

## **DISTRICT COUNCIL OF MOUNT BARKER**

### **NOTICE OF MEETING**

Pursuant to Section 83 of the Local Government Act 1999 notice is hereby given that the following meeting will be held in the Council Chambers, Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker on Monday 16 September 2013.

7.00 pm

Council Meeting

A handwritten signature in black ink, appearing to read 'A. Stuart', is positioned above the printed name and title.

**A. Stuart**  
**CHIEF EXECUTIVE OFFICER**

11 September 2013



**District Council of Mount Barker – Monday 16 September 2013**

**ORDER OF BUSINESS**

<b>1.</b>	<b>COUNCIL OPENING</b>	
	- Expression of Faith	
	- Welcome	
	- Apologies or Leave of Absence	
<b>2.</b>	<b>QUESTIONS FROM THE GALLERY.....</b>	<b>1</b>
<b>3.</b>	<b>CONFIRMATION OF MINUTES.....</b>	<b>1</b>
	<b>3.1 2 September 2013 .....</b>	<b>1</b>
<b>4.</b>	<b>MAYOR’S REPORT .....</b>	<b>1</b>
<b>5.</b>	<b>MEMBERS’ REPORTS .....</b>	<b>1</b>
<b>6.</b>	<b>CONFLICT OF INTEREST DECLARATION .....</b>	<b>1</b>
<b>7.</b>	<b>QUESTIONS WITH NOTICE.....</b>	<b>3</b>
	<b>7.1 Clover Leaf Mens’ Shed – Cr Hamilton .....</b>	<b>3</b>
	<b>7.2 Emergency Planning – Cr Bailey .....</b>	<b>5</b>
	<b>7.3 Property Council Contributions – Cr Bailey .....</b>	<b>9</b>
	<b>7.4 Urban Renewal Bill – Cr Bailey .....</b>	<b>11</b>
<b>8.</b>	<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>13</b>
<b>9.</b>	<b>MOTIONS ON NOTICE .....</b>	<b>13</b>
<b>10.</b>	<b>DEPUTATIONS .....</b>	<b>13</b>
<b>11.</b>	<b>PETITIONS .....</b>	<b>13</b>
<b>12.</b>	<b>REPORTS.....</b>	<b>15</b>
	<b>12.1 Town Centre EOI .....</b>	<b>15</b>
	To seek approval to commence the Expressions of Interest for Office (EOI) Accommodation and Multi-storey Car Park.	
	<b>12.2 Biodiversity Survey Report .....</b>	<b>61</b>
	To respond to a question at the 19 August Council meeting and motion passed to investigate the risks and benefits of a biodiversity survey throughout the MDPA lands.	
	<b>12.3 Proposed Safety Audit for Adelaide Road Freeway Interchange.....</b>	<b>69</b>
	To seek Council approval to undertake a safety audit of the Adelaide Road Freeway Interchange.	
	<b>12.4 Ward Donations .....</b>	<b>73</b>
	To allocate ward donation funds to individuals or organisations.	
<b>13.</b>	<b>RECOMMENDATIONS FROM ADVISORY COMMITTEES .....</b>	<b>77</b>

<b>14.</b>	<b>INFORMATION REPORTS .....</b>	<b>79</b>
<b>14.1</b>	<b>Managing Growth.....</b>	<b>79</b>
	To provide an update on Managing Growth.	
<b>14.2</b>	<b>Morphett/Hutchinson Streetscaping .....</b>	<b>83</b>
	Provide an update on the detailed designs for the Morphett Hutchinson Precinct Streetscape Project.	
<b>14.3</b>	<b>MDPA Separate Rate Revenue.....</b>	<b>91</b>
	Provide Council with an update on the Transport, Wastewater and Recreation and Community infrastructure separate rates raised and postponed in the 2013/14 financial year.	
<b>14.4</b>	<b>Approval Elector Representation Review.....</b>	<b>93</b>
	To provide an update on the progress of the Elector Representation Review report.	
<b>15.</b>	<b>QUESTIONS ARISING FROM COUNCIL MEETING.....</b>	<b>95</b>
<b>16.</b>	<b>CONFIDENTIAL REPORTS.....</b>	<b>97</b>
<b>16.1</b>	<b>Land Sale.....</b>	<b>97</b>



1. **COUNCIL OPENING**

**EXPRESSION OF FAITH**

**WELCOME STATEMENT**

**APOLOGIES OR LEAVE OF ABSENCE**

2. **QUESTIONS FROM THE GALLERY (15 MINUTES)**

3. **CONFIRMATION OF MINUTES**

**3.1 RECOMMENDATION**

That the minutes of the meeting held on 2 September 2013 as circulated to Members be confirmed as a true and accurate record of proceedings.

4. **MAYOR'S REPORT**

5. **MEMBERS' REPORT**

6. **CONFLICT OF INTEREST DECLARATION**



**7. QUESTIONS WITH NOTICE**

**7.1 TITLE: CLOVER LEAF MENS' SHED, MOUNT BARKER**  
**DATE: 16 SEPTEMBER 2013**  
**TRIM: 13/086148**

*Background – Provided by Councillor Hamilton*

*District Council of Mount Barker is spending much of its time, money and effort modelling the growth areas of Mt Barker Littlehampton and Nairne.*

*The stewardship of the Mt Barker Clover Leaf Men's Shed is within the domain of Cr Campbell, the nominated Council representative, and Cr Heath nominated representative on the Community House which is the over arching body for the C.L.M.S.*

*During these challenging times we must not let our communities interests be placed at the bottom of the basket.*

*Questions*

- 1. What steps have been taken by our Council to help the C.L.M.S. find a new home;*
- 2. Does the Council acknowledge The Men's Shed is an important part of Council's program addressing men's health and wellbeing;*
- 3. Do we acknowledge the Federal Government's recognition that Men's Sheds address mental health. With an ageing population across Australia we must not ignore the needs of seniors in our community?*
- 4. Where is the money which has been allocated to the C.L.M.S. has it been secured in a separate account?*

**Councillor Susan Hamilton**  
9 September 2013

**Officer Response:**

Council staff have had discussions with Sean Haines, Councillor Heath & Errol Crouch as representatives of the Mt Barker Community House's Men's Shed project regarding the requirements for space and facility, as well as governance structure, to continue and maintain the project. These specifications will be provided to council shortly in the form of a proposal for consideration.

Men's Sheds are acknowledged as a good means to promote a holistic approach to maintaining and improving men's Health. Staff continue to help facilitate good outcomes for the health of men in our community consistent with the direction of the Federal government.

The Clover Leaf Men's Shed is auspiced by the Mt Barker Community Centre and therefore their project. Any funds allocated to the Men's Shed are managed through the administrative arrangements of the Mount Barker Community Centre including reporting at monthly board meetings and via the annual report to Council.

Greg Sarre  
Acting General Manager Council Services

- 7.2 TITLE: DISTRICT COUNCIL OF MOUNT BARKER EMERGENCY PLAN, DESIGNATED SAFE AREAS AND BRIEFING FOR ELECTED MEMBERS**
- DATE: 16 SEPTEMBER 2013**
- TRIM: 10/030/199**

Background – Provided by Councillor Bailey

*At a General Meeting of the Mount Barker and District Residents' Association on 28th August the guest Speaker, Mr. Len Rolfe from Australian Red Cross, suggested that as a first step community groups should acquaint themselves with Council's emergency plan or places designated as 'safe areas'. He also indicated his willingness to address our elected members on the topic of being prepared and planning first actions in a local emergency.*

Questions

- 1. Does Council have an 'Emergency Plan' and if so what does it address?*
- 2. What are the designated 'safe areas' for the District?*
- 3. Can Mr. Rolfe's offer be taken up to address our elected members in a briefing session in the near future and can this be open to the public?*

**Councillor Carol Bailey**  
10 September 2013

**Officer Response:**

Q1: Council does have an Emergency Risk Management Plan which was developed in 2008. This plan needs to be reviewed as it currently only relates to Council owned sites.

The Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Committee are working on a regional plan which encompasses Mount Barker as part of the Zone. The LGA is also working on an Emergency Management Plan. Council have been awaiting the outcome from both these plans before proceeding with updating its plan to ensure consistency.

Q2:

The Identified "safe areas" within the Mount Barker Council District are as per the South Australian Country Fire Service (SACFS) website below:

**Bushfire Safer Precincts**

Township	Fire Ban District
Hahndorf	Mount Lofty Ranges
Mount Barker	Mount Lofty Ranges
Nairne	Mount Lofty Ranges

**Last Resort Refuges**

Location	Site Name	Open Space	Address	Fire Ban District
Callington	Callington Recreation Ground	Open Space	Callington Road, Callington SA 5252	Mount Lofty Ranges
Echunga	Echunga Recreation Ground	Open Space	Echunga Hahndorf Road, Echunga SA 5153	Mount Lofty Ranges
Littlehampton	Anembo Park	Open Space	Adelaide Road, Littlehampton SA 5250	Mount Lofty Ranges
Macclesfield	Macclesfield Recreation Ground	Open Space	Davies Street, Macclesfield SA 5153	Mount Lofty Ranges
Meadows	Meadows Oval	Open Space	Mawson Road, Meadows SA 5201	Mount Lofty Ranges

Q3:

As part of Council's Community Education/ Awareness Strategy we have partnered with both the SACFS and The Australian Red Cross to conduct education and engagement programs.

The content that was discussed at the District Residents Meeting on the 28th August 2013 was part of the REDiPLAN program run by the Red Cross in conjunction with Council.

There are tentative public meetings scheduled for October of this year for the REDiPLAN program, these will be advertised closer to the date.

Council's Fire Prevention Officer can organise a separate session as part of an Informal gathering at the request of Elected Members if necessary.

Below is the schedule for the REDiPLAN Program:

**October**

Mt Barker Library

Public session

The District Council of Mt Barker Library, 5 Dumas Street Mt Barker

Rebecca Jeffree

Wed 23 Oct

10-11.30am

tentative booking

Mt Barker Library

Public session

The District Council of Mt Barker Library, 5 Dumas Street Mt Barker

Rebecca Jeffree

Thurs 24 Oct

6.30-8.00pm

tentative booking

Greg Sarre

Acting General Manager, Council Services





**7.3 TITLE: PROPERTY COUNCIL CONTRIBUTIONS**  
**DATE: 16 SEPTEMBER 2013**  
**TRIM: 13/088567**

Background – *Provided by Councillor Bailey*

*I have been asked by a number of residents over the past month whether our Council contributes to The Property Council and am therefore formally seeking this information.*

Question

*Does our Council contribute to The Property Council? If so, what is the nature and rationale for the contribution?*

**Councillor Carol Bailey**  
10 September 2013

**Officer Response:**

District Council of Mount Barker does not contribute to the Property Council of Australia. A member listing is publicly available on the Property Council of Australia's website:

<http://www.propertyoz.com.au/sa/Member/Listing.aspx?p=51>

Andrew Stuart  
Chief Executive Officer



**7.4 TITLE: URBAN RENEWAL BILL**  
**DATE: 16 SEPTEMBER 2013**  
**TRIM: 10/030/199**

*Background – Provided by Councillor Bailey*

*On 21st August I was invited to attend a briefing by DPTI on the Urban Renewal Bill which has already passed through the Lower House of Parliament and is now being debated in the Upper House.*

*This matter has not been discussed with elected members at all and we have not been briefed on any of the issues currently being raised by other Councils.*

*Question*

*Considering the huge potential impact this Bill will have on local government, and indeed Mount Barker, when can representatives from DPTI be invited, as a matter of high priority, to deliver this same briefing on the Urban Renewal Bill to our elected members?*

*It is noteworthy that this requires time of Councillors and two DPTI staff who have been delivering this briefing at numerous locations, not the time or input of our own staff.*

**Councillor Carol Bailey**  
10 September 2013

**Officer Response:**

Council's Policy Planner, Mr Simon Coote has provided the following response.

Council has not provided a submission to this Bill however the LGA has offered broad support, made comment and proposed some amendments. The LGA submission is available on request.

The legislation empowers Renewal SA with greater capacity to encourage urban renewal and development by the creation of special 'precincts'. It provides a regulatory framework that aims to integrate the 30-Year Plan for Greater Adelaide and recent zoning changes with Renewal SA's remit.

The legislation could have benefits for councils (mostly in the metropolitan area) as many of the powers it confers to Renewal SA can be adapted to efforts to rejuvenate tired suburbs.

The Bill incorporates community engagement and design review processes into the planning and design of renewal projects.

The Bill includes a new process for planning and developing declared urban precincts. In addition to providing powers to the Urban Renewal Authority, this new process may also be available to councils looking to undertake urban renewal projects.

Other key changes proposed in the Bill include:

- Placing the Urban Renewal Authority on a statutory footing – elevating its status from being the product of subordinate legislation to that of statutory body.
- Providing statutory powers to assist in the delivery of urban renewal.
- Renaming the *Housing and Urban Development (Administrative Arrangements) Act* as the *Urban Renewal Act*.

Council's planning staff have approached the relevant personnel within DPTI with a request for a briefing to District Council of Mount Barker Councillors on the above Bill. Council's planning staff are currently waiting for a response.

Mr Greg Sarre

Acting General Manager Council Services

8. **QUESTIONS WITHOUT NOTICE – COUNCILLORS**

9. **MOTIONS ON NOTICE**

NIL

10. **DEPUTATIONS**

NIL

11. **PETITIONS**

NIL



**12.        REPORTS****12.1       REPORT TITLE:       EXPRESSIONS OF INTEREST FOR OFFICE  
ACCOMMODATION AND MULTI-STOREY  
CAR PARK****DATE OF MEETING: 16 SEPTEMBER 2013****FILE NUMBER:       70/030/232****Strategic Plan 2012-2017 Ref:**

2.2 Commence Implementation of the Mount Barker Town Centre Strategy.

**Purpose:**

To seek approval to commence the Expressions of Interest (EOI) for Office Accommodation and Multi-storey Car Park.

**Summary – Key Issues:**

- A draft EOI and advertising program has been prepared.
- The proposal will provide a key opportunity to underpin economic activity in the Gawler Street precinct.
- Council approval is sought to commence the EOI process.

**Recommendation:**

That Council:

1. Approves the commencement of the EOI (Stage 1) for Office Accommodation and a Multi-storey Car Park
2. Approves Stage 1 Assessment Panel Membership of Mayor Ann Ferguson (Chair), General Manager Corporate Services (David Peters), Manager Projects (David Morton) and one other Elected Member to be nominated.
3. Nominates a suitably experienced Elected Member as the fourth member of the Stage 1 Assessment Panel.
4. Notes that it will receive a report with the Assessment Panel's recommendations on a proposed shortlist of proponents to be selected for the Stage 2 Request for Proposals.

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**Background:**

1. Council's Town Centre Strategy Masterplan (Town Centre Strategy) includes a key criterion to support the Town Centre by moving its administration and customer services facilities to a site close to Gawler Street.
2. The lease on the current office building at Dutton Road is into its first two year extension with an option for a further two year extension

which would expire in approximately three and a half years. It is therefore timely for Council to commence a process which will enable it to consider alternatives for its future accommodation.

