MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 18 July 2017 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME
Mayor Sloane declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT
Mayor Bob Sloane, Crs Scotty Milne (Deputy Mayor) Mark Grossman, John Angas, Christopher Harms, Dave de Vries, Michael (Bim) Lange, Leonie Boothby, Margaret Harris, and Michael Seager (9.10am)

1.3 LEAVE OF ABSENCE
Cr Richard Miller
Cr Tony Hurn

1.4 APOLOGIES
Nil

1.5 MINUTES OF PREVIOUS COUNCIL MEETINGS

<table>
<thead>
<tr>
<th>Moved</th>
<th>Cr Harris that the Minutes of the Council meeting held on Tuesday 20 June 2017 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.</th>
<th>Seconded Cr Grossman</th>
<th>CARRIED 2014-18/1106</th>
</tr>
</thead>
<tbody>
<tr>
<td>Moved</td>
<td>Cr de Vries that the Minutes of the Confidential Council meeting held on Tuesday 20 June 2017 at 11.43am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.</td>
<td>Seconded Cr Lange</td>
<td>CARRIED 2014-18/1107</td>
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<tr>
<td>Moved</td>
<td>Cr Boothby that the Minutes of the Confidential Council meeting held on Tuesday 20 June 2017 at 11.48am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.</td>
<td>Seconded Cr Harris</td>
<td>CARRIED 2014-18/1108</td>
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<td>Moved</td>
<td>Cr Lange that the Minutes of the Confidential Council meeting held on Tuesday 20 June 2017 at 11.50am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.</td>
<td>Seconded Cr de Vries</td>
<td>CARRIED 2014-18/1109</td>
</tr>
</tbody>
</table>
MOVED Cr de Vries that the Minutes of the Confidential Council meeting held on Tuesday 20 June 2017 at 11.52am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Boothby CARRIED 2014-18/1110

MOVED Cr de Vries that the Minutes of the Confidential Council meeting held on Tuesday 20 June 2017 at 11.53am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Harris CARRIED 2014-18/1111

MOVED Cr Lange that the Minutes of the Special Council meeting held on Wednesday 5 July 2017 at 6.45pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Grossman CARRIED 2014-18/1112

1.6 MATTERS ARISING FROM PREVIOUS COUNCIL MEETING
Nil

1.7 NOTICE OF MOTION
Nil

1.8 QUESTIONS ON NOTICE
Nil

2. MAYOR

2.1 MAYOR’S REPORT
A copy of Mayor Sloane’s activities from 10 June 2017 and 11 July 2017 along with a report on his attendance at the Australian Local Government Association National General Assembly was included with the agenda for this meeting.

MOVED Cr de Vries that the Mayor’s report be received.
Seconded Cr Harris CARRIED 2014-18/1113

3. COUNCILLOR REPORTS
Cr Milne tabled a report on his attendance at the Australian Local Government Association National General Assembly.

A copy of the report can be found on Council’s [website](#).

MOVED Cr Milne that his report be received.
Seconded Cr Boothby CARRIED 2014-18/1114

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Milne that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.
Seconded Cr Harms CARRIED 2014-18/1115
5.1 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING
9.30am
Presentation of Volunteer Recognition Awards to Mr Bob Myers, Mr Ken Craig and Cr Michael Seager for service with the Upper Torrens Land Management Program

Presentation of Youth Grant certificates to Ethan Hewitt, Declan Malone, Katelyn Young, Finn Reed and Ryan Sibbick

Refer Minute Page 2017/352-353

6.2 ADJOURNMENT OF COUNCIL MEETING
9.42am – Refer Minute Page 2017/353

7. DEBATE AGENDA

7.2.1 CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1 ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS

B1485

Author: Governance Advisor

MOVED Cr Boothby
(1) That Council approves the annual report on the Internal Review of Council Decision applications received and completed in the 2016-17 financial year as required under Section 270(8) of the Local Government Act 1999.

(2) That Council notes that the policy and process for Section 270 internal review requests will be reviewed and any proposed amendments brought to Council for consideration.

Seconded Cr Lange  CARRIED 2014-18/1116

PURPOSE

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

REPORT

Background
Section 270(8) of the Local Government Act 1999 (the Act) states:

“A Council must, on an annual basis, initiate and consider a report that relates to –
(a) The number of applications for review made under this section; and
(b) The kinds of matters to which the applications relate; and
(c) The outcome of applications under this section; and
(d) Such other matters as may be prescribed by the regulations.”

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

Discussion

One application for internal review under Section 270 was received between 1 July 2016 and 30 June 2017 which was regarding stormwater management in Yetti Road, Williamstown.

In summary, the applicant made a request for an internal review into issues relating to a decision made by a Council officer to take no further action regarding existing stormwater infrastructure on Yetti Road. The applicant held that the infrastructure was contributing to increased water run-off into his property.

The review was conducted by the Chief Executive Officer over the course of several months and involved site visits, study of plans, interviews with Council’s engineers and a meeting with the Applicant.

The review concluded that Council acted appropriately in making its decisions based on the information at its disposal at the time.

However, in order to address the ongoing issue of stormwater management on the road, an alternative resolution was proposed by the CEO to use an existing easement to divert excess water, future work with private landholders to maintain vegetation in the creek and an exploration of additional nearby kerbing to assist with excess water flow. These proposals would be referred to the 2017/18 budget process for funding.

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

The applicant was provided with the determination of the review on 10 April 2017 and to date, Council is not aware that any subsequent right of external review to the Ombudsman has been exercised by the Applicant.

Policy and Process improvements gleaned both from this review and updates to the Local Government Association’s Model Policy in this area will be brought to a future Council meeting for consideration.

Summary and Conclusion

The Council is asked to approve the annual report of Section 270 Review applications.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Assessment of Resources – Section 270 Review (2016/17)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

How We Work – Good Governance
Corporate Plan

How we work – Good Governance:
  6.2 Ensure that Council’s policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements
Local Government Act 1999, Section 270

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no financial or resource implications of finalising this annual report. Risk is mitigated by complying with the relevant section of the Local Government Act.

COMMUNITY CONSULTATION

None is required under legislation or Council’s Public Consultation

7.2.1.2

REVOCATION OF COMMUNITY LAND CLASSIFICATION – PAPPIN ROAD, WILLIAMSTOWN B5424
MOVED Cr Milne

(1) Pursuant to Section 194 of the Local Government Act 1999, that Council continue the process to revoke the Community Land classification for the portion of road formerly known as Pappin Road, Williamstown and which is contained in Certificate of Title Volume 6192 Folio 93.

(2) That the Chief Executive Officer prepare a report to the Minister for Local Government seeking approval to revoke the Community Land classification of the said land.

(3) Should revocation be approved by the Minister for Local Government, the Chief Executive Officer commence the re-opening process of the said road reserve in accordance with the Council resolution of 21 March 2017.

Seconded Cr Harris

CARRIED 2014-18/1117

PURPOSE

Council is now asked to approve the revocation of Community Land classification over a portion of the closed reserve formerly known as Pappin Road, Williamstown and refer the matter to the Minister for Local Government to consider.

REPORT

Background

On 18 April 2017 Council resolved:

MOVED Cr Lange

(1) That Council undertakes a public consultation process pursuant to section 194(2) of the Local Government Act 1999 (“the Act”) and Council’s Public Consultation Policy, to indicate its proposal to revoke the Community Land classification for a closed road reserve, formerly known as Pappin Road, contained from the boundary of Lot 4 and Lot 105 (19/38 Pappin Road, Williamstown) to 8 metres past the northern boundary of Part Section 30 (61Pappin Road, Williamstown) as the land is intended to be opened for use as a road to provide access for adjoining allotments.

(2) That the Chief Executive Officer prepares a summary report on the proposal in Recommendation 1 and publishes a notice in the Bunyip and Leader newspapers and on Council’s website and writes to adjacent property owners, alerting the community to the summary report and inviting submissions for at least 21 days.

(3) That at the conclusion of the public consultation process, the Chief Executive Officer prepare a report on all submissions made regarding the proposal and refers it to Council for consideration.

Seconded Cr Hurn

CARRIED 2014-18/1002

Introduction

In accordance with the above resolution, officers provide the following for Elected Members’ information:

- Summary Report: Revocation of Community Land Classification at attachment 1
- Copy of public notices in the Bunyip and Leader newspapers at attachment 2
- Copy of letter sent to the 10 adjacent landowners at attachment 3
- Responses from SA Power Network and Telstra at attachment 4

Discussion

The public notice was placed in the Leader and Bunyip newspapers respectively on 14 and 15 June 2017, and on Council’s website at its public consultation page, and letters written to adjacent landowners – all inviting written comment on the attached Summary Report by 7 July 2017.
Although there were several telephone calls to the Governance Advisor, Manager, Engineering Services and Planners from adjacent landowners seeking clarification of the road re-opening process, there were no written submissions from community members received at the conclusion of the consultation period.

