



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 28 January 2020 commencing at 9.00am in the
Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT

Mayor Bim Lange, Deputy Mayor Cr Leonie Boothby, Crs John Angas, David Haebich, Russell Johnstone, Don Barrett, Cathy Troup, David de Vries, Kathryn Schilling, Richard Miller and Carla Wiese-Smith, Tony Hurn.

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

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

Seconded Cr Haebich

CARRIED 2018-22/425

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

Nil

1.8 DEPUTATIONS

9.30am

Mayor Lange welcomed Ms Linda Moulle & Ms Soli Goodes to the meeting.

Ms Moulle presented information to council regarding the proposed rollout of 5G technology/infrastructure in the Barossa and the scientifically documented health

impacts to humans from non-native, non-ionising electromagnetic radiation pollution. Ms Moulle outlined requests of Council based on an approach of the precautionary principle.

Mayor Lange thanked Ms Linda Moulle & Ms Soli Goodes for their attendance and deputation and that Council will consider the requests at a future Council meeting.

The Deputation concluded at 9.45am

1.9 NOTICE OF MOTION

NOTICE OF MOTION – BAROSSA VALLEY VINE PATCH QUILTERS

B10322

MOVED Cr Troup that Council hire the Tanunda Community CWA Hall facility to Barossa Valley Vine Patch Quilters for \$55 per hire (being a day).

Seconded Cr Angas

LOST

PURPOSE

To debate the notice of motion put forward by Cr Troup to reduce the hire fees for Barossa Valley Vine Patch Quilters

REPORT

This matter has been before the previous Council and not supported on the grounds of equity across the community. Council officers have responded as per the decisions of Council (17 February 2015 and 15 November 2016) and the fees and charges policy set by Council.

The fee structure was reviewed post the significant upgrades to the associated area and bicycle hub along with minor upgrades to the hall, Council also took on the role of managing bookings.

The notice motion is attached at Attachment 1.

The relevant past information assessed by Council is attached at Attachment 2.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Notice of Motion
Prior Information and Background

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



How We Work – Good Governance

2.3 Contribute to creating strong and sustainable community networks.

Corporate Plan

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

Legislative Requirements

Section 188 of the Local Government Act – Fees and Charges Policy

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Approximate cost of notice of motion directly is \$1,000 per annum.

The risk impact is others seeking similar rates for hire of facilities all of which will result in greater need for subsidisation of costs by general rates.

COMMUNITY CONSULTATION

There is no requirement to undertake any consultation.

As part of the debate, Council requested the Lease and Licence policy matter be brought to the February Workshop.

1.10 QUESTIONS – WITH OR WITHOUT NOTICE

Nil

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

MOVED Cr de Vries that the Mayor's report be received.

Seconded Cr Miller

CARRIED 2018-22/426

3. COUNCILLOR REPORTS

Nil

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

Cr Boothby excluded 4.1.1.1 – Drought In the Barossa from the Consensus Agenda.

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Johnstone that the information items, excluding 4.1.1.1 – Drought In The Barossa, contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

Seconded Cr Wiese-Smith

CARRIED 2018-22/427

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

Cr Boothby outlined that with the responses received that we continue to lobby for recognition of the Barossa being in drought.

The Mayor confirmed that he has continued to do so.

MOVED Cr Boothby that item 4.1.1.1 Drought In The Barossa contained in the Consensus Agenda be received and noted.

Seconded Cr Angas

CARRIED 2018-22/428

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING

Nil

7. DEBATE AGENDA**7.1 MAYOR – DEBATE****7.1.1****REVIEW OF ORDERS UNDER CONFIDENTIALITY PROVISIONS OF THE LOCAL GOVERNMENT ACT 1999 – RELATED TO PREVIOUS PERFORMANCE REVIEW AND CONDITIONS OF CONTRACT FOR THE CHIEF EXECUTIVE OFFICER (CEO)****B7322**

Pursuant to S120(1) of the Local Government Act 1999 Mr Martin McCarthy, Chief Executive Officer, disclosed a conflict of interest in the matter 7.1.1 Review of Orders Under Confidentiality Provisions of the Local Government Act 1999 – Related to Previous Performance Review and Conditions of Contract for the Chief Executive Officer (CEO) as it relates directly to his performance outcomes and contractual conditions of employment and the management of these matters.

Mr McCarthy advised Council of the conflict of interest left the meeting at 9.54am

MOVED Cr de Vries that Council in compliance with Section 91(9)(a) of the Local Government Act (Act) and having reviewed the confidentiality orders of:

- 16 July 2013 – Performance Review of the Chief Executive Officer;
- 24 June 2014 – Performance Review of the Chief Executive Officer;
- 17 February 2015 – Mid Year CEO Performance Target Report;
- 21 July 2015 – Performance Review of the Chief Executive Officer;
- 16 August 2016 – Chief Executive Officer's 2015/16 Performance Review and New Contract Negotiation;
- 18 July 2017 – Chief Executive Officer's 2016/17 Performance Review, and,
- 17 July 2018 – Chief Executive Officer's 2017/18 Performance and Conditions of Contract Review;
- 16 July 2019 - Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review;

made in accordance with Section 90(3)(a) of the Act resolve that the performance documents, agenda reports and minutes shall continue to remain confidential and that Council review the said orders prior to 28 January 2021.

Seconded Cr Wiese-Smith

CARRIED 2018-22/429

PURPOSE

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

REPORT

Date initiated	Orders due for review	Last reviewed
16 July 2013	Performance Review of the Chief Executive Officer	This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at the Council meeting 19 February 2019 where it was resolved that the performance documents, agenda and minutes of the meeting held on 16 July 2013 remain confidential.
24 June 2014	Performance Review of the Chief Executive Officer	This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at the Council meeting on 19 February 2019 where it was resolved that in the matter of the Performance Review of the Chief Executive Officer the supporting attachments and performance review documents should remain confidential.
17 February 2015	Mid Year CEO Performance Target Report	This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at the Council meeting on 15 October 2019 where it was resolved that the supporting attachments and performance review documents and agenda of the meeting held on 17 February 2015 remain confidential.
21 July 2015	Performance Review of the Chief Executive Officer	This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at the Council meeting on 19 February 2019 where it was resolved that in the matter of the Performance Review of the Chief Executive Officer the supporting attachments and performance review documents should remain confidential.
16 August 2016	Chief Executive Officer's 2015/16 Performance Review and New Contract Negotiation	This order pursuant to Section 91(9) Local Government Act (Act) was reviewed at the Council meeting on 19 February 2019 where it was resolved that in the matter of the Performance Review of the Chief Executive Officer the supporting attachments and performance review documents should remain confidential.
18 July 2017	Chief Executive Officer's 2016/17 Performance Review	The conditions of this order remain consistent with that considered at the Confidential Council meeting of 19 February 2019 that the relevant information pertains to the employment performance of the Chief Executive Officer as contemplated by Section 90(3)(a) and 90(9)(b) of the Act; it is therefore considered appropriate to maintain the order as is.
17 July 2018	Chief Executive Officer's 2017/18 Performance and Conditions of Contract Review	The conditions of this order remain consistent with that considered at the Confidential Council meeting of 19 February 2019 that the relevant information pertains to the employment performance of the Chief Executive Officer as

		contemplated by Section 90(3)(a) and 90(9)(b) of the Act; it is therefore considered appropriate to maintain the order as is.
16 July 2019	Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review	The conditions of this order remain consistent with that considered at the Confidential Council meeting of 16 July 2019, that the relevant information pertains to the employment performance of the Chief Executive Officer as contemplated by Section 90(3)(a) and 90(9)(b) of the Act; it is therefore considered appropriate to maintain the order as is.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Local Government Act 1999, S90 and S91

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

No relevant considerations are noted.

COMMUNITY CONSULTATION

No public consultation is required or considered appropriate.

Mr Martin McCarthy, CEO, returned to the meeting at 9.55am

7.2 EXECUTIVE SERVICES – DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1

REVIEW OF COMMUNITY PLAN AND SUPPORTING CORPORATE PLAN

B10953

MOVED Cr de Vries that Council;

- 1) Endorse the approach, timelines, and processes outlined in this report and the project scope provided at the Attachment for the review of the Community Plan and supporting Corporate Plan.
- 2) Subject to the availability of a facilitator, hold an additional workshop on Wednesday, 12 February 2020 commencing at 5.30pm.

Seconded Cr Barrett

CARRIED 2018-22/430

PURPOSE

The Barossa Council as a local government authority is bound to undertake a comprehensive review of strategic management plans so declared under Section 122(8) of the Local Government Act 1999 (Act). A Council is required to undertake this review within two years after each general election.