**Discussion:**

3. The Expression of Interest (EOI) document is shown as Attachment 1. Council has engaged Mr Matthew Adcock of Leedwell Strategic to manage the EOI.
4. The EOI process seeks to implement the Mount Barker Town Centre Strategy and enhance Mount Barker as a well-planned, vibrant Regional Town Centre with significant employment accommodation in proximity to the Historic Main Street. The Town Centre Strategy recognises the importance of retaining Gawler Street as the 'Centre' of the township and promoted the areas adjacent for development which would support an increase in activity along the Main Street.
5. The EOI provides the potential for activation of key strategic sites in the Town Centre to act as a catalyst for increased activity in the Civic/Office Precinct adjacent Gawler Street.
6. Council undertook a review of its Carparking Contribution Fund in December 2012. The Town Centre Strategy (endorsed July 2012) provides a direction as to how the Centre can accommodate future development to meet the demands placed on it as a result of growth. The Strategy provides an action to establish a significant additional carparking facility to support activity in the Centre and address the current deficit of public parking in the Gawler Street precinct. It also highlights that in order to do this Council will need to review its Carparking Fund Policy.
7. Advice was been received from Property and Advisory (consultants) which recommended that the previous rate be increased to more accurately reflect contemporary land value and construction costs in establishing a multi deck carparking space.
8. The percentage establishment rate of contribution was recommended to increase from 50% to 75% to reflect the development pressures in the Town Centre as a result of continued and anticipated population growth. The Carparking Fund has now been increased by Council from \$13,500 per space (2008 rate) to \$23,250 per space. This being 75% of the costs (construction and land purchase) indicated in advice from Property & Advisory.

**Objectives of the EOI**

9. The key intent of the EOI is to facilitate economic development through the promotion of substantial additional office accommodation and multi-level car parking in the Regional Town Centre.



10. Council's objectives for the project are as follows:
1. Achieve a leadership project which is consistent with the Mt Barker Town Centre Strategy Masterplan, the Mt Barker Transport Masterplan, environmental objectives in Council's Strategic Plan and other guiding strategies and policies. The project will promote an increase in activity, economic development and investment into the Regional Town Centre and provide a strong foundation for the establishment of a core commercial and office precinct catering for the region.
  2. To establish commercial office accommodation which Council will anchor to act as a catalyst to attract other commercial office activity.
  3. The provision of a minimum of 100 publicly available car parks for casual parking in a multi-level format to support Gawler Street owners and traders.
  4. Use Council surplus land holdings, increased capacity consistent with the Town Centre Strategy objectives and Council's pre-commitment to lower the capital and ongoing costs of providing its office accommodation and parking to reduce the recurrent cost on existing and future ratepayers.
  5. A development structure which minimises capital/debt requirements, risk and ongoing costs to Council and presents a value add to Council.

#### Council land included in the EOI

11. Four Council owned sites have been included in the EOI which could potentially be used by proponents to provide the office accommodation and parking facilities being sought.

<b>SITE 1</b>	An amalgamated site on Stephen Street comprising land purchased from the Anglican Church (1,994sqm) and land historically	
<b>SITE 2</b>	Former Institute building on the corner of Gawler Street – low usage building used for retail shopfronts and various community uses. Generally known as the Former Town Hall	
<b>SITE 3</b>	Corner of Mann Street and Walker Streets – currently used as an open lot car park comprising 1,029sqm of land	
<b>SITE 4</b>	Land on Walker Street of some 300sqm – currently used as open lot parking by ANZ on a casual basis * subject to an agreement as outlined in the appendixes	

12. Proponents can also opt to use an alternative site which is not owned by Council. A 'Designated Area' (outlined in yellow in Attachment 2) has been nominated for alternative sites
13. The Designated Area is focused around Gawler Street to achieve the objectives of the Town Centre Strategy highlighted above. It is proposed that the Regional Office Precinct (as per Attachment 2) will provide accommodation of 25% of the desired office capacity of the Town Centre and employment capacity adjacent to the Gawler Street Precinct to support usage, growth and reinvestment into the Main Street.
14. Council's old Civic Centre site in Mann Street has not been explicitly included in the EOI to allow for its potential future use for non-office civic facilities. The buildings are currently leased to the State Government on a short term lease. There is potential for proponents to accommodate the State Government tenancy in a new development subject to agreement. The Mann St land is expected to be part of a future process including civic outcomes.
15. Proposals for the office and parking components can be provided separately or together and located on one site or separate sites. It is expected that there will be benefits arising from the close proximity of office and parking elements.

#### Town Centre DPA

16. The Town Centre Strategy recommends a range of amendments to the current development plan including allowing higher buildings in the Regional Office Precinct.
17. Council has commenced a process to undertake a Regional Town Centre Development Plan Amendment. The aim of the Regional Town Centre Development Plan Amendment is to implement the Town Centre Strategy and enable spatial realisation of precinct strategies/structure planning. The Development Plan Amendment will involve changes to the current Town Centre zoning, and community consultation will be required as part of this process.
18. This supports the following objectives:
  - Facilitate, encourage, support and promote retail, business and employment opportunities by introducing Development Plan policy informed by *Economic Objectives*.
  - Increase *Activity Generation* of the Mt Barker Town Centre, by creating places and spaces that respond to increased commercial, community and retail activity as well as a greater number of residents living within the Town Centre.

- Improve and direct *Transport and Access* through increasing the permeability of the Town Centre by catering for pedestrian, public and private vehicular movements.
- Create a *Quality of Experience* by introducing design parameters that respond to the topography, locality, uniqueness and history of Mount Barker in order to engender return visitation and a desire to reside.

#### Procurement Process

19. It is expected that this project will be undertaken in 3 main stages:
  - Stage 1 – invitation for EOI
  - Stage 2 – Requests For Proposals (RFP) with one or more respondents
  - Stage 3 – negotiation of a Development Agreement with a single preferred respondent
20. Following conclusion of the Stage 1 EOI, a report with the Assessment Panel's recommendations will come back to Council before the Stage 2 RFP is commenced.
21. An indicative timetable for all three stages of the project is shown below.

#### **TIMETABLE**

The indicative timetable (Council's Timing Objectives) for the project are envisaged;

Task/Activity	
Public call for Stage 1 EOI	24 September 2013
Close of Expressions of Interest	29 October 2013
Evaluation of EOI (Council's selection/endorsement of Respondents to be invited to participate in the Stage 2 process).	November 2013
Approval of Shortlist by Council	Pre-Christmas 2013
Release of Stage 2 Request for Proposals to short-listed Respondents	February 2014
Closing date for Stage 2 RFP	March 2014
Selection of preferred Respondent	May 2014
Heads of Agreement for Development Agreement negotiated, ratified by Council and executed	July 2014 - September 2014
Preparation and Execution of Development Agreement	December 2014
Development Approval	By mid 2015
Project Initiation	Say mid 2015
Project Delivery	Mid to late 2016

The timetable may vary depending on proposals received, process stages undertaken and other factors.

### Assessment Panel

22. It is proposed that the Assessment Panel for Stage 1 be made up as follows:
  - Mayor Ann Ferguson (chair)
  - Elected Member (to be nominated by Council)
  - General Manager Corporate Services (David Peters)
  - Manager Projects (David Morton)
23. Matthew Adcock of Leedwell Strategic will act as advisor to the Panel.
24. The panel's role will be to recommend a shortlist of proponents to undertake the much more detailed Stage 2 RFP. Panel members will review all EOI's received and assess them against the criteria.
25. Assessment criteria are shown in Appendix C of the draft EOI in Attachment 1.
26. Council may change the membership of the panel for Stage 2 process and will consider that within the Stage 1 recommendations. Depending on the number of EOI's received, it is expected that panel members will need to spend 15 to 25 hours during normal business hours to the conclusion of Stage 1.

### Probity Advisor

27. Council has sought advice from Mr Brenton Ellery of Edwards Marshall who has reviewed the draft EOI. Mr Ellery made some minor suggestions about the draft which have been addressed. Further advice can be sought from Mr Ellery on an as needed basis.

### Nomination

28. The Mayor will call for nominations to fill one vacancy (these may be self nominations and do not require a motion).
29. If more Council Members nominate than there are positions, the Mayor will invite the nominating Council members to speak on their suitability for nomination for up to 2 minutes (if they wish).
30. The Mayor will enquire if the Council wishes to indicate their preference for a particular candidate with a show of hands or via a secret ballot. It has been Council practice to have a secret ballot.
31. If there is to be a secret ballot Council members should write the name of their preferred candidate on the paper provided which will then be collected.
32. Once the votes are counted the Mayor will be provided with the name of the successful candidate. If there is a draw the relevant names will

be placed in a box and the successful candidate drawn out by the Mayor.

33. The Mayor will ask for a motion to appoint the Council member to that position.

**Community Engagement:**

Informing only	Website, advertisements (see Attachment 3) Stakeholders including Business Mt Barker have been advised of the proposal.
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**Policy:**

Not applicable.

**Budget:**

The estimated cost of undertaking Stage 1 is as follows:

Process manager EOI (Leedwell Strategic)	\$25,000
Probity Advisor	\$2,000
Legal Advisor	\$3,000
Advertising, website, IM production etc	\$12,000

The Stage 2 RFP process will provide a clear indication of the expected cost to Council of the new facilities. These may be via purchase or lease depending on proposals received and Council's preference.

A detailed funding model will be prepared in Stage 2 of the process which will identify funding sources such as current rental payments, the Carparking Fund, the use of the Council owned sites and possible third party contributions.

**Statutory/Legal:**

As required by the Local Government Act a prudential report will be prepared at the conclusion of Stage 2 when costs and risk can be properly identified/quantified.

**Staff Resource Requirements:**

The project will be managed out of existing staff resources with external advisors as detailed above.

**Environmental:**

Council has included a requirement for the office component to achieve 5 Green Star rating and expects that this will be met via commercially viable environmental initiatives.

**Social:**

The EOI proposal will provide improved public parking capacity in the Town Centre as well as supporting Economic Development as detailed above.

**Risk Assessment:**

A key risk identified is that current economic conditions would discourage potential proponents. However it is considered that Council will provide a secure enough prospective tenancy or purchase to attract proponents.

It is acknowledged that there will be a Caretaker Period prior to the Council elections to be held in November 2014 and that this could impact on decision making regarding this project.

**Asset Management:**

This proposal would potentially add to Council's assets depending on the method of procurement.

**Conclusion:**

The objective of this proposal to provide economic stimulus to the Town Centre and Gawler Street specifically through the cost effective procurement of new office accommodation and public parking.

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**Key Contact**

David Morton, Manager Projects

**Manager or Sponsor of Project**

Andrew Stuart, Chief Executive Officer

**Attachments**

1. Draft EOI document 13/086868
2. Plan of town Centre showing different precincts and 'Designated Area' 13/086869
3. Proposed Advertising Program 13/086870

# DRAFT



## **EXPRESSION OF INTEREST**

### **MT BARKER COUNCIL OFFICES AND MULTI-LEVEL CAR PARKING**

ANOTHER INITIATIVE OF  
THE DISTRICT COUNCIL  
OF MT BARKER

MANAGED BY

**Leedwell.**  
STRATEGIC

TENDER NO. XXXX

# DRAFT

“

PROVIDING A RANGE  
OF EMPLOYMENT  
OPPORTUNITIES IN  
A VIBRANT, ACTIVE,  
ATTRACTIVE AND LIVELY  
SETTING FOR PEOPLE  
TO LIVE AND WORK.

MAYOR ANN FERGUSON

”



## FOREWORD

## BY MAYOR

On behalf of Council, I am pleased to endorse the commencement of this market engagement process.

This project provides an excellent opportunity for Council to achieve significant economic development in the Town Centre by supporting the Gawler Street precinct and improving public parking capacity .

We are seeking an innovative development partner to drive the delivery of substantial business accommodation and a wider integrated parking strategy. This will support Council's core customer care and administration requirements, existing business and property owners in Gawler Street and environs and underpins the future capacity of the regional business function of our Town.

This project will support key objectives in our Mt Barker Town Centre Strategy Masterplan, providing a range of employment opportunities in a vibrant, active, attractive and lively setting for people to live and work.

Whilst Council remains focussed on wider planning and infrastructure issues in our jurisdiction, we recognise the need in this case to address current accommodation demand for Council's business and services functions and the underpinning of our business community's growth and sustainability objectives.



Ann  
Ferguson,  
Mayor

Council is mindful that the cost of facilitating future growth should be carefully managed to avoid an unreasonable burden on ratepayers.

I am confident that this Expression of Interest will allow us to achieve significant economic benefits for Mt Barker along with value for money.

We are seeking innovation in using underutilised land held by Council and or others, converting these assets into new development to service our business and community.

This is the potential opportunity.

I look forward to your Expression of Interest.









DRAFT

TABLE OF  
CONTENTS

INTRODUCTION	6
THE VISION	8
THE PROJECT OBJECTIVES	10
THE PROJECT PARTICULARS	12
THE COUNCIL'S LAND HOLDING	14
THE COMMERCIAL FRAMEWORK	16
THE PROCESS	20
GENERAL TERMS AND CONDITIONS	25
APPENDIX A	30
APPENDIX B	31
APPENDIX C	32

# DRAFT INTRODUCTION

The District Council of Mt Barker (Council) is calling for Expressions of Interest (EOI's) from property developers to be Council's Strategic Development Partner in respect of assembling office accommodation for Council's core use and multi-level parking underpinning the growth of Mt Barker's business precincts.

As a broad overview, the Mt Barker township itself currently comprises a population of some 13,000 people. The Town Centre currently serves the District's population of 30,000 and the wider Adelaide Hills region.

The recent Ministerial Development Plan Amendment instigated by the State Government now caters for 10,000 more dwellings, 26,000 more people and anticipates creating some 5,000 new jobs in the Mt Barker region by 2040. It is estimated that the Mt Barker Town Centre will need to cater for some 60,000 people within the Adelaide Hills Region in this time period.

In response, in April 2012, Council adopted the Mt Barker Town Centre Strategy Masterplan. This Masterplan was commissioned to be underpinned by economic development principles and objectives and to do so in consultation with existing owners and businesses in the Town Centre.

With regard to the Town Centre, the Masterplan directions involve:

- a. Providing a truly regional function to service a population of 60,000 people by 2040,
- b. Maintaining the Town Centre as the pre-eminent retail and business centre in the district,
- c. Keeping the Town Centre development broadly within its current area,
- d. Therefore requiring a fundamental change to the development capacity, critical mass and function of the Town Centre to embrace a CBD typology of urban form.

The Masterplan is however flexible and a guiding vision. It also includes an implementation framework with a range of leadership roles identified for Council.

This project is one of these roles and there are a range of other activities instigated by Council in parallel including the Development Plan Amendment (DPA) for the Regional Town Centre and Stage 1 public realm works.

