the Understanding of Regulation Advice, associated with the Eringa Development at 85 Williamstown Road, Sandy Creek, by signing and affixing the common seal to the Deed.
Seconded Cr Miller

MOVED Cr Johnstone that the matter 7.4.1.3 *Native Vegetation Council Regulation Advice Notification – 85 Williamstown Road Sandy Creek* lie on the table pending further information on clearance occurring prior to achieving the necessary approvals.
Seconded Cr Wiese-Smith **CARRIED 2018-22/321**

PURPOSE

A Native Vegetation Council "Regulations Advice Notification" document for tree removal associated with the Eringa Development land division at 85 Williamstown Road, Sandy Creek, requires signing and sealing by The Barossa Council. Refer attached document.

REPORT

Background and Discussion

Eringa Development has recently completed construction of a community title land division at 85 Williamstown Road, Sandy Creek (Council development number 960/331/2014). Refer attached General Layout Plan.

The construction of the land division entrance necessitated the removal of seven trees and 0.04 hectares of open shrub land and native grassland in the Williamstown Road verge. Any clearance of native vegetation requires the approval of the Native Vegetation Council under the Native Vegetation Act 1991.

Williamstown Road is under the care and responsibility of the DPTI, however, the Williamstown Road verge area, including maintenance of stormwater drainage and vegetation, is under the care and responsibility of The Barossa Council.

As the affected vegetation is located in the roadside verge, the Native Vegetation Council require the concurrent approval of The Barossa Council for its removal.

Summary and Conclusion

It is recommended that Council sign and seal the "Understanding of Regulation Advice" in order for Eringa Development to satisfy the requirements of the Native Vegetation Council, Schedule 1, Regulation 12(34).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1- Land Division General Layout Plan

Attachment 2 – Regulation Advice Notification, including Regulation Advice Plan and Understanding of Regulation Advice.

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.

Legislative Requirements

Native Vegetation Act 1991

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All costs associated with the proposed tree removal and Native Vegetation Council approval process are to be borne by the developer, Eringa Developments.

COMMUNITY CONSULTATION

Nil

7.4.1.4

PROPOSED EVENT SUPPORT – 2019 GONE FISHING DAY

B5475 19/53936

MOVED Cr Haebich that Council support the 2019 Gone Fishing Day event at the Warren Reservoir by providing two portable toilets, traffic cones and additional waste bins for the duration of the event on Sunday 20 October 2019.

Seconded Cr Hurn

CARRIED 2018-22/322

PURPOSE

The OzFish Barossa Valley Chapter together with RecFish SA are planning to co-host an official National Gone Fishing Day event at the Warren Reservoir on Sunday 20 October 2019 and are requesting Council support to ensure the event runs smoothly.

REPORT

Background

National Gone Fishing Day (GFD) is a symbolic day for recreational fishers to celebrate their favorite pastime. Fishers are encouraged to grab their rods and reels, their mates and take the opportunity to celebrate National Gone Fishing Day at the Warren Reservoir. Organisers hope to attract up to 300 fishers on the day.

Summary and Conclusion

Council Officers wish to continue to work in collaboration with RecFish SA, SA Water and Forestry SA to support and promote the community use of the Warren Reservoir that was opened to the public for recreational purposes in January 2018.

As the event is located on SA Water land and accessed via DPTI roads, SA Water will liaise with the event coordinator and stakeholders including DPTI, SAPOL and the Ministers Office to ensure the necessary permits and traffic management is in place for the day.

Council provided similar support for the 2018 event which was reported to have been a great success. The provision of portable toilets, traffic cones for assistance with traffic management and additional general waste and recycling bins for the duration of the 2019 event will assist organisers to cater for the expected crowds on the day.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Corporate Plan

- 2.6 Provide, promote and support community arts and cultural events, programs, attractions and services
- 3.5 Advocate for efficient use of community resources through shared infrastructure and innovative solutions
- 4.6 Support the growth and sustainability of sporting, recreational and community clubs and organisations through provision of shared infrastructure, grants and opportunities to shape future use and development.
- 5.4 Contribute to tourism industry capacity building through the facilitation of tourism infrastructure development, including eco and recreational tourism

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

Officers consider the estimated cost to support the event to be approximately \$1,000 which will be funded through the approved Works Administration – Warren Reservoir budget.