REPORT

Background

The Community Plan is a strategic management plan pursuant to the Act. The Corporate Plan is not a strategic management plan but is the guiding four year plan for the execution of the Community Plan that is for the administration to execute. A revision of the Community Plan therefore requires an update to the supporting Corporate Plan.

Further plans that will require review this year are:

1. All asset management plans;
2. Long Term Financial Plan (which is done annually in any case as part of the budgetary and business plan processes).

There are no other prescribed strategic management plans under Section 122 of the Local Government Act.

The Public Health Plan (regional) is also being reviewed this year but that is by virtue of the requirements of the South Australian Public Health Act.

Introduction

The prior Council undertook a major rewrite of the Councils strategic framework with a view of developing a Community Plan as a 20 year aspiration document then supported by other plans and moving towards integration of all plans in the long term. The target was to then drive the administration through a Corporate Plan integrated with other operational and strategic plans.

The issue continues to be the extensive level of legislation planning required to meet obligations many requirement still require standalone documents, but yet they have many cross over points.

For instance the Public Health Plan has extensive reference to infrastructure requirements and design elements, land use, social and community planning all mirrored in our community, corporate and other plans. Our own asset management plans are duplicative and cross over the more useful (and holistic) document the service level plan, but are required. Many of the ideas for reform discussed by the executive and Council have been endorsed by Council and submissions made to the Local Government Reform process of the Minister and also the Productivity Commission enquiry.

Discussion

The progress to a more streamlined and efficient planning framework has been moderately successful but more needs to be done over time. The requirement to review the Community Plan provides new opportunity to take the next step forward.

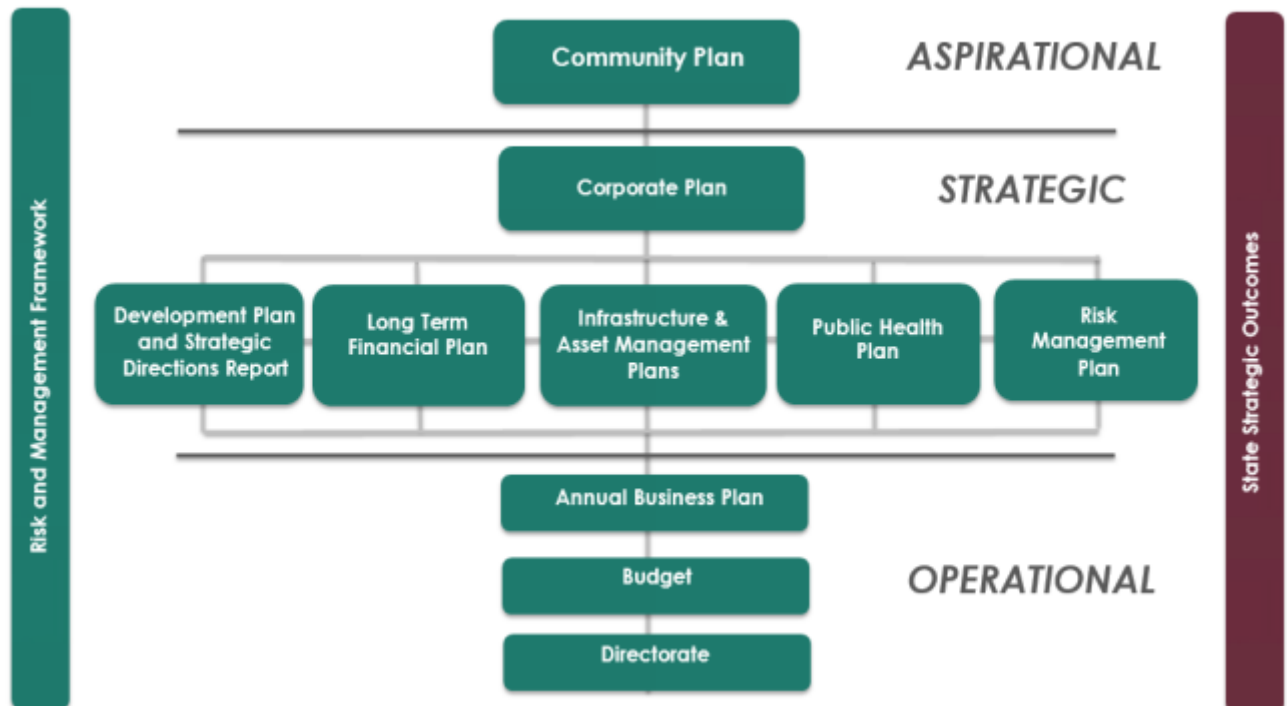
The long term target is to have one aspirational plan (the Community Plan and Vision) supported by a Corporate Plan (at a higher level than it is now) which pulls in all the necessary legislative requirements, then linked to the budget and business plan and service level plan (also reviewed by Council in 2019). This structure would be far simpler with one line of sight from the on-ground service to the 20 year vision. It would be completely supported then with performance and financial reporting all easily aligned, located in one place not multiple plans and easily understood.

All one would need to do is review a service from the service level plan to understand the recurrent and capital settings of say a road, a rubbish bin collection, environmental health service or a

community land use and track that back to how each of those service support the aspirational and strategic and understand the costs and service delivery method.

The current framework is demonstrated in the following diagram, however in this review I propose the elevation the two primary plans (community and corporate) and make them more streamlined and through the change program embedded the service level plans into the corporate plan, we have the pieces but haven't quite joined it all up as yet, time and resources play a part.

Whilst Council will not be able to fully integrate many of the other plans at this stage due to the legislative nature of the requirements, I then propose to build the service levels more proactively into the system at the delivery end of the strategic and operational planning framework.



Overtime if legislative reform occurs we can capture our requirements through the aspiration, strategic and operational nature of the system essentially through the service level plans.

To facilitate a review of the Community Plan is the first step in the next iteration of the long term goal outlined.

With extensive investment in the development of the Community Plan in 2015 and 2016 with approximately 18 months and multiple rounds of engagement due to the complete re-write of the framework, it is proposed this year to undertake a review and not a complete rewrite of the plan through:

1. Initial engagement with elected members and staff. Some significant preliminary work has been achieved by Council with its 10 point policy document adopted in July 2019.
2. Reviewing all relevant data and information to ensure the plan is addressing social, community, economic, population and other relevant factors.
3. Assessing State, Federal and regional priorities as part of the plan.
4. Community consultation with the public on the Community Plan, its themes, strategies and targets including various methods of capturing data such as surveys and submissions. The model presented also doubles as a process of capturing data to subsequent develop an economic development plan.
5. Review community input and present for adoption.

A draft project scope is presented at the Attachment. The project scope is clear in its intent, milestones and outcomes. As with any project it will be subject to variation as the process continues, but at this time sufficient contingencies have been built into the mode to achieve the legislative requirements whilst allowing sufficient time to assess information, data and submissions. The project scope is also factoring in the need to parallel run a process of developing the Corporate Plan from the Community Plan work. To be clear this is the first step of refining the Community and Corporate Plans to eventually realise the vision of driving the organisation through service level plans.

Summary and Conclusion

The review of the Community Plan is the first and most important link to setting the direction of Council in the future. The review is legislatively required and should be comprehensive including community engagement and consultation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Project Scope – Review of the Community Plan 2036

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

All

Corporate Plan

All

Legislative Requirements

Section 122 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The project scope outlines the estimate support costs to achieve the outcomes. Based on the information at hand and the budget availability at this time there are sufficient funds to deliver on the project scope.

Depending on the consultation and engagement process approved by Council as outline in the project scope at 'deliverables and milestones' point 9 additional funds will be required if a full mail out is adopted.

COMMUNITY CONSULTATION

At this time no consultation is required, this report is to endorse the approach and project scope. Thereafter a consultation and engagement process will be presented and delivered as part of the review process.

7.2.1.2

ELECTED MEMBERS' TRAINING AND DEVELOPMENT POLICY AND PLAN REVIEW
B10322

Author: Governance Advisor

PURPOSE

At its meeting of 17 December 2019, Council decided to lie the agenda item 7.2.1.1 – *Elected Members' Training and Development Policy and Plan Review* on the table to enable the Chief Executive Officer to present the correct attachments to the report at the January 2020 Council meeting.

MOVED Cr Wiese-Smith that the question related to agenda item 7.2.1.1 – *Elected Members Training and Development Policy and Plan Review* lie on the table for the Chief Executive Officer to table the correct attachments at the January 2020 meeting of Council.

