



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 15 October 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, Leonie Boothby, Dave de Vries, Cathy Troup, Kathryn Schilling, Richard Miller and Carla Wiese-Smith

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr Johnstone that the Minutes of the Council meeting held on Tuesday 17 September 2019 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Hurn

CARRIED 2018-22/331

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

Nil

1.8 DEPUTATIONS

Nil

1.9 NOTICE OF MOTION

Nil

1.10 QUESTIONS – WITH OR WITHOUT NOTICE

Questions on Notice – Cr Don Barrett

Question 1

The Barossa Council Transport Infrastructure Management Plan and associated 10 year maintenance plan clearly sets out what Council will do in relation to roads and footpaths. The footpath and kerbing in Saleyard Road, Mount Pleasant between Showground Road and Hocknull Place is neither safe or functional, Asset number 27654, the kerbing is 10 years beyond its useful life expectancy. Why hasn't this asset received attention in the last 10 years in line with policy?, when a road such as Neldner Road, Asset numbers 9193 (surface) and 58207 (Sub-base) is being considered for a major upgrade in the vicinity of \$600,000 when the asset is already safe, functional has approximately 23 years of remaining useful life?

Response

Asset Management Plans are an estimate of future replacement and renewal (not upgrade or new) activity based on three key factors:

1. The useful life of the asset;
2. The condition of the asset;
3. The replacement cost of the asset.

By their very nature asset management plans are a product of human estimates, especially the useful life and condition of an asset and are primarily undertaken at a point in time. For these reasons the figures and programs will not completely reflect on ground conditions remembering that assets lives range from short life cycles, for instance 25 years for a road seal and upwards of 300 years on the substructure of a town hall. Therefore, there will always be some on ground variation to what is essentially determined by a point in time estimate and a mathematical formula. Variation will occur for many reasons such as variations that each and every piece of infrastructure is subjected to such weather, traffic load, soil impacts, utilisation, vandalism, building activity and population growth to name a few.

The actual work done on asset and infrastructure renewal is ultimately a product of the above asset management plans and the estimates they contain and budget allocations made by Council and the priorities or altered priorities Council instructs the Chief Executive Officer to undertake. There will always be assets and infrastructure where the investment can be deferred (as it is in better condition than anticipated, no longer needs that level of service or other reason) and some that need to be brought forward. Equally there will be call for new work, such as Neldner, these requests are assessed by staff based on the available data relevant to the asset or infrastructure, site visits where necessary, funding and budgetary impacts and presented for ultimate determined of Council. Council makes these determinations through the new initiatives process, or, on a case by case basis throughout the year when the Chief Executive Officer is requested by the Council to do so. Further there may be urgent matters that arise from time to time where through the Chief Executive Officer staff will make recommendation to and seek budget support of Council to address an urgent renewal to an asset or infrastructure that was not previously anticipated due to some unforeseen event including unacceptable risk (a flood, vandalism or impact from moving soils for instance).

With regard to the specific asset outlined in the question, officers, as stated at budget time are developing the next phase of footpath and kerbing work priorities for funding in 2020/21 and beyond. If this particular infrastructure requires immediate action it will be funded from maintenance budgets or if larger works are urgently required the Director will seek an amended budget from Council either as part of a quarterly budget request or specific Council report. The latest data highlights that the established footpath and kerbing are in need of replacement and will be prioritised in the upcoming program for Council's consideration as part of the 2020/21 and future budgets. However, there are components of this area which are not currently identified as formed footpath and

infrastructure and as such would not be renewed as it would be an upgrade/new initiative through increased service levels. Officers will make those recommendations as part of the above explained processes. The following map identifies the relevant components. Ultimately the work that can be achieved on assets and infrastructure will be a product of Council's budget and business plan decision making on an annual basis.



Barossa Footpath	
	Rubble Footpath Surface Type
	Bitumen - Spray Seal Footpath Surface Type
	Natural Footpath Surface Type
	Paved Footpath Surface Type
	Concrete Footpath Surface Type
	Bitumen - Hotmix Footpath Surface Type

Question 2

When will the kerbing and footpath in Saleyard Road, Mount Pleasant between Showground Road and Hocknull Place receive attention as per the aforementioned policies?

Response

This and many other priorities are being assessed at present from the recently updated footpath and kerbing data and will form part of the scoping work we are to undertake during quarter two so that we can put forward a sensible footpath program to Council for consideration as part of the 2020/21 budget and beyond, as was outlined to Council during the budget development process.

MOVED Cr Boothby that council receive and note the questions on notice and responses and that they be entered into the minutes of the meeting.

Seconded Cr Hurn

CARRIED 2018-22/332

2. MAYOR

2.1 MAYOR'S REPORT

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

Seconded Cr de Vries

CARRIED 2018-22/333

3. COUNCILLOR REPORTS

Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA

Cr de Vries

4.5.1.3 – Mount Lofty Ranges Agrarian Landscape World Heritage Site Listing Project – Update Report

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Johnstone that the information items contained in the Consensus Agenda with the exception of 4.5.1.3 – *Mount Lofty Ranges Agrarian Landscape World Heritage Site Listing Project – Update Report*, be received and that any recommendations contained therein be adopted.

Seconded Cr Troup

CARRIED 2018-22/334

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.5.1.3

MOUNT LOFTY RANGES AGRARIAN LANDSCAPE WORLD HERITAGE SITE LISTING PROJECT – UPDATE REPORT

B1948

MOVED Cr de Vries that Council:

- a) Receives the report including the Annual Report and Independent Expert Review;
- b) Notes that significant additional research work is required to close research gaps, including confirming values and attributes in order to map the boundaries of any potential bid 'property';
- c) Notes that in order to progress any bid, State Government support is required but that this support has not been indicated to date;
- d) Continues to partner with other councils to present to the State Government a governance model in which the State will be responsible for all further research required to prepare a formal bid; and
- e) That Council's future contribution to the project be on an in-kind basis only unless otherwise determined on a case-by-case basis

Seconded Cr Johnstone

CARRIED 2018-22/335

A Project update report was presented to the Council at its meeting on 16 April 2019 (refer Consensus Agenda Item 4.5.1.2).

That Report elaborated on the reasons that the Australian Heritage Council had not prioritised the nomination for national heritage listing at this point. The Report also advised that an expert review of the Project was being undertaken.

Attached are the following:

1. Letter from the Adelaide Hills Council explaining the current Project status
2. The Expert Review
3. Latest Annual Report.

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

Nil

6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING

Nil

7. DEBATE AGENDA

7.1 MAYOR – DEBATE

Pursuant to S120(1) of the Local Government Act 1999 Mr Martin McCarthy, Chief Executive Officer, disclosed a conflict of interest in the matter *as the matter* 7.1.1 Review of Order Under Confidentiality Provisions of the Local Government Act 1999 – Mid Year CEO Performance Report February 2015 - is dealing with a review of an order concerning his employment performance.

Mr McCarthy advised Council of his conflict of interest and left the meeting at 9.13am.

7.1.1

REVIEW OF ORDER UNDER CONFIDENTIALITY PROVISIONS OF THE LOCAL GOVERNMENT ACT 1999 – MID YEAR CEO PERFORMANCE REPORT – FEBRUARY 2015

B7322

MOVED Cr de Vries that Council in compliance with Section 90(9)(a) of the Local Government Act (Act) and having reviewed the confidentiality order of 17 February 2015 made in accordance with Section 90(3)(a) of the Act resolve that all supporting attachments and performance review documents and agenda of the Confidential Council meeting held on 17 February 2015 in relation to confidential item 8.1.1 mid-year CEO Performance report shall continue to remain confidential and that Council review the said orders prior to 15 October 2020.

Seconded Cr Wiese-Smith

CARRIED 2018-22/336

PURPOSE

Any order made by Council that operates for a period of more than 12 months must be reviewed at least once in every year – thus, this order pursuant to Section 91(9) Local Government Act (Act) is due for review.

REPORT

At the Confidential meeting of Council held on 17 February 2015 Council considered the Mid-Year Performance Review of the Chief Executive Officer and resolved that:

Council having considered this matter in confidence under Section 90(2) and (3) (a) (being information the disclosure or which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)) of the Local Government Act 1999 makes an order pursuant to Section 91(7) of the Act that all supporting attachments and performance review documents and agenda of the Confidential Council meeting held on 17 February 2015 in relation to confidential item 8.1.1 mid-year CEO Performance Report and not available for public inspection other than the minutes relating to this confidentiality order, until the conclusion of the Chief Executive Officer's employment.

This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at Council meetings held on 27 January 2016, 24 January 2017, 19 December 2017 and 6 November 2018

where it was resolved that the *supporting attachments and performance review documents and agenda of the* of the meeting held on 17 February 2015 remain confidential.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Local Government Act 1999, S90 and S91

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

No relevant considerations are noted.

COMMUNITY CONSULTATION

No public consultation is required or considered appropriate.

Mr McCarthy returned to the meeting at 9.14am.

7.2 EXECUTIVE SERVICES - DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1

ANNUAL CLOSURES OF COUNCIL OFFICES, LIBRARIES, BAROSSA VISITOR CENTRE AND COUNCIL DEPOTS OVER CHRISTMAS/NEW YEAR PERIOD

B9097

MOVED Cr de Vries that Council:

- (1) Endorses the operations of Council in accordance with the table (in the body of the report) over the 2019/20 Christmas/New Year period noting that the relevant services will be closed during the outlined periods but that arrangements for urgent, emergency and other after hours support will be in place and that all services shall reopen with normal operating hours on Thursday 2 January 2020, and;
- (2) Instructs the Chief Executive Officer to publish the amended operating hours in the local papers and relevant Council Facebook sites and on the website.

Seconded Cr Johnstone

CARRIED 2018-22/337

PURPOSE

Each year Council endorses limited closure and skeleton service provision for the Nuriootpa Office, Nuriootpa Library and Branch Office/Libraries, Barossa Visitor Centre and Council Depots over the Christmas/New year period.

REPORT

In accordance with Council past policy position, Council operates basic services between Christmas and New Year, with staff taking accrued leave during this period.