There were however responses from Telstra and SA Power Networks following consultation regarding their easement interest in the reserve. Both organisations have confirmed they do not have any objection to the revocation of the Community Land classification. Their responses are provided as attachment 4.

The next step is for the Elected Body to consider approving the report to be referred to the Minister for Local Government. Should the Minister approve revoking the Community Land classification, the Chief Executive Officer will then activate the road re-opening process in accordance with relevant legislation and Council approval obtained on 21 March 2017 where it was:

**MOVED** Cr Lange that:

(1) Council agree to commence the process under the Roads (Opening and Closing) Act to reopen a section of closed road reserve (Pappin Road) from the boundary of Lot 4 / Lot 105 (19 / 38 Pappin Road) to 8 metres past the northern boundary of Pt Sec30 (61 Pappin Road), Williamstown.

(2) Council engage a licensed surveyor to prepare all plans and documentation as required under the Road (Opening and Closing) Act 1991. (3) The Mayor and Chief Executive Officer be authorised to sign all associated transfer documents.

**Seconded** Cr de Vries

**Summary and Conclusion**
The Council is asked to approve officer recommendation and refer the matter of revocation to the Minister for Local Government.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

**Attachment 1** – Summary Report: Revocation of Community Land Classification  
**Attachment 2** – Copy of public notices in the Bunyip and Leader newspapers  
**Attachment 3** – Copy of letter sent to 10 adjacent landowners  
**Attachment 4** – SA Power Network and Telstra feedback to Council

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

How We Work – Good Governance  
Corporate Plan  
Community and Culture:  
2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

Legislative Requirements  
Local Government Act 1999, Section 194  
Road (Opening and Closing) Act 1991

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

There is no financial or resource implications in finalising this report for referral to the Minister for Local Government. Risk is mitigated by complying with the relevant section of the Local Government Act.

**COMMUNITY CONSULTATION**

Community consultation has occurred in accordance with section 194 of the Local Government Act and Council’s Public Consultation Policy.
7.2.1.3
REQUEST FOR ONGOING SUPPORT – NURIOOTPA RSL SUB-BRANCH
B6228 17/41292

Pursuant to S75A(1)(b) of the Local Government Act 1999, Cr Milne disclosed a perceived conflict of interest in the matter 7.2.1.3 – Request for Ongoing Support – Nuriootpa RSL Sub-Branch due to his membership of the organisation.

Cr Milne advised Council of his intention to remain in the chamber and that he would leave the meeting if a material or actual conflict of interest became apparent during discussion of this matter.

Mr Martin McCarthy, Chief Executive Officer, advised that the Nuriootpa RSL Sub-Branch had advised that water accounts for 2016 totaled $1837; in discussion with the Treasurer they agree that support in the order of 90% of the accounts would be reasonable to cover the costs for irrigation of the open space, memorial area and garden/rose bushes.

Therefore the “X%” in the current recommendation can be replaced with 90%.

The financial impact is estimated at $1800 (90% of $2000) per annum, a first quarter budget adjustment will be made if Council approves the recommendation. In accordance with Council policy this matter would impact on Council financial expenditure by 0.005%.

MOVED Cr de Vries that Council agree to fund 90% water usage and access costs at the Nuriootpa RSL Sub-branch to ensure public amenity of the open space area, on presentation of SA Water accounts and associated invoicing from the sub-branch to Council on a quarterly basis.
Seconded Cr Lange
CARRIED 2014-18/1118

PURPOSE
To seek Council decision to support a request from Nuriootpa RSL Sub-branch with watering costs at their property.

REPORT
Council has received correspondence from the President of the Nuriootpa RSL Sub-branch requesting assistance with increasing watering costs associated with the open space area of the memorial. Council has various memorials or locations in the area that are managed by Council directly and thus the RSL clubs utilising those locations are not subject to such costs as they do not own the land.

Assisting the Nuriootpa RSL Sub-branch will ensure consistent treatment across the district.

Estimates are being sought from the club as to the percentage of the water account related to open space watering which in the main is for community use. There is also usage for the services provided within the building for members and guests.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Correspondence from Nuriootpa RSL Sub-branch

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

Community and Culture
2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.9 Create places where people want to live and plan for the future in a coordinated, appropriate and proactive manner.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial and Resources**
This request is not budgeted for and the estimated costs are being sought from the club and will be tabled. The costs will impact the Council's current operating deficit to a very minor amount.

**COMMUNITY CONSULTATION**
No consultation is required or necessary for this matter.

**7.2.1.4 LEGATUS (FORMERLY CENTRAL LOCAL GOVERNMENT REGION) – NOTICE OF ANNUAL GENERAL MEETING AND CALL FOR OFFICE BEARERS**

**B6228 17/46968**

MOVED Cr Milne that Council receive and note the report and nominate Mayor Sloane for Deputy Chair of Legatus.

Seconded Cr de Vries

CARRIED 2014-18/1119

**PURPOSE**
To inform Council of the upcoming Legatus annual general meeting and notice calling for Office Bearers.

**REPORT**
Council has received correspondence from the Chief Executive Officer of Legatus calling for nominations as Office bearers. Office bearers will hold their position from the annual general meeting at which they are elected until the next annual general meeting.

The positions of Chair and two Deputy Chairs are open for appointment.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Correspondence from Legatus

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

Corporate Plan

How We Work – Good Governance

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

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Nil

**COMMUNITY CONSULTATION**
No consultation is required or necessary for this matter.

**7.2.1.5 LEGATUS (FORMERLY CENTRAL LOCAL GOVERNMENT REGION) – BUSINESS PLAN AND BUDGET FOR 2017-18**

**B5786 17/44064**
MOVED Cr Milne that Council having reviewed the Business Plan and Budget for 2017-18 for the Legatus Group:

(1) Endorse the business plan and budget document excluding budget settings associated with the proposed Murray Darling Association regional membership and seek from Legatus a report on how it will address future operating deficits.

(2) Provide notice to Legatus under Clause 5.5 of the Charter of its intent to object to a levy imposed by the Board for the purposes of a Murray Darling Association regional membership and request that Legatus review its decision regarding a membership due to the imposition of increased costs.

Seconded Cr de Vries  CARRIED 2014-18/1120

PURPOSE
To provide Council the draft Business Plan and Budget for 2017-18 of Legatus, seek any comment and endorse the document.

REPORT
Council has received correspondence from the Chief Executive Officer of Legatus providing the draft business plan and budget for the 2017-18 financial year. The plan is a broad document only, with continuing funding and contribution for 2017-18 consistent with Council understanding, although the increase in fees is slightly larger than anticipated at 2% (this financial year) but the plan outlines a 3% increase. Council is a part of the Barossa Regional Procurement Group and did not pay any fees in 2016-17 to the Legatus procurement group. Enquiries have been made to understand if Legatus is seeking to apply this charge to The Barossa Council, at this time it is understood not to apply.

Legatus has made a decision to take out a regional membership of the Murray Darling Association. This regional membership was to ensure regional representation and also deliver a saving to member Councils. The Barossa Council has been a member Council for some time of the Murray Darling Association. The current levy in 2016-17 was $2,100, under the proposal accepted by Legatus this fee would rise to $4,877, an increase of over 132.2%, whereas the correspondence indicated a regional approach which save members funds. This matter is being followed up further and other Councils have raised concerns regarding this matter. The Legatus charter has a mechanism in it to object to the imposition of a levy under clause 5.

Clause 5.5 States:
5.5.1 The Legatus Group may levy Constituent Councils or any of them for a specified purpose or purposes.
5.5.2 A levy must be imposed by a meeting of the Board.
5.5.3 The Chief Executive Officer must give notice of the levy to all affected Constituent Councils.
5.5.4 A levy will not be binding on Constituent Councils until the expiration of one calendar month from the date of the notice.
5.5.5 A Constituent Council which objects in writing to the imposition of the levy within one month of the date of the notice shall be exempt from payment of the levy until its objection is considered at a meeting of the Board.
5.5.6 The Legatus Group must, after consideration of the objection of one or more Constituent Councils to a levy, confirm or vary the levy on that Council or exempt that Council from payment of the levy.
5.5.7 The Chair may convene an urgent meeting to consider an objection to a levy.

The CEO of Legatus is making enquiries with the Murray darling Association as to why there is such a significant increase in the levy. It is recommended that to protect Council’s position that it formally object to any proposal to impose a levy to recover funds associated with a Murray Darling Association regional membership and respectfully ask Legatus to review its decision to take out a
regional membership as it is possibly not in the best interest of a majority of constituent Councils. If indeed Council is being asked to pay $4,877 for a membership a further report will be brought back to Council to consider the value of such membership.