Seconded Cr Boothby**CARRIED 2018-22/397**

The attachments are now presented for Council's consideration in this report.

MOVED Cr Wiese-Smith that the matter relating to the Council meeting agenda of 17 December 2019 Item 7.2.1.1 – *Elected Members' Training and Development Policy and Plan Review* be lifted from the table for discussion.

Seconded Cr Boothby**CARRIED 2018-22/431****MOVED** Cr Angas:

- 1) That Council receives, considers and approves the draft *Elected Members' Training and Development Policy* and the *Elected Members' Training and Development Plan*, attached to this report at Attachment 1 and 2 respectively.
- 2) That the Chief Executive Officer approves the updated *Elected Members' Training and Development Request Form* and the *Elected Members' Training and Development Feedback Questionnaire*, attached to this report at Attachment 3.

Seconded Cr Hurn**CARRIED 2018-22/432****REPORT**Background

Section 80A of the *Local Government Act 1999* (the "Act") requires Council to prepare and adopt a training and development policy for its Elected Members to assist them in the performance and discharge of their functions and duties, and comply with any requirements of the *Local Government (General) Regulations 2013* (the "Regulations").

Introduction

The current *Elected Members' Training and Development Policy* (the "Policy") was approved on 26 November 2018 and the *Elected Members' Training and Development Plan* (the "Plan"), on 22 January 2019.

The Policy and Plan are now both due for periodic review. The updated draft versions of the Policy and plan are presented as Attachment 1 and 2 respectively for the Elected Body's consideration and approval.

Discussion

The draft Policy has had minor updates and corrections and is substantively the same as previously adopted, except a change to the frequency of the periodic review of the Policy.

Officers have identified that there is little need for the Policy to be reviewed and presented to Council on an annual basis, as the updates made to the Policy are generally minor, and any fundamental changes would be as a result of legislative or process change. Thus, the periodic review date for the Policy has been amended to every four years or sooner if Council's needs or legislative requirements change, in line with the majority of other Council policies.

The Plan has been updated to include training and development opportunities. Elected Members should note that the Policy allows for Elected Members to attend without Council approval, training and development opportunities not included in the Plan, that are necessary or expedient to the performance or discharge of official duties or functions, where the total training cost is under \$500, and sufficient funds are available within the budget line for Elected Member training and development.

For training and development activities where the total training cost is greater than \$500, the Elected Member is required to submit an *Elected Member's Training and Development Request Form* at a Council meeting for Council's consideration. The Mayor may authorise an Elected Member's Request Form (and the CEO may authorise the Mayor's Request Form) where attendance is urgent and sufficient funds are available. The request must be ratified at the next practicable Council meeting.

The updated *Elected Members' Training and Development Request Form* and the *Elected Members' Training and Development Feedback Questionnaire* are presented for Elected Member information at Attachment 3, noting that they are subject to CEO approval.

Summary and Conclusion

Council is asked to receive, consider and approve the draft *Elected Members' Training and Development Policy* and *Elected Members' Training and Development Plan*, as attached to this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1** - draft Elected Members' Training and Development Policy (15/10312*)
- Attachment 2** - draft Elected Members' Training and Development Plan (18/72136*)
- Attachment 3** - updated *Elected Members' Training and Development Request Form* (16/32858*) and the *Elected Members' Training and Development Feedback Questionnaire* (15/10313*)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

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

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

Legislative Requirements

Local Government Act 1999, Section 80A

Local Government (General) Regulations 2013, Regulation 8AA

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial – Elected Members' training and development is supported with an annual budget allocation, based on historical spending.

Resource – Officers undertake support for Elected Member training and development within their current duties.

Risk Management – It is fundamental to good governance that Council supports its Elected Members with the necessary training to make them effective advocates for the community.

COMMUNITY CONSULTATION

There is no community consultation required under the *Local Government Act 1999*. Further, the Training Plan is based on the Local Government Association recommendations and all training costs and attendances will be recorded in the Elected Members' Allowances and Benefits and the Elected Members' Training and Development Registers. Accordingly, officers contend that no public consultation is required in this matter as public interest is already being protected through these transparent processes.

7.2.1.3

THE BIG PROJECT INTERIM PRUDENTIAL MANAGEMENT REPORT AND GRANT UPDATE

B5601

Authors: Director, Corporate and Community Services and Chief Executive Officer

MOVED Cr de Vries that Council:

- 1) Note updates provided on: State Office Recreation Sport and Racing Grassroots Football, Cricket and Netball Facility Funding Program – Round 2 and Commonwealth Building Better Regions Round 4 Fund applications; and
- 2) Instruct the Chief Executive Officer to update the budgets, long term financial plan, and prudential management report and The Big Project Target Next Phase and Associated Analysis – August 2019 as outlined in this report.

Seconded Cr Miller

CARRIED 2018-22/433

PURPOSE

To report to Council updates of significance in regard to recent grant applications as per the next phase target plan and updated costings for projects.

REPORT

Background and Introduction

In August 2019 Council endorsed The Big Project Target Next Phase and Associated Analysis – August 2019 (the target plan) document (19/60381) to be pursued by staff and Council over the foreseeable future. It was noted and anticipated that the Plan would need to be flexible to respond to funding opportunities as they arose (outside of Council's control) and in the endorsed document outlined an assessment of target grant applications.

Further, at the November 2019 meeting Council endorsed a project to support allocation of a funding contribution in relation to the urgent new initiative from the Mt Pleasant Agricultural Show Society to upgrade the show office (included in the Talunga Park and Old Talunga Park master plan) and construct a wool shed (not included in the master plan) in response to a Federal funding opportunity targeted solely at Agricultural Country Shows available until mid-December 2019 only.

Discussion

As a result of these decisions and in accordance with the target plan officers have undertaken works to make:

1. State Office Recreation Sport and Racing (ORSR) Grassroots Football, Cricket and Netball Facility Program – Round 2 application for Old Talunga Park netball and tennis courts;
2. ORSR Grassroots Football, Cricket and Netball Facility Program – Round 2 application for all next phase priorities for Angas Recreation Park being second oval, change rooms and clubroom upgrades; and
3. Commonwealth Building Better Regions Fund – Round 4 application for the Regional Culture Hub and Artisans Accommodation proposal of The Tanunda Club a joint strategic approach.

At this time we are awaiting further information on the application of the Mt Pleasant Agricultural Show Society.

Further some preliminary work has commenced on developing a market approach / Expression of Interest in relation to the caravan park facilities as identified in “the Plan”.

As outlined the ability to seek and apply for grants and timetables will be fluid depending on how projects fit what is on offer. For instance it was not expected that a Building Better Regions Fund would occur prior to Christmas 2019. Grassroots was an unknown program 12 months ago. The important component of the work done is we have shovel ready projects.

As part of undertaking all this work costings have been updated and have seen some movement the approach taken for any cost changes has been, depending on capacity and timing to reduce scope to meet the original budgets, seek additional third party funding or increase the grant sought to the same funding cash ratio as detailed in the target next phase plan. The projects that have been submitted as per the plan are summarised in the following table.

Project	Target Plan Net Cost to Council	Application Net Cost to Council	Target Plan Grant / Third Party Funding	Application Plan Grant / Third Party Funding	Notes
Old Talunga Court	\$0.300M	\$0.250M	\$0.250M	\$0.250M	Resurfacing and lighting phase only
Angas Recreation Park	\$1.745M	\$1.620M	\$1.163M	\$1.288M	As per scope able to lever up additional third party contributions and target maximum grant application
Regional Culture Hub (excluding The Tanunda Club component)	\$5.854M	\$5.854M	\$3.903M	\$4.748M	Unable to reduce scope in timeframe provided increased grant application to maintain net cost to Council

Officers have discussed change with the consultant undertaking the prudential management report and undertaken a preliminary update of the models and have provided them to the consultant, based on the following (should any of the grant applications be successful):

1. The net cash cost to Council remains unchanged or less than anticipated due to better third party contributions or ability to access greater grants than budgeted;
2. The financial estimates still demonstrate sufficient cash and operating capacity (see more detailed notes in the financial assessment component of this report); and

3. There are significant contingencies and project management costs that given time officers are confident costs for the scopes provided are achievable, and with critical mass could be reduced, this however will be a product of what the market produces when tendered.