Risk management

Council officers seek to support organisers to ensure the event can successfully cater for the expected participants by providing additional infrastructure on the day.

COMMUNITY CONSULTATION

Not required

7.4.1.5**PROPOSED ROAD CLOSURES - 2019 ANGASTON CHRISTMAS PARTY****B9032 – 19/52450**

Author – Manager Engineering Services

MOVED Cr Miller that the Commissioner of Police be advised that Council endorses the road closure of;

Murray Street, Angaston between Middle Street and South Terrace, Angaston, and Penrice Road, Angaston between Murray Street and 9 Penrice Road, a distance of approximately 120 metres, and

Middle Street, Angaston between Murray Street and Newcastle Street, and Tyne Street, Angaston between Murray Street and Newcastle Street, and South Terrace, Angaston between Murray Street and Kent Street, and Kent Street, Angaston between West Terrace and Sturt Street

Between 5.00pm and 9.30pm on Friday 29 November 2019 for the purpose of the 2019 Angaston Christmas Parade.

Seconded Cr Wiese-Smith

CARRIED 2018-22/323

PURPOSE

A request has been received from Steve Falland on behalf of the Angaston Community and Business Alliance (ACBA) to assist with the traffic management arrangements associated with staging the 2019 Angaston Christmas Party on Friday 29 November 2019.

REPORT

Discussion

Application has been received from ACBA as organisers of the 2019 Angaston Christmas Party who wish to host a free celebration of fun and family between 5.00pm and 9.30pm at Memorial Park on Friday 29 November 2019.

The parade component of the event will require parade participants to assemble in Middle Street and travel along Murray Street to South Terrace and return to the Kent Street car park for dispersal.

Summary and Conclusion

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

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

Organisers have requested an earlier commencement of 4.30pm, however, officers maintain a 5.00pm start, as already approved for the 2019 Tanunda and Mount Pleasant celebrations, is appropriate to allow local traders maximum trading time on the day.

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

The in-kind cost and implementation of the road closure of approximately \$1875.00 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 closure by public advertisements to be placed in the Leader and The Herald newspapers and also via placement of the SAPOL notice on Council's website.

7.4.1.6

PROPOSED ROAD CLOSURES – 2019 AUSTRALIAN MASTERS GAMES (ROAD CYCLING) B9032 19/48953

Author – Manager Engineering Services

MOVED Cr Angas that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads:

Eva Street, Williamstown between William Dyer Drive and Bruce Rundle Drive, and William Dyer Drive, Williamstown between Eva Street and Bruce Rundle Drive, and Bruce Rundle Drive, Williamstown between William Dyer Drive and Eva Street between 9.00am and 4.00pm on Friday 11 October 2019

to stage the 2019 Australian Masters Games (Road Cycling) events, being the Williamstown Criterium Course.

Seconded Cr Johnstone

CARRIED 2018-22/324

PURPOSE

Australian Masters Games (Road Cycling) organiser Max Stevens has applied to The Barossa Council for support with the staging of the 2019 Road Cycling component of the Australian Masters Games in Williamstown.

REPORT

Background

Council was approached earlier in 2019 seeking in principle support for the 2019 Australian Masters Games (Road Cycling) to be staged in Williamstown on 9, 10 and 11 October. In principle support was given following the presentation of a report to Council 19 March 2019 – Attachment 1.

Summary and Conclusion

The Australian Masters Games Criterium event is race over a “closed circuit” of 1.23km, the circuit (attached) is not open to public vehicles during racing unless there is an emergency, in which case all racing will be stopped. Residents within the closure will be provided with a mobile telephone number to call in the case of an emergency.

Organisers have been liaising with DPTI and SAPOL during the planning of the event.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1- Council Report 19 March 2019
Attachment 2 – Traffic Management Plan – Criterium Course

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing



Business and Employment

Corporate Plan

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

Legislative Requirements

Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources

The implementation of the road closures is to be met by organisers.
Council will provide sponsorship for the community notification process that will include advertising in the local media.

Risk management

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

COMMUNITY CONSULTATION

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

7.4.1.7

YETTIE ROAD WILLIAMSTOWN KERB AND GUTTER UPGRADE AND ROAD RESEAL – BUDGET ADJUSTMENT

B8541

Pursuant to S73 of the Local Government Act 1999 Mayor Lange disclosed a conflict of interest in the *matter 7.4.1.7 – Yettie Road Williamstown Kerb and Gutter Upgrade and Road Reseal – Budget Adjustment* as the section of Yettie Road listed for capital works and additional budget allocation is where my residential property fronts the road carriageway.