Further enquiries have been made as to the ongoing financial sustainability of the forward estimates, and whilst sufficient cash is at hand for the foreseeable future the delivery of operating deficits for each of the forward years needs to be addressed. At this time Council has been informed that the Audit Committee will be meeting to discuss budget setting for the future and the Board will address the matter in the coming year.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Correspondence from Legatus – Business Plan and Budget for 2017-18
Correspondence from Murray Darling Association

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**
Corporate Plan
How We Work – Good Governance
6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**
Current allowance in the budget for Legatus Group fees is $10,743 with the estimated charge in the draft budget being $10,849 or $106 over budget.

The payment for the Murray Darling Association is estimated at $1,925 the current budget has an allowance of $2,380. Council’s individual membership in 2016-17 was $2,100.

**COMMUNITY CONSULTATION**
No consultation is required or necessary for this matter.

7.2.1.6 **COUNCIL FUNDING – ACKNOWLEDGING RECENT FUNDING SUPPORT**
B5783 17/47487

**MOVED** Cr de Vries that Council acknowledge general and ongoing grant funding support across a range of State and Federal Government funded programs and that the Mayor write to relevant Minister’s and local members acknowledging this support.
**Seconded** Cr Angas **CARRIED 2014-18/1121**

**PURPOSE**
To outline grant funding sources and success and acknowledge support received.

**REPORT**
Whilst Council are acutely aware of the ongoing growing challenges in managing the budget and the need to meet growing demand and cost it is timely at the commencement of the financial year to reflect and acknowledge recent success and support of our State and Federal counterparts.

Council receives various levels of support as follows:
1. Financial Assistance Grants comprising two elements a general grant and a roads grant, Council received in the order of $1 million per annum from these grants and recently the Federal Government recently re-established indexation on this grant pool.
2. Supplementary Road funding was received in 2016-17 for 66% of the construction costs of Para Wirra Road and is an annual competitive process for specific road infrastructure.

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*The Barossa Council*  
*Minutes of Council Meeting held on Tuesday 18 July 2017*
3. Special Local Roads was received for many years to address the shortfall in South Australian road funding, this was withdrawn as a budget measure, but in the 2017-18 year has been reinstated by the Federal Government for two years.

4. Blackspot funding from both State and Federal programs; over the years Council has been highly successful in receiving funds for many intersection upgrades the most recently one under construction at present is Balmoral Road.

5. Roads to Recovery has been provided for over a decade to assist road authorities to address infrastructure gaps, recently Council received additional funding due to excise tax changes and utilised such funding for additional road sealing, Para Wirra Road and Hoffnungsthal Road.

6. Library Grants which are provided to support renewal of book stock, electronic services and other stock for general service.

7. Transport and Home Assist funding to support transport disadvantaged and the aged and vulnerable members of our community.

8. Until recently significant funds for well over a decade were received to support those with disabilities.

9. South Australian Local Government Investment Program will see over $3M in footpath and road infrastructure being bought forward.

There are numerous other examples for specific projects and the like, however those outlined above provide recent key investment grant support provided to the Barossa community through Council.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

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

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure
- Health and Wellbeing
- Business and Employment
- How We Work – Good Governance

All strategies are support by funding support.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Funding is recognised as received and catered for within the budget accordingly.

**COMMUNITY CONSULTATION**

No consultation is required or necessary for this matter.

**VISITORS TO THE MEETING - 9.30AM**

**PRESENTATION – VOLUNTEER RECOGNITION AWARDS**

Mayor Sloane presented Volunteer Recognition Awards to Mr Bob Myers, Mr Ken Craig and Cr Michael Seager for their service with the Upper Torrens Land Management Program.
PRESENTATION – YOUTH GRANT CERTIFICATES
Mayor Sloane presented Youth Grant certificates to Ethan Hewitt, Declan Malone, Katelyn Young, Finn Reed and Ryan Sibbick.

ADJOURNMENT OF COUNCIL MEETING – 9.42AM

MOVED Cr Lange that the Council meeting adjourn for a short break at 9.42am.
Seconded Cr Milne
CARRIED 2014-18/1122

RESUMPTION OF COUNCIL MEETING – 9.59AM
The Council meeting resumed at 9.59am.

7.2.1.7
REQUEST FOR FURTHER ASSISTANCE – HUTTON VALE AIRSTRIP – FROM COUNTRY FIRE SERVICE
B1068 17/46737
Pursuant to S75A(1)(b) of the Local Government Act 1999 Cr Angas disclosed a perceived conflict of interest in the matter 7.2.1.7 – Request for Further Assistance – Hutton Vale Airstrip – From Country Fire Service as Council has been asked by Country Fire Service of South Australia to contribute to on ground works on land owned by him.

Cr Angas advised Council of the conflict of interest and left the meeting at 10.00am.

Cr Lange advised that although the letter from the Country Fire Service requesting Council’s assistance was written by a relative he did not have a conflict of interest in this matter.

MOVED Cr Grossman that Council provide in-kind support for transport, labour and machinery costs and procure the necessary materials to assist the CFS to build pads for the placement of water tanks in support of aerial firefighting services to be provided from Hutton Vale airstrip and approach the Country Fire Service to reimburse Council for material expenses.
Seconded Cr Seager

AMENDMENT

MOVED Cr de Vries that Council provide in-kind support for transport, labour and machinery costs and procure the necessary materials to assist the CFS to build pads for the placement of water tanks in support of aerial firefighting services to be provided from Hutton Vale airstrip.
Seconded Cr Milne

The amendment was put and
CARRIED 2014-18/1123

The motion as amended was put and
CARRIED 2014-18/1124

PURPOSE
To determine further support to assist in set up of Hutton Vale Airstrip as a strategic air firefighting asset.

REPORT
The prior report to Council of 17 November 2015 is attached and provides the background to the matter.
The Country Fire Service has partnered with the landowners of Hutton Vale and Council to set up a strategic aerial firefighting location utilising the private airstrip on the land.

Country Fire Service have requested additional support from Council to set up pads to support the installation of water tanks to be utilised for aerial firefighting purposes.

The landowner is supportive of the work and has offered to spread the necessary rubble and compact using his grader. The request therefore requires procurement of approximately 30 tonnes of appropriate rubble and transportation.

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<tr>
<th>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</th>
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<tr>
<td>Correspondence from Country Fire Services</td>
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<td>Prior report to Council on the matter</td>
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<td>Community and Culture</td>
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<td>Health and Wellbeing</td>
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2.12 Contribute to a safer community.
4.3 Work with emergency services to prepare for disaster management and recovery.

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<tr>
<th>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</th>
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<tr>
<td>Council has undertaken extensive tree removal at a cost of $4,950 of which $1,000 contribution was paid by the landowner.</td>
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<td>Council has also undertaken further trimming and vegetation management of $2,000.</td>
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<td>The estimated costs for the in-kind contribution is $500.</td>
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<td>The estimated cost for approximately 30 tonnes of rubble is $450.</td>
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<td>Emergency service levy paid by Council to the State in 2016/17 was $18,370 up from $11,161 in 2013/14 and increase of 64.6% over three years.</td>
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<tr>
<th>COMMUNITY CONSULTATION</th>
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<td>Council has spoken to the landowner regarding the request, and details are outlined in the body of the report.</td>
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Cr Angas returned to the meeting at 10.03am.

7.2.1.8

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<th>FINALISATION OF BUDGET MATTERS RELATED TO FLOOD AND STORM DAMAGE EVENT OF LATE SEPTEMBER 2016</th>
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<tr>
<td>B5495</td>
</tr>
</tbody>
</table>

MOVED Cr Milne that Council receive and note the updated damage assessment report indicating extraordinary costs in the order of $1.109M arising from the flood and storm event in September 2016, endorse the actions taken in regard to Disaster Funding and authorise all expenditure incurred.  
Seconded Cr Boothby

CARRIED 2014-18/1125

<table>
<thead>
<tr>
<th>PURPOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>To outline reporting final costs and works undertake to resolve flood and storm damage from the late September flood and storm events.</td>
</tr>
</tbody>
</table>
REPORT

Introduction
Council members are acutely aware of recent weather events the most notable the flooding event of 29 and 30 of September 2016. At the October 2016 meeting of Council it received a preliminary report into estimated damages. The Council also resolved that a report be provided on the final impacts once known.

Discussion
The initial budget estimate impact was upwards of $1.5M, with the opportunity to potentially recover up to $200,000 through insurance. Council has authorised the necessary budget adjustments to support the final expenses incurred and thus no further budgetary amendments are required.