Council's current customer care, civic and administrative facilities are provided within leased accommodation at the Homemaker Centre and this lease arrangement has a 3-4 year window for Council's pursuit of viable options supporting its long term core business functions.



Council has also recently received the Discussion Paper on Car Parking in the Mt Barker Township which defines a more formal approach to the delivery of integrated car parking in the business and retail precincts of the Town Centre. The Discussion Paper identifies the current under-provision of public and private (employee) parking particularly in and around Gawler Street and indeed the difficulty for owners of smaller fragmented properties to provide adequate parking as part of any future upgrades, change of land use or extensions.

In this regard, Council's provision of a car parking fund and other contributory mechanisms are integral to fund and sustain appropriate and well utilised parking. Moreover, the actualisation of parking to support such contributions is paramount. Provision of car parking as Mt Barker evolves, requires an innovative and cost effective solution.



# DRAFT

## THE VISION

**Council's Vision is to facilitate economic development in part through the promotion of substantial additional office accommodation and multi-level car parking in the Regional Town Centre. These facilities will support Gawler Street by utilising (directly or indirectly):**

- Council's pre-commitment as an anchor tenant, and
- Council's surplus land holdings, and
- pending DPA process, and
- targeted public realm investment,

**in a manner which provides excellent facilities without undue burden on its existing or future ratepayers.**

Council has commenced the preparation of a over arching economic development strategy for Mt Barker and this initial project forms an integral element of its short term objectives.

Fundamentally, Council's mandate is two-fold:

1. A Core Business Requirement – To provide a cost effective platform for Council's business functions in the Town Centre precinct (via owned or leased accommodation),

2. An Economic Development Initiative which:

- facilitates a cost effective multi-level car park and mixed use solution at a scale which supports Gawler Street owner/traders,
- delivers a Car Parking Fund outcome,
- underpins infrastructure for immediate and future commercial development to build critical mass in and around Gawler Street, and support Council's own car parking requirement.

Council aims to avail its underutilised land holdings (and associated land value) in the Designated Area for scale redevelopment, underpin the pre-commitment of a portion of such development through the conversion of such land value into the ownership or favourable leasing arrangements for its new office accommodation and public car parking.

Council is open to other innovative commercial opportunities (including privately owned land via conditional land swaps or adjoining site amalgamations) which achieve favourable outcomes.

Council has a range of other objectives for the Town Centre including CBD activation, financial contribution to public realm upgrading, infrastructure investment, urban design excellence, the guidance of quality development as vendor, environmental leadership, implementation of the Mt Barker Transport Masterplan, facilitating desired complementary land uses, affordable housing and other outcomes defined in Council's Strategic Plan.

There is also an opportunity for an increased State Government office presence in Mt Barker.





# DRAFT

## THE PROJECT OBJECTIVES

The following are Council's Objectives for the Project:

### OBJECTIVE 1

The development of up to 3,000 square metres of office type accommodation in close proximity to Gawler Street to provide excellent core facilities for Council's customer services, community meeting and Council's administration functions.

### OBJECTIVE 2

The provision of a minimum of 100 publicly available car parks for casual parking in a multi-level format to support Gawler Street owners and traders.

### OBJECTIVE 3

Use Council surplus land holdings, increased capacity consistent with the Mt Barker Town Centre Masterplan objectives and Council's pre-commitment to lower the capital and ongoing cost of providing its office accommodation and parking to reduce the recurrent cost on existing and future ratepayers.

### OBJECTIVE 4

A development structure which minimises capital/debt requirements, risk and ongoing costs to Council and presents a value add to Council.

### OBJECTIVE 5

Achieve a leadership project which is consistent with the Mt Barker Town Centre Strategy Masterplan, the Mt Barker Transport Masterplan, environmental objectives in

Council's Strategic Plan and other guiding strategies and policies. The project will promote an increase in activity, economic development and investment into the Regional Town Centre and provide a strong foundation for the establishment of a core commercial and office precinct catering for the region.

### OBJECTIVE 6

Complete the project in a timely manner.

### QUALIFICATIONS

The following qualifications are provided as a guide to Respondents at this stage of the process:

- a. Any reference to Council seeking a partner does not confer the intent for any form of legal relationship and is merely intended to reflect the collaborative relationship proposed by the Council,
- b. All statutory and legal approvals will be the responsibility of the successful Respondent. Council will not waive any environmental, development or other regulation under its control to develop the Project,
- c. Council anticipates that this project will be subject to a Prudential Report in accordance with the Local Government Act 1999.





# DRAFT THE PROJECT PARTICULARS

## MT BARKER TOWN CENTRE STRATEGY MASTERPLAN (THE MASTERPLAN)

The Masterplan outlines a guiding vision of future strategies and outcomes for the Town Centre recognising the need for flexibility as opportunities continually emerge.

One of the primary strategies is Council's commitment to re-establish its primary customer service and administrative functions (and ultimately its civic functions) in the Mann Street precinct as a unique anchor to a Regional Civic / Office Precinct. This aims to complement and augment the adjoining Main (Gawler) Street Heritage Precinct and the greater Regional Business / Retail Core Precinct.

This remains a strong mandate of Council.

At the time of the endorsement of the Masterplan, Council's direction was to explore its former civic site on the southern side of Mann Street as a location for the redevelopment of new integrated community, civic, cultural, recreational and administrative accommodation.

Council is now seeking to reserve options for the land south of Mann Street and seeks its customer service, community meeting and administrative functions to be located elsewhere. At this stage the land south of Mann Street is not included in Council's land holdings for this EOI however it is expected to be the subject of a future process including a civic outcome.

## DESIRED LOCATION OF THE PROJECT (THE DESIGNATED AREA)

Fundamentally, Council's office accommodation requirements and the multi-level car parking are mutually exclusive elements and not necessarily required to be combined within an integrated building envelope.

In reference to the Masterplan, Council seeks the Project to be located within the Proposed Future Precinct Areas of the:

- Regional Civic / Office Precinct and/or
- Main (Gawler) Street Heritage Precinct Area and/or
- Regional Business / Retail Core Precinct

As the primary role of the multi-level car parking is to support Gawler Street business owners and therefore logically requires practical proximity for patron's use to achieve its intended purpose, Council has a strong preference for such parking to be located within the Regional Civic / Office Precinct, Main (Gawler) Street Heritage Precinct or the south-western section of the Regional Business / Retail Core Precinct – that is within the area bound by Adelaide Road, the Western Flat Creek, Hutchinson Street and Morphett Street (the Designated Area as outlined in yellow on page 15).

Similarly, Council's strong preference is for its office accommodation to be within the Designated Area.

Council will however consider EOI proposals in locations which immediately adjoin the Designated Area where such proposals demonstrate significant benefits to Council balancing all Project Objectives. In this case, a Respondent's proposal should be identified as an Alternative Proposal.

#### ENVISAGED FORM OF DEVELOPMENT

Council envisages the Project to reflect a modern CBD form of development of up to five (5) storeys in height and include mixed uses activating the public streets with consolidated multi-deck parking in mid-block locations, well screened and consistent with Council's Transport Masterplan in terms of access.

#### CURRENT ZONING AND THE MT BARKER TOWN CENTRE DPA

Pursuant to the current Mt Barker Development Plan, the Designated Area is currently in the Regional Town Centre Zone and various Policy Areas apply.

Based on the Masterplan, Council has commenced a Development Plan Amendment (DPA) process to change the zoning applicable to a significant proportion of the Town Centre which includes the Designated Area in order to

be consistent with the Masterplan (in terms of building heights, massing, setbacks, land uses and other primary planning frameworks).

Council has completed a Section 30 Review in respect of the Town Centre planning framework and this is currently with the State Government's Minister for Planning for endorsement.

Council has allocated funding in its 2013/14 Budget for the undertaking of the DPA.

A Statement of Intent has been endorsed by Council's Strategic Planning and Development Policy Committee and the DPA process will run in parallel with this process to seek a strategic development partner.

The scheduled program for the DPA is 46 weeks from initiation of the Statement of Intent to Gazettal.

Respondents should therefore propose a concept scheme consistent with the intent of the Masterplan and in this respect discuss their intended concept with Council designated planner, for this project, contact with whom can be arranged as required.





# THE COUNCIL'S LAND HOLDINGS

Within this Designated Area, Council's land holdings which are offered for consideration are as follows:-

1. The former Anglican Church Land (and adjoining open parking/public conveniences) on the corner of Mann Street and Stephen Street,
2. The former Town Hall on Gawler Street,
3. The Mann Street Car Park (corner of Mann Street and Walker Street),
4. The Walker Street Car Park (occupied by ANZ).

## SITE 1

An amalgamated site on Stephen Street comprising land purchased from the Anglican Church (1,994sqm) and land historically



## SITE 2

Former Institute building on the corner of Gawler Street – low usage building used for retail shopfronts and various community uses.  
Generally known as the Former Town Hall



## SITE 3

Corner of Mann Street and Walker Streets – currently used as an open lot car park comprising 1,029sqm of land



## SITE 4

Land on Walker Street of some 300sqm – currently used as open lot parking by ANZ on a casual basis  
\* subject to an agreement as outlined in the appendixes

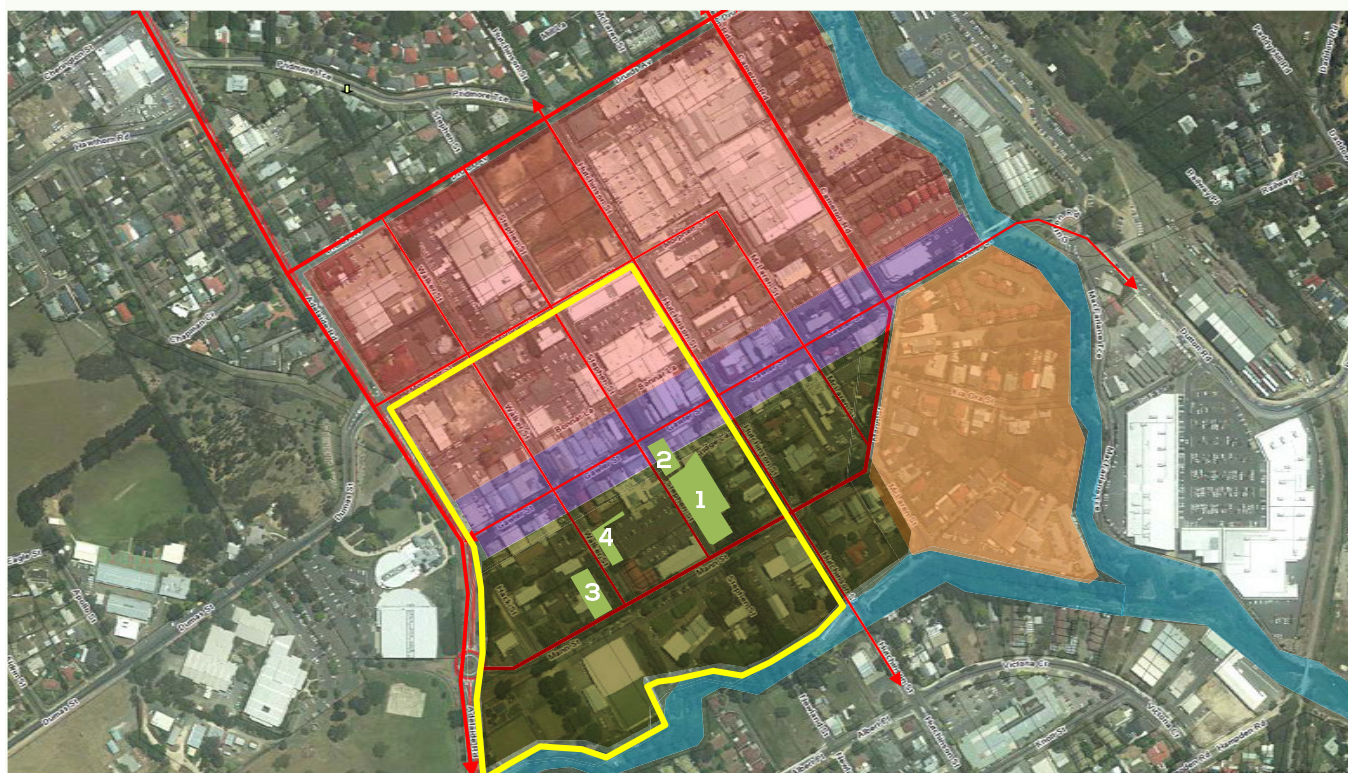


**Pertinent details of Council's Land including certificates of title, community land status, tenancies, building plans (where applicable) and other particulars are provided in the Attachments.**

Regional Civic/Office Precinct  
Main (Gawler) Street Precinct  
Regional Business/Retail Core  
Precinct



Residential Mixed Use Precinct  
Designated Area  
Council Owned Land



# THE COMMERCIAL FRAMEWORK

## COUNCIL'S CUSTOMER SERVICE, CIVIC AND ACCOMMODATION (OFFICE ACCOMMODATION)

Council has undertaken a preliminary assessment of its future office accommodation needs to cater for its customer service, community meeting rooms, governance support and back office functions and has the following requirements:-

- A total of up to 3,000sqm of accommodation (net lettable area) comprising broadly:-
  - Publicly accessible customer service, general meeting rooms, governance support and associated areas – 450sqm,
  - Public conveniences – 50sqm,
  - Offices – 2,500sqm.

Council desire the customer services, general meeting and public conveniences to be at ground floor level.

It is desired (but not mandatory) that all functions are within an integrated building envelope.

Council desires the building to meet the 5-star green star office building rating and encourages the demonstration of other commercially sustainable environmental initiatives which achieve a superior life cycle benefit to Council.

Council requires car parking to meet standard office requirements (say 4 spaces:100sqm NLA), availed within reasonable proximity.

A formal accommodation scoping process involving the services of an independent architect will be undertaken by Council as part of the Stage 2 process.

## MULTI-LEVEL CAR PARK

Council envisages that the required 100 car parking spaces will be part of a larger multi-level car parking complex.

Such parking is to be designated to underpin both customer and employee parking to support businesses and/or owners within the environs of Gawler Street. Such parking should therefore be:-

1. Easily accessible to users (vehicular access and pedestrians),
2. Ideally on lower levels of any car parking complex (and in any case, meeting full disability access requirements),
3. Available on a 24/7 basis,
4. Security/management monitored,
5. Capable of user fees being collected (initially, or in the future),
6. May incorporate Council's office parking requirement to the upper levels.
7. Provide easy access to Gawler Street and preferably enhance access from Mann Street to Gawler Street.
8. If possible, add value to the future development potential of Council's Mann Street site.

#### COUNCIL'S OFFICE FACILITIES

Council's preference is to own its core office accommodation facilities and recognise that this may comprise a range of options including a stand-alone property, a community strata within a larger development or other innovative tenure options.

Council will entertain proposals which involve Council leasing part or the whole of its core office accommodation.

#### MULTI-LEVEL CAR PARKING

Council is open to innovative commercial arrangements for the development, ownership and management of the multi-level car parking.

Council does not necessarily wish to own and manage car parking and is open to a range of proposals.