Mayor Lange advised Council of his conflict of interest and left the meeting at 10.44am. Deputy Mayor, Cr John Angas assumed the Chair at 10.44am.

MOVED Cr Johnstone that Council approve a budget increase of \$155,187 for the Yettie Road kerb and gutter upgrade and Yettie Road reseal projects to be funded from the FY2019/20 Road Reseal Unallocated budget.

Seconded Cr Hurn

CARRIED 2018-22/325

PURPOSE

Council approval is sought to undertake a Budget Adjustment to provide additional funds from the FY2019/20 Road Reseal Unallocated Budget to the Yettie Road kerb and gutter upgrade and Yettie Road reseal projects.

REPORT

Background

As part of the 2018-19 Budget, Council allocated \$250,000 to construct underground drainage on Yettie Road, between Queen Street and Johnson Street, Williamstown.

These underground drainage works were completed in April 2019 at an actual cost of \$213,239 with the project savings of \$36,760 to be carried over to 2019-20 as a Q1 2019-20 Budget Adjustment.

As part of the 2019-20 Budget, Council allocated \$250,000 to construct kerb and gutter on Yettie Road, between Queen Street and Adams Road.

Thus, assuming carryover funding is approved as part of Q1 2019-20 Budget Adjustments, \$286,760 is available in 2019-20 to deliver kerb and gutter upgrade works.

As part of the 2019-20 Budget, Council allocated \$ 28,053 to undertake a road reseal (14/7mm spray seal) on Yettie Road between Queen Street and Johnson Street, Williamstown.

Introduction

Works and Engineering staff have received three quotes on 26 August 2019 from Barossa Regional Procurement Group (BRPG) Civil Works Panel contractors to undertake kerb and gutter upgrade works on Yettie Road, between Queen Street and Adams Road.

Works and Engineering staff and BRPG Road Resurfacing contractor, Downer assessed Yettie Road from Queen Street to Adams Road in July 2019 and determined that this entire section of

Yettie Road requires profiling of the existing road seal to remove surface undulations and reinstatement of the road surface with a thin layer of asphalt.

Downer provided a cost estimate to undertake this road surface treatment on 28 August 2019. This extension in scope and resurfacing Yettie Road from Johnson Street to Adams Road plus the change from Spray Seal to Asphalt has contributed to the additional project cost estimates.

Discussion

The summary of costs to undertake the above works compared to current budget allocations is as follows:

Project	Cost Estimate	Budget
Yettie Road Kerb & Gutter Upgrade Project	\$310,000	\$286,760
Yettie Road Resurfacing from Queen Street to Adams Road	\$160,000	\$28,053
Total	\$470,000	\$314,813
Additional Budget Allocation required	\$155,187	

The total unallocated road reseal budget is \$634,534, further to this, savings from completed 2018/19 capital projects are forecast and will also be reviewed during Q1 budget reviews once final invoices are reconciled against purchase orders.

Summary and Conclusion

It is recommended that the following Q1 2019-20 Budget Adjustments are approved by Council:

- \$ 23,240 transfer from Road Reseal Unallocated (601260-870-969) to Yettie Road Kerb and Gutter upgrade (311942-848-969); and
- \$131,947 transfer from Road Reseal Unallocated (601260-870-969) to Yettie Road Seal (312497-870-969).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Q1 2019-20 Budget Adjustments proposed:

- \$ 23,240 transfer from Road Reseal Unallocated (601260-870-969) to Yettie Road Kerb and Gutter upgrade (311942-848-969); and
- \$131,947 transfer from Road Reseal Unallocated (601260-870-969) to Yettie Road Seal (312497-870-969).

COMMUNITY CONSULTATION

A letter drop has been recently provided to adjacent residents along Yettie Road from Queen Street to Adams Road, Williamstown providing project details and expected timeframes.

Mayor Lange returned to the meeting and resumed the Chair at 10.47am.