Council Operations – Daily Service Provision:

	Nuriootpa Office	Nuriootpa Library	Tanunda Library	Angaston, Lyndoch & Mt Pleasant Library / Office	Works Depots (Closing 12noon 23 December)	Barossa Visitor Centre	Barossa Regional Gallery
Monday 23/12/19	Open as per normal hours	Open as per normal hours	Open as per normal hours	Open as per normal hours	Close at 12noon Emergencies & Essential Maintenance - Out of Hours Services provided	Open as per normal hours	Open as per normal hours
Tuesday 24/12/19	Close at 3pm Out of Hours Services Provided	Close at 3pm	Close at 3pm	Close at 3pm	Emergencies & Essential Maintenance - Out of Hours Services provided	Close at 3pm	Close at 3pm
Wednesday 25/12/19 Public Holiday	Christmas Day Closed	Christmas Day Closed	Christmas Day Closed	Christmas Day Closed	Christmas Day Closed	Christmas Day Closed	Christmas Day Closed
Thursday 26/12/19 Public Holiday	Out of Hours Services provided	Closed	Open 10am – 4pm	Closed	Emergencies & Essential Maintenance - Out of Hours Services provided	Open 10am - 4pm	Open 11am – 4pm
Friday 27/12/19	Out of Hours Services provided	Open 9am – 5pm	Open 9am – 5pm	Angaston Open 1pm to 5pm Lyndoch Open 9am -12.30 pm and 1.30pm to 5pm Mt Pleasant Open 9am – 12.30pm and 1.30pm – 5pm	Emergencies & Essential Maintenance - Out of Hours Services provided	Open 9am - 5pm	Open 11am – 4pm
Saturday 28/12/19	Out of Hours Services provided	Open 9am – 12 noon	Open 9am – 12noon	Lyndoch Open 9am-12noon Angaston and Mt Pleasant Closed	Emergencies & Essential Maintenance - Out of Hours Services provided	Open 9am - 4pm	Open 11am – 4pm
Sunday 29/12/19	Out of Hours Services provided	Open 12noon – 3pm	Closed	Closed	Emergencies & Essential Maintenance - Out of Hours Services provided	Open 10am – 4pm	Open 11am – 4pm
Monday 30/12/19	Out of Hours Services provided	Open 9am – 6 pm	Open 9am – 5 pm	Angaston Open 2pm to 5pm Lyndoch Open 9am -12.30pm and 1.30pm-5pm Mt Pleasant Open 9am - 12.30pm and 1.30pm-5pm	Emergencies & Essential Maintenance - Out of Hours Services provided	Open 9am - 5pm	Open 11am – 4pm
Tuesday 31/12/19	Out of Hours Services provided	Open 9am – 6 pm	Open 9am – 5 pm	Angaston Open 2pm to 5pm Lyndoch Open 9am -12.30pm and 1.30pm-5pm Mt Pleasant Open 9am - 12.30pm and 1.30pm-5pm	Emergencies & Essential Maintenance - Out of Hours Services provided	Open 9am - 5pm	Open 11am – 4pm

	Nuriootpa Office	Nuriootpa Library	Tanunda Library	Angaston, Lyndoch & Mt Pleasant Library / Office	Works Depots (Closing 12noon 23 December)	Barossa Visitor Centre	Barossa Regional Gallery
Wednesday 1/01/20 Public Holiday	New Years Day Closed Out of Hours Services provided	New Years Day Closed	New Years Day Closed	New Years Day Closed	New Years Day Closed Emergencies & Essential Maintenance - Out of Hours Services provided	Open 10am – 4pm	Open 11am – 4pm
Thursday 2/01/20	Open as per normal hours						

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.6 Define and deliver on agreed Customer Service Standards for Council service delivery.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.10 Embed a culture of continuous improvement across Council, with tools, processes and systems being used to achieve business efficiencies and customer service improvements.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource

Resources will be maintained to ensure continuity of services for Council's Barossa Visitor Centre, Libraries and Council Depot services. The resources required for the existing service levels during the Christmas to New Year period are within the adopted budget. Any significant events that Council needs to respond to and provide support, resources and rectify any assets, will be reported to Council as per previous incidents/events.

Risk Management

Council provides services on standby as required for essential services, ensuring any risk issues are considered as appropriate for each service provided.

COMMUNITY CONSULTATION

Appropriate notices will be published in the local papers advising of the closures together with notices on Council's website, message on hold and Council noticeboards.

7.2.1.2

LOCAL GOVERNMENT REFORM - SUBMISSION B9484

MOVED Cr Boothby that Council endorse the submission tabled at Attachment 2 and seek further review of items contained in Council's original submission specifically reform proposal items 3, 4, 5, 9 and 12.

Seconded Cr Johnstone

CARRIED 2018-22/338

PURPOSE

To endorse a The Barossa Council second submission and policy position to the Minister via the Office for Local Government to reform Local Government in South Australia in response to the proposed 72 reform ideas contained within the "Reforming Local Government in South Australia Discussion Paper".

REPORT

Introduction

As known, the Minister for Transport, Infrastructure and Local Government has commenced engagement on 72 reform ideas contained in the “Reforming Local Government in South Australia Discussion Paper” presented at Attachment 1.

Discussion

The Council made a submission to the initial call for submission in April 2019 and its submission has been cross referenced with the 72 proposals as part of the analysis and proposed response presented at Attachment 2.

The Council has been provided an opportunity to make further comment by 1 November 2019.

The Department will analyse the responses and give consideration and recommendation to the Minister ultimately on a package of reforms. The current target date for a draft Bill to be tabled in the house is the first quarter of 2020. It is anticipated that an exposure draft of the Bill may be available later this year.

Summary

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Reforming Local Government in South Australia Discussion Paper

Attachment 2 – Response to Reforming Local Government in South Australia Discussion Paper – September 2019

Attachment 3 – Local Government Association Discussion Paper August 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Corporate Plan

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

No consultation or engagement requirements under legislation and policy.

7.2.1.3

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION DRAFT REPORT – INQUIRY INTO LOCAL GOVERNMENT COST AND EFFICIENCIES – COUNCIL SUBMISSION

B9273

MOVED Cr Hurn that Council endorse the submission to the South Australian Productivity Commission as tabled at Attachment 2.

Seconded Cr Barrett

CARRIED 2018-22/339

PURPOSE

To endorse a The Barossa Council submission to the South Australian Productivity Commission draft report on the Inquiry into Local Government Costs and Efficiency in South Australia. The report is at [Attachment 1](#).

REPORT

Introduction

The Premier in May 2019 instigated a request of the South Australian Productivity Commission (SAPC) in inquiry into the costs and efficiencies of Local Government in South Australia. The draft report outlined the terms of reference and scope of this inquiry.

Discussion

The Council was informed of the SAPC inquiry and its methodology by email communication on 20 June after the executive team had reviewed the terms of reference and methodology at its meeting of 12 June. It was determined that due to the highly technical nature of the information sought and data at the initial stages that the work of the Local Government Association would be better suited to support that phase of the inquiry and that the executive team would focus on the outcomes of the draft report and respond in due course on the substance of the initial findings. The proposed submission to SAPC is at [Attachment 2](#).

The SAPC draft report was released on 30 August and responses are required by 25 October. A final report to the Government is expected by 22 November.

The terms of reference are directly linked to the Minister for Transport, Infrastructure and Local Government reform elements outlined in the report presented at 7.2.1.2 of this agenda.

Summary

Reform of Local Government should be a continuous process as the environment in which we operate changes more rapidly in a modern society and the opportunity to be involved in shaping the next phase of our sector's legislative base necessitates the proactive submission developed by the past and present Council. The SAPC report provides opportunity to reflect on new ways of thinking about the system in which we operate and advocate for changes we see as necessary to drive the sector forward.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – SAPC Draft Report into Inquiry into Local Government Costs and Efficiency in South Australia

Attachment 2 – The Barossa Council Submission to the SA Productivity Commission Draft Report into Local Government

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Corporate Plan

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil work undertaken to respond from internal resources.

Impact of future reform and activity falling out of the review are unknown.

COMMUNITY CONSULTATION

No consultation or engagement requirements under legislation and policy.

7.2.1.4**PUBLIC INTEREST DISCLOSURE POLICY****B8244**

Author: Governance Advisor

MOVED Cr de Vries

- (1) That Council receives, considers and approves the draft *Public Interest Disclosure Policy*, as attached at **Attachment 1** to this report;
- (2) That Council receives the draft *Public Interest Disclosure Process*, attached for Council's information at **Attachment 2** to this report, which will be approved by the Chief Executive Officer in accordance with legislation and administrative processes.
- (3) That Council approves the repeal of the *Whistleblowers Protection Policy* and endorses the repeal of the *Whistleblower Protection: Blowing the Whistle Process* by the Chief Executive Officer in accordance with administrative processes, which are attached for information at **Attachment 3** and **4** to this report, respectively;

Seconded Cr Johnstone

CARRIED 2018-22/340

PURPOSE

Council is asked to:

- receive and consider the draft *Public Interest Disclosure Policy* as attached;
- receive and endorse the *Public Interest Disclosure Process*, which will be approved by the Chief Executive Officer as per legislation
- approve the repeal of the now superseded *Whistleblowers Protection Policy*; and
- endorse the repeal of the associated *Whistleblower Protection: Blowing the Whistle Process*.

REPORTBackground

The *Public Interest Disclosure Act 2018* (the "Act") came into operation on 1 July 2019. The Act establishes a mechanism that manages and facilitates the disclosure of public interest information, and provides protections to those who make appropriate disclosures of such information.

The Act has repealed the *Whistleblowers Protection Act 1993*, and therefore, it is necessary for Council to consider repealing Council's *Whistleblowers Protection Policy* and associated *Whistleblower Protection – Blowing the Whistle Process*, attached for information at **Attachment 3** and **4** to this report.

Introduction

The Act has recently been amended to include a requirement for councils to have a procedure in place for the making of public interest disclosures and for Workers who deal with such disclosures.

Discussion

The draft *Public Interest Disclosure Policy* and *Process* are attached at **Attachment 1** and **2** of this report, and establish a mechanism whereby:

- Appropriate disclosures can be made to one of the any three appointed Responsible Officers, whose names are included in the Process. Responsible Officers are the first point of contact with respect to public interest disclosures, both for Informants making disclosures and for Workers and Elected Members who may receive them;
- Appropriate disclosures that are received by Supervisors, Elected Members, Employees or officers of Council can be directed to the Responsible Officers for investigation, after making any mandatory reports to the OPI and satisfying any other procedural requirements of the Act, Independent Commissioner Against Corruption (“ICAC”) Guidelines, PID Policy and Process;
- Following preliminary assessment of a disclosure, where it is identified that an investigation is warranted, the Responsible Officer, at their discretion may refer the matter to any of the following:
 - An assessor - a relevant senior Worker with the skills, qualifications, authorisation and delegation (whether directly from Council or sub-delegation by the Chief Executive Officer) to deal with the subject matter of the appropriate disclosure in accordance with Council’s policies, processes and / or usual operations; or
 - An independent investigator – a party external to Council (where necessary and appropriate)

By allowing the option for an appropriate senior Worker to undertake any necessary investigation in accordance with Council policy and process, it is ensured that the matter is investigated efficiently, in confidence, and that established Council processes are not circumvented. However, it should be noted that as an alternative, where it is necessary and appropriate in the circumstances, the matter may be referred to an independent, external party for investigation.

- Reporting requirements of the Act are stipulated, and complement internal reporting requirements (i.e. to the CEO or Mayor), in order to ensure that action is taken to appropriately deal with the issues raised by a disclosure.

To complement the whole-of-Council process change that the Policy and Process will cause, it is proposed that training be provided to Workers and Elected Members for general awareness, in addition to focus training for those who are likely to receive public interest disclosures. It is anticipated that further training will be rolled out in the coming weeks. It is noted that Elected Members have already received general awareness training via Council Workshop.