An option is the Council takes ownership of such car parking in whole or as a community strata (and funds same via a range of mechanisms) however Council envisages that other options including head leasing, management arrangements and other forms where publicly accessible parking is availed on a guaranteed basis will be favoured.

Respondents must outline their proposed ownership, management and operational model in its submission including upfront and/or ongoing cost to Council.

#### MUTUALLY EXCLUSIVE ELEMENTS

Respondents may submit for either the Council Office or Multi-level Car Park or both.

#### FORMER TOWN HALL (INSTITUTE) - SITE 2

Council's strong preference is to retain ownership of the former Town Hall property (due to its historical ownership) and would entertain a long term lease to a third party who is able to propose a use which complements the desired regional centre uses in the Masterplan.

Council may entertain the sale of the former Town Hall where a proposal is of significant merit and where freehold ownership is mandatory.

Respondents must outline their proposed ownership and associated commercial arrangements (as quantified) in its submission.

#### THE WALKER STREET LAND (ANZ CAR PARK) - SITE 4

Respondents who seek to include Site 4 as part of their proposal should acknowledge the Deed of Agreement provided in the appendixes.

If this land is to be utilised, Council has entered into a commitment to provide alternative parking on adjoining land.

#### GREATER ECONOMIC DEVELOPMENT OUTCOMES

Council is seeking wider development which builds the critical mass of the Town Centre; particularly land uses which are identified in the Mt Barker Town Centre Strategy Masterplan.

These include higher order retail, regional offices, medical centres, hotel accommodation, entertainment facilities, food and beverage, medium-high density residential, affordable housing and other uses.

Respondents are encouraged to include such land uses and Council envisages that its facilities may be part of a larger scheme of development.

### STRATEGIC DEVELOPMENT ROLES

Council's ultimate development scenario is for a private sector party to undertake all development roles for both the office accommodation and multi-level car parking including design, approvals, project management and development funding.

Council is seeking a low risk commercial arrangement.

Council envisages that its land holdings will be utilised to achieve a cost effective outcome.

Council does not however purely seek to sell its land holdings where they do not form part of a strategic project which is developed in a timely manner (i.e. are not seeking such land to remain undeveloped and land banked).

Council does however recognise the potential for an appropriate strategic development structure which may de-risk the Project, minimise holding costs over time, enable a staged release linked to progressive demand and provide the most cost effective delivery of its requirements and wider outcomes to build the Town Centre.

Council is therefore open to a range of development structures where a suitable risk / return outcome can be identified and demonstrated. This may extend to a development agreement type structure which involves:-

1. Council's ongoing ownership of the land during the development phase (therein assuming rates and taxes, land holding costs etc),
2. The granting of the staged release of land subject to a master plan and land division structure to meet emerging demand,

3. Granting of a licence to occupy for the development period for the purpose of construction (land and built form),
4. Ultimate transfer of allotments of land direct from Council to the end purchaser,
5. Possible involvement in public realm works – aligned to Council's civil capacity and staged works program.

Specifically however, Council does not wish to assume a development risk position nor provide capital funding for the development or other infrastructure other than outlined above.

Any reference to Council seeking a 'partner' does not infer the intent for any form of legal relationship as such.

### INFRASTRUCTURE AND SERVICES

Respondents must however make their own enquiries with regard to infrastructure and servicing relative to their proposal.

### DUE DILIGENCE DATA

The following Due Diligence Data and general property information is available by accessing the Project's web site at [www.leedwell.com.au](http://www.leedwell.com.au)

- Consolidated Cadastre Plans,
- Certificates of Title,
- Site 2 - Former Town Hall (Institute) Building Plans,
- Survey Plans (PDF and Auto CAD versions),
- Shoebridge Lane details,
- Site 4 - ANZ Car Park – Deed of Agreement
- Services Location Plans,
- Other details.





# DRAFT THE PROCESS

## PROCESS STAGES

The procurement process for the Project is anticipated to be undertaken in up to three stages, namely;

- Stage 1 – Invitation for Expressions of Interest (EOI) - this process,
- Stage 2 – Requests for Proposals (RFP) with one or more Respondents,
- Stage 3 – Negotiation of a Development Agreement with a single preferred Respondent.

Council does however reserve the right to vary Stage 2 and 3 of the process which may include direct negotiations with one or more Respondents or cessation of the process.

Council reserves the right, at its absolute discretion, to amend or terminate this process, structure and timetable at any stage without compensation being payable by Council.

## TIMETABLE

The indicative timetable (Council's Timing Objectives) for the project are envisaged;

Task/Activity	
Public call for Stage 1 EOI	24 September 2013
Close of Expressions of Interest	29 October 2013
Evaluation of EOI (Council's selection/endorsement of Respondents to be invited to participate in the Stage 2 process).	November 2013
Approval of Shortlist by Council	Pre-Christmas 2013
Release of Stage 2 Request for Proposals to short-listed Respondents	February 2014
Closing date for Stage 2 RFP	March 2014
Selection of preferred Respondent	May 2014
Heads of Agreement for Development Agreement negotiated, ratified by Council and executed	July 2014 – September 2014
Preparation and Execution of Development Agreement	December 2014
Development Approval	By mid 2015
Project Initiation	Say mid 2015
Project Delivery	Mid to late 2016

The timetable may vary depending on proposals received, process stages undertaken and other factors.

# DRAFT

## OVERVIEW OF STAGE 1 – EXPRESSIONS OF INTEREST

This EOI seeks submissions from Respondents with a track record of successfully delivering commercial property development projects.

Council is cognisant of the need to provide flexibility within a development structure and is seeking a strategic development partner who can develop Council's land and/or other land on a commercial basis which includes focussing on delivering Council's core office requirements, multi-level parking and other land uses which support the growth and maturity of the Mt Barker Town Centre.

As part of this initial stage of the process, Council is not necessarily expecting fully developed plans and details of the proposed development but is expecting that Respondents will be able to demonstrate the capability, experience, financial capacity, an outline development concept and commercial fundamentals of the Project.

This process represents the first stage in the selection of the successful Respondent. Fundamentally, Council is seeking responses from interested parties that will achieve its Project Objectives.

## COUNCIL'S CONTACT PERSON

All inquiries must be directed to Council's nominated contact for this EOI;

**Matthew Adcock**  
Leedwell Strategic  
Telephone: 08 8212 8880  
Email: [matthew.adcock@leedwell.com.au](mailto:matthew.adcock@leedwell.com.au)  
Mobile: 0408 126 015

## EOI RESPONSE LODGEMENT DETAILS

Respondents must submit four (4) bound copies of its EOI response together with one (1) unbound copy and one (1) electronic copy (on a CD, with files to be formatted for viewing in PDF format).

**These documents must be delivered in one or more sealed envelopes or packages marked "Mt Barker Council Offices and Multi-Level Car Parking – Expression of Interest" and marked Private and Confidential and addressed to the Mt Barker Council, Tender No. XXXX.**

**EOI's must be lodged at the Tender Box at the offices of the Mt Barker Council at 6 Dutton Road (PO Box 54), Mt Barker, SA, 5251 between 8.30am and 5.30pm, Monday to Friday (public holidays excluded).**

**The closing time for submission of EOI responses is 5.00pm on Tuesday 29 October 2013.**

EOI's will not be accepted via email or facsimile.

EOI responses received after the closing time will be rejected and returned to the Proponent. There will be no public opening of EOI responses.



# DRAFT

## EOI RESPONSE FORMAT

EOI responses should be structured in the following way:

1. Cover letter/introduction (should be no more than two pages),
2. An Executive Summary setting out the key features of the EOI response,
3. Completion of the checklist shown in Appendix A,
4. Completion of the requirements in the Statement of Compliance and the Schedule of Respondent's Details shown in Appendix B,
5. Response to the Detailed Assessment Criteria shown in Appendix C,
6. Supporting documentation such as CVs and additional financial information (each CV should be a maximum of two pages).
7. Alternative EOI responses (if any) should be clearly labelled as "Alternative EOI Response".

In addition to the above, the format of the EOI response should adhere to the following:

- A. Each schedule referred to in Appendix C is to be submitted as a clearly separate section,
- B. A maximum of 40 A4 pages covering the responses required under items 5 above (but excluding drawings and illustrations provided under item 6. Unnecessarily

elaborate responses or presentations beyond that sufficient to present a complete and effective EOI response are discouraged and in its discretion Council may decline to read or evaluate pages in excess of the 40 page limit.

- C. Generally in size 12 font.

An equivalent 40 page limit applies to an Alternative EOI responses.

Council also reserves the right to seek clarification on EOI responses, or further details of any information submitted by Respondents. However, Respondents should submit EOI responses which sufficiently address each of the criteria outlined in Appendix C. Respondents should not rely on being invited to provide further information prior to the short-list being finalised.

## PROCESS OBJECTIVES

The objective of the EOI Process is to select one or more parties who will subsequently be invited to submit a detailed binding and fully costed proposal for the Project.

## EVALUATION PROCESS

The evaluation of EOI responses will be conducted by an Evaluation Panel which has been appointed by Council. Council has also appointed technical advisors to the Evaluation Panel. The following two-step evaluation process will be adopted for the EOI process:

Evaluation	Stage	Explanation
Step 1	Compliance Assessment	A review to confirm the Respondent has provided in its EOI response the documents or material referred to in the compliance check list in Appendix A and has provided the Respondents details on Appendix B including a statement of Complying or Alternative Proposal.
Step 2	Detailed Assessment	Evaluation of each EOI response against the Detailed Assessment Criteria.

# DRAFT

## RESPONSE PRESENTATIONS

Respondents may be given the opportunity, at Council's discretion, to give a presentation to Council's Evaluation Panel and advisers on their EOI responses. It is anticipated that any such opportunity would be during Step 2, the detailed assessment stage of evaluation. Council may at its discretion undertake an initial short-listing process for the purposes of such presentations and invite only short-listed Respondents to give a presentation.

## SHORT-LIST NOTIFICATION AND DEBRIEF

The EOI responses will be assessed to select a short-list of Respondents who will be eligible to participate in the Stage 2 Request for Proposals stage.

Council intends to short-list a small number of Respondents.

All Respondents will be afforded the opportunity to be debriefed on the evaluation of their EOI responses.

## ALTERNATIVE PROPOSALS

An Alternative Proposal is defined as a site which is not within the Designated Area. Council may consider Alternative Proposals. Council reserves the right not to consider an Alternative Proposal.

## STAGE 2 - REQUEST FOR PROPOSALS

Council intends to issue the Request for Proposals shortly after the determination of Respondents and receipt of final approval. The Request for Proposals will set out the full details of Stage 2 of the procurement process.

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## PROBITY ADVISOR

Council has engaged an independent Probity Advisor to provide advice on probity issues which may arise before and during the procurement process.

## USE OR CONTACT WITH COUNCIL'S CONSULTANTS

A number of consultants have provided prior services to Council in connection with the Project or associated master plans and other reference documents. The Project information provided on the web site and elsewhere in this document includes reports and information provided by a number of these consultants (noting that information regarded as confidential or which is not considered relevant to the EOI process has not been included in the project information).

Council considers the involvement of these consultants in previous work on this Project will not give them, or any Respondent team they may become involved with, any particular advantage or conflict of interest arising out of previous services provided to Council in relation to this Project. Council recognises there is substantial other expertise and experience available in the market place and Council is not predisposed to the use of any particular consultants.

# DRAFT

## GENERAL

# TERMS AND CONDITIONS

### 1. COUNCIL'S EXPECTATIONS

If a Respondent submits a Submission, Council, when considering the Submission will expect that the Respondent satisfies the following criteria:

- 1.1 The Respondent has the necessary skills, knowledge and experience to develop and deliver the Project as outlined in the EOI submission.
- 1.2 The Respondent has fully informed itself of all facts, and conditions of all things relating to the EOI and the requirements of the Project.

### 2. COPYRIGHT AND INTELLECTUAL PROPERTY

By submitting an EOI, Respondents are taken to license Council or its representative to reproduce for the purposes of this EOI the whole or any portion of the EOI submission for any purpose related to the evaluation of the EOI submission despite any copyright or other intellectual property right that may subsist in the EOI submission.

### 3. NO OBLIGATION TO ACCEPT ANY EOI

There is no obligation on Council to choose or select any EOI (or part thereof), and Council may at its sole discretion determine not to proceed with the Project or this EOI before or after the receipt of EOI submissions.

### 4. RIGHT TO AMEND THE PROCESS

Council may determine, at any time prior to the EOI Closing Time to:

- 4.1 Amend the EOI process at its sole discretion, including any closing or acceptance dates, or
- 4.2 Change the scope of the Project or vary the nature of the Project subject to Council giving each Respondent the opportunity to respond to the proposed changes.

### 5. CONFLICT OF INTEREST

A Respondent must identify any actual or potential conflict of interest in their EOIs.

### 6. FURTHER INFORMATION

Council reserves the right at its absolute discretion at any time to:

- 6.1 Seek clarification or additional information orally or in writing from Respondent(s).
- 6.2 Provide additional information to all Respondent(s).
- 6.3 Make inquiries of any person, company or organisation to ascertain information regarding the Respondent and/or its EOI submission.

### 7. RECIPIENTS/RESPONDENTS TO CONDUCT OWN ENQUIRIES

- 7.1 All information and statements set out in this EOI are provided in good faith and are believed to be correct, but all recipients of this EOI and/or Respondents should not rely on them as statements or representations of fact, but must satisfy themselves by inspection or other enquiry as to the correctness and completeness of all such information and/or statements.

# DRAFT

7.2 Recipients of this EOI and/or Respondents are required to have satisfied themselves as to specific conditions associated with the Project and obtain such other particulars as may be required. Recipients of this EOI and/or Respondents have no claim on grounds of insufficient information being made available to them.

7.3 All recipients of this EOI are required to make all investigations at their own expense as they consider necessary in connection with determining whether to provide an EOI submission.

7.4 Respondents are required to make all investigations at their own expense as they consider necessary in connection with their EOI submission.

## 8. COSTS BORNE BY RECIPIENTS/RESPONDENTS

All costs and expenses incurred by recipients of this EOI and Respondents in any way associated with the consideration of this EOI, investigations, development, preparation and submission of EOI submissions including but not limited to attendance at meetings, or providing any additional information requested/required by Council will be borne entirely and exclusively by such recipient/Respondent.

## 9. RIGHT TO AMEND OR DISCONTINUE THE PROCESS

Council reserves the right to amend, vary, discontinue or supplement the process set out in this EOI at its absolute discretion at any time, including any closing or acceptance dates. No person including any unsuccessful Respondent shall be entitled to any redress against Council, or its consultants, if Council makes any amendments or additions to this document.

## 10. RIGHT TO EXTEND EOI CLOSING TIME

Council reserves the right to extend the EOI Closing Time by notifying each recipient of this EOI of the extended date in writing or, at Council's election, by email or by the Project web site at least 2 business days prior to the EOI closure.