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE

7.5.1 DEVELOPMENT SERVICES

7.5.1.1

**APPOINTMENT -BUILDING FIRE SAFETY COMMITTEE
B5795**

MOVED Cr Hurn that Council appoint the following person to The Barossa Council Building Fire Safety Committee pursuant to Section 71(19)(a) of the *Development Act 1993*:

- Mr Julian Aggiss (Delegate)
- Mr Joel Taggart (Proxy)
- Mr Darren Chapman (Proxy)
- Mr Kevin Churchward (Proxy)
- Mr Phil McDonough (Proxy)
- Mr Peter Xerri, Senior Assessment Officer – Building

The appointments operate from 8 August 2019 until 30 June 2020.

Seconded Cr Haebich

CARRIED 2018-22/326

PURPOSE

To endorse the South Australian Country Fire Service (CFS) Delegate and Proxies to The Barossa Council Building Fire Safety Committee, as required under the *Development Act, 1993*.

REPORTBackground

The *Development Act 1993* designates the Council as the *Appropriate Authority* for investigating whether commercial building owners are maintaining a proper level of building fire safety for the protection of all occupants of their buildings.

Introduction

Section 71(19), of the *Development Act* sets out the membership requirements for an *Appropriate Authority*. The *Appropriate Authority* for this area is The Barossa Council Building Fire Safety Committee. This Committee contains the required membership of persons with prescribed qualifications, a member of the Metropolitan and Country Fire Service, and other persons with expertise in the area of fire safety.

Discussion

Correspondence has been received from the South Australian Country Fire Service, advising of recent staffing changes within the CFS, and subsequent appointments of CFS Delegate and Proxies to The Barossa Council Building Fire Safety Committee (refer attached).

The appointment of Peter Xerri (Council's Senior Assessment Officer, Building) remains unchanged.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment One: Advice from South Australian Country Fire Service

LEGISLATION/POLICY/COUNCIL STRATEGIC PLANCommunity Plan

Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

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

4.12 Enforce safe and healthy housing/commercial premises conditions that are within Council control or elevate to the State when required.

- 4.13 Ensure that Council services and facilities are fit for purpose including safety and access and these considerations are integrated into urban, asset and community planning.
- 6.5 Implement compliant and contemporary risk management initiatives.

Legislative Requirements

Section 71 of the Development Act, 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Building Fire Safety Committee operates within an ongoing allocated budget.

COMMUNITY CONSULTATION

The appointment of Delegates and Proxies does not require consultation under the Development Act or by Council's Public Consultation Policy.

7.5.2 ENVIRONMENTAL SERVICES REPORT - DEBATE

7.5.2.1

CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS

B7500

MOVED Cr Wiese-Smith that Council having reviewed the Minutes of Barossa Bushgardens S41 Committee Meeting held 17 July 2019 and 14 August 2019 that the Minutes be received and noted.

Seconded Cr Miller

CARRIED 2018-22/327

PURPOSE

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

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 17 July 2019 and 14 August 2019.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

Natural Environment and Built Heritage

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

Legislative Requirements

Local Government Act and Regulations

Development Act and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Identified within the body of the Minutes, and is included within the endorsed Council Budget.

COMMUNITY CONSULTATION

Not required by Council.

7.5.4 REGULATORY SERVICES - DEBATE**7.5.4.1****IMPLEMENTATION OF TIMED PARKING SPACES****B3262**

MOVED Cr Barrett that Council notes the content of the report and resolves to implement 15 minute timed parking spaces between 8:00am and 5:00pm from Monday to Friday with the exemption of public holidays, for all identified locations being the three spaces in Tanunda, two in Mount Pleasant and two in Lyndoch.

Seconded Cr Wiese-Smith**CARRIED 2018-22/328****PURPOSE**

To consider the implementation of timed parking spaces in selected locations.

REPORT**Introduction**

Officers have received several requests in relation to the implementation of timed parking areas to increase the turnover of vehicles in specific areas of Tanunda, Lyndoch and Mount Pleasant.

Discussion

Council administration has often been reluctant to impose timed parking areas unless there is a significant and identified need. The implementation of time parking areas is considered to have ongoing resource implications for Council in relation to ongoing monitoring and enforcement.

Given the increasing number of requests, formal consideration by Council is necessary. It is important to have regard for a number of matters including resourcing, setting a precedent and any changes in service levels and/or priorities.

The basis for these requests are to increase the turnover of vehicles by restricting the permitted parking time in selected locations to 15 minutes. The intent is to increase the likelihood of a parking space being available for customers directly adjacent the business.