An initial assessment of the opportunity to potentially apply for disaster funding was explored and preliminary calculations were done and discussion with Treasury and Finance and the Local Government Association undertaken. The net initial impact being around $1.3M of which approximately, and at most, $1.1M could qualify for disaster funding application. As works progresses the maximum possible claimable amount reduced to around $600,000 in early December 2016. With a rating base of $28.356M the minimum threshold to lodge a claim is $567,000 and you can only claim the amount above the minimum threshold. Thereafter there is a two tier test based on the loss and in this case as the loss was not high enough Council could only ever claim 50% of the difference between the loss and the $567,000 threshold. At best therefore it was estimated that a claim would amount to $43,000 of which Council could receive (if approved) $21,500. To achieve such an outcome Council must engage independent engineers to sign off on the expenditure and treatments proposed, a full costing was never pursued as a broad estimate was initially put at $90,000. It was therefore determined not to proceed further with a claim, as to do so would not have been financially beneficial and would have necessitated not undertaking the work until certified and approved. As a matter of interest there are at least two other Councils that are still awaiting approvals to commence fixing damage, some damage relating to events over 12 months ago.

Council officers have also pursued insurance recoveries.

With majority of works now complete or any further activities being funded from maintenance or other related budgets the final summation of cost impacts is provided at the attachment. Please note for simplicity these costs of have been accumulated into our capital budget, but with finalisation of the 2016/17 financial accounts a portion of these costs will be allocated to the operating budget impacting the operating position of Council. Not all works have necessarily been billed to the flood account minor works and clean ups, for instance Heinemann Park was undertaken as part of routine activity.

In summation the flood event outcomes are as follows:

<table>
<thead>
<tr>
<th>Expenses (details at attachment)</th>
<th>1,109,386</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items Not Claimable Under Disaster Funding Guidelines</td>
<td></td>
</tr>
<tr>
<td>Internal Salaries, Wages and On-costs</td>
<td>55,966</td>
</tr>
<tr>
<td>Internal Plant Hire</td>
<td>24,966</td>
</tr>
<tr>
<td>Insurance Recoup</td>
<td>133,480</td>
</tr>
<tr>
<td>Trench Failure</td>
<td>132,577</td>
</tr>
<tr>
<td>Other Recoveries</td>
<td>7,172</td>
</tr>
<tr>
<td>Total Recoveries or Items Not Claimable</td>
<td>354,161</td>
</tr>
<tr>
<td>Gross Expenses – Claimable</td>
<td>755,225</td>
</tr>
<tr>
<td>Threshold Test for Disaster Funding – 2% of Rates</td>
<td>567,121</td>
</tr>
</tbody>
</table>

The Barossa Council
Minutes of Council Meeting held on Tuesday 18 July 2017
The Barossa Council

Minutes of Council Meeting held on Tuesday 18 July 2017

| Net Expenses – Claimable (Gross Expenses less Threshold Test) | 188,104 |
| 50% Maximum Available from Disaster Funding | 94,052 |
| Estimated Cost for Independent Engineering Certification | 90,000 |

Total Disaster Funding Possible 4,052

In summary the estimated position from December 2016 has not materially changed the decision to not pursue disaster funding and await repairs as based on the guidelines, expenditure incurred and what is and is not claimable the return would have been in the order of $4,000 without factoring in any time to write the disaster funding submission and whilst waiting for approval to undertake work, which no doubt would have led to greater community complaint and discourse. Council was also successful in managing multiple claims with the insurers totalling $133,480, unfortunately the only main claim rejected was the Jack Bobridge track repairs being in the order of $70,000. Officers are pursuing the insurance of such assets with the insurer as a result of this rejected claim.

The net impact on Council budget was $887,802; below the initial forecasts of $1.135M.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Damage Assessment Sheet

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

Relates to all themes and strategies as the infrastructure impacted provides services or supports outcomes across the plan.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Outlined in the attachment and in the body of the report.

COMMUNITY CONSULTATION
No consultation with community is required.

7.3 CORPORATE AND COMMUNITY SERVICES – DEBATE

7.3.1 GROUP MANAGER CORPORATE SERVICES
Nil

7.3.2 ACTING GROUP MANAGER COMMUNITY SERVICES
7.3.2.1
EXECUTION OF THE LAND MANAGEMENT AGREEMENT BETWEEN THE BAROSSA COUNCIL AND THE ABBEYFIELD SOCIETY (DISTRICT OF BAROSSA) INC.

Author: Group Manager Community Services

MOVED Cr Harris that:

(1) Council receive and endorse the Land Management Agreement between The Barossa Council and The Abbeyfield Society (District of Barossa) Inc in relation to Allotment 204 Memorial Drive, Williamstown contained in Certificate of Title Volume 6063 Folio 861; and

(2) The Mayor and Chief Executive Officer be authorised to sign and affix the Common Seal of The Barossa Council to the Land Management Agreement between The Barossa Council and The Abbeyfield Society (District of Barossa) Inc.

Seconded Cr Boothby

PURPOSE
Seeking Council resolution to place the Common Seal on the Land Management Agreement (LMA) (refer Attachment 1) between The Barossa Council and The Abbeyfield Society (District of Barossa) Inc.

REPORT
Background
At the Council meeting on 21 February 2017, Council resolved to gift Allotment 204 Memorial Drive, Williamstown (CT6063/861) to the Abbeyfield Society (District of Barossa) Inc. (hereafter “Abbeyfield”) for the development of 12 independent retirement units with several conditions, including that a Land Management Agreement be placed on Allotment 204, protecting Council’s interest in the land.

Introduction
This report presents the Land Management Agreement to Council for consideration.

Discussion
The Land Management Agreement has been endorsed by the Board of The Abbeyfield Society (District of Barossa) Inc., and is ready to be executed as a deed.

Summary and Conclusion
In order for the land transfer to commence, the Land Management Agreement must be endorsed by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Land Management Agreement between The Barossa Council and The Abbeyfield Society (District of Barossa) Inc

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure

The Barossa Council Minutes of Council Meeting held on Tuesday 18 July 2017
Health and Wellbeing

How We Work – Good Governance

Corporate Plan

| Community and Culture                                                                 |
| 2.12 Ensure that development policies are responsive to housing needs                  |
| (affordability and diversity of housing choice)                                       |

| How We Work – Good Governance                                                          |
| 6.1 Ensure the community has access to information regarding the discussions held     |
| and decisions made by Elected Members.                                                |
| 6.2 Ensure that Council’s policy and process frameworks are based on                  |
| principles of sound governance and meet legislative requirements.                      |

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Administrative costs for the land transfer will be met by Abbeyfield. Costs incurred in preparing
the Land Management Agreement have been met by Council within existing administrative legal
budgets.

COMMUNITY CONSULTATION
Council’s obligations under our Public Consultation Policy were fulfilled during the initial
consultation prior to Revocation.

7.3.3.1
MONTHLY FINANCE INTERIM REPORT (AS AT 30 JUNE 2017)
B411

Author: Senior Accountant

MOVED Cr Milne that the Monthly Finance Interim Report as at 30 June 2017 be received
and noted.  
Seconded Cr de Vries  
CARRIED 2014-18/1127

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 Interim Report (as at 30 June 2017) is attached. The report has been
prepared comparing actuals to the Original adopted 2016/17 Budget and incorporating the
adopted Revised Budgets for September, December and March.

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Interim Report 30 June 2017

Policy
Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
How We Work – Good Governance

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

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

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

6.9 Provide access to Council’s plans, policies and processes and communicate with the community in plain English.

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

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY CONSULTATION

Community Consultation was part of the original budget adoption process in June 2016, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.3.4 MANAGER CUSTOMER, LIBRARY AND HERITAGE SERVICES, MANAGER COMMUNITY AND FACILITIES DEVELOPMENT AND MANAGER COMMUNITY AND CULTURE - DEBATE

7.3.4.1 ANGASTON RAILWAY PRECINCT REFERENCE GROUP TERMS OF REFERENCE

B6359

MOVED Cr Angas that Council:

(1) Endorses the Terms of Reference for the Angaston Railway Precinct Reference Group and appoints Cr Grossman and authorises the Chief Executive Officer to appoint a staff member, to the committee.

(2) Notes the Angaston Railway Precinct Reference Group’s progress in the implementation of the Masterplan.

Seconded Cr Seager  CARRIED 2014-18/1128

PURPOSE

To seek endorsement by Council of the Angaston Railway Precinct Reference Group Terms of Reference and to provide an overview of progress to date.

REPORT

Background
At its meeting on 18 April 2017, Council resolved the following:

“Moved Cr Grossman that Council ............"
(5) Requires officers to bring a future report to establish the proposed Terms of Reference for the Angaston Railway Precinct Reference Group and setting out its role in supporting Council with the future implementation of the project subject to future funding and an approved implementation process.