The significant change was that of the Regional Culture Hub, due to timeframes and complexity of the application and the project there was no time to value manage the scope or further explore third party contributions and therefore after consulting with the Mayor pursuant to Section 58 (1)(b) of the Local Government Act it was determined to proceed by increasing the grant request so as the net cost to Council matched that of the target next phase plan which meant the grant percentage target increased to 44.78%. The consultation undertaken with Mayor Lange is at [Attachment 1](#).

At [Attachment 2](#) are the financial models and estimated cost as well as the economic cost benefit analysis for the projects (excepting the Mt Pleasant Show Society application as this is still being pursued but is practically immaterial considering the size of the whole project). Please note the level of cost benefit analysis for grassroots funding and building better regions fund is vastly different. Internally we are able to produce a basic cost benefit analysis for grassroots but the level of requirement for building better regions fund is beyond internal capacity and was undertaken externally and independently, but off the contract for service to do the prudential management report in any case.

Summary and Conclusion

It is proposed that the prudential management report, budgets, long term plans now be realigned to the recent decisions of Council and will be presented back through the final prudential management report. If available the Mt Pleasant Show Society project impacts will be included.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Consultation Correspondence with Mayor Lange
Attachment 2 Financial Models and Cost Benefit Analysis for Projects

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

- 1.4 Develop and maintain streetscapes that reflect the character and heritage of the region.
- 2.2 Support the development of activities that celebrate the history and culture of the Barossa and its people.
- 2.3 Contribute to creating strong and sustainable community networks.
- 2.4 Encourage and support volunteering in the community.
- 2.5 Engage with, and support, young people to actively participate in the community and develop the leaders of the future.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.

- 2.9 Create places where people want to live and plan for the future in a coordinated, appropriate and proactive manner.
- 2.11 Encourage a learning community.
- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 3.5 Advocate for and seek out funding opportunities that support the development of community, health and other facilities and infrastructure from both state and federal government.
- 3.6 Invest in, and advocate for, community facilities that support cultural and community participation.
- 3.7 Ensure infrastructure meets the needs of people with and provides for all abilities access.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 4.4 Support sporting, recreational and community clubs and organisations to grow and be sustainable.
- 4.5 Advocate for and encourage services and resources that ensure equity and support for disadvantaged, disabled and at risk members of the community.
- 4.6 Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.
- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.
- 5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.
- 5.13 Support economic development through events.

Legislative Requirements

Section 55, 123, 137 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Outlined in the body of the report and attachments and will be considered in the financial prudential management report.

Preliminary updated financial modelling of the application outcomes in this report as well as other Council decisions and the first quarter budget adjustments approved by Council since adopting the budget indicate:

1. Sufficient cash in the long term plan with existing budget settings allowing for some additional short term borrowings of \$140,000 in 2024/25 as it will be repaid the following year;
2. A net operating deficit over 10 years of \$0.96M or an average of \$96,000 per annum, which represents an approximate operating surplus ratio of -0.2496% well within the target of -2% to 10%; when considering the operating surplus on 2018/19 was \$1.843M over an 11 year assessment the Council remains in surplus.
3. Operating surplus position shows the small deficit continuing on the current preliminary assessment based on quarter 1 and Council decisions since the budget was adopted. The financial model also includes large increases in depreciation based on the assumption that all of The Big Project capital expenditure is a new asset (whereas components of each project actually are replacing some assets due for renewal within the 10 year period of the long term financial plan), this was done to present the most conservative view. Depreciation estimates require further detailed analysis overtime and it is considered that the depreciation amounts will reduce from the forecasts for The Big Project builds.

Resource

Existing project management resources are operating at capacity with current project implementation. If grant applications are successful additional resource will be required and is the subject of ongoing review by Officers but has been allowed for in the project costings.

Risk Management

An overall The Big Project and individual project risk assessments are implemented and subject to periodic review, most recently the Prudential Management Report is a risk management tool to manage and mitigate strategic corporate risks associated with this initiative.

COMMUNITY CONSULTATION

Extensive consultation over 3 years has taken place on The Big Project and officers have liaised with relevant community groups and members in the development of the applications.

7.2.1.4

NEW INITIATIVE - DISABLED CAR PARKING – THE REX B9794

MOVED Cr Wiese-Smith that Council endorses the proposal to proceed with additional Disabled Car Parking at The Rex as a priority and consistent with the Disability Access and Inclusion Plan, thereby complimenting recent invest at The Rex, funded from available surplus capital funds the result of improved project outcomes and authorise the Chief Executive Officer to amend the 2019/20 budget to support the project by the amount of \$60,000.

Seconded Cr Troup

CARRIED 2018-22/434

PURPOSE

For Council to consider a new initiative which was initially assessed as being able to be funded from 2018/19 maintenance funding. As a result of final design and costing and the time the matter now needs to be considered as full new initiative under the Budget and Business Plan and Review Policy.

REPORT

Background

The Rex facility when constructed had to be undertaken within available funding. As part of the work to deliver the facility various non-critical specifications were removed as part of the usual project value management processes so as to deliver the core outcomes. One of those matters removed from the preferred scope was additional disabled car parking close to the entrance, originally designed within a “kiss and drop” style access lane across the front of the Centre.

Discussion

General access including disabled car parking at The Rex has long been a discussion with users, centre management and internally through the Disability Access and Inclusion Advisory Group. Indeed recent investment in improvements to access have included an automated door and pool access equipment.

The Rex does meet disabled car parking requirements under the prevailing building code and Disability Discrimination Act requirements by way of the disabled parking spaces in the main car park. Due to customer and community feedback since the facility was opened, 3 further dedicated disabled car parks were added along the section of Magnolia Road adjacent to the pool hall a few years ago. The road car parks are not considered to be an a sustainable long term solution due to the risk of people with mobility challenges trying to move safely immediately on the side of the road and increased traffic movements through that area due to the busy nature of Magnolia road; the ever increasing school traffic as well as the high patronage and vehicle movements achieved as a result of the sustained success of The Rex.

The Regional Disability Access and Inclusion Plan adopted by Council highlights its vision as “a commitment to our community, embracing a culture of mutual respect, inclusion, safety and security”. The proposal to install five purpose engineered disability parking spaces a short distance and direct access to The Rex entrance clearly aligns with this vision and primarily around respect, dignity and safety. Further the plan strives to achieve strategies under our Community Plan theme of infrastructure being access to Council facilities through the target to “prioritise access issues

that meet legislative requirements and community health and wellbeing objectives". Improved access to council most used facility, The Rex, will strongly support this deliverable through improved access allowing connectivity to the recreational facility, thereby improving opportunities for physical health activities and personal interaction for all.

This project was originally designated as a new initiative for the 2019/20 budget, but I at the time of assessing projects CMT considered that it could be delivered from maintenance funds in the 2018/19 financial year as a priority and therefore proceed without going through the new initiatives process. This was reported to Council as part of the new initiatives summary. Once designs had been developed, consultation undertaken with the Disability Access and Inclusion Advisory Group and costs estimated this was not able to be achieved and timeframes had extended to late 2019.

At Attachment 1 and 2 is the project design, due diligence report and bid analysis tool outcomes. The score of 57 for the bid analysis would have placed the project towards the top of the new initiatives assessment and been considered for funding as part of the top six projects, see Attachment 3.

The estimated cost with contingency is \$60,000 ex GST.

As part of the second quarter budget adjustments which will come to Council in February there are significant savings (without any reduction to deliverables) in the order of \$572,000 in various capital projects (the larger ones are Springton roads and footpaths and Williamstown Oval bridge) that have concluded now that final payments and defects liability period has concluded from the 2018/19 budget activities, primarily as a result of three key factors:

1. Vastly improved project management over the past 12-18 months since the introduction of improved project management systems, training and skills;
2. Vastly improved design, specification and procurement systems resulting in less variations and therefore less call on contingencies, and better and more competitive tendering outcomes;
3. Market forces in our favour recently.

At the report 7.4.1.1 a component (\$153,000) of these savings is recommended to fund Councils component of the successful Regional Growth Fund application for the extension of the Barossa Trail. However, remaining surplus funds are not currently recommended for any further projects.

It is recommended Council allocate the funding required to undertake this project which can be delivered in this financial year as it is shovel ready.

Summary and Conclusion

The installation of improved disabled car parking at The Rex is aligned with Council's Community Plan and Disability and Access Inclusion Plan. It would have been strongly considered for funding as part of the 2019/20 budget through the new initiatives process being within the top six project scores. The project is recommended to proceed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Project Designs
Attachment 2:	Level 1 Due Diligence Report and Bid Analysis Tool
Attachment 3:	New Initiatives Summary for 2019/20

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



Health and Wellbeing

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.12 Contribute to a safer community.
- 3.6 Invest in, and advocate for, community facilities that support cultural and community participation.
- 3.7 Ensure infrastructure meets the needs of people with and provides for all abilities access.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 4.5 Advocate for and encourage services and resources that ensure equity and support for disadvantaged, disabled and at risk members of the community.