## 11. LATE AND NON-CONFORMING LODGEMENTS OF SUBMISSIONS

Submissions lodged after the EOI Closing Time will not be accepted and returned to the proponent.

Non-conforming Submissions may or may not be considered by the Evaluation Panel at its discretion.

## 12. NO OBLIGATION

12.1 The particulars set out in this EOI, attachments and supporting information are only for the guidance of recipients and the Respondents and don't constitute, nor constitute part of, an offer of contract.

12.2 No legal or other obligation other than those associated with this EOI shall arise between a Respondent and Council unless and until formal legally binding documentation has been signed by the Respondent and Council. Council is not obliged to proceed with the Project (or part thereof) described in this EOI, nor is Council obliged to proceed with any Submission or Respondent. No compensation will be payable by Council should the Council elect not to proceed with any Submission or any Respondent, or decide not to proceed further with the Project.



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## 13. NEGOTIATION OF TERMS OF AN AGREEMENT

Council may at its absolute discretion negotiate with any one or more Respondent or any other person who is not a Respondent to the exclusion of any other Respondent or other person at any time during this Process (including negotiating with any one or more recipients of this EOI prior to the EOI Closing Time).

## 14. NEWS RELEASES

No recipient of this EOI or any Respondent is permitted to make any announcement or publish any information regarding this EOI or the Project without the prior written approval of Council.

## 15. CONFIDENTIALITY

15.1 All information provided by Council (or by Leedwell Strategic on behalf of Council), other than information in the public domain without any breach of confidence, shall be treated as confidential.

15.2 Each recipient of this EOI must ensure that no person receiving such Council confidential information may use, copy or disclose any of it to any person except for the purpose of preparing an EOI submission and in that case only to the extent that the person requires the information for that purpose. Before so disclosing any information, the recipient of this EOI shall inform the person to whom it proposes to disclose the information that the information is confidential and, both as principal and as disclosed agent of Council, obtain an undertaking from him or her to keep the information confidential and to use it solely for the purposes of the Respondent's EOI submission.

15.3 Upon receiving a written request from Council, a recipient of this EOI must immediately destroy (or in the case of electronically held information, permanently delete) all documents provided in respect of this EOI, all notes, memoranda, summaries or other writings relating to this EOI process prepared by such recipient or its agents and all copies of any of the above.

## 16. INFORMATION SECTION

16.1 Where any of the information in this EOI comprises a list, schedule, report or interpretation based on other information, Council makes no representations, express or implied, in respect of its accuracy, reliability or completeness. A recipient of this EOI should not assume the accuracy of the information but, to the extent possible, verify the source information independently. If a recipient of this EOI does not have access to the source information and considers that it is critical to a Respondent in preparing its EOI submission, that recipient must notify the Contact Person in order that consideration can be given to providing access to that source information. Respondents should not correspond with anyone else other than the Contact Person.

16.2 Council reserves the right to decline to disclose all or part of information requested at Councils' discretion, and reserves the right, if any information is disclosed, to offer disclosure of the same information to other recipients of this EOI.

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16.3 Council disclaims all liability, direct or indirect (and whether or not arising out of the negligence, default or lack of care of Council) for any loss or damage (whether foreseeable or not) suffered by a recipient of this EOI and/or a Respondent, its subcontractors, representatives or external advisers or any other person arising out of, or in connection with, any use or reliance by any of them on such information contained in this EOI or otherwise provided by Council.

16.4 To the extent that this EOI contains budgets and associated commentary including estimates in relation to future performance, Council makes no representation that any such budgets or estimates will be achieved or are achievable.

16.5 Nothing in this EOI obliges Council to disclose any particular information to a recipient of this EOI or its subcontractors, representatives or external advisers. Council has an absolute discretion as to the information, which it may choose to disclose.

16.6 Council gives no warranty, expressed or implied, as to the completeness and accuracy of the information provided in this EOI, or that which may be provided in association with it.

## 17. NO EXCLUSIVITY

17.1 Nothing in this EOI or in the Process confers (or is intended to confer) upon a successful Respondent (if any) exclusivity in the Mt Barker Council Office and Multi-Level Car Park Project.

## 18. NO CANVASSING

18.1 Canvassing of Council officers or Members of Council is not permitted and amounts to disqualifying behaviour.

## 19. PROCEDURE TO RESOLVE INCONSISTENCIES OR INQUIRIES

Respondents must follow the following procedure for the resolution of any inconsistencies or for inquiries relating to the EOI:

19.1 If you are in any doubt as to the true meaning of any of the information or EOI documents comprised in this EOI Package; or if you consider any provision, description or other matters is contradictory or inconsistent with any other provision, description or other matter, you must immediately notify the nominated contact person who will refer the matter to Council's Contact Person.

19.2 The Contact Person will consider all requests for clarification, and at the Contact Person's absolute discretion, determine whether or not to provide any interpretation of the documentation upon which clarification has been sought.

19.3 Any interpretation of the documentation comprising this EOI will be made only by formal Addendum to the EOI documents, and will be transmitted to all prospective Registrants who are registered as having been issued with the EOI Package at least 2 business days prior to the close of the EOI.

## 20. DO NOT COPY EXPRESSION OF INTEREST PACKAGE FOR OTHERS

20.1 You must not copy the EOI Package for use by other persons. If unauthorised copies of the EOI Package are made, the Council takes no responsibility for failure to provide any Addenda to persons in receipt of unauthorised copies of the EOI.

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## APPENDIX A

### COMPLIANCE CHECK LIST

Item/Description	Included Y/N
Contains two (2) bound, one unbound and one electronic copy of the EOI response.	
Statement of Complying or Alternative Proposal and Details of the Respondents/particulars/responsible entity (Appendix B).	
Response to Detailed Assessment Criteria (Appendix C).	
• Adequate Experience, Capability and Financial Capacity to deliver a project of the size and scope of the Mt Barker Office Requirements and/or Multi-level Car Parking Project.	
• A Development Concept Outline for the proposed Project and other development that meets the Project Objectives and other requirements.	
• An outline of the Commercial (Financial and Risk) Proposal to Council separating the office element from the multi-level car parking element (where both apply).	
• Project Timing/Staging Plan.	
• Ancillary Wider Benefits.	

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## APPENDIX B

# SCHEDULE OF RESPONDENT'S DETAILS AND COMPLIANCE

### COMPLYING OR ALTERNATIVE PROPOSALS

EOI Responses must indicate if deemed a Complying or Alternative Proposal

### RESPONDENT'S DETAILS

EOI responses from Respondents comprising several participants will be considered. However, the Respondent/Respondents must be clearly identified and must be the entity/entities submitting the EOI response. EOI responses must be signed by authorised representatives from each of the Respondent's participants.

Other members of the consortium must be clearly indicated and details required under (f) below provided.

The following information should be provided in respect of the Respondent, participants and responsible entities (as applicable) including:

- (a) The identity and corporate structure of the Respondent and any responsible entities, including their relationship with any immediate and ultimate parent companies and details of any registered company, business and trading names,
- (b) The beneficial ownership interests in the Respondent and any responsible entities,
- (c) The ABN, current directors, registered office address, head office address, place of incorporation and shareholders of the Respondent and any responsible entities,

(d) A brief overview of the Respondent (and each consortia member as relevant) and each participant including background information and details of their operations,

(e) An outline of the corporate entity structure envisaged to undertake the project including the equity share and role of each participant,

(f) Details of the contractual arrangements established or to be established between the Respondent and the participants,

(g) Contact details of the individual from the Respondent with whom Council will principally communicate in its dealings with the Respondent, including name and title, email address, office, mobile and facsimile numbers, and office and postal addresses,

(h) The identity of any company that has become insolvent with which any director of the Respondent or a responsible entity has been associated.

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## APPENDIX C

# SUBMISSION REQUIREMENTS ADDRESSING EVALUATION CRITERIA

### C1 DETAILED ASSESSMENT CRITERIA

Council does not intend to prescribe how the Respondent should demonstrate its credentials against each of the detailed assessment criteria however, Council expects the following information to be provided as a minimum.

#### C1.1 – EXPERIENCE, CAPABILITY AND CAPACITY

Council requires an understanding of the experience, capability and financial capacity of the Respondent (or consortia) to undertake a commercial development of the nature and scale proposed. To assist Council, Respondents must provide evidence of their previous experience (the firms and individuals) in the delivery of projects of a similar type and scale in the South Australian marketplace.

#### CRITERIA 1

Demonstration of appropriate experience, capability and financial capacity to deliver a project of scale of the Mt Barker Office and/or the Multi-level Car Parking Project.

#### Information Requirements

A general overview of the Respondent and key individuals experience with projects of a similar size and scope. Relevant projects should be listed, with details on each project to include (but not limited to) the following information;

- Project Name,
- Address/Location,
- Date,

- Client,
- Description (and end development value),
- Funding source and mix,
- Development structure (i.e. by Respondent alone, JV etc),
- Extent of involvement of the Respondent and its role,
- Relevance of the nominated project to that proposed for the Mt Barker Office and/or Multi-level Car Parking Project.

Details of the consultant team that the Respondent intends to use for the Project should be provided together with an overview of each team member's experience and expertise as it directly relates to this project should also be provided.

Council requires an understanding of the financial capacity of the entity/entities which will ultimately accept the risk of delivery of the Project ("responsible entity/entities"). The financial capacity of the responsible entity/entities will be assessed to ensure that, if they are awarded the Mt Barker Office and/or Multi-level Parking Project, that the Project does not dominate the responsible entity/entities' existing business and that a true risk transfer can be achieved by Council.

#### Information Requirements

In order to demonstrate the financial capacity of the responsible entity to deliver the Project, Respondents must provide:

- Annual Report of nominated entities (and



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other documents detailing the current works in progress),

- Statement of financial capacity of the principal and equity partners proposed for the Project,
- Details of the parties who may offer corporate and financial guarantee to secure delivery on time,
- Details of required grants, equity, debt and other funding that partners will contribute to, or require for the Project and timing and process of securing such funding.

## C1.2 DEVELOPMENT CONCEPT OUTLINE

Council requires an understanding of the proposed Development Concept for the Mt Barker Office and/or Multi-level Car Parking Project and how the Respondent has addressed the Project Objectives.

### CRITERIA 2

An outline Vision and Development Concept Plan for the Mt Barker Office and/or Multi-level Car Parking Project that meets and/or exceeds the Project Objectives and desired outcomes.

#### Information Requirements

Respondent's proposed development concept for the Mt Barker Office and/or Multi-level Car Parking Project which addresses the Project Objectives including:

- Demonstration of an understanding of Council's requirements,
- Statement of how the proposal addresses the Project Objectives (including consistency with the Mt Barker Town Centre Strategy Masterplan),
- Demonstration of innovation in property development,
- Outline development concept drawings indicating the land involve and building footprints (ideally at a scale of 1:100),

- Statement of green star performance (as applies to the office element only if applicable),
- Identification of infrastructure issues,
- Demonstration of environmental best practice,
- Where the proposed concept utilises Site 4, details of where the alternative car parking is provided to the same quantum as the current provision.

## C1.3 FINANCIAL AND RISK PROPOSAL

Council requires an understanding of the proposed commercial proposal for the proposed Project (including risk).

### CRITERIA 3

Outline of the commercial proposal for the proposed Mt Barker Office and/or Multi-deck Car Parking including land offer, cost of retained built form accommodation (and land), development structure, risks and other issues.

#### Information Requirements

A non-binding commercial proposal outline including the following:

1. Details of the proposed development structure and required role of Council,
2. Definition of Council's land holdings proposed to be involved in the Project including indicative value assigned to such land.

#### Separate elements as follows:-

- A. Office – confirmation of the net lettable area, proposed tenure, and cost of such accommodation and car parking to Council (provided as owned or leased accommodation – and where leased, the terms of such commercial leasing arrangements).

Proponents should clearly show the amortisation of the assigned value of Council's land toward the office accommodation provided.

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B. Multi-level Car Park – confirmation of the number, location, availability, proposed tenure and capital / recurrent cost to Council of car parking and outline pedestrian access to the Gawler Street precinct and the potential to add value to the future development of Council's Mann Street site.

Proponents must also provide details of the management structure proposed.

Proponents should provide an outline of any innovation in car parking provision proposed.

Where car parking for Council's offices and the public parking is integrated, a separate proposal must be provided.

Where Site 4 is included in a proposal, details of the ownership, operational cost obligations, risk and other matters proposed in this respect.

C. An outline of commercial risks assumed by Council.

## C1.4 PROJECT TIMING

Council requires an understanding of the Respondents timing expectations as it relates to Council's desired Timing Objectives.

### CRITERIA 4

Consistency with Council's Timing Objectives.

Information Requirements

1. An Indicative Project Timing Plan outlining expected commencement of the Project, and timing for the delivery of the Project,
2. Conditions proposed which may impact the timing or actualisation of the Project.

## C1.5 WIDER BENEFITS

Council requires an outline of ancillary benefits which may be available to Council and its stakeholder partners and the community including:

1. Demonstration of commercially sustainable environmental benefits,
2. Greater economic development initiatives,
3. Increased rate revenue from ancillary development,
4. Contributions to infrastructure,
5. Contributions to public realm upgrading,
6. Other initiatives,

### CRITERIA 5

The achievement of ancillary benefits to Council from the Project.



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 **Leedwell Strategic**  
P 08 8212 8880 | F 08 8212 8881  
Level 2, Aston House,  
15 Leigh Street, Adelaide SA 5000

**LEEDWELL.**  
STRATEGIC

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Attachment 2 to Item 12.1

Pertinent details of Council’s Land including certificates of title, community land status, tenancies, building plans (where applicable) and other particulars are provided in the Attachments.

Regional Civic/Office Precinct  
Main (Gawler) Street Precinct  
Regional Business/Retail Core  
Precinct



Residential Mixed Use Precinct  
Designated Area  
Council Owned Land



## Attachment 3 to Item 12.1



## Marketing Cost Schedule

for

## Mt Barker Office/Car Park Project

Media	Date	Location	Size	Cost
<b>Advertiser</b> Business Section (liftout)	24 September 2013	Commercial Real Estate	12x3 Black and white	\$1,902.24
	1 October 2013	Commercial Real Estate	15x2 Black and white	\$1,585.20
	8 October 2013	Commercial Real Estate	12x3 Black and white	\$1,902.24
<b>Courier</b> General Classified	24-25 September 2013	General Classified		\$374.73
<b>Total Media</b>				<b>\$5,764.41</b>
Web Site	Pre 20 September 2013	Set up – files download, System pre-run		\$2,500.00 (estimate)
Jordan Kae Design	Information Memorandum	Design and Production	Per original quotes (as approved)	\$2,760.00
<b>TOTAL</b>				<b>\$11,024.41</b>

All costs ex GST.

**12.2 REPORT TITLE: BIODIVERSITY SURVEY OF THE MDPA LANDS**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER: 64/005/224**

**Strategic Plan 2012-2017 Ref:**

Ecological footprint, climate change and environmental protection

### Reduced ecological footprint

**Objective 5.3 Protect and restore remnant vegetation and, including scattered trees and bushland**

### **Purpose:**

To respond to a question at the 19 August Council meeting and motion passed to investigate the risks and benefits of a biodiversity survey throughout the MDP lands.