(6) Requires officers to keep the community informed of progress and identify community involvement and volunteering opportunities in the next stages of the project.

(7) Requires officers to report to Council on the progress of the Masterplan at a future meeting.

Seconded Cr de Vries  CARRIED 2014-18/1005"

Introduction
The Angaston Railway Precinct Masterplan ("The Masterplan") forms part of Council’s "The Big Project" to develop the precinct as a heritage place, recreation and community hub. Council endorsed the Masterplan at its meeting on 18 April 2017, and the change in role of the Angaston Station Working Group to will guide the project and be known as the Angaston Railway Precinct Reference Group ("Reference Group"). The first meeting of the Reference Group was held on 10 May 2017. Terms of Reference have been developed for approval by Council (Attachment 1)

Discussion
It was agreed that the Reference Group should continue with the same representation as the previous Working Group and be expanded to include up to two Local Residents Representatives and one Youth Representative.

The Angaston Railway Precinct Reference Group Terms of Reference incorporates the following information:

Membership
- Angaston Community and Business Alliance (2)
- Angaston and Penrice Historical Society (2)
- Barossa Valley Machinery Preservation Society (2)
- The Barossa Council including Councillor* (2)
- RDA Barossa (1)
- State MP (1)
- Local Resident Representative (2)
- Youth Representative (1)
- Chair (Theo Marks nominated by (ACBA)

Terms of Reference – Summary of Scope (refer Attachment 1)

- Provide feedback to The Barossa Council on Council sponsored works to be undertaken on the Precinct and the development of detailed plans
- Provide feedback to The Barossa Council on priorities for works to be undertaken on the Precinct
- Consult with member organisations’ membership and the broader community where possible, to promote and encourage community activities in support of the Masterplan
- Develop community participation in the Precinct through volunteering, regular updates and promotion
- Report at least six monthly to The Barossa Council.

The Terms of Reference will be reviewed annually by 30 June each year. The Reference Group may be ended by agreement of the membership or resolution of Council.

Reference Group Update
The following areas have been identified by the Reference Group as first steps in implementing the Angaston Railway Precinct Masterplan.

Demolition of the Barracks Building
A development application has been submitted for the demolition of the barracks building, reviewed by Council’s Heritage Officer and approved for demolition.
Council Officers are developing a scope of works for the demolition of the building. Barossa Valley Machinery Preservation Society (BVMPS) has indicated that it could assist in salvaging materials from the barracks buildings and thereby reduce the demolition costs.

**Volunteer Opportunities**

Council Officers are preparing a project scope for volunteers in the project to support community involvement and ownership of the project. Initial tasks include working bees to tidy areas, weeding and other projects identified as part of stage one.

**Barossa Valley Machinery Preservation Society (BVMPS) Shed**

The BVMPS has made a submission to Council for financial support by way of a grant and a low interest loan which is included in the 2017/18 Council budget process. BVMPS has launched a fund raising initiative amongst its members. Once funding is confirmed a development application will be progressed and a detailed scope of works for pre-construction activities for the site completed.

**Informing the Community**

Council Officers will prepare an Expression of Interest for the Local Resident Representatives and will consult with the Barossa Youth Advisory Committee for a Youth Representative.

The Reference Group will liaise with Council Officers for periodic updates in Council publications such as d’Vine and regular updates in Council and Reference Group members’, newsletters, local media and social media.

**Recommendations:**

The Angaston Railway Precinct Reference Group will continue the progress of the Angaston Railway Precinct Masterplan and ensure the community and stakeholder views are well represented, to create an active precinct with a wide range of community uses. With the momentum of work for The Big Project, Officers recommend endorsement of the Terms of Reference.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

| Attachment 1: | Angaston Railway Precinct Reference Group Terms of Reference TRIM 17/35815 |

**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**

Natural Environment and Built Heritage
1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
1.4 Facilitate innovative and sustainable preservation and use of built heritage.
Community and Culture
2.1 Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.
2.9 Collaborate, initiate, develop and/or support activities and facilities for youth in our community.

Infrastructure
3.5 Advocate for efficient use of community resources through shared infrastructure and innovative solutions.
3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.

Health and Wellbeing
4.6 Support the growth and sustainability of sporting, recreational and community clubs and organisations through provision of shared infrastructure, grants and opportunities to shape future use and development.

Business and Employment
5.5 Contribute to tourism industry capacity building through the facilitation of tourism infrastructure development, including eco and recreational tourism

How We Work – Good Governance
6.8 Provide opportunities for the community to contribute to the ongoing care, improvement and use of Council’s community facilities.

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
The Angaston Railway Precinct Masterplan will be prioritised, phased and costed as part of The Big Project feasibility study work, with associated costs taken from the approved project budget. Works on the first phase will continue subject to budget carry forward from 2016/17 with Stimulus Grant funding having to be acquitted by 30 September 2017.

Any other works related to this Masterplan will first need to be assessed using relevant Budgeting and Prudential Management Policies and processes and then approved by Council.

Resource
The project management work now falls within the scope of The Big Project with dedicated input from Director Community Projects, Manager Customer, Libraries and Heritage Services and the support of the Angaston Railway Precinct Reference Group. Consultation and promotion support provided by the Communications and Marketing Officers.

Risk Management
The endorsement of the Terms of Reference for the Angaston Railway Precinct Reference Group will avoid the risk of Council, the Reference Group and the broader community having a different understanding of what it is intended to deliver for the Angaston Railway Precinct. It also ensures the community has confidence in the Plan for the future development and a structure for continued contribution to the development of the Angaston Railway Precinct if funding can be secured through The Big Project.

COMMUNITY CONSULTATION
Ongoing consultation will be guided by the Angaston Railway Precinct Reference Group and Council Officers, with reports and recommendations to Council as required.
Development of detailed plans may require further community consultation.

Regular information will be provided to the community regarding the progress of the Angaston Railway Precinct Masterplan.

7.3.4.2
MOUNT PLEASANT INCORPORATED – REQUEST TO USE RESERVE FUNDS TO FINALISE AMOUNT OUTSTANDING FOR TALUNGA PARK PAVILION KITCHEN

B4507

<table>
<thead>
<tr>
<th>MOVED</th>
<th>Cr Seager that Council approves the funding of the remaining community contribution of $2,140 (incl GST) for the Talunga Park Pavilion kitchen upgrade from the Talunga Park Reserve Fund.</th>
<th>Seconded</th>
<th>Cr Harms</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CARRIED 2014-18/1129</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PURPOSE
Mount Pleasant Incorporated has requested to finalise the outstanding community contribution for funding of the Pavilion Kitchen with use of Talunga Park Reserve Funds.

REPORT

Background
In June 2016, the Talunga Park Pavilion kitchen was upgraded with approval for the project through the New Initiative process.

Introduction
Mount Pleasant Incorporated has run successful community dinners over the past 18 months (approximately) to fundraise for the community contribution for the kitchen upgrade. The approved New Initiative included a $35,000 ex GST contribution from the Talunga Park Reserve Fund and a community contribution of $28,875 ex GST. The community contribution payment has previously been extended once until 30 July 2017.

Discussion
The following transactions show the payments to date:

18 May 2016 $32,158.50 Invoice Raised for community contribution (Inc GST)
12 August 2016 $21,000 Receipt from Mt Pleasant Inc
27 February 2017 $4,158.50 Receipt from Mt Pleasant Inc
To be receipted in July 2017 $4,860

The remaining outstanding balance is $2,140 (Incl GST)

The Talunga Park Reserve Fund balance is $161,271.

Summary and Conclusion
Mount Pleasant Incorporated has requested the use of the Talunga Park Reserve Fund to finalise the outstanding community contribution amount for the Talunga Park Pavilion kitchen upgrade (Attachment 1).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Letter from Mount Pleasant Incorporated

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture
Infrastructure

How We Work – Good Governance

Corporate Plan
2.1 Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
3.3 Ensure Council’s sporting, recreational and leisure building facilities and associated programs meet the current need of the community to an agreed level of service.
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.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial management considerations
The Talunga Park Reserve Fund balance is not cash backed and therefore requires Council’s approval of use and the use of funds for this purpose is not budgeted for. However the Reserve Fund balance of $161,271 is obviously adequate and earmarked for purposes such as this. A quarter one budget adjustment will be required should the recommendation be approved.

COMMUNITY CONSULTATION
There are no items related to this matter that require consultation under the Act or Council’s Policy.