Summary and Conclusion

Council is now asked to:

- receive, consider and approve the draft *Public Interest Disclosure Policy*;
- receive the draft *Public Interest Disclosure Process*, which will be approved by the Chief Executive Officer in accordance with legislation and administrative processes; and
- approve the repeal of the *Whistleblower’s Protection Policy* and endorse the repeal of the *Whistleblower Protection: Blowing the Whistle Process* by the Chief Executive Officer in accordance with administrative processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – draft Public Interest Disclosure Policy (18/35498)

Attachment 2 – draft Public Interest Disclosure Process (18/35500)

Attachment 3 – Council’s current Whistleblowers Protection Policy (14/21784)

Attachment 4 – Council’s current Whistleblower Protect (14/21785)

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

Public Interest Disclosure Act 2018

Independent Commissioner Against Corruption – *Public Interest Disclosure Guidelines*

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The extent of the anticipated financial impact of the Public Interest Disclosure Policy and Process are currently unquantifiable, as it will largely depend on the number of appropriate disclosures received by Council. It is important to note that the requirements of the Act closely reflect those of the Whistleblowers Protection Act, albeit providing a wider scope for disclosures.

The financial impact has been minimized by ensuring that there are options in the Policy and Process for investigations to be conducted internally by Workers in accordance with already-established Council policy and process.

Where an appropriate disclosure is made, and funds are required to be expended, a budget adjustment may be required, and will need to be authorised by Council in accordance with current budgetary processes.

Resource

The Chief Executive Officer has appointed three Responsible Officers. It is unclear how many disclosures Council will receive, and at this stage, it is intended that any disclosures will be dealt with by Officers as part of their usual duties.

Risk Management

It is now a legislative requirement for Council to have a procedure on how to deal with public interest disclosures. The Policy and Process are based on the LGA model documents, however, some substantial changes have been made in order to ensure compliance with the Act, and appropriateness (e.g. allowing investigations to be conducted internally, in addition to having the option to appoint an independent investigator if appropriate).

Risk is minimised by ensuring that Council has policies and processes in relation to the making and management of appropriate disclosures of public interest information. The Process also sets out risk management steps taken by Council to ensure protections are afforded to Informants.

COMMUNITY CONSULTATION

Community consultation is not required under legislation.

7.2.1.5

UPDATE TO DELEGATIONS REGISTER – PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT B8824 and B8826

Author: Governance Advisor

MOVED Cr de Vries

- (1) Revocation of Delegations
 - (a) Council hereby revokes delegations to the Chief Executive Officer of those powers and functions under the provisions of the *Planning, Development and Infrastructure Act 2016*, as specified in the extract contained in **Attachment 2** of this report.
- (2) Delegations made under the *Planning, Development and Infrastructure Act 2016*
 - (a) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the *Planning Development and Infrastructure Act 2016* contained in the extract of the proposed Instrument of Delegation (annexed to the Report and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 and Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* and marked **Attachment 2** and **3** respectively) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified in the extract of the proposed Instrument of Delegation.

- (b) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the proposed Instrument of Delegation.
- (3) Delegations made under the *Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority*
- (a) In exercise of the power contained in Section 100 of the Planning Development and Infrastructure Act 2016 the powers and functions under the Planning Development and Infrastructure Act 2016 contained in the proposed Instrument of Delegation (annexed to the Report and entitled *Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority* and marked **Attachment 4**) are hereby delegated to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.
- (b) Such powers and functions may be further delegated by the Chief Executive Officer as the Chief Executive Officer sees fit in accordance with relevant legislation, unless otherwise indicated herein or in the proposed Instrument of Delegation.

Seconded Cr Hurn

CARRIED 2018-22/341

PURPOSE

Council is asked to delegate the additional and amended powers to the Chief Executive Officer, which are now available under the *Planning, Development and Infrastructure Act 2016*.

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 day-to-day operations and administration to the staff who have the relevant expertise and experience to deal with such matters – thus improving the 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 event that 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 the LGA issuing amended and new Instruments of Delegation under the *Planning, Development and Infrastructure Act 2016* (the "Act"), as a result of section 156 of the Act becoming operational, which applies to all swimming pools throughout the State. The corresponding Section 71AA of the *Development Act* has also now been repealed.

The LGA has issued Circular 38.14, which provides further information on the updates to its Delegations Instruments, and is attached at **Attachment 1** to this report.

Attachments 2, 3, and 4 are extracts from Council's delegations software, which show the updated and new Instruments of Delegation under the Act.

Discussion

As a result of section 156 of the *Planning, Development and Infrastructure Act 2016* becoming operational, and section 71AA of the *Development Act 1993* being repealed, the LGA has issued two new Instruments of Delegation and updated its Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016* (the "Act"). The new and updated Instruments of Delegation are described below:

- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 (new and updated)
New powers and amended powers as a result of the section 156 of the Act becoming operational.
- Instrument of Delegation under the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 (new)
New powers as a result of section 156 of the Act becoming operational, and the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017* coming into force.
- Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority (new)
Powers and functions of Council as a relevant authorities that are applicable.

Summary and Conclusion

Council is now asked to delegate the additional and amended powers to the Chief Executive Officer, which are now available under the *Planning, Development and Infrastructure Act 2016*, as specified in this report and attachments.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – LGA Circular 38.14 – New Delegations under the Planning, Development and Infrastructure Act 2016 ([19/58608](#))

Attachment 2 – Extract – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 ([19/58596](#))

Attachment 3 – Extract – Instrument of Delegation under the Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017 ([19/58595](#))

Attachment 4 – Extract – Instrument of Delegation under the Planning, Development and Infrastructure Act 2016 of Power of a Council as a Relevant Authority ([19/58598](#))

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

Planning, Development and Infrastructure Act 2016

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 the Local Government Association. 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 Council
- Where the unlawful exercise of the power has caused loss or damage, Council may be liable for such loss or damage.

COMMUNITY CONSULTATION

There is no legislative requirement to consult with 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.

7.2.1.6

AUSTRALIA DAY 2020 – AMENDMENT TO SEPTEMBER 2019 RESOLUTION – ALTERNATIVE VENUE **B9790**

MOVED Cr de Vries that Council amend resolution 2018-22/311 to:
“That Council move the 2020 Australia Day event to Nuriootpa High School Gymnasium and allocates a further \$10,000 to support additional costs of hosting the event”.
Seconded Cr Johnstone **CARRIED 2018-22/342**

PURPOSE

To amend the resolution to hold the Australia Day 2020 event now at the Nuriootpa High School gymnasium.

REPORT

At the September 2019 meeting of Council it resolved to host the Australia Day event in 2020 at the Nuriootpa Centennial Park due to the unavailability of the Tanunda Show Hall.

When scoping out the needs of the venue change a contractor suggested the Nuriootpa High School gymnasium might be a good alternative as it already has the necessary audio and stage. On a site visit undertaken on Thursday 3 October, it was determined that we also have access to chairs and the set up would be simpler. Further if the weather is not in our favour (heat or wind or rain) the inside venue provides a lower risk solution. It will be able to accommodate approximately 600 people.

The school has offered the hire at no cost other than cleaning up and setting and packing up. It has been suggested that Council (which the Chief Executive Officer can do under delegation) could make a contribution to the school and Vine Inn “Social Justice Fund” of \$500-\$1000 instead to recognise the support being provided; Council will save these costs easily by not having to hire a stage, there will be less audio set up and chairs are available, should Council take up this option.

The proposed amendment is being submitted pursuant to Regulation 21 (1) of the *Local Government (Procedures at Meetings) Regulation 2013* which prescribes that “the Chief Executive Officer may submit a report to the Council recommending the revocation or amendment of a resolution passed since the large general election of the Council”.

The original motion 2018-22/311 states:

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.

It is proposed that the amended motion read (it is considered an amendment as it has the same effect of moving the Australia Day location and providing funds for the hosting at the new location):

That Council move the 2020 Australia Day event to Nuriootpa High School Gymnasium and allocates a further \$10,000 to support additional costs of hosting the event.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

September 2019 report to Council

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

Nothing further than outlined in the report of September 2019 or in the body of this report.

COMMUNITY CONSULTATION

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

7.2.1.7

HILLS AREA HEALTH ADVISORY COUNCIL INC. – APPOINTMENT OF LOCAL GOVERNMENT REPRESENTATIVE
B9230

MOVED Cr Wiese-Smith that Cr Barrett be nominated as the Local Government representative to the Hills Area Health Advisory Council Inc. for the remainder of the term of the current Council or until further reviewed or changed.

Seconded Cr Miller

CARRIED 2018-22/343

PURPOSE

Council has been provided an opportunity to nominate a Local Government representative to the Hills Area Health Advisory Council Inc (HAHAC).

REPORT

The Hills Health Advisory Council Inc. ("HAHAC") is an incorporated health advisory body established by the Minister under the *Health Care Act 2008*. The HAHAC relays ideas and views from the community to local health services.

The HAHAC membership includes a representative from Local Government from either Barossa, Mt Barker, Adelaide Hills or Alexandrina Councils to date Council has not been directly involved in the Board. The correspondence is at the [Attachment](#).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Letter from the Hills Health Advisory Council Inc.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Health and Wellbeing



How We Work – Good Governance

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.

4.1 Advocate, to state and federal health bodies, for sustained access to allied and primary healthcare services and facilities.

Legislative Requirements

There are no legislative requirements.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations with respect to the appointment of an Elected Member as the Local Government representative to the HAHAC.

COMMUNITY CONSULTATION

Community consultation is not required.

7.2.2 FINANCE - DEBATE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 30 SEPTEMBER 2019)

B411

Author: Accountant

MOVED Cr Johnstone that the Monthly Finance Report as at 30 September 2019 be received and noted.

Seconded Cr Schilling

CARRIED 2018-22/344

PURPOSE

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

REPORT

Discussion

The Monthly Finance Report (as at 30 September 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 30 September 2019

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT 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.

7.3 CORPORATE AND COMMUNITY SERVICES - DEBATE**7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES - DEBATE****7.3.1.1****ADELAIDE WINE CAPITAL CYCLE TRAIL PROJECT – PROJECT UPDATE****B6668**

Author: Project Officer (secondment from RDA Barossa)

MOVED Cr Johnstone that Council:

- (1) Receive and note the project update report on the Adelaide Wine Capital Cycle Trail Project.
- (2) Confirm its support to submitting a grant application to the Community Investment Stream – Round 4, of the Federal Government Building Better Regions Fund (BBRF4) when released.
- (3) Commit an additional \$10,000 ex GST in 2019/20 to the collective pool of funds across the 6 Councils in the project to fund 60% of the project scope to finalise the Business Case.
- (4) Note that this additional commitment has also been sought from the other 5 project partner Councils already part of the Adelaide Wine Capital Cycle Trail Project Memorandum of Understanding arrangements. Collectively, this additional \$60,000 ex GST will be combined with the residual \$40,000 ex GST of unspent funds already committed, to bid for a \$70,000 ex GST BBRF4 grant, such that a \$170,000 ex GST project can be implemented to make the Adelaide Wine Capital Cycle Trail “shovel-ready”.
- (5) Note that this additional \$10,000 ex GST commitment will only be payable by The Barossa Council if all other 5 partner Councils make the same additional \$10,000 ex GST commitment, and only in the case that a BBRF4 grant is secured (likely announcement early 2020).
- (6) Note that should either of the pre-conditions in item (5) of the resolution not occur, Council's additional \$10,000 ex GST commitment will be re-considered by Council, with withdrawal of this additional commitment being an option for consideration by all 6 Councils at that time.
- (7) Requires Officers to make the necessary Quarter 1 Budget Adjustment allocations to implement recommendation (3) above and report as part of the periodic financial update process.