### Summary – Key Issues:

Key Points (Limit to one sentence).

1. A flora and fauna assessment was undertaken in 2009 as a part of investigations for the Ministerial DPA to rezone land in Mt Barker township.
2. Because of the limited nature of the assessment there are risks associated with relying on this report to inform planning and decision making on biodiversity related matters in the area concerned.
3. There is an opportunity to partner with the SA Murray Darling NRM Board to improve biodiversity outcomes in the District.

**Recommendation:**

That Council:

1. Support the development of a biodiversity survey and report including detailed recommendations on the management of biodiversity assets in the growth area
2. Re-allocate funding within existing budgets to undertake this work
3. Note that funding allocated will be to a maximum of \$15,000 and subject to external funding contributions.

### Background:

1. In 2009 consultants Environmental and Biodiversity Services (EBS) were commissioned by Connor Holmes to undertake a flora and fauna assessment as part of the proposed expansion of the township of Mount Barker.

2. The purpose of the report was to undertake and summarise literature reviews and data searches, interpret spatial data relating to remnant vegetation and revegetation and make recommendations on the management of biodiversity within the area.
3. The report provides a basis whereby the biodiversity assets of the growth area can be understood and key areas identified and actions to protect key assets can be initiated.
4. The EBS report does not provide a comprehensive assessment of the biodiversity assets in the growth area and is also understood that part of the growth area adjacent Totness Conservation park was not included in the surveyed lands.
5. It is likely that a more detailed study involving field work, would better inform planning and onground outcomes across the growth areas however funding such a survey would come at the expense of onground work this financial year.
6. In the *Mount Barker, Littlehampton and Nairne Structure Plan* (the Structure Plan) Council identified a need to protect and enhance the natural environment as a priority.
7. This report discusses the limitations of the EBS report, some of the benefits of undertaking a more detailed study and how such a study would be used to influence biodiversity outcomes and the use of buffer zones.
8. There is potential for a valuable partnership project with the SA Murray Darling NRM Board.

**Discussion:**

9. The EBS report 'Mount Barker Township Expansion Flora and Fauna Assessment' was conducted in August 2009 and involved a desktop study and 1 day of field work.
10. The desktop study included reviewing aerial photographs and relevant databases including the Environment Protection and Biodiversity Conservation (EPBC) Act Protected Matters database and the Biological Databases of SA.
11. Flora and fauna species or ecological communities that are Nationally threatened or endangered are listed under the EPBC Act. The EBS report details species listed under this legislation that are, or potentially could be found in the growth area and within a 5km radius of the growth area. It also list species that are rare or threatened at a State level.
12. The EBS report notes that it is limited by the timing and extent of the survey work (1 day in August) and the fact that detailed field work including trapping and spotlighting was not undertaken.

13. While the EBS report provides some basic information that can be used to protect existing biodiversity assets, it is unlikely that it can be used to add value to developments and achieve the kind of biodiversity outcomes as envisaged by the Structure Plan.
14. The EBS assessment did not include the north-west section of the Mount Barker growth area including the area north-west of Hawthorn Road, which includes significant areas of quality remnant vegetation in close proximity to Totness Recreation Park.
15. It is important to note that proponents of development are not required to provide detailed biodiversity information as part of their development application however such a survey could be used to inform planning applications.
16. When a land division application is received by Council, planning staff are required to assess against a number of different policy objectives, including environmental. Planners would normally consult with specialist staff or relevant reports or studies to form views on how well a particular proposal meets policy objectives.
17. It is expected that a more detailed survey and associated report would contain written and visual (including spatial) information that will inform the protection and extension of biodiversity assets within new development areas and in adjacent lands.
18. The report would identify significant natural attributes and make recommendations on protecting and enhancing these attributes including aligning recommendations with current Council Development Plan policy that relates to the protection of native vegetation and/or biodiversity.
19. This would be particularly useful to Council's planning staff with responsibility for the design and management of open space to achieve biodiversity outcomes. For example it would inform open space planning to maximise the potential for fauna species, especially birds, to move through and within the development area and maximise habitat opportunities.
20. Specifically the project will:
  - a. Identify remnant native vegetation in the MDPA growth area and provide maps detailed enough to inform design and assessment of development areas.
  - b. Identify remnant vegetation beyond the Mount Barker, Littlehampton and Nairne Structure Plan area that highlights real and potential habitat corridors and buffers
  - c. Identify and map environmental features such as wetland/bog areas and rocky outcrops that may provide current or potential habitat
  - d. Identify water dependent ecosystems



- e. Identify known fauna species within the Structure Plan area and their habitat requirements
  - f. Make recommendations on the design and function of development areas to achieve outcomes that protect and extend biodiversity assets
  - g. Align recommendations with relevant policies within Council's Development Plan and make recommendations on potential Development Plan changes
  - h. Provide species lists to inform open space planning and environmental design, for example the design of buffer zones along watercourses and adjacent remnant vegetation areas
  - i. Identify the presence of rare or threatened species where possible
21. There has been some discussion about how such a biodiversity study should be funded, i.e. that developers should be required to contribute.
22. As stated previously, developers are not required to provide detailed biodiversity information as part of their development application, let alone beyond their site. However they are required to submit information on what environmental impacts their developments are likely to have and how these will be ameliorated.
23. While it is not feasible to have developers contribute to a biodiversity study across the whole of the growth area such as the one that is being proposed, the study can be used by developers to inform the assessment of each site.
24. Without such a detailed biodiversity study there is a risk that environmental assets such as threatened species will not be adequately protected and opportunities for best practice biodiversity planning and management in an urban setting will be missed.
25. The implementation and design of buffer zones was raised at Council. Currently Council's Development Plan only considers buffer zones where they need to be applied between adjoining zones and potential incompatible land uses, for example between residential and rural zones. These buffer zones of 40m are usually achieved by incorporating larger allotments at the zone boundary. While vegetative buffers may be helpful, their design, implementation and management are highly problematic.
26. The design and function of buffer zones to protect and improve environmental assets is complex. When trying to plan for particular species or ecosystems a general principle of 'the bigger the better' is usually applied. While the EBS report recommends a buffer of 100m be applied to certain zones within the growth area, practically this would be difficult to achieve and create inequity amongst land owners.

27. It is suggested that buffer zones are more appropriately based around some broad principles that consider important areas as well as connectivity within and across land parcels rather than a blanket metre width.
28. In terms of funding the survey it is expected that it would cost in the order of \$25,000. To help achieve this, the environmental services unit have reviewed existing budgets to determine whether reallocation is possible. Budgets for native vegetation management activities and climate change adaptation are the most likely sources however this would mean fewer funds for onground management in the current financial year. This can be justified against the potential for greater long term benefit for biodiversity assets.
29. In the formulation of this report the SA Murray Darling Basin NRM Board has been informally approached to see if it would consider funding for the proposed biodiversity study. The Board staff have advised that this proposal is likely to be viewed favourably and that Council should formally approach the Board seeking partnership funding and inkind assistance once a decision to proceed with the survey is made.
30. It is likely that funding from the Board will be forthcoming and that the scope of the project could be expanded in order that outcomes and recommendations be made broadly applicable to other areas (and potentially other Councils).

#### **Community Engagement:**

Method of consultation, informing community & cost	If Council supports a biodiversity survey, permission to access properties would be sought from all landholders.
Feedback to stakeholders/Council	Copies of the survey and report would be made available to all landholders and developers in the growth area
Timeframe for consultation	Landholders would be contacted as soon as practicable before commencement of the survey which would preferably be held in Spring. Properties would not be accessed without prior permission.

#### **Policy:**

There is no existing biodiversity policy however it is expected that a biodiversity survey and report of the growth area would inform future Council policy and decision making on this issue.

#### **Budget:**

The survey is expected to cost in the vicinity of \$25,000. External funding is being sought and a budget allocation of \$15,000 is being considered from

existing budget lines. This would result in reduced allocation to onground environmental programs for 2013/14.

**Statutory/Legal:**

The Environment Protection and Biodiversity Conservation Act, Native Vegetation Act, Natural Resources Management Act and Development Act are all relevant to this issue.

**Staff Resource Requirements:**

The biodiversity survey and report will be contracted out and coordinated by the Environmental area. It is able to be managed within existing work programs.

**Environmental:**

Good environmental outcomes rely on the extent and quality of information available. The environmental impacts are expected to be positive and have the potential to establish the Council as a leader in the management of biodiversity within peri-urban areas.

**Social:**

No impacts expect apart from broad community benefit through good environmental outcomes.

**Risk Assessment:**

A risk management approach to environmental protection and management would dictate that understanding the asset is essential to implementing policies and programs for its protection. Greater understanding of the biodiversity issues within the growth area will allow risks to be identified and managed accordingly.

If the survey were not to proceed there is a risk that unknown biodiversity assets will be impacted as development proceeds.

The budget allocation is considered a modest investment to help manage environmental risk notwithstanding the immediate impact to onground programs.

**Asset Management:**

N/A

**Conclusion:**

Council has stated its policy intention to 'encourage the creation of a robust urban ecology' in the *Mount Barker, Littlehampton and Nairne Structure Plan*. It has identified the need to undertake or initiate the review of policy and process to deliver Structure Plan outcomes including a biodiversity study. With the likely support of the SA MDB NRM Board it is considered a timely and appropriate opportunity to complete this study in order to advance Council's environmental objectives.

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**Key Contact**

Greg Sarre, Senior Advisor Strategy and Policy, Council Services

**Manager or Sponsor of Project**

Greg Parker, General Manager, Council Services

**Attachments**

Nil



**12.3           REPORT TITLE:       PROPOSED SAFETY AUDIT FOR  
ADELAIDE ROAD FREEWAY  
INTERCHANGE**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER:       64/005/285**

**Strategic Plan 2012-2017 Ref:**

4.3 Maintain active and intensive effort to secure the construction of the Bald Hills road freeway interchange.

**Purpose:**

To seek Council approval to undertake a safety audit of the Adelaide Road Freeway Interchange.

**Summary – Key Issues:**

- The Adelaide Road Freeway Interchange is in urgent need of an upgrade to improve capacity along with construction of a new interchange at Bald Hills Road.
- The interchange is close to full capacity with queuing onto the Freeway when accidents occur.
- The State Government has declined to commit to a time frame to upgrade the interchange.

**Recommendation:**

That Council:

1. approves the appointment of HDS for a total cost of \$8,200 (ex GST) to undertake a safety audit of the Adelaide Road freeway interchange.
2. Communicates this action to both the Hon Tom Koutsantonis MP, Minister for Transport, Mr Jamie Briggs MP, Member for Mayo and Ms Vicki Chapman MP, Shadow Minister for Transport.

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**Background:**

1. When the State Government first advised of its intention to undertake a Ministerial Development Plan Amendment (MDPA) in Mount Barker, Council had a report prepared to assess the impact of the re-zoning on Transport Infrastructure.
2. The report recommended an immediate upgrade of the Adelaide Road interchange which is close to full design capacity as well as provision of a new freeway interchange at Bald Hills Road.



3. As part of the re-zoning process, the State Government made a political commitment to immediately upgrade the Adelaide Road interchange and construction of the Bald Hills Road interchange within 5 years.
4. Since that time, the State Government has refused to commit to any specific timing for either project (see Attachment 1).
5. Recently an accident resulted in lengthy queuing onto the freeway at the Adelaide Road interchange. This is a major road safety risk.
6. Council has obtained submissions from DPTI pre-qualified Road Safety Auditors to undertake a Road Safety Audit of the interchange. This would highlight safety issues and increase pressure on the State Government to fund the modest cost of this upgrade or advance the Bald Hills Road interchange.
7. Specifically the report would address:
  - Design capacity for the interchange compared to current traffic volumes
  - Capacity of the interchange to deal with emergency situations such as a major bushfire threat
  - Potential for accidents on or near the ramps or on Adelaide Road
  - Examination of interchange geometry and compliance to current Austroads design guidelines
  - Identification of worst case situations and in particular the potential for queuing of vehicles into the freeway with an increased risk for a major crash event
  - Access for emergency vehicles
  - The impact of adverse weather conditions on safe operation of the interchange.
8. The outcome of the Federal Election and the coming State Elections in March 2014 make it opportune to undertake this study now.

**Discussion:**

9. Council received three submissions to undertake the Safety Audit. The lowest cost submission was from HDS Australia which is well qualified to undertake the work for a cost of \$7,400 (ex GST). HDS has also proposed an optional SIDRA analysis which would show likely queuing on the Adelaide Road off ramp for projected future traffic volumes at an extra cost of \$800 (ex GST).
10. HDS have previously undertaken regional traffic planning work for the Southern and Hills Local Government Association Transport Group.
11. It is recommended that HDS Australia be appointed for a total fee of \$8,200 (ex GST)

**Community Engagement:**

Informing only	Via this Council report and on Council's website.
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**Policy:**

Not applicable.

**Budget:**

There is no current budget allocation for this work. If approved, the cost will need to be reflected in an expenditure reduction elsewhere in the budget to avoid an increase in the 2013/14 operating budget.

**Statutory/Legal:**

Not applicable,

**Staff Resource Requirements:**

Work will be managed out of existing staff resources.

**Environmental:**

Not applicable.

**Social:**

Current queuing on the freeway represents an unacceptable road safety risk for the community. Residents of the district will experience increasing delays when travelling to and from Adelaide if the interchange capacity is not quickly improved.

**Risk Assessment:**

Undertaking the proposed Safety Audit will allow a comprehensive and independent assessment of the risk related to the existing interchange.

**Asset Management:**

Not applicable.

**Conclusion:**

It is recommended that a Safety Audit be undertaken to highlight the risks associated with the inadequate capacity of the existing interchange.

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**Key Contact**

David Morton, Manager Projects, Infrastructure and Projects Department

**Manager or Sponsor of Project**

Brian Clancey, General Manager Infrastructure and Projects

**Attachments**

1. Correspondence from Minister Koutsantonis 13/079118

Attachment to Item 12.3

**The Hon Tom Koutsantonis MP**  
**Member for West Torrens**

13MTR/0873

SCANNED

14 AUG 2013

Ms Ann Ferguson  
Mayor  
District Council of Mt Barker  
PO Box 54  
MOUNT BARKER SA 5251

DC Mt Barker  
File No 48/030/057  
Rec 14 AUG 2013  
Doc. No. \_\_\_\_\_



**Government  
of South Australia**

**Minister for Transport  
and Infrastructure**  
**Minister for Mineral Resources  
and Energy**  
**Minister for Housing  
and Urban Development**  
Level 8 Terrace Towers  
178 North Terrace  
Adelaide SA 5000  
GPO Box 2832  
Adelaide SA 5001  
DX 451  
Tel 08 8463 6560  
Fax 08 8204 1960

Dear Mayor

Thank you for your letter about funding for projects on the South Eastern Freeway at Mount Barker.