BAROSSA SWIMMING CLUB – PROPOSED CLUB USAGE OF THE REX BAROSSA AQUATIC AND FITNESS CENTRE
B4507

MOVED Cr de Vries that Council:
(1) Supports the establishment of the Barossa Swimming Club with its home base at the Barossa Aquatic and Fitness Centre (the Rex).
(2) Applies an initial lane hire fee of $5 per lane per hour be charged to the swim club for the first 12 months.
(3) Requires that members of the Barossa Swimming Club must also be members of the Rex at the same membership fee as other Rex pool members.
(4) Recommends that the Barossa Swimming Club apply to Council’s Community Assistance Scheme for support with the purchase of training aids and equipment.
(5) Reviews the fee structure after 12 months of Barossa Swimming Club operation.

Seconded Cr Milne

PURPOSE
The Barossa Swimming Club Feasibility Group (the Club) have approached Council officers and the Barossa Aquatic and Fitness Centre Manager for use of swim lanes specifically for the Club.

REPORT

Background
There is currently no established swim club based in the Barossa. A group of passionate people are researching the feasibility, community interest and potential support for establishing a club based at The Rex.

Introduction
Officers met with the Club and Barossa Aquatic and Fitness Centre Manager to discuss requirements that a club would have for use of the Rex and the Nuriootpa pool, and also the
potential for Council support, financial and in-kind. They have put forward the potential of reduced lane hire fees, discounted group pool entry fees and grant funding for training aids and equipment. (See Attachment 1)

Discussion
Swimming is an all abilities sport. The Club believes that there is population and interest in the Barossa region and surrounding areas for a club based at the Rex and Nuriootpa pools.

The Learn to Swim School at the Rex has strong membership of 455 enrolments as at May 2017. For swimmers that wish to continue their swimming at a club or competitive level, families are currently required to travel to Gawler, Elizabeth or Adelaide for continued access to coaching and competition. There is also no local coaching resource for master swimmers and triathletes. School swimming programs will also have an opportunity for extension beyond traditional primary school aged Learn to Swim programs.

The Club have gained initial support from Swimming Australia and SwimmingSA, with a final submission being tabled at SwimmingSA’s July Board meeting.

Club Colours are proposed to match Brand Barossa ‘reds’ and the Club have developed a Business Plan incorporating their values, goals, high level risk assessment, organisational structure and timetable. (See Attachment 2)

The Club are seeking financial and in-kind assistance from Council to establish their operations in the forms of:

<table>
<thead>
<tr>
<th>Request</th>
<th>Officer Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relief from lane hire fees</td>
<td>An analysis of other pool lane hire fees are that for regular club usage average $15 per lane per hour. One off lane hire fees are $25 per lane per hour. Recommendation: $5 per lane per hour for the first 12 months with a view to consider staged increases over time proportionate to membership numbers. Lane selection will be at the discretion of the Rex Centre Manager.</td>
</tr>
<tr>
<td>Group discounted pool entry fees</td>
<td>Current swim membership for the Rex is $9 per week. It is not seen as reasonable that a member of the Club pay less to access the pool than a normal Rex pool member. Recommendation: That Barossa Swimming Club members are also Rex members and are charged $9 per week.</td>
</tr>
<tr>
<td>Grant funding for training aids and equipment</td>
<td>The Club will be eligible to apply for a Community Assistance Scheme grant up to the value of $3,000 to assist with equipment purchases.</td>
</tr>
</tbody>
</table>

It is proposed that these fees be reviewed in 12 months to take into account membership numbers and if the lane hire rates should increase as the Club becomes more sustainable.

Summary and Conclusion
The Barossa Swim Club Feasibility Group are looking for Council’s support, financial and in-kind to establish a swimming club to operate at The Rex and the Nuriootpa pools.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Letter from Barossa Swim Club Feasibility Group
Attachment 2 – Proposal and discussion document

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
Corporate Plan
2.1 Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
3.3 Ensure Council’s sporting, recreational and leisure building facilities and associated programs meet the current need of the community to an agreed level of service.
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.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Resource and Risk Management Considerations
There has been some initial feedback from existing lap swimmers at the Rex who are interested in maintaining their preferred lane selection. The Barossa Aquatic and Fitness Centre Manager is considerate to all user requirements and preferences and will work with all to ensure positive outcomes.

COMMUNITY CONSULTATION
There are no items related to this matter that require consultation under the Act or Council’s Policy.

7.3.4.4
VOLUNTEER CODE OF CONDUCT
B6023 17/39261

MOVED Cr Boothby that Council endorses the Volunteer Code of Conduct (Trim Ref: 17/3883).
Seconded Cr Milne CARRIED 2014-18/1131

PURPOSE
Following endorsement by the Corporate Management Team (CMT), approval is now sought from Council to implement the Volunteer Code of Conduct (Attachment 1) to all internal volunteers for signed acceptance, and inclusion in the Council’s suite of policy and process documents.

REPORT
Volunteers, like paid employees, are a public face of our Council and they represent our Council in areas that are customer facing and visual to our community.

As noted by the Local Government Association (LGA) –
“Rights and responsibilities set the standards of a volunteer program within any Council and assist both the Council and each volunteer to abide by the philosophy and ethos of the Council.

The Council has a significant commitment to its volunteers and has substantial responsibilities towards them including recognising the National Standards for Involving Volunteers in Not for Profit Organisations. Volunteers also have rights which are contained in legislation.

Volunteers have the same level of responsibility as the paid workforce with regard to their behaviour and activities while carrying out their duties for the Council.

Volunteering is work which is:
The Barossa Council

Minutes of Council Meeting held on Tuesday 18 July 2017

Of benefit to the community
Done of one’s own free will, and
Done without monetary reward

Volunteers play an integral role within society in general by initiating and enhancing the services provided by employed staff, without being a substitute for paid work.”

A Code of Conduct for Volunteers has been drafted and rewritten a number of times over the past few years, within Council, but has not managed to get past the draft document stage. As part of the internal volunteer project, it was identified that a Code of Conduct for Volunteers was urgently required to ensure best practice. With the need to ensure all Volunteers currently participating in Council activities are given the document for understanding and signing and also that the Code of Conduct be part of the core suite of documents for any new Council Volunteers.

The implementation of this Code of Conduct will ensure that expectations are clearly outlined to all volunteers, similar to the Code of Conduct for paid employees.

Utilising both the LGA recommended Code of Conduct for Volunteers and in consultation with both our volunteer working party and the broader Volunteer supervisors within Council, a streamlined, easy to read and understand document for Volunteers to comply with, has been developed. Time has been spent ensuring that the language used is simple and easy to read but that it also does not lose its intent or legally binding expectations.

Volunteer Working Party consisted of:
Karen McDonald – Volunteer Coordinator
Brooke Chinner – Youth Coordinator (volunteer supervisor) and Admin Assistant – Volunteering
Jo Parker – Home Assist and Transport Coordinator
Nicole Westrich – Governance Officer
Kirsty Hage – Manager, Community and Culture

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Volunteer Code of Conduct

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Community and Culture
- Health and Wellbeing
- How We Work – Good Governance

Identify Strategy/s
2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
2.4 Encourage and support volunteering in the community.

Corporate Plan
2.4 Foster volunteering opportunities that are responsive to the needs of the Community.
6.12 Ensure that our people (workers including employees, volunteers and contractors) have the skills, resources and understanding of organisational processes to do their job.

Legislative Requirements
Work Health Safety Act 2012
Local Government Act 1999
Independent Commissioner Against Corruption Act 2012 (SA)
Volunteer Protection Act (2001)
The Barossa Council

Minutes of Council Meeting held on Tuesday 18 July 2017


**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

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**COMMUNITY CONSULTATION**

Community consultation is not required under legislation or Council’s Public Consultation Policy. Internal consultation:

- The draft document was sent out to all volunteer supervisors for comment (this information was then considered and implemented by the working party).
- The draft document was then sent out to the Organisational Management Group for consultation (no further recommendations where received during this stage).
- The final draft document was sent to CMT for final endorsement and recommendation.

**7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES - DEBATE**

**7.4.1.1 STATE LOCAL GOVERNMENT INFRASTRUCTURE PROGRAM (SLGIP) – SPRINGTON ROAD AND FOOTPATH UPGRADES ACCELERATION PLAN**

B6443 17/44893

MOVED Cr Lange that authorisation be given for the Funding Deed documentation for the State Local Government Infrastructure Program – Springton Road and Footpath Upgrades Acceleration Plan to be signed and sealed by Council and authorise the Chief Executive Officer to make any further minor amendments deemed necessary to finalise the deed in consultation with the Mayor.

Seconded Cr Seager CARRIED 2014-18/1132

**PURPOSE**

A report was presented to Council at its meeting held on 18 April 2017 advising of Council’s successful application – SLGIP grant application – Springton Road and Footpath Upgrades Acceleration Plan.

**REPORT**

**Introduction**

At the 18 April 2017 meeting it was resolved as follows:-

“MOVED Cr de Vries that Council authorises the Director, Works and Engineering Services to enter into a funding contract with the Local Government Association and the Government of South Australia for the State Local Government Infrastructure Partnership for our Better Barossa Connection Project.