- (8) Require officers to provide a further update to Council on the outcome of the decision by all partner Councils by the December 2019 Council Meeting.

Seconded Cr de Vries

CARRIED 2018-22/345

PURPOSE

To provide Elected Members with an update on the Adelaide Wine Capital Cycle Trail and proposed combined Council grant application to the Community Investment stream of the Commonwealth Government's Building Better Regions Fund. The project update includes:

- The intent and scope of the project
- The project consortium members
- Business Case development
- Current project tasks
- Project activities that are currently underway
- The proposed route (general outline – Refer *Attachment 1*)
- Status of progress for each trail section for the overall route
- Common challenges for Councils across the trail network
- Stakeholder consultation update
- Summary and conclusion

REPORT

Background

The bike economy is growing, with more than 3 million visitors to Australia choosing to cycle, generating \$254M in economic benefit for Australian communities. The health benefits for Australia is estimated at over \$150M, with the bike economy growing at a rate of 5.3 per cent per annum.

South Australia has over 120 bike related businesses and is home to five of the top nine cycle tourism destinations in Australia. The 2019 Santos Tour Down Under has generated a record economic impact of \$70.7M, an 11 percent increase on last year's event. The event also attracted a record 48,000 event specific visitors and 837 full time jobs. Even in smaller rural economies such as Melrose in the Southern Flinders Ranges, the economic benefit from mountain biking tourism is assessed at \$2.1M per annum.

The South Australian Government recognises the increasing relevance of cycling across a variety of industry and community sectors. This led to the South Australian bike summit and subsequent Bike Economy Report in 2019. The summit identified the opportunity of South Australia's cycling economy to add value to existing world class products, services and experiences such as the food and wine tourism sector. It also identified that many cycling assets and trail networks exist, but more could be done to link, improve and expand the network, and provide better information and structured visitor experiences that involve cycling to activate the visitor economy.

This situation has created a position of opportunity to improve community health and regional economic development through cycling tourism and has led to the development of the Adelaide Wine Capital Cycle Trail Project as a key inter-regional project anchored by the appeal of South Australia's four notable wine regions and their proximity and links to Adelaide.

Introduction

The Adelaide Wine Capital Cycle Trail Project aims to create a world-renowned cycle tourism pilgrimage through South Australia, linking the food and wine tourism regions of Clare, Barossa and the Adelaide Hills to McLaren Vale in the first instance. Like Spain's famous trail – the "Camino de Santiago", the project seeks to capitalise on existing trail network infrastructure and expand that network to strategically link tourism businesses and support the development of new tourism experiences.

The strength of the project is the potential to increase the destination appeal for a variety of visitors who seek healthy, active holidays and to increase the dispersal of visitors to lesser known areas within our food and wine tourism regions. The project also seeks to link many small rural and peri-urban communities with a safe cycling and walking network to improve community health through providing safe and affordable leisure options.

The project will add value to the South Australian Tourism Commission initiative – The Epicurean Way and the Australian Government's interest in building cycling networks to build better regions. The project's intent is recognised in the objectives of the South Australian Tourism Commission Infrastructure Strategy and the Department of Industry and Skills Bike Economy Report.

Project Consortium

A Memorandum of Understanding (MOU) (*Attachment 2*) has been formed to position a regional collaboration between the City of Onkaparinga, District Council of Mount Barker, Adelaide Hills Council, The Barossa Council, Light Regional Council, the Clare and Gilbert Valleys Council, Seppeltsfield Road Business Alliance (SRBA) and Regional Development Australia – Barossa, Gawler, Light and Adelaide Plains (BGLAP). Each Local Government Partner has previously contributed \$12,500 to develop the Business Case. The purpose of the partnership is to charter the progress of the Project, optimise the network of relationships with industry, government and community and jointly collaborate to secure funding, rather than compete at a local level. The Project is also positioned to deliver strategic objectives of the State and Australian Government, and as such will seek grant funding from relevant programs for strategic planning and capital projects. Opportunities for direct funding approaches will also be explored. The Project also aims to recognise strategic infrastructure objectives identified in each partner's strategic plans and long-term financial plans.

Business Case Development

Member Councils, through the MOU, have agreed to co-fund the preparation of business case, cost benefit analysis, mapping and cost accounting for project infrastructure and a consultant has been instructed. The business case, market research and supporting documents will identify a preferred route and associated fit-for-purpose cycle infrastructure that will link each wine region. The cost benefit analyse will be delivered in a modular fashion, such that each Council understands the estimated costs and benefits for the sections of the trail through their Council. This modular approach is intended to inform co-contribution proposals (if necessary) for future capital funding bids, as well as leave each Council with project deliverables that are explicitly relevant and separable to each Council area.

Grant Application Submission

RDA - BGLAP has input resources to assist the development of a consortium of Councils grant application to the Building Better Regions Fund – Community Infrastructure Program, Round 4. The Barossa Council is leading the coordination of the project and working with RDA - BGLAP to progress the project with funding partners. Light Regional Council's Management has considered the risks associated with being the primary grant applicant on behalf of the consortia and has agreed to present a recommendation to its Council to play that regional role, subject to appropriate commitments from each Council towards joint grant funding obligations.

Current Project Tasks

The four major project task areas to be completed to support a bid for capital funding are:

1. Route planning and cost accounting for capital works;
2. Business case and cost benefit analysis preparation;
3. Building Government, industry and community support; and
4. Branding and Communications collateral to promote the project as a consistent proposition.

Project Tasks currently underway

1. Market Research (different markets for different trail sections)
2. Route Development/Scoping Capital Infrastructure
3. Branding and Communications
4. Project Partnership Model – Governance and Management
5. Stakeholder Consultation / Consortium Partnership

The Proposed Route

Attachment 1 shows the high-level trail network map as far as Mt Barker. Further work is underway to investigate route options to McLaren Vale and on to Aldinga as the final destination link to Coast Park. Current investigations for each trail segment are outlined in Table 1 below. *Attachment 3* shows other network opportunities that link State and Regional trail networks, some which require further augmentation and funding. These are shown to outline the potential to further expand the network to connect other communities and trail networks linking Adelaide.

The initial intent of the proposed route was to identify a series of trail head destination points between Clare and McLaren Vale that have potential to provide a level of tourism service and infrastructure supporting trails for tourism and community recreation.

Status of Progress for each trail section for the overall route

Clare & Gilbert Valleys Council (CGVC)

Clare Riesling Trail Committee (CRTC)

Light Regional Council (LRC)

The Barossa Council (TBC)

Seppeltsfield Road Business Alliance (SRBA)

Adelaide Hills Council (AHC)

Mt Barker Council (MBC)

City of Onkaparinga (CO)

Route Planning = RP

Route Mapping = RM

Route Costing (estimate) = RC

Business Case = BC

Land Holder Consultation= LHC

Land Holder Approval = LHA¹

Table 1: Route/Network link and Investigation Status

Section	Council/Agent	Activity	Status
Clare to Riverton	CGVC/ CRTC	RP, RM, RC (Further Upgrades)	Active
Riverton to Tarlee	CGVC	RP, RM, RC (New Infrastructure)	Active
Tarlee to Kapunda	CGVC/ LRC	RP, RM, RC	Active
Kapunda to Greenock	LRC	RP, RM, RC (Road Reserve)	Active
Greenock to Tanunda	LRC/ SRBA/ TBC	RP, RM, RC, BC LHC	Active Active
Lyndoch to Williamstown	TBC	RP, RM, RC (New Infrastructure)	Active
Williamstown to Mt Pleasant	TBC	RP, RM, RC (New Infrastructure)	Active
Mt Pleasant to Birdwood	TBC/AHC	RP, RM, RC (New Infrastructure)	Active
Birdwood to Mt Torrens	AHC	RP, RM, RC (New Infrastructure)	Active
Balhannah to Littlehampton (via Hahndorf)	AHC/MBC	RP, RM (New Infrastructure)	Active
Littlehampton to Mt Barker	MBC	RP, RM (New Infrastructure)	Active
Mt Barker to Clarendon	MBC/CO	RP (New Infrastructure)	Active
Clarendon to McLaren Vale	CO	RP (New Infrastructure)	Active
McLaren Vale to Willunga	CO	RP (Upgrades)	Active
Willunga to Aldinga	CO	RP (New Infrastructure)	Active

Common Challenges for Councils across the Trail Network

The partnership between MOU signatories provides strength in approaching State Government as a collective voice on common points of interest including:

- Access to Crown Land to build trail links;
- Disposal of Crown Land where Council is a suitable and willing landowner;
- Developing a trail network with a common brand and trail standard (sign systems, path quality) to match visitor needs and expectations;
- Cost sharing on public infrastructure that provides a benefit for all South Australians and visitors to our State;
- Engaging regional and state wine and tourism industry groups; and
- Lobbying Australian Government for capital investment in regional development.

¹ Some route sections do not need private land holder approval only DPTI, DEW, SA Water or Forestry SA support

Stakeholder Consultation

On 28th February 2018, representatives of the project team presented the project concept to relevant State Government Agencies, which included attendees from:

- SA Tourism Commission;
- Office of Recreation and Sport;
- Department of Environment Water and Natural Resources;
- PIRSA/Regions SA;
- Forestry SA;
- Department of Planning, Transport and Infrastructure; and
- Department of State Development (apology but briefed on concept).

The objective was to brief and raise awareness of the project and the opportunity for ongoing discussion and collaboration in the lead up to getting the project bid investment ready.

The common points of interest for State Agencies were:

- Linking Wine Regions;
- Linking Communities;
- Addressing gaps in the Regional Trail Network (linking existing trails);
- Tourism as an Economic Development Tool; and
- Building the Cycling Economy in South Australia linking keynote events such as the Tour Down Under.

The project was presented as adding value to, and supporting the following State initiatives:

- Food and Wine Experiences - enhancing the Epicurean Way;
- Premium Food and Wine Exports – visitors being able to experience places that constitute a wine story;
- Adelaide as a Wine Capital of the World – offering a premium wine-tourism trail
- Diversify Agribusinesses – to grow jobs in tourism and agriculture;
- Mt Lofty Ranges World Heritage Bid – experience the working agrarian landscapes and a culture of innovation and creativity that stemmed from the story of systematic colonisation; and
- Envidable Lifestyle and Community Wellbeing – attracting investment, new residents and supporting community development.

This introduction to the project was well received by the State Agencies in attendance, who all had interest in the project concept moving forward.

Additional feedback in 2019 is that the State Government is keen to support capital projects over funding strategic planning for the project. It does want to see an advanced business plan including details of the governance and management structure for the trail, industry and community consultation, and a cost – benefit analysis.