Council has limited examples of timed parking areas. An existing area on Elizabeth Street in Tanunda was implemented a number of years ago and continues to require regular patrols in order to ensure compliance.

Should Council decide to implement timed parking zones, installation will be in accordance with the relevant Australian Standard.

It will make it an offence under the Australian Road Rules for a driver to exceed the nominated time. Each instance may incur an Expiation Notice with a prescribed fee of \$55.00. This fee is defined by the State Government and subject to change.

Location 1

Murray Street, Tanunda

Adjacent Tanunda Post Office

Request to implement 15 minute parking in two spaces in this location to increase the turnover rate of vehicles, prevent vehicles parking for extended periods and increase the likelihood of customers of businesses in the immediate area finding a car park during business hours on weekdays.

In 2016, the population of Tanunda was 4546 with an average age being 46 years.

An existing public car park behind the Visitor Information Centre is within 80 metres.

However, the number of businesses and higher volumes of traffic in Murray Street Tanunda may support a change if desired.



Location 2

Barossa Valley Way, Lyndoch
Adjacent Lyndoch Valley Meats

Request to implement 15 minute parking in two spaces in this location to increase the turnover rate of vehicles, prevent vehicles parking for extended periods and increase the likelihood of customers finding a car park directly adjacent the business during business hours on weekdays.

In 2016, the population of Lyndoch was 2000 with an average age being 41 years.

Some privately owned parking areas exist in the locality with a limited number of on-street parking spaces. However, it is considered that during business hours, the majority of main street parking spaces in that immediate area are currently used for short term parking.



Location 3

Melrose Street, Mount Pleasant
Adjacent Mount Pleasant Post Office.

Request to implement 15 minute parking in two spaces in this location to increase the turnover rate of vehicles, prevent vehicles parking for extended periods and increase the likelihood of customers finding a car park directly adjacent the business during business hours on weekdays.

Information received indicates that the Mount Pleasant Post Office provides a number of services to the community of Mount Pleasant, particularly since the closure of the local Bank. Reports suggest that elderly customers are often unable to find a park close to the Post Office.

There are concerns that this may be exacerbated once a neighbouring business opens. In 2016, the population of Mount Pleasant was 1020 with an average age being 47 years.

An existing public car park at the Mount Pleasant Soldiers Memorial Hall is within 60 metres of the Post Office.



Conclusion

As outlined in the report, implementing additional timed parking restrictions is expected to have ongoing resource impacts for Council and may also set a precedent for other areas.

Council has several options, some of which are summarised in the form of recommendations below. Council administration has recommended Option 2 due to the proximity to the Tanunda Post office, higher traffic volumes and number of main street businesses. However, Elected Members are at liberty to determine otherwise.

Option 1

That Council notes the content of the report and determines not to proceed to implement additional timed parking spaces at this time.

Option 2

1. That Council notes the content of the report and resolves to implement two 15 minute timed parking spaces between 8:00am and 5:00pm from Monday to Friday, in the identified location in Murray Street in Tanunda only; and
2. Agrees to review and monitor the two other locations detailed in this report for a period of 6 months; and
3. Agrees to monitor the impact of implementing the additional parking restrictions for a period of 6 months; with a further report being presented to Council on the matter later this financial year.

Option 3

1. That Council notes the content of the report and resolves to implement 15 minute timed parking spaces between 8:00am and 5:00pm from Monday to Friday, in all identified locations; and
2. Undertakes a review of service levels in relation to parking management and the resources required to effectively monitor and better manage matters under the Australia Road Rules.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

2.12 Contribute to a safer community.

Legislation

The Road Traffic Act 1961
The Australian Road Rules

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

The financial considerations relate to the ongoing resourcing and monitoring these areas.

Should Council resolve to implement timed parking in these areas, the impacts may increase over time in line with the increased focus on parking by Council and the community.

Whilst difficult to estimate, a guide of 9 hours per fortnight has been used if all three areas were implemented. This includes associated monitoring and patrols by officers, issuing, processing and maintenance of Expiation Notices as well as other correspondence and administrative functions. This is based on 5 hours for operational officers and 4 hours for administration and customer support officers per fortnight and equate to approximately \$8,200 in time and wages.

Officer wages are already included within Council's existing budget. Implementing additional initiatives will create an increased workload within existing resource levels.