Seconded Cr Seager CARRIED 2014-18/1007”

The Local Government Association (LGA) has agreed to enter into a State Local Government Infrastructure Partnership (Funding Deed) with The Barossa Council. There are a number of obligations which will arise for The Barossa Council under the Funding Deed, these are summarised below. See document attached for other obligations not listed.
- Secure 80% of the cost of the Approved Project.
- Do not deliberately offset project expenditure with a reduction in total planned other capital expenditure in 2017-2018, 2018-2019 and 2019-2020 financial years.
- Provide copy of Funding deed to Council’s Audit Committee and draw particular attention to the clause obligation not to offset project expenditure.
- Scope of project only to be varied with prior written approval of the LGA, use only Australian certified steel and maximise the use of local contractors during construction where practicable.
- Seek approval of the LGA to any variation.
- Provide satisfactory evidence to the LGA that construction on the Approved Project has commenced by 31 December 2017.
- Quarterly, Annual and Final reporting.
- Notification of Project completion.
- Formal opening with Ministerial invites.

The requirements are consistent with the programme guidelines and requirements placed on the LGA and The Barossa Council by the State.

Summary and Conclusion
The draft Funding Deed template has been received from the Local Government Association which requires signing and sealing by Council – see attached.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Council report – 18 April 2017
Attachment 2 – SLGIP template Council funding deed

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
Identify Theme/s (utilising the icons)

- Infrastructure
- Business and Employment

3.1 Develop and implement sound asset management which delivers sustainable services.
3.4 Participate in networks to improve efficient asset management and maintenance.
3.5 Advocate for and seek out funding opportunities that support the development of community, health and other facilities and infrastructure from both state and federal government.
3.7 Ensure infrastructure meets the needs of people with and provides for all abilities access.
5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Refer listed obligations

COMMUNITY CONSULTATION
Nil

7.4.1.2
PROPOSED BAROSSA FREIGHT ROUTE AMENDMENTS
B6610 17/46978

MOVED Cr Milne that:
(1) Council approve the following roads be added to the Barossa Freight Route for level 2 Performance Based Standard (PBS) vehicle access:
The Barossa Council

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Old Sturt Highway, Nuriootpa, from Murray Street to the proposed Bridgestone Tyre development;
Heuritsch Lane, Angaston, from Stockwell Road to the end.

(2) Council approve the following Barossa Freight Route roads be upgraded to Level 3A Performance Based Standard (PBS) vehicle access:

Old Kapunda Road, Nuriootpa, from Sturt Highway to Peramangk Road;
Peramangk Road, Nuriootpa, from Old Kapunda Road to the Hahn Transport Hub entrance;
Carrara Hill Road, Stockwell, from Sturt Highway to Light Pass Road;
Light Pass Road, Stockwell, from Carrara Hill Road to the Wolf Blass Winery entrance.

Seconded Cr de Vries

CARRIED 2014-18/1133

PURPOSE

Application has been received by various industry representatives through the National Heavy Vehicle Regulator (NHVR) for vehicle class access amendments to some sections of the Barossa Freight Route.

REPORT

Background

A number of vehicle class access amendments have been proposed for the Barossa Freight Route, both as a result of approved development and also applications by industry groups.

Applications for these are administered by the National Heavy Vehicle Regulator (NHVR), who liaise with the road manager, in this case The Barossa Council, for approval of vehicle access on roads not currently gazetted.

Introduction

The Barossa Freight Route is gazetted for approved access by Level 2 Performance Based Standard (PBS), ie, up to B-Double vehicle access. Refer attached plan.

The following roads are proposed to be added to the route network – refer attached plan as a result of approved development:

1. Proposed Level 2 PBS (B-Double vehicle) access on Old Sturt Highway, Nuriootpa, from Murray Street to the proposed Bridgestone development. The Bridgestone development was approved by the Light Regional Council as the site is located within its Council area, although the access is to Old Sturt Highway, under the jurisdiction of The Barossa Council. The DPTI have already approved the B-Double vehicle access at the intersection of Old Sturt Highway with Murray Street, which is under their jurisdiction. Refer attached Plan.

2. Proposed Level 2 PBS (B-Double vehicle) access on Heuritsch Lane, Angaston, from Stockwell Road to the end of Heuritsch Lane. Recent road upgrade works performed by Council have widened the intersection pavement to safely accommodate the proposed vehicle, formalising the pre-existing approved planning function and intersection use. Refer attached Plan.

Applications are also being received from local industry via the NHVR requesting access of Level 3A PBS vehicles to particular locations. Level 3A PBS is a larger than Level 2 PBS vehicle and includes A-Double and B-Triple vehicles, otherwise known as Road Trains.

The following roads are proposed to have the vehicular access class amended as a result of industry application:
3. Proposed Level 3A PBS (A-Double vehicle, Road Train) access from Sturt Highway to the Hahn Transport Hub on Old Kapunda Road, from Sturt Highway to Peramangk Road, and Peramangk Road, from Old Kapunda Road to the Hahn Transport Hub entrance. These roads were inspected by the DPTI, with Council staff present and an on-road A-Double Road Train vehicle drive through was performed to check the actual vehicle swept path in terms of appropriate road width and safety. The DPTI risk based assessment deemed the vehicle manoeuvre to be appropriate for the roads concerned and compliant for the proposed access. Refer attached Plan.

4. Proposed Level 3A PBS (A-Double vehicle, Road Train) access from Sturt Highway to the Wolf Blass winery entrance, on Carrara Hill Road, from Sturt Highway to Light Pass Road, and Light Pass Road, from Carrara Hill Road to the Wolf Blass winery entrance. These roads were inspected by the DPTI, with Council staff present and an on-road A-Double Road Train vehicle drive through was performed to check the actual vehicle swept path in terms of appropriate road width and safety. The DPTI risk based assessment deemed the vehicle manoeuvre to be appropriate for the roads concerned and compliant for the proposed access. Refer attached Plan.

Discussion
The State Government Department of Planning Transport and Infrastructure (DPTI) has recently gazetted approval of Level 3 (PBS) vehicle access on Sturt Highway, which includes A-Double & B-Triple (Road Train) vehicles – see attached.

The DPTI has been proactively providing technical assessment support for vehicle fit assessment and have provided support for the above four proposals.

It is noted that the DPTI risk based assessment methodology employed considers actual truck and road criteria in addition to the empirical data of the vehicle swept path assessment methodology previously employed. Their move to risk based assessment processes is being promoted by the DPTI management to enable the State’s roads to be opened up for larger vehicles, where appropriate, to facilitate greater transport efficiency and overall economic capacity.

Summary and Conclusion
Based on the vehicle swept path movements and the approval of the DPTI, Council Staff likewise deem the roads to be appropriate for the proposed vehicle type access on the Barossa Freight Route.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 - Existing Barossa Freight Route plan
Attachment 2 - Amended Vehicle Access plan
Attachment 3 – Vehicle Access Plan – Old Sturt Highway
Attachment 4 – Vehicle Access Plan - Heuritsch Lane
Attachment 5 – Vehicle Access Plan - Hahn Transport Hub
Attachment 6 – Vehicle Access Plan – Wolf Blass Winery
Attachment 7 - Vehicle Data, including Level 3A PBS vehicle access.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

Infrastructure

3.6 Invest in, and advocate for, community facilities that support cultural and community participation.
3.8 Support opportunities to increase community transport and access to services and facilities.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The risk based assessment process of the DPTI accepts that in certain circumstances the swept path of the vehicle may track into adjacent road carriageway or occasionally over the outside
road edge. This may not have been considered acceptable with the more conservative empirical based assessment process.

Approval of the above mentioned short road sections for A-Double (Road Train) access does not require capital upgrade investment but may require an ongoing operational intervention to ensure road edges are kept in good repair. Whilst technically there is no additional weight per bogie from the larger vehicles, there are more wheels in contact with the road and potentially more dragging and scraping movement on the bitumen pavement surface at bends and intersections.

COMMUNITY CONSULTATION
Consultation with the transport industry and the DPTI has been on-going for many years. There is strong support from these stakeholder groups for the changes outlined above.

7.5.1 DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES - DEBATE

7.5.1.1 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS
B5801 17/43114

MOVED Cr Harris that Council having reviewed the Minutes of the Upper Torrens Land Management Project Final Meeting held 8 June 2017 and Barossa Bushgardens S41 Committee Meeting held 14 June 2017, that the Minutes be received and noted.
Seconded Cr Angas CARRIED 2014-18/1134

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

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Minutes of Upper Torrens Land Management Project meeting held on 8 June 2017
Attachment 2: Minutes of Barossa Bushgardens S41 Committee Meeting held 14 June 2017

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

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

Legislative Requirements
Local Government Act and Regulations

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FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Identified within the body of the Minutes, and is included within the 2016-17 Budget.