Project Deliverables to Finalise Business Case

Members of the Project Working Party reviewed the project deliverables to present a 'shovel ready' project. The components and their cost are detailed in Table 2. While some components have begun, there is a need to develop a highly professional and well-conceived Business Case with supporting documents to withstand the rigorous assessment conducted on major projects by State and Australian Government. Approximately \$40K in partnership funding remains, leaving a gap of \$60K to create a competitive 60:40 split between proponent funding and grant request. The total cash contribution is \$100K ex GST and the grant amount requested is \$68K ex GST. The 60:40 split is the current standard recognised to be successful based on recent BBRF Round 3 successful projects.

Table 2: Project Deliverables to Finalise the Business Case (all costs ex GST)

Deliverable	Cost	Purpose
Mapping Services and Graphics	\$15K	Detailed route map for each Council Area to match the Regional Map

Detailed Investigation of Projects across the trail network	\$24K	Detail network investment – path construction, trail head infrastructure, signage system etc.
Branding, Promotion and Marketing Communications	\$30K	Public Relations / Marketing Collateral
Cost accounting for capital infrastructure	\$24K	Quantity Surveying of capital works along primary route
Cost-Benefit Analysis	\$50K	Demonstrate feasibility impact
Public/Industry Consultation	\$15K	Awareness, ownership, partnership support, project collaboration
Bid documentation	\$10K	Compile bid documents
TOTAL	\$168K	60% = \$100K total partner funding required leaving a funding gap of \$60,000

Summary and Conclusion

This document provides an updated briefing to Councils regarding the Adelaide Wine Capital Cycle Trail project.

The Project Working Party is seeking endorsement to submit a joint Council application to the Community Infrastructure Stream of the Building Better Regions Fund (BBRF). To submit a competitive consortium grant application required 60% of the cash contribution.

The Project Working Party is requesting a financial contribution of \$10,000 ex GST from each member Council to supplement existing project funds held to fund approximately 60% of total business case and bid development cost that is subject of the BBRF round 4 grant application.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Adelaide Wine Capital Cycle Trail Network Map (19/59826)
Attachment 2:	MOU – Adelaide Wine Capital Cycle Trail Project (19/38233)
Attachment 3:	Network Opportunities – State and Regional Trails (19/57170)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

- 1.2 Work toward developing township, streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service
- 3.1 Provide regional and local walking and cycling connections between open spaces.
- 3.3 Ensure Council's sporting, recreational and leisure grounds and playing areas and associated programs meet the current need of the community to an agreed level of service.
- 3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.
- 3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.
- 4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan

6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life cost, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements

Local Government Act 1999

Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Consortium financial commitment to the development of the Business Case and Cost Benefit Analysis is outlined in the MOU.

The additional \$10,000 ex GST contribution to be allocated from the anticipated operating surplus for the 2018/19 financial year and the uncommitted cash arising from the surplus. If that approach is approved, a first quarter adjustments will be completed to assign the additional funds as potential capital expenditure to the project.

Overall Project Financial costs for the project are to be summarised in the Business Case which is not yet complete.

Resource

- RDA - Barossa, have contributed funding towards the production of the regional network map.
- Seppeltsfield Road Business Alliance, through the Barossa Grape & Wine Association, received a PIRSA Grant of \$25K that was matched by Light Regional Council towards investigations and preparation of a business case for the Seppeltsfield Road Shared Path section of the Adelaide Wine Capital Cycle Trail.

Risk Management

Outlined in the Project Plan and subject to ongoing review by the project team.

COMMUNITY CONSULTATION

Route sections and investment in capital infrastructure for the proposed trail network have been raised with local communities as part of other project proposals or asset management initiatives. Consultation and provision of information to date includes:

- Riesling Trail Management Committee
- Rattler Trail Committee
- Seppeltsfield Road Business Alliance
- Barossa Council - 'Big Project' consultation – Southern Barossa Alliance, Mt Pleasant Progress Association
- Amy Gillet Trails Extension (Mt Torrens to Birdwood)
- Mt Barker Trail Network

Future consultation requirements will need to be determined as part of the ongoing planning and development process.

Broader community and industry consultation is a deliverable of the grant funding and will be the subject of a consultation plan and strategy.

7.3.2 MANAGER COMMUNITY AND CULTURE - DEBATE

7.3.2.1

VOLUNTEER MANAGEMENT POLICY AND PROCESS

B6023

Author: Coordinators Volunteering Services

MOVED Cr Troup that Council:

- (1) Receive and endorse the draft updated Volunteer Management Policy and Volunteer Management Process for public consultation, in accordance with Council's Public Consultation Policy.

- (2) Approve the Draft Community Consultation and Communications Plan for consultation to take place between 23 October 2019 and 20 November 2019.
- (3) Require Officers to bring a further report to Council following conclusion of the public consultation period detailing all submissions received.

Seconded Cr de Vries

CARRIED 2018-22/346

PURPOSE

To seek approval to commence public consultation on the draft updated Volunteer Management Policy (refer [Attachment 1](#)) and updated draft Volunteer Management Process (refer [Attachment 2](#)).

REPORT

Background

The Barossa Council recognises the importance of Volunteers within its community and their contribution to many of the services Council provides.

The Volunteer Management Policy (the "Policy") sets out a framework for the relationship between Volunteers and Council and best practice principles to guide Volunteer management and support, and, along with its supporting Volunteer Management Process (the "Process") and Volunteer Code of Conduct, establishes clearly defined roles and responsibilities for Volunteers and Council.

The Policy and Process govern best practice methods for interacting with Volunteers, as well as adhering to the standards stipulated by the Local Government Association ("LGA").

Introduction

The changes to both the draft Policy and Process are mostly administrative changes and for alignment with legislation and other associated current Council policies. Due to significance of Volunteer contributions, it is the recommendation of Officers that public consultation would be beneficial and appropriate although not technically a requirement of the Act. Thus, it is now presented to Council for consideration and approval to commence public consultation, in accordance with Council's Public Consultation Policy. This will reinforce to the Community that Council is committed to ensuring that the community has the opportunity to provide feedback and comment on the Policy and Process, and has reflected any necessary amendments prior to it being applied to Volunteers.

In accordance with the requirements of Council's Public Consultation Policy, the proposed public consultation period will occur for 28 days, commencing 23 October 2019 and concluding at 5.00pm on 20 November 2019. Refer to the draft Community Consultation and Communication Plan ([Attachment 3](#)).

Following public consultation, any community feedback received will be compiled and presented to Council for consideration, and the recommended Policy and Process will be presented to Council for final consideration and approval.

Discussion

The draft Volunteer Management Policy and Volunteer Management Process have been updated to align with best practice principles and the National Standards of Volunteering. The documents have been streamlined to ensure they are more easily digestible and understood by Officers who manage and work with Volunteers, Council's current Volunteers, and community members who might be interested in volunteering with Council.

With the appointment of the Coordinator of Volunteering Services, who now has overarching management of Council Volunteers, the updated documents will provide consistent, professional and appropriate management of Council's Volunteers.

Some of the major changes include:

- updates in accordance with legislative and process changes;
- streamline processes for efficiency and completeness;
- defined rights and responsibilities of both Council and its volunteers in a way that is clear and easy to understand;

- alignment with new legislation and Council policies such as the *Safety of Children and Vulnerable Adults Policy* and supporting policies and processes;
- improved mechanisms for approving Temporary Volunteers and engaging Volunteers;
- changes in age requirement for clearances in line with the recently commenced *Children and Young People (Safety) Act 2017* and *Child Safety (Prohibited Persons) Act 2016*;
- updating recognition afforded to Volunteers to include years of service certificates;
- a more rigorous induction process and screenings for prospective Volunteers including interviews and referee checks;
- more detailed guidelines regarding the use of Council resources

Summary and Conclusion

Council is now asked to approve public consultation for a period of 28 days, on the Volunteer Management Policy and Volunteer Management Process, in accordance with Council's Public Consultation Policy. Upon conclusion of the public consultation period, any community feedback will be compiled and presented to Council, for consideration and final approval of the Policy and Process.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: The Barossa Council Volunteer Management Policy 17/50404
Attachment 2: The Barossa Council Volunteer Management Process 17/68838
Attachment 3: Draft Community Consultation and Communication Plan 19/58573

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.

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

The cost of community consultation will be met from the existing Volunteer Services advertising budget line 233-820.

Resources

Once adopted, the Volunteer Management Policy and Process will be implemented within existing resources, and any additional requirements will be absorbed into Officer day-to-day duties.

Risk Management

Risk is minimised by ensuring that the Volunteer Management Policy and Process align with industry best practice standards, and current legislation. The updates also improve processes to enhance efficiency and oversight where necessary. Appropriate management of volunteers is a reputational matter for Council.

COMMUNITY CONSULTATION

The Barossa Council Volunteer Policy and Process will be released for public consultation for a period of 28 days, commencing 23 October 2019 and concluding at 5.00pm on 20 November 2019, in accordance with legislative requirements, the Council's Public Consultation Policy and the proposed Consultation and Communication Plan.

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE

7.4.1.1

FOLLOW UP REPORT ON APPLICATION OF FUNDS TO ROAD SEALING

B9302

MOVED Cr Haebich that Council receives and notes the draft Road Prioritisation List and instructs officers to scope up the upgrade and sealing of Bushman Street, Tanunda and Short Row, Angaston as the priorities outlined by the road data assessment for inclusion in the 2020-21 financial year budget and Business Plan.

Seconded Cr Wiese-Smith

CARRIED 2018-22/347

PURPOSE

To consider the allocation of resources received through the increase to the Roads to Recovery Program, unallocated road reseal budget, capital savings taking into consideration the sealing of Neldner Road and remaining section of Bushman Street, Tanunda.

REPORT

At the 17 September 2019 meeting it was decided that a report be provided in accordance with Part 3 of the resolution taking into consideration the sealing of Neldner Road, Tanunda, and the remaining eastern section of Bushman Street, Tanunda.

Background

At the September meeting council

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

Introduction

As requested and presented to Council in September 2019 the road data assessment indicates the following are the next priorities for consideration of upgrading:

- 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)

Council has asked also for an assessment of Neldner Road and Bushman Street, Tanunda in setting future allocations of funds.

Neldner Road, Tanunda, from Basedow Road to Magnolia Road is classified as a rural rubble sheeted surface function priority 2,1 with medium to high social importance. The road was last re-sheeted in 2016 and is scheduled for another re-sheet in 2043 i.e. 27 years expected life remaining. Traffic count is as follows:

As at May 2018:

- Morning peak – 25 vehicles 0800-0900hrs
- Afternoon peak – 12 vehicles 1500-1600hrs
- 5-day week 24 hr average – 74 vehicles
- 7-day week 24 hr average – 61 vehicles

Bushman Street (east), Tanunda, is a township rubble sheeted surface function priority 5,4 with medium to high social importance. The road was last re-sheeted in 1999 and is due for another re-

sheet in 2026 i.e. 7 years expected life remaining. There are no traffic counts on file for the unsealed section of Bushman Street.

Discussion

Neldner Road, Tanunda

Council has received 9 requests via pathway to upgrade the road, two New Initiatives were submitted for the FY2019/20 budget year, Council has also received a resident letter and a letter from Faith Lutheran College via Stephen Knoll's office requesting an upgrade of Neldner Road.