In the 2013/14 State Budget, the South Australian Government allocated \$8 million for an Advanced Traffic Management System between Stirling and Mount Barker and \$4.5 million for a Managed Motorways System between Crafers and Stirling to match the Commonwealth Government's preliminary schedule of projects to be funded and delivered under the next five year Nation Building Program (2014/15 to 2018/19).

These projects are designed to improve road safety, increase efficiency and manage traffic incidents on the South Eastern Freeway between Stirling and Mount Barker. As the funding is specifically allocated to these projects and does not commence until 2014/15, there is no opportunity to apply it to other works on the South Eastern Freeway in 2013/14.

The Department of Planning, Transport and Infrastructure (DPTI) is exploring other funding options to commence modest capacity and operational improvements to the intersections at the Mount Barker Interchange in 2013/14.

In relation to vehicles queuing on the South Eastern Freeway off-ramp from Adelaide into Mount Barker, DPTI advises there is a queue detection system which adjusts the Adelaide Road traffic signals to help clear the ramp during peak times. DPTI will review the operation of the queue detection system and make necessary adjustments if required.

Thank you for taking the time to write and I trust this information is of assistance.

Yours sincerely

  
**Hon Tom Koutsantonis MP**  
Minister for Transport and Infrastructure

7 August 2013

**12.4           REPORT TITLE:       WARD DONATIONS**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER:       12/016285**

**Strategic Plan Reference**

Governance and Leadership

**Purpose**

To allocate ward donation funds to individuals or organisations.

**Summary – Key Issues**

1. Council has allocated an amount per annum (1 July to 30 June) of \$1250 for each Elected Members to spend on individuals and groups at Elected Members' discretion. This is known as a Ward Allowance.
2. At each Council Meeting, Elected Members may nominate individuals or groups to which a donation from their Ward Allowance will be made.

**Recommendation**

That Council will make the following donations, given that each Member nominating the donation has given careful consideration to whether there is a conflict of interest:

<b>Elected Member</b>	<b>Amount</b>	<b>Group/Individual</b>	<b>Purpose</b>

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**Background**

1. Council receives many requests for assistance from individuals community members and community groups. Requests may be received by Elected Members via telephone, letter or via email, or direct to Council.
2. Council has allocated an amount per annum(1 July to 30 June) of \$1250 for Elected Members to spend on individuals and groups at Elected Members' discretion, which has been in place for over 10 years. This is known as a Ward Allowance.
3. The Council conducted a Representation Review in 2005 which amended the Ward boundaries to ensure equal representation

(Council Member per elector) in each Ward. This process also ensures the amount of Ward Allowance available to the community is equal between each of the Wards.

4. More recently a further Representation Review was undertaken with the report being forwarded to the Electoral Commission for their approval. If approved it will be implemented at the 2014 elections.
5. At the end of each financial year, a report of the expenditure of Ward Allowances will be reported to Council.

#### **Ward Donation Procedures**

6. Individual members of the community or community groups may require small financial assistance for projects/initiatives of community interest and benefit from Council.
7. These requests should be made directly to the Mayor and/ or Elected Members for their consideration / assessment.
8. Any requests received directly by Council will be acknowledged by the Executive Assistant to the Chief Executive Officer and Mayor, and advised that any such requests received will be provided to all Elected Members who may choose to contribute some funds from their annual Ward Allowance.
9. When determining donations, Elected Members should consider the community interest / benefit to be received and enjoyed by the large community as a result of that donation.
10. Elected Members should also consider and assess any actual or perceived conflict of interest as a result of making a particular donation.
11. At each Council Meeting, Elected Members may nominate members of the community or community groups to which a donation from their Ward Allowance will be made. These donations are reflected in the Council meeting minutes, available on Council's website [www.dcmtbarker.sa.gov.au](http://www.dcmtbarker.sa.gov.au)
12. Elected Members are encourage to advise the Executive Assistant to the Chief Executive Officer and Mayor as soon as possible of any requests for ward donations received in advance of Council meetings in order for such requests to be included in the Council meeting agenda.
13. When making a donation in the Council Meeting, the Elected Member should:
  - a. Declare who the donation is to be made to, the amount and the purpose of the donation; and

- b. Complete and submit a Ward Donation Form to the Minute Secretary (Sue Miller).
14. Following the Council Meeting, staff will use the information provided on the Ward Donation Form and arrange for the donation to be provided to the community member or community group.

### **Community Engagement**

Informing only	Notification by way of Council minutes.
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### **Policy**

There are currently no Council Policies in relation to Ward Donations.

### **Budget**

Each Elected Member has a budget allocation of \$1250 annually. Any unallocated ward allowance balance is not carried over to the next financial year.

### **Statutory/Legal**

There are no statutory/legal implications or requirements in relation to Ward Donations.

Section 73 of the Local Government Act 1999:

However, Elected Members should be mindful of potential or real conflict of interest that arise as a result of making a ward donation.

### **Staff Resource Requirements**

Upon notification of a resolution of Council, Finance staff process and forward ward donation cheques to the nominated recipient. This is incorporated into the existing responsibilities of the finance staff.



**Environmental**

There are no environmental implications arising from this report or its recommendations.

**Social**

Ward donations enable individual members of the community and community groups to request small donations to assist with their endeavours.

**Risk Assessment:**

It is the responsibility of each Elected Member to assess the risks association with the ward donations.

**Asset Management:**

There are no asset management implications arising from this report or its recommendations.

**Conclusion**

Elected Members have the opportunity to make ward donations.

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**Key Contact**

Sue Miller, Executive Assistant to Chief Executive Officer & Mayor

**Manager or Sponsor of Project**

Andrew Stuart, Chief Executive Officer

**Attachments**

Nil

13. **RECOMMENDATIONS FROM ADVISORY COMMITTEES**

NIL



**14. INFORMATION REPORTS****Recommendation**

That the following information reports be noted en bloc.

**14.1      REPORT TITLE:      MANAGING GROWTH UPDATE**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER:      48/030/064**

**Purpose:**

To provide an update on Managing Growth.

**Summary – Key Issues:**

- The Mayor has forthcoming meetings with both the Deputy Premier and Minister for Transport;
- An agenda item will be prepared for consideration at a Council meeting in October 2013 regarding Council securing contributions from developers to required transport infrastructure on local roads.

**Background:**

The following provides an update post the Information Report that was noted at the Council meeting on 2 September 2013.

**Discussion:****Ministerial Meetings**

1. The Mayor is scheduled to meet with Deputy Premier and Minister for Planning the Hon John Rau MP on 12 September 2013 and the Minister for Transport and Infrastructure the Hon Tom Koutsantonis MP on 19 September 2013.
2. The need for State Government support for and commitment (e.g. forward budget estimates) to growth requirements in Mt Barker will again be strongly advocated.

**Expert Panel on Planning Reform**

3. The Expert Panel will be holding a community workshop in Mount Barker on 12 September 2013.
4. The workshop commences at 7.00pm and is being held at Auchendarroch House.

### SA Power Networks

5. The community consultation process has now concluded.
6. Council is awaiting further information from SA Power Networks regarding the additional information requested for undergrounding and the feedback recently received from the community.

### Transport Study

7. Council and the State Government have jointly commissioned a study regarding the continuation of the connector road to the west of Flaxley Road connecting into Hawthorn Road (as proposed in the Ministerial DPA) versus alternative options, including the upgrading of existing roads.
8. The study has been undertaken by Murray F Young, Traffic and Transport Consultants.
9. It provides a traffic engineering perspective which in turn will need to have land use planning considerations factored in so as to achieve an integrated transport and land use approach.
10. Community consultation is planned to occur following Council consideration of the study and land use planning considerations, initially via the Strategic Planning and Development Policy Committee which is likely to be at the meeting scheduled for 14 October 2013.

### Freeway Access

11. Please refer to the separate item contained within this agenda.

### Transport Infrastructure Requirements

12. The assessment of current development applications for land division within the Ministerial DPA area has highlighted the need for transport infrastructure upgrading that will be required over time that is either: (a) not contained within the list that is included in the State Government Deed and was also used for the purposes of the Council's separate rate for transport infrastructure or is (b) listed as being required but isn't to be funded from the \$50,000 per hectare contributions from developers.
13. Transport infrastructure upgrading will be required to some local roads.
14. This will be the subject of a future agenda item to a Council meeting setting out how it is proposed to secure contributions from developers for these required transport infrastructure upgrades to local roads.

15. It is anticipated that this will in some cases require apportionment of funding obligations across a number of development parcels and different developers where such parcels (when developed) will add to the demand for and equally receive benefit from the required local road upgrading.
16. Examples are expected to include roundabouts on Paech and Barker Roads when the construction of the connector road at these locations would create four way intersections.
17. This agenda item is likely to be available for consideration at a Council meeting in October.

### **Conclusion**

Planning for transport infrastructure requirements continues to be a high priority.

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### **Key Contact**

Brian Clancey, General Manager Infrastructure & Projects

### **Sponsor of Project**

Andrew Stuart Chief Executive Officer

### **Attachments**

Nil





**14.2            REPORT TITLE:        MORPHETT HUTCHINSON STREETSCAPE  
IMPROVEMENT UPDATE**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER:        48/020/211**

**Purpose:**

Provide an update on the detailed designs for the Morphett Hutchinson Precinct Streetscape Project.

**Summary – Key Issues:**

- Detailed plans for the project have been prepared.
- Drawings and specifications are being finalised for tender.
- The amount of work to be carried out in the 2013/14 financial year can be decided by Council when tenders are received with the potential for some work to be staged in 2014/15.

**Background:**

1. At its meeting on 2 April 2012 Council approved a concept for detailed design to proceed. Detailed designs have now been completed with priority given to the Stage 1 (road pavement and civil) work which was approved to be awarded by Council on 2 September 2013.
2. Detailed designs have now been completed for the Stage 2 (streetscape work including the plaza and pedestrian areas) (Attachment 1).
3. Specifications and drawings are now being finalised so that this second package of work can be tendered with the aim of commencing construction early in 2014 when the first package of work has been completed.

**Discussion:**

4. Materials have been chosen with granite and bluestone feature strips along with more cost effective aggregate pavers for the majority of the paved areas. Bluestone is also featured in walling and bench support designs.
5. The arbours provide weather protection over the plaza area and crossings and can also be used for lighting, banners/signs, speakers etc.
6. The overall design philosophy has been to provide a contemporary feel for this location with a range of cost effective design elements that can be reflected in other locations in the Town Centre in the future.

### Budget and Staging

7. The Quantity Surveyor's cost estimate of all of the work included in the Stage 2 streetscape work is \$1,640,000 (excluding GST and contingency).
8. Council's budget allocation for 2013/14 is \$1,850,000. This figure was based on an estimate of what could be realistically programmed for construction in 2013/14 and includes State Government funding of \$500,000.
9. With the first civil package works including road pavement reconstruction, kerbing, lights, pedestrian crossings having been let for a cost of \$1,083,055 (exclusive of GST and contingency), remaining funds budgeted for 2013/14 will be approximately \$700,000.
10. It is possible to stage the work with further expenditure in 2014/15 i.e. the core area including the plaza and pavements inside of the four pedestrian crossings could be completed this year for close to the remaining budget.
11. The work can be tendered with some separable portions to allow staging if desired with Council able to decide what work will be completed in 2013/14 on receipt of actual tender prices.
12. Streetscape work next to the vacant land to the north west and owned by Woolworths will be deferred until development of that site. The pavement work on the prominent north west corner between the two pedestrian crossings will be completed as some of this is not immediately adjacent to the development site.
13. The proposed water feature work has not been included in the current cost estimate. Business Mt Barker has offered to sponsor this and associated elements subject to written confirmation.
14. The Communication Plan prepared for the Stage 1 Civil and Road Pavement package will be updated and continued for this Stage 2 work. It will be important to make it clear to the community that completion of the works shown on this plan will be subject to Budget Approval and may be staged by Council.

### Conclusion

Detailed plans have been completed for Stage 2 of the project (street scape) and will go out to tender in the near future. A further report will be provided to a future meeting of Council when recommending the award of a tender.