COMMUNITY CONSULTATION
Not required by Council.

7.5.1.2
STANDARDS AND REQUIREMENTS FOR THE DESIGN, CONSTRUCTION AND DEVELOPMENT OF INFRASTRUCTURE ASSETS
B5789

Seconded Cr Boothby          CARRIED 2014-18/1135

PURPOSE
To seek Council decision to adopt the Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division.

REPORT
Introduction
The Barossa Council over the years has prepared information to assist developers undertake development with the Barossa.

In 2016-17, concern was raised as to the information sharing between developers, Council planning and engineering staff in relation to land division proposals, and need to ensure that infrastructure assets were being adequately addressed during the assessment process.

Accordingly, a review of all available information was undertaken to consolidate the necessary information required for land division proposals.

Discussion
At the June Council Workshop, Elected Members were presented with the draft Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division.

The standards and requirements have been prepared to assist developers in undertaking land division development. The standards and requirements present the minimum standards for land development to be accepted by Council as part of the land division approval process.

This will ensure that post development Council inherits infrastructure assets that are sustainable.

Members were requested to provide feedback on the draft by 30 June 2017.

A final version of the guideline has now been prepared for Council’s consideration and adoption.

As mentioned at the workshop, the Planning, Development and Infrastructure Act 2016 will introduce a contemporary way of managing infrastructure through Basic and General Infrastructure Schemes. The schemes will be used to ensure the infrastructure needed to support new development is identified, committed, costed and funded beforehand and delivered when and where it is needed.

As part of this, the State Government is to commence preparation of new Design Standards. It is anticipated that the standards will aim to be ‘best practice’ and provides useful information to enable councils and others to consider the multiplicity of infrastructure requirements that need to be considered to achieve development outcomes.

It is proposed that the Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division be used by Council
Administration to negotiate development outcomes, until such time that the Design Standards are enacted by the State Government.

Summary and Conclusion
The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division has been prepared by Council Administration in order to consolidate all existing requirements for infrastructure assets as part of the assessment process.

Having a consolidated document will ensure that all parties involved in the development process have the necessary information upfront when seeking to negotiate development outcomes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 - ‘Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division’

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
- Natural Environment and Built Heritage
- Community and Culture
- Infrastructure

Corporate Plan
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.
2. Work toward developing township streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service.
1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.
2.1 Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
3.2 Ensure Council’s parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.

Legislative Requirements
- Development Act 1993
- Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial Management
- Nil
Risk Management
- Nil

COMMUNITY CONSULTATION
- Nil

7.5.2 DEVELOPMENT POLICY - DEBATE

7.5.2.1 NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DEVELOPMENT PLAN AMENDMENT – STATEMENT OF INTENT AND DEED OF AGREEMENT B6245

Author: Principal Planner
MOVED Cr Milne that:

(1) Council agree to initiate a developer funded Development Plan Amendment process to facilitate a highway service centre and associated facilities at 7 Belvidere Road, Nuriootpa.

(2) The Deed of Agreement between Council and Rocland Wines Pty Ltd be endorsed.

(3) The Statement of Intent for the proposed Nuriootpa (Sturt Highway Service Centre Development Plan Amendment be endorsed and forwarded to the Minister for Planning for his agreement.

(4) The draft Development Plan Amendment document be presented to Council for endorsement prior to commencing consultation.

Seconded Cr de Vries CARRIED 2014-18/1136

PURPOSE
To consider a Deed of Agreement and Statement of Intent in relation to a proposed developer funded Development Plan Amendment (DPA) to facilitate a highway service centre on the corner of the Sturt Highway and Belvidere Road, Nuriootpa.

REPORT
At its meeting on 16 May 2017 Council agreed “to consider a developer funded Development Plan amendment process for investigating the rezoning of land at Belvidere Road and Sturt Highway, Nuriootpa” to facilitate a highway service centre and associated facilities. Council also requested that a Statement of Intent (SOI) be presented for its review (Refer Agenda Item 7.5.3.2, Resolution 2014-18/1048).

Attached is a draft Deed of Agreement detailing each party’s obligations including confirmation that the proponent will contribute an amount towards the cost of the DPA.

Also attached is an SOI prepared by the proponent’s planning consultant and reviewed by Council staff. The SOI provides for an amendment process which would either rezone the land or simply amend Primary Production (Barossa Valley Region) Zone policies whereby the proposed development would be a merit form of development.

Assuming the Minister for Planning allows the DPA to be commenced it is recommended that the draft DPA document containing Investigations and Amendment be presented to Council for endorsement. The above resolution also confirms Council’s agreement to the request to initiate the DPA.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 Deed of Agreement
Attachment 2 Statement of Intent

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan
- Natural Environment and Built Heritage

Corporate Plan
1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

Legislative Requirements
Development Act 1993.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial
The Deed of Agreement provides for a contribution from the developer to cover out of pocket expenses but also provides scope for additional resources to be recovered from the developer to cover any additional or unforeseen costs and tasks.

Resource
Refer above discussion.

Risk
Given the current planning reforms and the State Government’s position on commencing new DPAs, the potential exists for the Minister for Planning to not endorse the SOI with an associated risk of wasted staff resources. Alternatively the project could be delayed significantly if any proposed policy approach is only able to be incorporated into the forthcoming Planning and Design Code via a new and unknown ‘designated instrument’ amendment process.

**COMMUNITY CONSULTATION**
No community consultation has taken place regarding this matter. Formal consultation would take place during the DPA process.

8. **CONFIDENTIAL AGENDA**

8.1 **MAYOR – CONFIDENTIAL AGENDA – 10.19AM**

Pursuant to S120(1) of the Local Government Act 1999 Mr Martin McCarthy, Chief Executive Officer, disclosed a conflict of interest in the matter 8.1.1 – Chief Executive Officer’s 2016/17 Performance Review as the report relates to his employment.

Mr McCarthy advised Council of the conflict of interest and left the meeting at 10.19am.

Mr Steven Kaesler, Acting Director Works and Engineering Services, Mrs Joanne Thomas, Director Community Projects, Mr Gary Mavrinac, Director Development and Environmental Services, Mr Mark Lague, Group Manager Corporate Services, Mrs Rebecca Tappert, Acting Group Manager Community Services, Mrs Taryn Wills, Communications Officer and Ms Lorraine Walsh, Executive Assistant also left the meeting at 10.19am.

8.1.1 **CHIEF EXECUTIVE OFFICER’S 2016/17 PERFORMANCE REVIEW**

E1200

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

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

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

钹动 铈 Cr Milne 鈥.getPassword() Council:
(1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public and officers be excluded from the meeting, in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999, relating to agenda item 8.1.1 Chief Executive Officer’s 2016/17 Performance Review being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to release information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

钹动 鈥(password) accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential are that the disclosure of private information of an individual would be unfair given the matter pertains to employment details that would not be expected to be open other than by way of ensuring the requisite legislative disclosures.

钹动 鈥(password) Cr de Vries CARRIED 2014-18/1137

RESUMPTION OF OPEN COUNCIL MEETING – 10.31AM
The open meeting of Council resumed at 10.31am.

In the matter: 8.1.1 - Chief Executive Officer's 2016/17 Performance Review

钹动 鈥(password) Cr de Vries that Council:
(1) Confidential resolution

钹动 鈥(password) having considered this matter in confidence under Section 90(2) of the Local Government Act 1999 (the Act), makes an order pursuant to Section 91(7), that the report, minutes, documents and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 18 July 2017 in relation to item 8.1.1 Chief Executive Officer 2016/17 Performance Review be kept confidential and not available for public inspection, except information required to be released pursuant to Section 91(8) of the Act, until the conclusion of the Chief Executive Officer’s employment and the said order be reviewed by Council annually on the basis it has received and discussed a matter pertaining to the employment and performance review and conditions of employment of the Chief Executive Officer as contemplated by Section 90 (3)(a) of the Act.

钹动 鈥(password) Cr Milne CARRIED CO2014/18-62
Mr Martin McCarthy, Mr Steve Kaesler, Mr Gary Mavrinac and Ms Lorraine Walsh returned to the meeting at 10.31am.

9. REPRESENTATIVES ON COUNCIL COMMITTEES - REPORTS
   Nil

10. OTHER BUSINESS
    Nil

11. NEXT MEETING
    Tuesday 15 August 2017 at 9.00am

12. CLOSURE OF MEETING
    Mayor Sloane declared the meeting closed at 10.32am.

Confirmed at Council Meeting – Tuesday 15 August 2017

Date:........................................ Mayor:....................................