Legislative Requirements

Local Government Act 1999

Development Act 1993

Disability Inclusion Act 2018

Disability Access and Inclusion Plan 2018-2023

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

This request is not budgeted for but as outlined in the body of the report would have been strongly considered for funding as part of the 2019/20 budget. The costs can be funded from surplus capital budget outcomes. The ongoing maintenance cost and depreciation is minor and resealing would only need occur every 25-30 years.

7.2.1.5**SUBMISSION TO THE LOCAL GOVERNMENT ASSOCIATION ON THE PROPOSED FREEDOM OF INFORMATION LAWS****B9883**

Author: Governance Advisor

MOVED Cr Boothby that Council:

- 1) Receive, consider and approve the officer comments on the proposed *Freedom of Information (Miscellaneous) Amendment Bill 2019* (the "Bill"), which seeks to amend the *Freedom of Information Act 1991*, at Attachment 1.
- 2) That officers provide Council's submission on the proposed Bill to the Local Government Association (the "LGA") for inclusion in the LGA's final submission on behalf of the sector.

Seconded Cr de Vries**CARRIED 2018-22/435****PURPOSE**

Council is asked to receive, consider and approve officer comments on the proposed *Freedom of Information (Miscellaneous) Amendment Bill 2019*, which seeks to amend the *Freedom of Information Act 1991*.

REPORTBackground

The *Freedom of Information Act 1991* ("FOI Act") gives individuals the right to access information and documents that are held by an agency. Council is an agency to which the FOI Act applies.

Introduction

The proposed *Freedom of Information (Miscellaneous) Amendment Bill 2019* (the "Bill") is currently undergoing consultation, and is attached at [Attachment 2](#). The Bill proposes a raft of amendments to the Act. A copy of the information sheet published on the SA government's consultation platform, the YourSAy website, by the Attorney-General's Department is attached at [Attachment 3](#) of this report for Elected Members' information.

Discussion

Officers have reviewed the Bill and provided comments on the proposed reform at [Attachment 1](#). Following Council's consideration of the comments, they will be provided to the Local Government Association (the "LGA") for inclusion in the LGA's submission on behalf of the sector.

Summary and Conclusion

Council now is asked to receive, consider and approve the officer comments on the proposed Bill, which will be provided to the LGA for consideration and inclusion in the LGA's submission on behalf of the sector.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1** - Officer comments on the proposed *Freedom of Information (Miscellaneous) Amendment Bill 2019* (Ref: 20/2225)
- Attachment 2** - The proposed *Freedom of Information (Miscellaneous) Amendment Bill 2019* (Ref: 20/2449)
- Attachment 3** - 'Freedom of Information Act reform' factsheet published on the YourSAy website by the Attorney-General's Department (Ref: 20/2439)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

How We Work – Good Governance

Corporate Plan

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

Legislative Requirements

Freedom of Information Act 1991

Freedom of Information (Miscellaneous) Amendment Bill 2019

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and resource implications that might result from the proposals in the Bill are addressed in the officer comments at [Attachment 1](#).

Risk is minimised by ensuring that Council provides input to the submission made by the LGA on behalf of the sector.

COMMUNITY CONSULTATION

Community consultation is currently being undertaken by the SA Government, and Council's submissions are a response to the consultation process.

7.2.1.6

INDENTURE DEED – KEIL ESTATE
B7081

MOVED Cr de Vries that Council authorise the Mayor and Chief Executive Officer to sign, seal and date the Deed to finalise the matter, as presented at Appendix 1.

Seconded Cr Johnstone

CARRIED 2018-22/436

PURPOSE

Council is asked to finalise the Deed (known as the Keil Estate Deed) being the last process to re-establish a Deed over new land to be transferred to Council (in the near future) as part of the Chateau Tanunda land transfer.

REPORT

Council received a report in August 2019 outlining the final draft Deed. Council approved the final engagement with the executor. This has been completed with no variation to the Deed presented to Council in August 2019. The resolution of August 2019 is:

Authorise the Chief Executive Officer to proceed with final negotiations with the Executor/s of the Estate of Elma Keil for the finalisation of the Indenture Deed principally on the terms outlined in the draft at Attachment 3 and bring a final report back to Council for endorsement.

With Council now having concluded the internal review of that August 2019 decision I have written to the executor outlining that all conditions have been satisfied. The executor is satisfied with the agreement and executed it. The Deed remains unchanged (other than of course the year now being 2020) from that provided in August 2019.

As a Deed to finalise the matter, in accordance with part 2 of the resolution 2018-22/279, the report is now tabled and final authorisation to sign, seal and date the document is required.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Final Undated Deed (prepared for finalisation)
Attachment 2 - Deed Presented in August 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Natural Environment and Built Heritage



Community and Culture



Health and Wellbeing



Business and Employment

- 1.4 Develop and maintain streetscapes that reflect the character and heritage of the region.
- 1.6 Support tourism development that is sensitive to the natural environment and sustainable.
- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.2 Support the development of activities that celebrate the history and culture of the Barossa and its people.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.

- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 4.6 Ensure that community members can participate in cultural, recreational, sporting and learning opportunities.
- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.4 Attract investment for new and innovative industries, such as creative industries and cultural tourism.
- 5.13 Support economic development through events.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource and risk management consideration with proceeding that haven't already been outlined to Council in prior reports on this matter.

COMMUNITY CONSULTATION

Engagement and regular updates (when relevant information was available) have been held with the executor/s throughout the process of the land swap.

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 31 DECEMBER 2019)

B411

Author: Senior Accountant

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

Seconded Cr Johnstone

CARRIED 2018-22/437

PURPOSE

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

REPORT

Discussion

The Monthly Finance Report (as at 31 December 2019) is *attached*. The report has been prepared comparing actuals to the Original adopted budget 2019/20 and incorporating the Revised Budget for September.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Monthly Finance Report 31 December 2019

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

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

COMMUNITY CONSULTATION

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

7.2.2.2

CONSIDERATION AND ADOPTION OF AUDIT COMMITTEE RESOLUTIONS

B9085

MOVED Cr Hurn that Council, having reviewed the Minutes of the Audit Committee meeting held 16 December 2019, adopt the Resolutions contained therein.

Seconded Cr Miller

CARRIED 2018-22/438

PURPOSE

The Minutes of the Audit Committee meeting held 16 December 2019 are presented for the consideration and adoption of Council.

REPORT

The consideration and adoption of recommendations of Council committees requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Minutes of the Audit Committee meeting held 16 December 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The consideration and adoption of recommendations of Council committees is a risk management tool.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

7.3 CORPORATE AND COMMUNITY SERVICES – DEBATE**7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES****7.3.1.1****REVIEW TELEPHONE SWITCHBOARD OPERATING HOURS – PRINCIPAL OFFICE NURIOOTPA**

Author: Coordinator Customer Support

MOVED Cr Haebich that Council support the alignment of Customer Service telephone switchboard operating hours with Council's Principal Office operating hours advertised on Council's website, print media and building signage (i.e. 9.00am – 5.00pm).

Seconded Cr Boothby

CARRIED 2018-22/439

PURPOSE

To consider a request to align the Customer Service telephone switchboard (ph: 08 85638444) operating hours with Council's advertised Principal Office operating hours (i.e. 9.00am – 5.00pm)

REPORTCurrent Arrangements

Council's nominated opening hours for its Principal Office (Nuriootpa) have been determined as required under section 45 of the Local Government Act by Council as being 9am to 5pm Monday to Friday. These are the times advertised via the website, print media, building signage etc. While other offices such as the Visitor Centre and Libraries open to the public outside of these times, their telephone answering times during the weekdays are also 9am to 5pm.

At the present time, the main switchboard telephone answering hours and service provided by the Customer Support Team at the Nuriootpa Office from Monday to Friday are 8.30am to 5.15pm.

Prior to 8.30am and after 5.15pm the calls are switched over to be received by the out of hours service provided by Answering Adelaide. If callers have the direct line numbers for officers, their calls will go through to them, bypassing the switchboard and all phones have a voicemail option.

Normal working hours for Customer Support staff are 8.30am to 5.15pm. The Team need to be available to operate the switchboard during that whole period. The current arrangement does not provide any capacity for morning toolbox sessions for the Team to be conducted prior to calls coming through, as is possible at all other locations, nor does it allow for staff to discuss matters and prepare for their day, or undertake Team based training, as is possible for all other Teams .