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**Key Contact**

David Morton, Manager Projects, Infrastructure and Projects Department

**Manager or Sponsor of Project**

Andrew Stuart, Chief Executive Officer

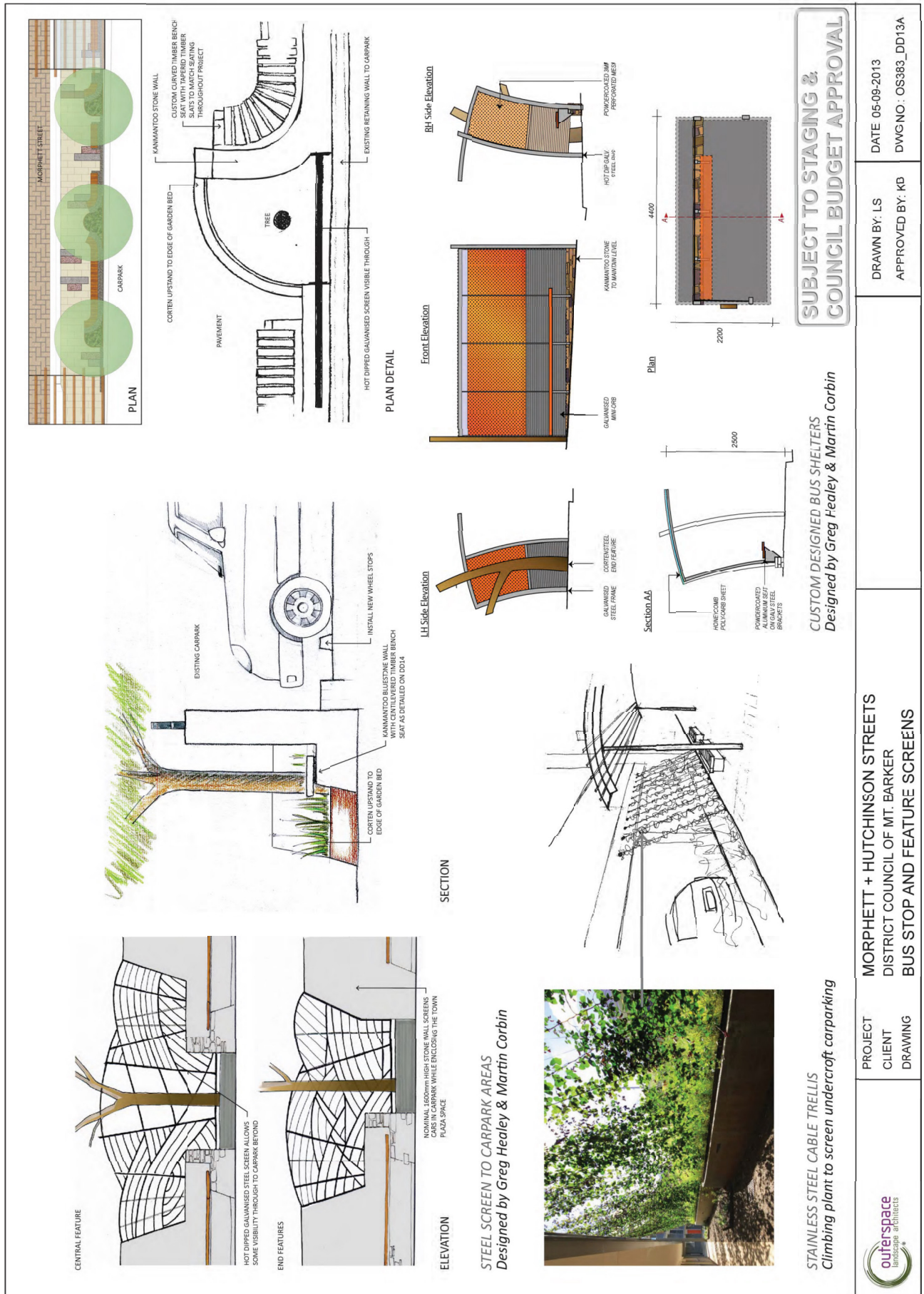
**Attachments**

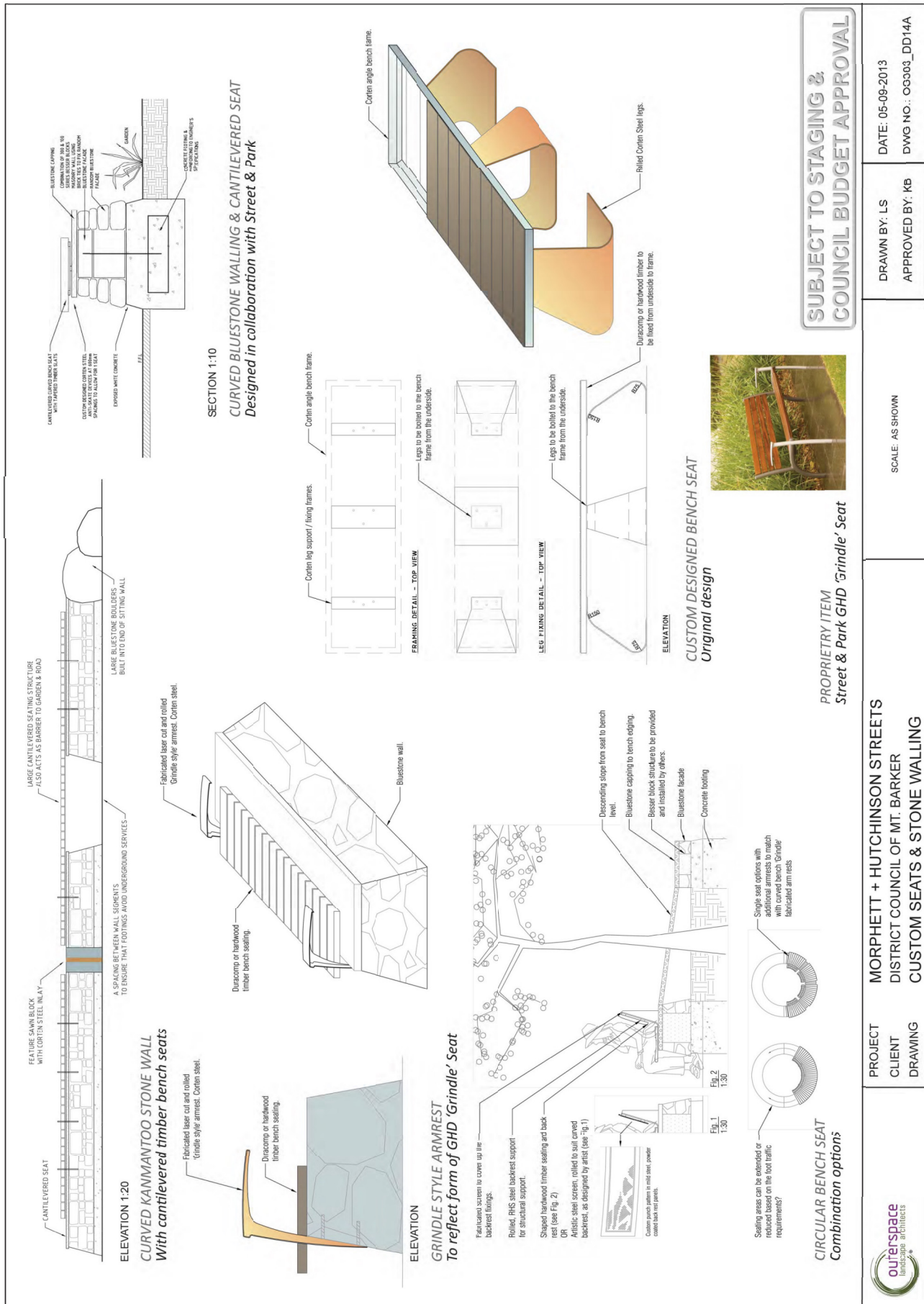
1. Detailed design plans 13/086873

Attachment to Item 14.2

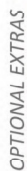
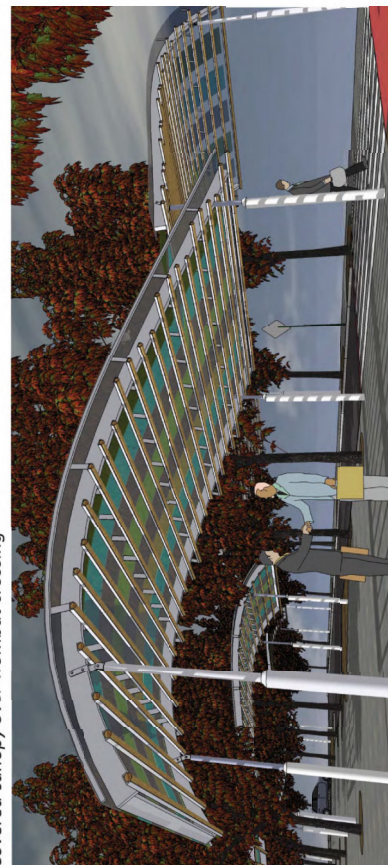
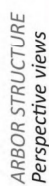












## COMPONENTS

- **Structure:** 200x75mm RHS, oiled to dimension galvanised and coated (colour to be determined).
- **Custom fabricated** round stepped post system, modular height adjustable string fixing bracket for the RHS (not shown).
- **Alloy structural channel:** 76x38mm powder coated (colour to be determined) 3500mm length with round 60mm hardwood dowel fixed from below the RHS.
- **Damelson polycarbonate roofing system:** Fixed to the top of the RHS, for minimal framing visual intrusion (colour to be determined) utilised on the footpath side as well as the pedestrian crossings (not illustrated).
- **Guttering system and rainhead:** This will be a small tube that runs to the post structure. The posts will function as down pipes.
- **Lighting:** Flood uplights to wash light over the polycarb. Additional opportunity for cable system to run between the structures as lanternry lighting.
- **Public address system.**
- **Vendor power points.**
- **Banner mounts** to announce future events.

**SUBJECT TO STAGING &  
COUNCIL BUDGET APPROVAL**



<div><div>NATURAL STONE Kamantoo Bluestone</div><div><div>Bluestone walling throughout project using locally sourced stone.</div></div><div><div>Bluestone landscaping boulders</div></div><div><div>Bluestone set pavers in feature bands</div></div><div><div>Sawn stone blocks create a bold edge &amp; passive seating opportunities</div></div></div>		<div><div>PAVING Types &amp; Selections</div><div><div>Type A interlocking roadway paver for durability</div></div><div><div>Adbri Ancholok 80mm 'Desert Sand'</div></div><div><div>Luperana granite paver in feature bands</div></div><div><div>Semi-honed 600x300mm paver for town plaza space</div></div><div><div>Shot-blast 300x200mm paver for pedestrian path pavement</div></div></div>		<div><div>FIXTURES Landscape Elements</div><div><div>Cree 'The Edge' round pedestrian lamp post top with LED luminaire to create a safe pedestrian scale focus</div></div><div><div></div></div><div><div>Chygreen 'Castle' tree grate with paving inlay to maximise usable space &amp; ensure tree health</div></div><div><div>Chygreen Stratacell tree root system for optimum tree health</div></div><div><div>Chygreen 'Castle' tree grate with paving inlay to maximise usable space &amp; ensure tree health</div></div><div><div>ACQ Headboard stainless steel drainage grate</div></div></div>		<div><div>SUBJECT TO STAGING &amp; COUNCIL BUDGET APPROVAL</div><div><div>ACQ Headboard stainless steel drainage grate</div></div></div>	<div><div>PROJECT CLIENT DRAWING</div><div>MORPHETT + HUTCHINSON STREETS, MT BARKER DISTRICT COUNCIL OF MOUNT BARKER MATERIALS &amp; SELECTIONS</div></div>	<div><div>DATE: 05-09-2013 DWG NO.: OS383_DD16A</div><div><div>DRAWN BY: LS APPROVED BY: KB</div></div></div>
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**14.3 REPORT TITLE: MDPA SEPARATE RATE REVENUE****DATE OF MEETING: 16 SEPTEMBER 2013****FILE NUMBER: 30/050/060****Purpose:**

Provide Council with an update on the Transport, Wastewater and Recreation and Community infrastructure separate rates raised and postponed in the 2013/14 financial year.

**Summary – Key Issues:**

1. Council has raised and postponed the separate rates on MDPA land in 2013/14 as per policy.

**Background:**

1. On 8 July 2013 Council declared the three (3) Separate Rates for:  
Transport Infrastructure,
  - Wastewater Infrastructure, and
  - Recreation, Sport and Community Infrastructure, in the MDPA area.

**Discussion:**

2. As per Council's MDPA Infrastructure: Payment, Rebate, Remission, Postponement Policy 6.1, Council will postpone the payment of all MDPA Infrastructure Separate Rates pending the occurrence of a 'trigger' event as set out in the Policy.
3. Whilst the MDPA Infrastructure Separate Rates will be declared to apply each year, in accordance with the Act, they will be payable in the financial year following the creation of a new valuation assessment, as and when advised by the Office of Valuer General (i.e. a 'trigger' event).
4. Separate rates raised for the 2013/14 financial year are as follows;
  - i. Transport Infrastructure rates on 109 assessments over 1,241 hectares with a capital value of \$59,125,000, at \$50,000 per hectare, raised a total of \$62,045,260.
  - ii. Wastewater Infrastructure rates on 106 assessments at \$8,200 per allotment raised a total of \$869,200.
  - iii. Recreation, Sport & Community Infrastructure on 106 assessments at \$1,400 per assessment raised a total of \$148,400.
5. The percentage by land use of the total rates raised is shown in the table below.

<b>Land Use</b>	<b>Recreation</b>	<b>Wastewater</b>	<b>Transport</b>	<b>Grand Total</b>
Primary Production	55%	55%	90%	89%
Residential	33%	33%	8%	8%
Commercial	2%	2%	1%	1%
Other	2%	2%	1%	1%
Vacant	8%	8%	0%	0%

6. In accordance with Council's policy the rates have been postponed as detailed in the table below.

<b>MDPA Separate Rates 2013/14</b>	<b>Total Actuals</b>
0010. Transport	
610. Rates - Capital	(62,045,260)
612. Separate Rate Postponed	62,045,260
Total 0010. Transport	0
0080. Wastewater	
610. Rates - Capital	(869,200)
612. Separate Rate Postponed	869,200
Total 0080. Wastewater	0
0115. Buildings & Recreation	
610. Rates - Capital	(148,400)
612. Separate Rate Postponed	148,400
Total 0115. Buildings & Recreation	0
610. Total Rates - Capital	(63,062,860)
612. Total Separate Rate Postponed	63,062,860
<b>Total Separate Rates</b>	<b>0</b>

### **Conclusion**

The MDPA Infrastructure Separate Rates raised a total of \$63m however as none of the properties rated have reached a "trigger" event all the rates have been postponed in 2013/14.

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### **Key Contact**

Anne Mooney, Senior Finance Officer:

### **Manager or Sponsor of Project**

David Peters, General Manager, Corporate Services

### **Attachments**

Nil

**14.4 REPORT TITLE: APPROVAL OF THE ELECTOR REPRESENTATION REVIEW**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER: 13/082311**

**Purpose:**

To provide an update on the progress of the Elector Representation Review report.

### Summary – Key Issues:

- Council provided the Electoral Commissioner with evidence of the process it had followed in reviewing its electoral structure;
- The Electoral Commission has provided Council with a certificate to confirm it is satisfied with the process followed.

### Background:

1. Council was required to participate in a Representation Review process to review its existing electoral structure.
2. In November 2012 Council began the process with the provision of a Representation Review Options paper.
3. This process involved looking at advantages and disadvantages of various options including the number of Council members and whether the Council should be divided into wards. This paper was available and provided to the public until 28 December 2012.
4. A further report was prepared for the 18 February 2013 incorporating community feedback and this report was available for a period of just under five weeks.

**Discussion:**

5. Feedback from that Report was incorporated into the final report which Council considered on 20 May 2013. The only change to the existing structure was moving Paechtown into the North Ward.
6. The Elector Representation Review Final Report was provided to the Electoral Commissioner to confirm that Council has followed an appropriate process.
7. On 26 August 2013 the Electoral Commissioner provided a certificate to Council that the Review was conducted appropriately and that it has complied with the requirements of Section 12 of the Local Government Act 1999.
8. Council has placed a gazette notice describing the new boundaries and including maps.
9. The new ward boundaries will take effect at the November 2014 elections.

**Conclusion**

The Representation Review process has been approved by the Electoral Commissioner.

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**Key Contact**

Ros McDougall, Risk & Governance Officer, Corporate Services

**Manager or Sponsor of Project**

David Peters, General Manager Corporate Services

**Attachments**

Nil

**15.        QUESTIONS ARISING FROM COUNCIL MEETING**



**16. CONFIDENTIAL REPORTS**

**16.1 REPORT TITLE: CONFIDENTIAL REPORT - DISPOSAL OF COUNCIL LAND**

**DATE OF MEETING: 16 SEPTEMBER 2013**

**FILE NUMBER: 10/130/172**

**Recommendation:**

That Council:

**Section 90 (3) (b) Order**

1. Pursuant to Section 90(3)(b)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer, Acting General Manager Council Services, General Manager Corporate Services, General Manager Infrastructure & Projects and Minute Secretary be excluded from attendance at the meeting for Agenda Item 16.1 Disposal of Council Land.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

- conducting business; or
- proposing to conduct business; or
- would prejudice the commercial position of the Council

in that the information to be considered includes detailed costing for the sale of land and other financial information, the disclosure of which could prejudice the Council's commercial position during negotiations.

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position may severely prejudice Council's ability to be able to negotiate a cost-effective



proposal for the benefit of the Council and the community in this matter and in relation to other contract negotiations.

**Section 91(7) Order**

2. Pursuant to Section 90 (3) (b) & (d)  
That having considered Agenda Item 16.1 Disposal of Council Land in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, related documents and all minutes be retained in confidence until a contract for the sale of the land is executed.