The earliest request on record to seal the road goes back to May 1997 when Council received a petition with 221 signatures, there was also a letter to the editor The Leader dated 4 June 1997.

The road sits at number 345 out of 407 within the draft Prioritisation List.

The cost to upgrade Neldner Road is estimated at approximately \$600,000 including contingency.

Bushman Street (east), Tanunda

Council has received 2 requests via Pathway to upgrade the road, one New Initiative submission and multiple letters from a resident.

The road sits at number 2 out of 407 within the draft Prioritisation List, its high ranking is due to weighted preference of upgrading unsealed roads with townships.

The cost to upgrade Bushman Street is estimated at approximately \$80,000 including contingency.

Both these projects are unfunded. Funding could be achieved by bringing forward unallocated Roads to Recovery funding of approximately \$385,000 from the next four years plus utilising the unallocated Road Reseal Budget from FY2019/20 budget of \$351,470 to deliver the works. Future works programmes would need to be adjusted (reduced) in the FY2021/22 budget year to release the necessary funding for the Barossa Trail connection to Town of Gawler should the Regional Growth Fund application be successful.

Capacity to deliver the works in the FY2019/20 budget year is limited with resources highly utilised delivering the current works programme, additional delivery resources could be bought in to manage the work at a cost of approximately \$45,000, Timing may be a risk with the usual 2 week contractor/construction shut-down over the Christmas period and a push to get works completed ahead of the cooler weather.

Equally officers are currently assessing the next phase and priorities around footpath investment and this will be available for the setting of the 2020/21 financial year budget and business plan and these funds could be used to address footpath condition as well.

Summary and Conclusion

As previously reported at the September Council meeting the draft Road Prioritisation List scored each unsealed road by planning zone, existing housing density and service level (tourism, social and commercial use) and was based on existing data from the Infrastructure Asset Management Plans.

Should Council seek to fund road upgrades it is recommended to execute unsealed township road upgrades as per the prioritised listing. Short Row, the first priority, is estimated at approximately \$46,000 to upgrade then approximately \$80,000 to upgrade Bushman Street. Cost estimates have not been completed for the other roads listed above.

The recommendation from officers is clearly based on the road data. It is understood there are broader considerations that Council may wish to consider, an alternative resolution could be to defer the matter until the development of the 2020/21 budget and business plan as presently it is unlikely that an allocation of resources to a project at this time in the financial year could be achieved in any case.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Draft Road Prioritisation list – 19/24369

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Corporate Plan

- 3.6 Maintain and improve transport infrastructure to support economic, social and tourism activity with available resources and acceptable levels of service.
- 3.8 Ensure Council owned roads, bridges, footpaths, tracks and car parking are accessible, safe and maintained to an agreed level of service.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Project budgets will be considered as part of the FY2020/21 annual budget and business plan review

COMMUNITY CONSULTATION

No community consultation has been undertaken, should Council decide to progress with the road upgrades the usual construction notices and letter drops will be undertaken.

7.4.1.2

PROPOSED ROAD CLOSURE – 2019 WILLIAMSTOWN CHRISTMAS PARADE AND FAIR B9032

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

Victoria Terrace, Williamstown, from George Street to Queen Street between 3.00pm and 4.00pm, and

Queen Street, Williamstown, from Victoria Terrace to Memorial Drive between 3.00pm and 4.00pm

On Sunday 8 December 2019 to stage the 2019 Williamstown Christmas Parade and Fair.

Seconded Cr Johnstone

CARRIED 2018-22/348

PURPOSE

The Williamstown Action Group has applied to The Barossa Council for support as they plan the 2019 Williamstown Christmas Parade and Fair on Sunday 8 December 2019.

REPORT

Background

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

The Parade will require a full street closure and diversion of traffic on the day and council operations staff will provide this support.

Summary and Conclusion

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

- Putting up the Christmas banners if required
- Street sweeping - as close as possible to the event
- Emptying of bins – also as close as possible to the event
- General main street tidy up

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

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

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture



Health and Wellbeing



Business and Employment

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

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

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

The in-kind cost and implementation of the road closure estimated to be \$565.00 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.

COMMUNITY CONSULTATION

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

7.4.1.3**PROPOSED ROAD CLOSURE – 2020 DECLARATION OF VINTAGE****B9032**

MOVED Cr de Vries that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads on Sunday 16 February 2020:

Murray Street, Tanunda between Young Street and the northern arch (approx. 50m north of Elizabeth Street), and

Bilyara Road, Tanunda for a distance of approximately 25m from Murray Street, and

Elizabeth Street, Tanunda for a distance of approximately 25m from Murray Street

from 11.00am up to 1.00 pm to stage the 2020 Barons of Barossa Declaration of Vintage event.

Seconded Cr Wiese-Smith

CARRIED 2018-22/349

PURPOSE

The Barons of Barossa have made application to The Barossa Council requesting a road closure for the 2020 Declaration of Vintage Parade.

REPORT**Background**

The Barons of Barossa were founded in 1975 and continue to proudly and enthusiastically support Barossa wine, viticulture, gastronomy, heritage and the arts. Membership of the Fraternity is by invitation and is offered to persons who have made an outstanding contribution to the Barossa.

New Barons are inducted into the Fraternity in a colourful ceremony and membership is for life.

Introduction

Approval was sought to close Murray Street, Tanunda between Young Street and the northern arch between 11.00am and 1.00pm on Sunday 16 February 2020.

Summary and Conclusion

Council has previously supported this event as a risk mitigation strategy to maintain the safety of the participants and the general public.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Community and Culture



Health and Wellbeing



Business and Employment

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

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

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

The in-kind cost and implementation of the road closure estimated to be \$865.00 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.

COMMUNITY CONSULTATION

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

7.4.1.4**PROPOSED ROAD CLOSURE – 2020 SANTOS TOUR DOWN UNDER – ZIPTRAK STAGE ONE****FINISH****B8989**

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

Murray Street, Tanunda from Bushman Street to southern side of Keith Street between 4.00am and 7.00pm on Tuesday 21 January 2020, and

Elizabeth Street, Tanunda from Murray Street to Bilyara Road between 4.00am and 7.00pm on Tuesday 21 January 2020, and

Bilyara Road, Tanunda from Murray Street to Park Street between 4.00am and 7.00pm on Tuesday 21 January 2020, and

Basedow Road, Tanunda from Murray Street to MacDonnell Street between 4.00am and 7.00pm on Tuesday 21 January 2020

And parking restrictions including:-

No parking to apply between 6.00am and 7.00pm on Tuesday 21 January 2020 on both sides of:

Elizabeth Street, Tanunda from Bilyara Road to Maria Street, and

Barossa Visitor Information Centre Car Park

No parking to apply between 6.00am and 5.00pm on Tuesday 21 January 2020 on southern side of:

Basedow Road, Tanunda between the rail crossing and a point approximately 50m west
No parking to apply between 9.00am and 3.00pm on Tuesday 21 January 2020 on both sides of:

Angaston Road, Angaston between 104 Angaston Road and Penrice Road

No parking to apply between 9.00am and 3.00pm on Tuesday 21 January 2020 on both sides of:

Breakneck Hill Road, Angaston between Moculta Road and Penrice Road, and

Penrice Road, Angaston between Breakneck Hill Road and Rodda Drive

No parking to apply between 9.00am and 1.30pm on Friday 24 January 2020 on both sides of:

Victoria Terrace, Williamstown between 44 Victoria Terrace and 26 Victoria Terrace;
and;

That the closures and parking restrictions be advertised in the local press.

Seconded Cr Hurn

CARRIED 2018-22/350

PURPOSE

Ziptrak Stage One of the 2020 SANTOS Tour Down Under is being held on Tuesday 21 January 2020 and will start and finish in Tanunda. Road closures and parking restrictions in Tanunda and parking restrictions in Angaston and Williamstown are required for the safety of all participants and the general public.

REPORT

Background

The SANTOS Tour Down Under is in its twenty second year of operation in South Australia and attracts many interstate and international visitors to the Barossa region.

Introduction

The SANTOS Tour Down Under provides a significant contribution to the state's tourism industry, and showcases the attractions of South Australia to the world through global television coverage.

Discussion

The Barossa Council has supported this event for many years by organising and implementing the road closures and parking restrictions required for the event.

A request has been received (refer *attached*) from the organisers seeking The Barossa Council's authorisation to close roads and implement parking restrictions on race day.

Organisers have also made application to SAPOL for 25km/h speed restrictions at several locations and for the removal of traffic infrastructure.

SAPOL will authorize the closure of the private road, informally known as Greenwood Lane, Tanunda under Section 33 of the Road Traffic Act.

Summary and Conclusion

Council continues to support the community and work together to host a successful event in the Barossa.

The requested closure and restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Letter of request – 19/53516

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Identify Theme/s (utilising the icons)



Community and Culture



Health and Wellbeing



Business and Employment

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

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -

The in-kind cost and implementation of the road closure is to be funded via Council's Road Closure Support/Tour Down Under budget.

Risk management -

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

COMMUNITY CONSULTATION

Organisers have identified that the one way private road, informally known as Greenwood Lane, Tanunda is within the one kilometre distance from the finish line on race day and will be closed to traffic as will be Murray Street between 4.00am and 7.00pm. All residents will be notified by letter.

The wider Barossa community will be advised of the proposal by public advertisements to be placed in The Advertiser by Events SA and also via placement of the SAPOL notice on Council's website.

7.4.1.5

NATIVE VEGETATION COUNCIL - REGULATIONS ADVICE NOTIFICATION - 85 WILLIAMSTOWN ROAD SANDY CREEK

960/331/2014

MOVED Cr Angas that the matter relating to Council meeting agenda of 17 September 2019 Item 7.4.1.3 – Native Vegetation Council – Regulation Advice Notification – 85 Williamstown Road Sandy Creek be lifted from the table for discussion.

Seconded Cr Johnstone

CARRIED 2018-22/351

MOVED Cr Angas that the Mayor and Chief Executive Officer 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 Barrett **CARRIED 2018-22/352**

PURPOSE

At the 17 September 2019 meeting it was decided to lie the "Native Vegetation Council Regulations Advice Notification 85 Williamstown Road Sandy Creek" report on the table to enable further investigation of the status of the existing vegetation.

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 2018-22/231

REPORT

Background

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. 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 authorised land owner.

The Barossa Council has approved the Development under the Development Act 1993. The DPTI have approved road works required to construct the land division access, including documentation of all native vegetation to be removed.

The Native Vegetation Council "Understanding of Regulation Advice" document (refer attached) requires the signature of, or seal of, the authorised landowner (Council) and applicant (Eringa Development).

The Native Vegetation Council, however, advised the applicant Eringa Development on 1 August 2019 that tree clearance could commence on the condition that their fees were paid. It is confirmed that the nominated trees have since been removed by the applicant.

Subsequent advice received from the Native Vegetation Branch of the Department for Environment and Water (DEW) states that the vegetation clearance is not considered illegal therefore there was no requirement to sign the form prior to clearance. Refer attached email.