The impacts of the misalignment of switchboard operating hours and Customer Service operating hours are significant. The Team's capacity to conduct end of day tasks such as balancing monies, tidying up customer requests and managing administrative matters relating to both service delivery and their employment, is impacted due to last minute calls coming through, sometimes as late as 5.14pm, meaning staff are not always able to finish on time.

Customer Support Team meetings have had to take place after hours due to the switchboard operating hours. This frequently impacts the Team's capacity to meet personal commitments and introduces disparity between the requirements set for staff providing customer support services at the Principal Office compared to those in similar roles at the Visitor Centre and Libraries. There is an impact on Team morale and Team members have indicated that they no longer wish to attend after hours staff meetings.

Discussion

Through the ongoing Council endorsed Change Program, the Customer Service Reboot Project Team has reviewed the current switchboard service and, based on analysis of the data and Team impacts, made a recommendation to the Corporate Management Team (CMT) to align telephone switchboard hours at Nuriootpa to the advertised service level for direct service delivery (9.00am to 5.00pm). CMT supported the recommendation, with a report to be taken to Council. This support was based on the premise that alignment would facilitate:

- Flexibility of staff rostering to cover peak times.
- Staff training, staff meetings, workshops and toolbox sessions to be carried out during core hours, eliminating the after-hours impact on the Customer Support Team members, the requirement to source alternate staff to cover for the Customer Support Team during core hours and the budgetary impact on paying staff to attend after hours meetings/training sessions or provide time off in lieu.
- Improved capacity to meet Council's Customer Service Charter commitment to deliver a quality customer experience with staff having appropriate time to prepare for and conclude their working day.
- An improvement in Customer Support Team morale and sense of value to the organisation.
- The introduction of consistency of approach across all channels and outlets including the Visitor Information Centre and Libraries.

CMT acknowledged that in days when people did not routinely have mobile phones and the ability to call during the day, the capacity to call Council from a landline before leaving home or after returning from work was of greater significance. The current call data demonstrates that the vast majority of phone calls are made between the hours of 9am and 5pm. Calls taken at the switchboard between 8.30am and 9am are minimal, averaging 3 each day during the 3 months August to October. Calls taken between 5pm and 5.15pm are even less, averaging 1.8 each day.

Practice across other councils:

At a recent Local Government Customer Experience network meeting attended by approximately 15 Councils, the matter was raised regarding Council telephone answering hours.

The Barossa Council, was the only organisation that has Customer Service telephone operating hours from 8.30am to 5.15pm.

Light Regional, Victor Harbor, Marion, Tea Tree Gully, Gawler, Mid Murray and Mt Gambier answer calls between 9.00am and 5.00pm. Unley, Charles Sturt, Mitcham, Adelaide City and Holdfast (which have dedicated call centres) operate 8.30am – 5.00pm.

Summary and Conclusion

The Customer Service Reboot Project Team presented this matter to the Corporate Management Team who approved the recommendation to align the Customer Service telephone switchboard operating hours to the operating hours advertised for Customer Services on Council website, print media and building signage to 9.00am – 5.00pm.

The impact to Customers is considered minimal, as calls received before 9.00am and after 5.00pm would be answered by Council's after-hours service and directed to the appropriate Officer and staff who have provided their direct extension numbers to Customers would not be affected by the change ie they would still receive calls before 9.00am and after 5.00pm.

The productivity benefits for Customer Support Officers in terms of preparation, Team training and building opportunities and morale are considered significant to justify the change to service level.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial considerations

The additional service which would be provided by Answering Adelaide (45 minutes each day) is not budgeted for; however, is considered minimal. Officers estimate a monthly increase from \$1.25 upwards. This would be offset by savings in staff wages to attend after hours meetings/training sessions.

Resource considerations

The alignment of telephone switchboard hours to the advertised service level for direct service delivery (9.00am to 5.00pm) would allow:

- Flexibility of staff rostering to cover peak times.
- Staff training, staff meetings, workshops and toolbox sessions to be carried out during core hours, eliminating the after-hours impact on the Team members
- Reduced need for alternate staff to provide cover for the Customer Support Team during core hours.

COMMUNITY CONSULTATION

No formal community consultation has taken place or is required under the Local Government Act or Council's Public Consultation Policy.

7.4.1 DIRECTOR'S REPORTS

7.4.1.1

THE BAROSSA TRAIL - CONNECTION TO TOWN OF GAWLER

B1930 – 19/69068

MOVED Cr de Vries that Council:

- 1) Supports the project to construct a shared use path from west of Ann Milroy Lane following the rail corridor to Sunnydale Avenue and provide a budget allocation of \$840,661 for the 2020/21 and 2021/22 financial years funded from the Regional Growth Fund grant, unallocated Road Reseal budget and surplus budget from the completed Williamstown QVJP project, and
- 2) Authorises the Director Works and Engineering Services to negotiate and execute an infrastructure deed with the Town of Gawler.

Seconded Cr Johnstone

CARRIED 2018-22/440

PURPOSE

The Barossa Council, jointly with Town of Gawler, has been successful in obtaining a Regional Growth Fund Grant for the *Adelaide Cycleway, Barossa, Light and Lower North Cycle Tourism Project* for extension of the Barossa Trail shared use path to the Town of Gawler and linkage to the Stuart O'Grady Trail.

As previously outlined to Council it is now is required to consider and approve final budget allocations, in the forward years, and for officers to negotiate and enter into an infrastructure deed with the Town of Gawler.

REPORT**Background**

Excerpt from the Minutes of 17 September 2019,

MOVED Mayor Lange that

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

Seconded Cr Miller

CARRIED 2018-22/319

Introduction

Council together with the Town of Gawler submitted a joint application to the State Government's Regional Growth Fund Competitive Pool for \$678,000 financial assistance to deliver the Adelaide Cycleway, Barossa Light and Lower North Cycle Tourism Project. PIRSA has informed Council officers that the submission was successful. Refer Attachment 1. Funding is expected to be as shown in Table 1.

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

Table 1 Funding contribution

Discussion

Council committed to the extension of the Barossa Trail project through its resolution of September 2019. Subject to Council supporting the recommendation officers will continue to work towards securing the required funding for its completion recognising the potential economic benefits, predominantly from tourism, that a safe and continuous connection from metropolitan Adelaide to the Barossa can bring.

The broader project is the construction of cycling connections that will link two existing cycle paths, the Stuart O'Grady Trail (Gawler to Adelaide through the Adelaide Plains) and the Barossa Trail (Gawler to Tanunda) via the Rail Corridor. Refer Attachment 2 and Attachment 3.

Construction and delivery of the Barossa Trail connection will be undertaken independently, but in collaboration with the Town of Gawler who will concurrently be responsible for the Stuart O'Grady connection. Town of Gawler will enter into a funding agreement with the State and it is proposed that The Barossa Council will enter into an agreement with the Town of Gawler mirroring the head contract obligations.

The project is not fully funded within the 2019/20 budget, there is an amount of \$351,470 currently in this years' unallocated road reseal budget that has been carried over from FY2018/19 Barossa Trail connection budget.

It is proposed to fund the project in the FY2020/21 and FY2021/22 budget years, if necessary, from the unallocated carry over funds, the PIRSA contribution and savings from the recently completed Williamstown QVJP Bridge Construction as shown in Table 2.

Funding	Amount \$
PIRSA Contribution	\$336,264
Transfer funds from unallocated road reseal budget (601260) and carry forward to The Barossa Trail FY2020/21	\$351,470
Transfer funds from project savings (WQVJP- 601196 \$175,645 budget surplus) and carry forward to The Barossa Trail FY2020/21	\$152,927
Barossa Trail Project cost estimate	\$840,661

Table 2 Budget Transfers

Summary and Conclusion

Recognising the importance in delivering a long term community commitment it is recommended to fund the project and enter into an agreement with Town of Gawler.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – PIRSA – Notification
Attachment 2 – Barossa Trail – completion drawing
Attachment 3 – Town of Gawler – Concept design

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Infrastructure



Business and Employment

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is a commercial risk around access to the rail corridor, The Barossa Council has negotiated and signed a License Agreement with Genesee & Wyoming Australia, expiry 31 March 2023 to construct and use the rail corridor as a bike path.

There is also a risk costs could exceed the estimated project budget, this has been mitigated by obtaining professional cost estimates based on concept sketches with appropriate contingencies and annual cost escalations.