The implementation and installation of all required signage will be from within existing budget provisions.

Resource Considerations

In considering this report, Members should turn their mind to the ongoing implications of implementing timed parking restrictions (and also any other increase in parking management services).

It is envisaged to create resourcing impacts for Council due to the obligation and expectation to regulate these areas. It may also create a precedent for other businesses to request timed parking in specific areas and thereby increasing the situation further.

Historically, the allocation of officer's time to parking enforcement has been minimal.

From a budgeting perspective only, the allocation to the Public Order and Safety Service Level is for all operational and administrative duties associated with By-laws, A-frame signage, events and liquor licencing, Local Government matters including outdoor dining, mobile food vendors, community banners, roadside advertising; and parking.

This equates to approximately 0.46FTE of current resourcing which is spread across 4.0FTE staff, equating to around 17.5hrs per week (4.3 Hours per week/per officer).

Anecdotally, there is a growing interest and an increased focus on parking management from the community. As such, the resource considerations also expands into the levels of service that Council wishes to provide.

In addition to the matters raised. The Barossa Community Store has also informally approached management in relation to officers commencing patrols of disability parking spaces within their private parking areas.

Ultimately if Council resolves to offer a greater service to the community in relation to parking management, adequate resourcing will need to be considered. Officers currently respond to a range of parking related matters. A snapshot has been provided of the number of parking management requests received in recent years.

Parking Management Requests	
Financial Year	Number of requests
2015/2016	78
2016/2017	123
2017/2018	151
2018/2019	155

COMMUNITY CONSULTATION

Consultation is not required under policy or legislative requirements.

7.5.4.2

REVIEW OF THE LOCAL NUISANCE AND LITTER CONTROL ACT 2016 B3262

Author: Manager, Regulatory Services

MOVED Cr Angas that Council:

- (1) Notes the content of the report and potential legislative change to the *Local Nuisance and Litter Control Act 2016*; and
- (2) Endorses the content of the draft Submission being provided to the Environment Protection Authority.

Seconded Cr Hurn

CARRIED 2018-22/329

PURPOSE

To consider and endorse a submission in relation to a review of the *Local Nuisance and Litter Control Act 2016*.

REPORT

Introduction

Correspondence has been received from the Environment Protection Authority (EPA) advising that the *Local Nuisance and Litter Control Act 2016* (the Act) is under review. The EPA are inviting submissions in relation to any proposed or suggested changes.

Discussion

In July 2017, the Act came into full operation. At the time it was a completely new piece of legislation, which imposed requirements and increased the responsibility on Local Government in managing matters of local nuisance.

Council continues to feel the impacts of the legislation in managing a range of matters associated with noise, odour, air quality, dust and nuisances associated with owned animals; amongst other things.

Some of these matters were traditionally the responsibility of the EPA and/or previously outside of Council's jurisdiction.

A copy of the correspondence and Discussion Paper are provided as Attachment 1 to this Report.

Officers have prepared a draft Submission for Council's consideration in relation to the review of the Act, and is included as Attachment 2

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 - EPA Discussion Paper – Review of the Local Nuisance and Litter Control Act 2016
- Attachment 2 - Correspondence from the EPA
Draft – Submission to the EPA

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



Health and Wellbeing

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

Legislation

- Local Nuisance and Litter Control Act 2016
- Local Nuisance and Litter Control Regulations 2017

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

The future financial considerations relate to the ongoing resourcing and monitoring of matters under the Act.

Resource Considerations

If these proposed changes are implemented it may have further resource implications for Local Government in administering the Act.

COMMUNITY CONSULTATION

Consultation is not required under policy or legislative requirements.

8. CONFIDENTIAL MATTERS

Nil

9. URGENT OTHER BUSINESS

9.1 LEAVE OF ABSENCE REQUEST – CR RICHARD MILLER

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

Cr Miller advised Council of his conflict of interest and left the meeting at 11.01am.

MOVED Cr Wiese-Smith that Cr Miller be granted Leave of Absence from 18 September 2019 to 10 October 2019 inclusive.

Seconded Cr Barrett

CARRIED 2018-22/330

Cr Miller returned to the meeting at 11.02am.

10. NEXT MEETING

Tuesday 15 October 2019 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 11.03am.

Confirmed at Council Meeting on 15 October 2019

Date:.....

Mayor:.....