The Barossa Council has not delegated its power to execute such documents under the Native Vegetation Act, and therefore, in the absence of any delegations or other authorisation, Council is required to authorise the Chief Executive Officer to sign the document under seal.

The formalisation of delegated authorisation to Council staff for matters pertaining to the Native Vegetation Act is a separate matter which Council may wish to consider in the future.

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.

Attachment 3 – Email from the Native Vegetation Branch of the Department for Environment and Water (DEW)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity 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

Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All costs associated with the tree removal and Native Vegetation Council approval process has been borne by the developer, Eringa Developments.

COMMUNITY CONSULTATION

Nil

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE**7.5.1. DEVELOPMENT SERVICES - DEBATE****7.5.1.1****PROCLAMATION OF PLANNING REGIONS****B6622**

Author: Director Development and Environmental Services

MOVED Cr Johnstone that Council;

- (1) Note and receive the report,
- (2) Authorise the Chief Executive Officer to provide a submission on behalf of Council, as contained in this Report, supporting the opportunity to have a Region proclaimed should the establishment of a Joint Planning Board be successful.

Seconded Cr de Vries**CARRIED 2018-22/353****PURPOSE**

To advise Council on proposed Planning Regions to be established under the *Planning, Development and Infrastructure Act 2016*.

REPORTBackground

The Minister for Planning has written to the Mayor (*Attachment 1*) seeking Council's view on the Report entitled *Proclamation of Planning Regions – Recommendation Report by the Minister for Planning*.

Introduction

The *Planning, Development and Infrastructure Act 2016* (PDI Act) allows for the creation of planning regions by Proclamation of the Governor. The PDI Act requires that one of the Regions must be designated as 'Greater Adelaide' and includes a plan for this (GRO plan 'G16/2015' dated 1 December 2015 – refer to Figure 2). Once proclaimed, the boundaries of a planning region can be subsequently varied by the Governor on recommendation from the Minister via Proclamation. Further, there is also provision in the PDI Act to subsequently allow the Minister to establish sub-regions within a Planning Region.

Scope of Recommendation Report

As the PDI Act specifically establishes the Greater Adelaide Region, the Recommendation Report deals only with the remaining region within the State. It is also noted that the Report does not address the opportunity for sub-regions, stating '*there is no need at the current time to form any sub-regions, noting however this may change in the future depending on formation of any Joint Planning Boards*'.

Discussion

The Report acknowledges that the State Government previously attempted to standardise SA Government Regions in 2006, with the creation of 12 administrative regions (Figure 1). These regions have been used as the basis for other regional initiatives (i.e. Regional Public Health Plan).

The Greater Adelaide Planning Region initially established under the *Development Act 1993*, and now the PDI Act incorporates the four metropolitan, three outer metropolitan regions and the Rural City of Murray Bridge (Figure 2).

Figure 1 SA Government Regions

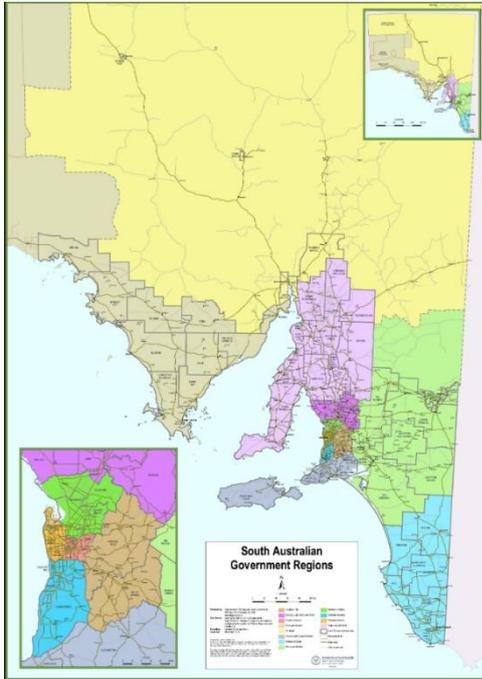


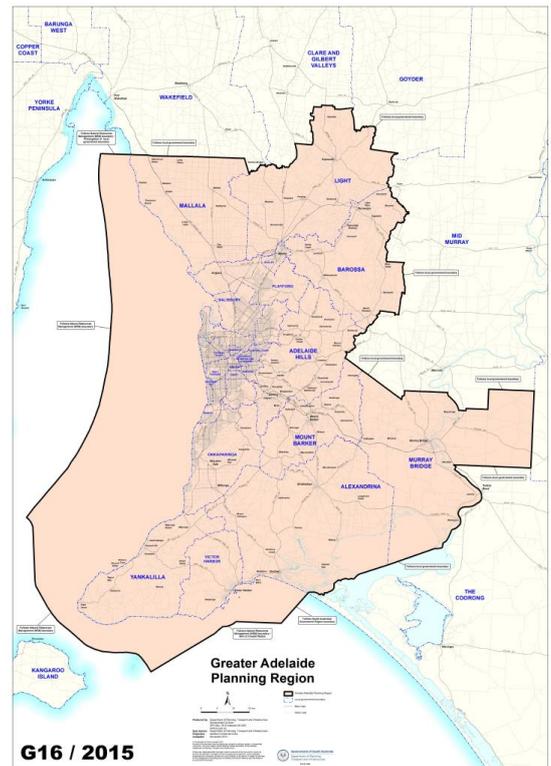
Figure 2 – Greater Adelaide Planning Region

Establishing a Region

The Report identifies two options for the creation of Regions under the PDI Act, either adopt the existing SA Planning Strategy region, or undertake an entirely new comprehensive review process.

Section 5(4) of the PDI Act sets criteria that need to be considered when establishing regions, namely:

- a) seek to reflect communities of interest at a regional level; and
- b) take into account (i) the boundaries of the areas of councils and other relevant



administrative boundaries that apply within the State; and (ii) relevant economic, social and cultural factors; and (iii) relevant environmental factors (including water catchment areas and biogeographical regions); and

- c) give attention to the need to achieve effective planning consistent with the objects of this Act, and the delivery of infrastructure, Government services and other relevant services, at the regional level.

The Barossa Council

The Barossa Council is currently located in a number of identified regions created either by statute or to serve a specific purpose (Table 1). Three of these regions have common boundaries as highlighted in the table.

Table 1 Current Regions affecting The Barossa Council

	Current Regions	Legislation
The Barossa Council	Barossa, Light and Lower North SA Govt Region	
	Greater Adelaide Planning Region	PDI Act
	Character Preservation District	Character Preservation Act
	Barossa, Light and Lower North Regional Public Health Planning	SA Public Health Act

	Legatus / Central LGA	Local Government Act
	Adelaide and Mount Lofty Ranges NRM Region	NRM Act
	Regional Development Aus.	
	Barossa Valley and Eden Valley Geographical Indication	
	Proposed Regions	
	Northern and Yorke Landscape Region	Landscape SA Bill

 Common boundaries

As the Report excludes Greater Adelaide, there is limited scope on which to comment on. Notwithstanding this, there is an opportunity to ensure that establishing a Planning Region is reflective of the community and character of the northern Adelaide area.

As a participant in the Pilot Program for Joint Planning Arrangements conducted by the Department of Transport, Planning and Infrastructure (DPTI) during 2018, The Barossa Council worked with its neighbouring councils (Adelaide Plains, Gawler and Light Regional) to explore the establishment of a Joint Planning Board that would have responsibility for preparing a Regional Plan under the PDI Act.

A Regional Plan is to be prepared by a Joint Planning Board (JPB). In the absence of a JPB, the State Planning Commission (Commission) is responsible for its preparation.

The Regional Plan prepared by the Commission for Greater Adelaide will need to provide a strategic direction for the large and diverse area as shown in Figure 2. *The 30 Year Plan for Greater Adelaide* (2017) and its 'Barossa Valley and McLaren Vale Character Preservation' Addendum prepared by the DPTI provides a reference point for such a future plan.

As the Barossa, Light and Lower North Administrative Region used for the purpose of the Pilot is within the Greater Adelaide Planning Region, it has been questioned as to whether the group of councils would be treated as a region or as a sub-region. While the Report is silent on this matter, Council had been advised by DPTI officials that if a JPB has been constituted in relation to an area of the State, the Regional Plan for that area must be prepared by the JPB and the Commission will prepare the Regional Plan for any balance of a planning region that remains outside the area in relation to which the JPB has been constituted. As Greater Adelaide must be declared as a 'Planning Region', it is their interpretation that the JPB for the group of councils can prepare the Regional Plan for the component of the Plan that is covered by the JPB area.

Such an approach would provide an opportunity for the (sub) region to have greater influence over its local place-making, sustainability, economic, community, future growth and supporting infrastructure objectives and the development of strategies through which to guide the achievement of these.

Summary and Conclusion

The Recommendation Report has proposed that the current South Australian Planning Strategy regions be proclaimed as the Planning Regions of the PDI Act.

While this does not impact on Council, it should be noted that there is still an opportunity to foreshadow a regional desire to have a new region or sub-region proclaimed should the establishment of a Joint Planning Board be successful.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Proclamation of Planning Regions – Recommendation Report by the Minister for Planning
Attachment 2 – Draft Submission

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Corporate Plan

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

Legislative Requirements

Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management

Nil

COMMUNITY CONSULTATION

Nil

7.5.2. ENVIRONMENTAL SERVICES - DEBATE

7.5.2.1

BIOSECURITY ACT - DIRECTIONS PAPER FOR CONSULTATION

B596

MOVED Cr Wiese-Smith that Council authorise the Chief Executive Officer or his delegate to provide a response to Primary Industries and Regions SA on the Biosecurity Act - Directions Paper as per the commentary provided in the report.

Seconded Cr Troup

CARRIED 2018-22/354

PURPOSE

To provide members with an outline of the proposed Biosecurity Act, and response to the consultation questions.

REPORT

Background

The State Government is proposing the development of a new Biosecurity Act for South Australia.

Primary Industries and Regions SA (PIRSA) is now consulting with key stakeholder bodies, including Local Government on the draft Directions Paper, before public consultation commences in early 2020 via the YourSay website. This gives councils an opportunity to engage with PIRSA early on in the process.

Introduction

The State Government (Primary Industries and Regions SA) has recently undertaken a review of South Australia's biosecurity legislation, which is currently spread across a range of Acts, as part of a plan to develop a new, consolidated Biosecurity Act for SA.

This review has informed the development of a draft Directions Paper that provides details on SA's policy positions, systems, components and arrangements for a new biosecurity framework that will form the basis for a new Biosecurity Bill.

As significant landowners, councils have responsibility to manage pests (animals and plants) on land and in waterways.

The Directions Report (*Attachment 1*) contain questions to each of the topics. The discussion below provides an indicative response to these questions. Not all topics have been addressed in this report.

Discussion

The Government considers that the current legislative basis for our biosecurity is inefficient and difficult to implement as it is spread across a number of different Acts. PIRSA has reviewed more than 30 Acts that relate to biosecurity.