The Williamstown QVJP bridge project was completed under budget without conceding any deliverables so there is no financial or reputational risk in transferring the surplus budget to the Barossa Trail Project.

COMMUNITY CONSULTATION

The community will be advised when construction is scheduled to commence.

7.4.1.2

NAMING OF STREETS – REDEEMER HEIGHTS LAND DIVISION - NURIOOTPA

B7407 20/67

Author: Manager Engineering Services

MOVED Cr de Vries that the new road created within the land division at 139 Murray Street, Nuriootpa, labelled "Road A", be named Grenache Court.

Seconded Cr Wiese-Smith

CARRIED 2018-22/441

PURPOSE

A request has been received from the developer of a residential land division at 139 Murray Street, Nuriootpa, for the naming of a newly created road.

REPORT**Background**

The construction of a new land division by LAKA Earthmoving Contractors Pty Ltd at 139 Murray Street, Nuriootpa, is nearing completion. One new road is being created within the land division that is required to be named. Refer General locality plan attached and land division layout plan attached.

Discussion

Road names are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process". In accordance with section 4.2.1 of the process, sources for road names, may include "thematic names such as flora and fauna etc."

Existing roads in the near vicinity of the land division have been previously named with a grape variety theme, such as Chardonnay, Pinot, Cabernet, Riesling, Hermitage, Traminer and Merlot. The proposed road is part of the last land division development in the immediate precinct and it would be appropriate to name the new road with a consistently themed nomenclature.

Consultation with the land developer has suggested that the Grenache grape variety be used for the road name.

Grenache cuttings were brought from the south of France to South Australia in 1844. The ability of Grenache to produce high yields when given plenty of irrigation in warm climates made it the most popular Australian grape variety until the 1960s. It was the basis of most fortified wines, as well as a component of many dry red table wines. But only rarely did the word Grenache appear on a wine label.

Shiraz and Cabernet Sauvignon replaced many Grenache vineyards in Barossa in the 1960s and 1970s and the variety seemed destined for obscurity in the region, but in the late 1980s a visionary group of winemakers decided these old, dry-grown vines, which had contributed so much to the establishment of Barossa as a wine-growing area, deserved renewed respect. Fortunately, this means some plantings from the 1850s are still thriving today.

The significance and quality of Barossa Grenache far outweighs its small production figures. This versatile grape is used to produce single variety and expertly blended red table wines, as well as fortified and rosé wines.

Summary and Conclusion

The selection of a grape variety nomenclature completes the wine variety theme in this township locality. Within The Barossa Council region, there are no existing roads with the name Grenache.

In accordance with The Barossa Council "Selection of Road and Public Place Names Process", it is proposed that the new road created within the land division at 139 Murray Street, Nuriootpa, be named Grenache Court.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – General locality plan.
Attachment 2 – Land division layout plan.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Infrastructure

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil. All costs associated with the naming and sign posting of new roads within land developments are borne by the developer.

COMMUNITY CONSULTATION

No formal community consultation has been engaged, however reference has been made to The Barossa Council "Selection of Road and Public Place Names Process" and existing roads within the adjacent area.

7.4.1.3

SPECIAL LOCAL ROADS PROGRAM (SLRP) – GRANT APPLICATION – BASEDOW ROAD, TANUNDA
B10481 – 20/2720

Author: Manager Engineering Services

MOVED Cr Haebich that Council approves submission of a State Government Special Local Roads Program (SLRP) grant fund application for the upgrade of Basedow Road, Tanunda.

Seconded Cr Wiese-Smith

CARRIED 2018-22/442

PURPOSE

The South Australian State Government Special Local Roads Program (SLRP) grant scheme is calling for eligible road upgrade project nominations from Councils for funding in the 2020-2021 financial year.

REPORT**Background**

The State Government Special Local Roads Program (SLRP) was established under the joint approvals of the South Australian, Commonwealth and Local Governments in 1985-86 and facilitates funding of significant and strategic works throughout the State.

Each year the Local Government Transport Advisory Panel (LGTAP) calls for submissions for SLRP funding from the Regional LGA's (Eyre Peninsula, Limestone Coast, Legatus, Murraylands and Riverland, Southern & Hills, and Upper Spencer Gulf) and metropolitan Councils via the Greater Adelaide Region Organisation of Councils (GAROC) committee. The Barossa Council is a part of the Legatus area, previously known as the Central Region.

The LGTAP considers all funding applications submitted and proposes an annual program of works across South Australia for allocation of funding from the SLRP in accordance with the adopted LGTAP policy, which assures transparency and accountability in its decisions. LGTAP gives preference to those projects that have been developed through Local Government Regional Transport Plans and transparent planning processes, to ensure that proposed projects are strategic and have regional benefit.

Introduction

For a road upgrade proposal to receive SLRP funding, it must:

- be identified on the 2030 Regional Transport Plan (Legatus Group, December 2017)
- have an identified priority in terms of Freight, Tourism and Community Access importance;
- have a road deficiency priority to warrant listing on the "2030 Regional Transport Plan Road Deficiency Action Plan 1"
- be upgraded to a "fit for purpose" level of service, reducing the deficiency gap.

Councils can nominate up to three regional road upgrade projects, from the full list of possible projects which councils have already identified under the 2030 Regional Transport Plan Regional Road Deficiency Action Plan 1. The following Barossa Council roads are listed:

- Basedow Road – Murray Street to Menge Road
- Bethany Road – Menge Road to Thiele Road
- Calton Road - Lucks Road to Sunnydale Avenue
- Carrara Hill Road – Sturt Highway to Stockwell Road
- Hurns Road – Long Gully Road to Eden Valley Road
- Mengler Hill Road – Light Pass Road to Tanunda Creek Road
- Para Wirra Road – Yettie Road to Humbug Scrub Road
- Stockwell Road – Penrice Road to Carrara Hill Road

The 2030 Regional Transport Plan is updated every three years by Legatus to reflect evolving road use priorities and road condition ratings.

Discussion

With reference to the above priority Action Plan 1 and other priority roads, the following brief commentary is provided:

- Council has previously prepared SLRP application information for the upgrade of Basedow Road, Tanunda, from Murray Street to Menge Road. Past feedback from the Legatus SLRP Database – Stage 1 Assessment matrix indicated a relatively high overall regional priority for upgrade of this road, due to the high freight / commercial vehicle use and community access importance of this section of road and the expected improved level of service. The road currently has a very dilapidated road surface and stormwater drainage issues due to the highly expansive soils in the locality.
- Bethany Road, from Menge Road to Thiele Road, has recently been re-sealed in recent years within Council's road re-seal capital budget.
- Calton Road, Kalbeeba, is about to have developer funded upgraded works performed, including kerb and gutter drainage on the northern side, east of Sunnydale Avenue. Future developer funded upgrade works will include reconstruction of the Calton Road / Balmoral Road intersection and more kerb and gutter adjacent future stages of the Springwood development.

Whilst the SLRP is one source of funding for these projects, it is expected that other funding sources, e.g. the Heavy Vehicle Safety and Productivity Program (HVSPP) and Black Spot funding, would also be pursued to undertake some of these regional road upgrade projects.

- The Carrara Hill Road / Stockwell Road intersection has recently been upgraded with the assistance of the HVSPP fund.
- Hurns Road, Angaston, would likewise be a good candidate for upgrade with the assistance of the HVSPP fund due to the important connectivity of the Barossa Freight Route.
- Mengler Hill Road is an important tourist and community access road which has recently been re-sealed in part within Council's road re-seal capital budget. Further safety guardrail reconstruction work is warranted.
- In 2016-2017, The Barossa Council was successful in obtaining SLRP funding for the upgrade and sealing of Para Wirra Road, from Yettie Road to Humbug Scrub Road, Williamstown.
- The upgrade of Stockwell Road is well placed for funding within the HVSPP guidelines due to the road being the most heavily trafficked section of the Barossa Freight Route, with a significant higher than 40% of the recorded traffic being commercial / freight vehicles. Additionally Council has recently applied for 2020-2021 State Government Black Spot funding for the upgrade of the Stockwell Road / Penrice Road intersection, due to its

considerable accident history. The outcome of this grant application is expected to be known in the coming months.

In 2018-2019, The Barossa Council was successful in securing SLRP funding for a joint project with Light Regional Council for the upgrade and sealing of Lyndoch Road, from Gomersal Road to the Council boundary at the start of Hermann Thumm Drive, Lyndoch. This road is an extension of Hermann Thumm Drive and located entirely in the Light Regional Council area, demonstrating the importance of cross-Council regional connectivity within the SLRP priorities for funding.