The Directions Paper indicates that a Biosecurity Act will provide an opportunity to:

- reduce red tape
- improve consistency with national and international legislation, policies, agreements and commitments
- provide greater flexibility to respond to pest and disease threats
- improve governance arrangements
- enable greater flexibility to regulation and compliance
- increase our ability to respond to risks and emergencies
- establish a general duty of care to minimise risks
- apply a risk management approach to decision making and response to events
- appropriate share responsibility between Government, industry and the community
- enable future advances in technology and management approaches
- support for industry co-regulation and quality assurance programs
- opportunities for industry to take a stronger leadership role with more flexible systems
- clearer powers for Authorised Officers and a comprehensive compliance framework
- mechanisms for cost sharing and cost recovery.

The development of a new Biosecurity Act will provide an opportunity to consolidate and coordinate effort around biosecurity, and has many points relevant to Local Government (i.e. responsible for management of roads and land that may impact the management of pests and diseases). The eight key policy principles (page 9) from the *Biosecurity Policy 2017-2021* are supported as a means of addressing biosecurity in South Australia.

SINGLE FRAMEWORK

The new Act is proposed as a framework legislation, with prescriptive detail provided within subordinate legislation (i.e. Regulations) and subordinate Instruments (i.e. Standards, Code of Practice Policies etc) created under the Act. The framework is illustrated in Figure 1 on page 10.

It is considered that this framework represents a positive approach to the framing of the new Act, in particular the ability to create subordinate instruments that are flexible to amendments as knowledge and circumstances change around potential biosecurity events. Overall it is considered that the framework should be supported.

GOALS AND OBJECTS OF THE ACT

It is proposed that the goals and objects of the Act are consistent with the State's *Biosecurity Policy 2017-2021*. These are outlined on page 11 of the Direction Report. The overarching functions and management of the Act are shown in Figure 2 on page 11.

The objects of the Act, as presented, focus on governance and operational elements for biosecurity. It is considered important that the Act also contains clearer statement on the expected outcomes for the legislation i.e. prevention or control of impacts caused by pest species animals and plants.

CURRENT ACTS INTEGRATION

The new Act will seek to fully incorporate five existing Acts, being

- *Plant Health Act 2009*
- *Livestock Act 1997*
- *Phylloxera and Grape Industry Act 1995*
- *Dog Fence Act 1946*
- *Impounding Act 1920*

The Act will also include parts of the

- *Natural Resource Management Act 2004*
- *Fisheries Management Act 2007*

Page 12 of the Directions Report detail which sections of these Acts are to be incorporated.

The Directions Paper asks whether there are any other Acts that need to be considered. While no other Act is considered necessary for integration, there are possibilities that some consequential amendments will need to be made:

- *Pastoral Land Management and Conservation Act 1989*. Part 5 – Land Management and Protection requires the preparation of a Property Plans that seeks to minimise damage or deterioration of land.
- *River Murray Act 2003*. This Act provides for the protection and enhancement of the River Murray and associated ecosystems. As the River Murray Act provides an overarching legislative framework, it is considered that the Biosecurity Act should be included as one of the related operational Acts.
- *SA Public Health Act 2011*. This Act promotes the protection of the health of the public. It is considered that biosecurity events may present a risk to the health, which need to be factored.

PROPOSED DEFINITIONS

Page 13 of the Direction Paper outlines a number of key definitions.

There are no concerns with the proposed definitions or identified additional terms.

PROPOSED CORE CONCEPTS

The Act will incorporate a number of core concepts that are derived from the existing biosecurity system and the *State Biosecurity Policy 2017-2021*, these being:

- Shared responsibility
- General biosecurity obligation
- Risk-based decision making
- Proactive biosecurity management

These are detailed on pages 14-15.

It is considered that these core concepts are a sound basis for the Act.

KEY PRINCIPLES

The Act is intended to have a number of key principles, derived from the current legislation with the intent to improve and streamline their application under the new Act.

It is considered that the Act should adopt a similar principles approach to that within the SA Public Health Act. Part 2 of the SAPH Act states the Objects, Principles and Interaction with other Acts. The principles are:

- Precautionary principle
- Proportionate regulation principle
- Sustainability principle
- Principle of prevention
- Population focus principle
- Participation principle
- Partnership principle
- Equity principle

Some of these principles are applicable to biosecurity management.

STATUTORY POSITIONS

The Act proposes clearly defined roles and responsibilities, with the establishment of two key officers - a Chief Veterinary Officer and a Chief Plant Health Officer working alongside the Chief Executive Officer of PIRSA.

This model is similar to the Chief Public Health Officer under the SA Public Health Act. The Chief Public Health Officer operates as the lead for public health planning in the state, advising both the CEO of SA Health and the Health Minister.

The appointment of chief officers is supported, providing a mechanism to set the strategic and proactive management of biosecurity across the state.

COMPLIANCE ACTION / AUTHORISED OFFICER POWERS

In line with the framework for shared responsibility, it is proposed that sharing the costs of biosecurity management continues. While many of the existing features are retained, there will also be opportunity for the Act to recover appropriate costs of compliance action (Page 19 – Cost Recovery).

Pages 23 -24 outlines the proposed powers of Authorised Officers.

The Direction Paper is silent on the role of Local Government, and whether it will have a role in compliance activity. Council is keen to understand how the cost recovery / co-investment / co-funding will be managed.

Council currently does not have Authorised Officers under any of the existing Acts proposed under integration, though there is capacity to appoint an Officer under the NRM Act. Providing Local Government with powers and functions under the Act is not supported.

Summary and Conclusion

Primary Industries and Regions SA (PIRSA) is now consulting with key stakeholder bodies, including Local Government on the draft Directions Paper, before public consultation commences in early 2020 via the YourSay website.

The development of a new Biosecurity Act provides an opportunity to better coordinate activities associated with biosecurity. As a landholder, the Act will have relevance to Local Government.

Council will have a further opportunity to provide comments on the Act when it is released for consultation in 2020.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|----------------|--|
| Attachment 1 - | New Legislation for South Australia's Biosecurity Directions Report for Consultation |
| Attachment 2 - | Fact sheet – Biosecurity Legislation Project and Frequently Asked Questions |
| Attachment 3 - | State Biosecurity Policy 2017-2021 |

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Health and Wellbeing

Corporate Plan

- 3.2 Ensure Council's parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.
- 4.7 Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.

Legislative Requirements

Plant Health Act 2009
 Livestock Act 1997
 Phylloxera and Grape Industry Act 1995
 Dog Fence Act 1946
 Impounding Act 1920
 Natural Resource Management Act 2004
 Fisheries Management Act 2007

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management

Nil

COMMUNITY CONSULTATION

Nil

7.5.2.2

NATIVE VEGETATION COUNCIL – REGULATION ADVICE NOTIFICATION – ALTONA CSR LANDCARE RESERVE**B2791**

MOVED Cr de Vries that the Mayor and Chief Executive Officer be authorised to execute the Understanding of Regulation Advice, associated with the Management Plan – Altona CSR Landcare Reserve – Mistletoe Project 2019, by signing and affixing the Common Seal to the Deed.

Seconded Cr Angas**CARRIED 2018-22/355****PURPOSE**

A Native Vegetation Council "Regulations Advice Notification" document for strategic limited pruning of *Amyema miquelii* Box Mistletoe within the Altona CSR Landcare Reserve, requires signing and sealing by The Barossa Council. (Refer [Attachment 1](#)).

REPORT**Background and Discussion**

The Altona CSR Landcare Reserve (approximately 70ha) is Council owned and classified as Community Land, and is under the care and control of The Barossa Council and the Williamstown, Lyndoch Landcare Group (the Group), with an approved Management Plan and Native Vegetation Council Heritage Agreement in place.

The Williamstown, Lyndoch Landcare Group have identified a concerning high level of Box Mistletoe infestation in some of the revegetation plantings within the Altona CSR Landcare Reserve. The Group are seeking to establish a planned study in line with the 2017 Management Plan (Section 7.13 of the Altona Landcare CSR Land Management Plan – August 2017), incorporating limited pruning in addition to monitoring in the 2019 management season.

The Native Vegetation Council requires the concurrent approval of The Barossa Council prior to any work being undertaken.

Summary and Conclusion

It is recommended that Council sign and seal the "Understanding of Regulation Advice" in order to satisfy the requirements of the Native Vegetation Council Regulation 11 (25) Ecological restoration and management of vegetation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Native Vegetation Council Regulation Advice Notification

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity 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

Native Vegetation Act, 1991

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Any costs associated with the Mistletoe Control Program will be funded from the Budget of the Williamstown, Lyndoch Landcare Group.

COMMUNITY CONSULTATION

Not required by Council.

8. CONFIDENTIAL MATTER – 9.38AM**8.1 DIRECTOR WORKS AND ENGINEERING SERVICES- CONFIDENTIAL****8.1.1****TENDER – CONSTRUCTION TANUNDA TERTIARY TREATMENT PLANT****B8361**

The matter of the agenda item being Item 8.1.1 Tender – Construction Tanunda Tertiary Treatment Plant being for the supply of works pursuant to Section 90(3)(k) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of pricing and company information that could compromise a competitive procurement environment leading to poor tender outcomes and costs to Council.

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

MOVED Cr Wiese-Smith that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(k) of the Local Government Act 1999, relating to Item 8.1.1. Tender – Tanunda Tertiary Treatment Plant being tenders for the supply of goods, the provision of services or the carrying out of works; and
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of pricing and company information that could compromise a competitive procurement environment leading to poor tender outcomes and costs to Council.

Seconded Cr Haebich

CARRIED 2018-22/356

RESUMPTION OF OPEN COUNCIL MEETING – 9.41AM

The open meeting of Council resumed at 9.41am.

In the matter 8.1.1 – Tender – Construction Tanunda Tertiary Treatment Plant:

MOVED Cr Angas that Council:

- (1) Confidential resolution.
- (2) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(k) of the Act being information related to the assessment of tenders for the supply of works and it not being in the public interest to release commercial information concerning pricing and company information so as to maintain competitive procurement practices, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the report, attachments and associated documents in relation to Confidential Item 8.1.1 of the Council Meeting held on 15 October 2019 and titled Tender – Construction Tanunda Tertiary Treatment Plant be kept confidential and not available for public inspection and that the Chief Executive Officer be delegated the power to review and revoke this order and that upon execution of the contract pursuant to clause 91(8) of the Local Government Act Part 1 of the minutes shall be released.

Seconded Cr Johnstone

CARRIED CO2018/22-15

9. URGENT OTHER BUSINESS

9.1 REQUEST FOR LEAVE OF ABSENCE – CR DE VRIES

Pursuant to S73 of the Local Government Act 1999 Cr de Vries disclosed a material conflict of interest in the matter 9.1 – Request for Leave of Absence – Cr de Vries, 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 de Vries advised Council of the conflict of interest and left the meeting at 9.42am.

MOVED Cr Johnstone that Cr de Vries be granted Leave of Absence from the Council meeting to be held on 19 November 2019.

Seconded Cr Haebich

CARRIED 2018-22/357

Cr de Vries returned to the meeting at 9.43am.

10. NEXT MEETING

Tuesday 19 November 2019 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 9.43am.

Confirmed at Council Meeting on 19 November 2019

Date:.....

Mayor:.....