Council has also previously prepared SLRP application information for the upgrade and widening of Moculta Road, from Angaston to Moculta, but this road is listed at the moment only on the 2030 Regional Transport Plan Road Deficiency Action Plan 2, hence will score a lesser overall regional priority for funding.

The SLRP grant funding assessment requires confirmation that Council has approved funding of its likely share of the project cost, and that sufficient design of the project has been undertaken (i.e. concept or preliminary design) to have reasonable confidence in the stated project capital cost estimate and level of grant funding sought in the application. The LGTAP policy requires Council to contribute to the cost of the project. In the past, it has been demonstrated that it is desirable for Council to propose a contribution of 50% of the road upgrade project costs, with 50% funding proposed from SLRP. An application can be received with a lesser proposed Council contribution, but this will incur a lower overall priority assessment score.

Summary and Conclusion

It is considered that the upgrade of Basedow Road, Tanunda, from Murray Street to Menge Road - Refer Attachment 1, is an appropriate road upgrade project to apply for SLRP funding in the current round.

The scope of work would focus on upgrade of the section from Walden Street to Menge Road due to the high priority score anticipated in the SLRP assessment matrix, mostly associated with high commercial / freight importance and significant economic and community advantages resulting from its reconstruction back to a "fit for purpose" level of service. The total upgrade cost is estimated to be \$1,100,000.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – General Locality Plan – Basedow Road, Tanunda.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

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

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Long Term Financial Plan has an allocation of \$666,000 over the next two years for replacement and renewal of road transport assets from which council's 50% contribution could be funded from.

COMMUNITY CONSULTATION

Community consultation has previously taken place with the preparation of the LTFP. No other community consultation is planned for this proposed road upgrade project.

7.5.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT**7.5.2.1****CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS – BAROSSA BUSHGARDENS B9068**

Author: Director, Development and Environmental Services

MOVED Cr Boothby that;

- (1) Council having reviewed the Minutes of the Barossa Bushgardens S41 Committee Meeting held on 11 December 2019 and that the Minutes be received and noted.

Seconded Cr Schilling

CARRIED 2018-22/443

PURPOSE

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

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 11 December 2019.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Natural Environment and Built Heritage

Corporate Plan

Natural Environment and Built Heritage

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

Legislative Requirements

Local Government Act and Regulations

Development Act and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY CONSULTATION

Not required by Council.

7.5.5 WASTE SERVICES

7.5.5.1

GREEN INDUSTRIES FUNDING - REGIONAL TRANSPORT SUBSIDIES PROGRAM AND KERBSIDE PERFORMANCE PLUS INCENTIVES PROGRAM

Author: Waste Management Officer

MOVED Cr Johnstone that Council:

- (1) Authorise the Chief Executive Officer, or his delegate, to apply for funding as part of the Regional Transport Subsidies Program.
- (2) Authorise the Chief Executive Officer, or his delegate, apply for funding in the Kerbside Performance Plus Incentives program as part of introducing a mandatory green organic service in the townships identified in the Waste Management Service Policy and the Sandy Creek area (where there is a number of existing organic services).

Seconded Cr Boothby

CARRIED 2018-22/444

PURPOSE

To seek Council's endorsement apply to Green Industries SA for grant funding as part of the Regional Transport Subsidies Program and Kerbside Performance Plus Incentives program.

REPORT

Background

The Minister of Environment and Water had written to the Mayor 8 January 2020 advising of the release of three funding programs as part of the Waste and Resources Recovery Modernisation and Council transition package (Attachment 1).

The Application and Guidelines are provided in Attachment 2.

The Council Modernisation Grants Program encourages South Australia's councils to improve waste management and recycling services through the introduction of innovative measures.

The modernisation measures should result in operational efficiencies, improved customer service and economic development benefits for the community.

The Regional Transport Subsidies Program is available to Regional councils who support continued recycling efforts and need assistance offsetting some of the extra costs associated with transporting collected recyclables.

The Kerbside Performance Incentives Program assists councils to implement sustainable and efficient food organics recycling systems. The level of financial incentives provided depends on the council's approach towards introducing food organics recycling. It recognises that disposing food to landfill represents the loss of a potentially valuable resource.

Discussion

Kerbside Performance Incentives Program:

Under the Kerbside Performance Incentives Program, funding would be available to assist in rolling out a mandatory green organic service. The funding covers up to 50% of the cost of containers

(Kitchen Caddies) and education material included with containers at the time of distribution, to a maximum of \$10 per tenement.

If Council demonstrate a net reduction in the general waste (landfill) stream of 1.3 kilograms or greater associated with the introduction of the mandatory green organic roll out, financial support towards the system costs (up to \$3 per tenement per annum) will also be available in each subsequent year (subject to a performance target being met) for up to five years.

The level of financial incentives provided will depend on the council's approach towards introducing food organics recycling.

Following the recent Waste Audit, Council considered a report in December 2019 where it was suggested that the Administration further consider the introduction of a mandatory organic service. The funding is an opportunity to implement the mandatory service within townships.

Regional Transport Subsidies Program:

The Regional Transport Subsidies Program offers funding for the purpose of supporting the continuation of recycling services in regional areas. Eligible cost items include transport costs associated with a council's provision of kerbside recycling.

The total amount available per council is capped at \$12 (excluding GST) per tonne per 100 kilometres of transport costs associated with kerbside recycling for the period 1 July 2019 to 30 June 2020.

Council had received funding from this program in 2018-19. The amount being \$17,264.28

Summary and Conclusion

Applications for both the Regional Transport Subsidies Program and Kerbside Performance Plus Incentives program close on February 7, 2020.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|----------------|---|
| Attachment 1 - | Letter from The Minister of Environment and Water |
| Attachment 2 - | Waste and Resource Recovery Modernisation and Council Transition Package Guidelines and Application |

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

- 1.8 Implement and promote policy that reduces the consumption of our natural resources and reuses or recycles waste.

Corporate Plan

- 1.9 Participate in initiatives, or advocate for, improvement to recycling, re-use, and minimisation education initiatives to reduce waste disposed to landfill.
- 4.9 Provide residents kerbside waste collection and recycling services that reduce waste disposed to landfill.

- 4.10 Facilitate access to hard and green waste facilities and associated recycling opportunities that reduce waste disposed to landfill and support the environment.

Legislative Requirements

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

To be eligible for the Kerbside Performance Incentives Program Council would be required to co-fund the amount received from the Program. The estimate amount of funding is \$32,062 which could be taken from the Recyclables Collection Reserve which at 30 June 2019 totalled \$120,913.

Risk Management

Nil

COMMUNITY CONSULTATION

Nil

7.5.5.2

**DRAFT SINGLE-USE AND OTHER PLASTIC PRODUCTS (WASTE AVOIDANCE) BILL 2019
RELEASED FOR CONSULTATION**

Author: Waste Management Officer

MOVED Cr Boothby that Council:

- (1) Authorise the Chief Executive Officer, or his delegate, to provide comment to Green Industries SA on the Draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019 by the closing date as per the comments contained within the report.
- (2) Authorise the Chief Executive Officer, or his delegate to provide a copy of the comments to the LGA.

Seconded Cr de Vries

CARRIED 2018-22/445

PURPOSE

To seek Council's endorsement to make a submission to Green Industries SA on the draft legislation that will implement a ban on single-use plastic products in South Australia.

REPORT

Background

In recent years there has been significant local, national and international interest in the management and recycling of single-use plastics such as plastic bags, straws, coffee stirrers, soda and water bottles and most food packaging and polystyrene.

In January 2019 Green Industries SA Released a discussion paper for public consultation titled 'Turning the Tide on Single Use Products'. Feedback from the public consultation (released in July 2019) (Attachment 1) advised that legislation would be developed to establish a framework to phase out single-use plastics and other single-use items.

Introduction

Green Industries SA released the Draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019 (Attachment 2) on 17 December 2019.

The Bill proposed to prohibit the sale, supply and distribution of certain single-use plastic products and establishes a framework for adding other products in the future.

Discussion

The draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019 will implement the proposed ban on the sale and supply of single-use plastic products in South Australia.

The first products to be banned under the legislation will be plastic straws, stirrers and cutlery. The legislation also establishes the framework to ban other products later on and specifically includes expanded polystyrene cups, bowls and plates.

The draft legislation will have some implications for local government bodies. In particular, although the Environment Protection Authority will be primarily responsible for compliance and enforcement of the legislation, council authorised officers may be provoked powers and functions under the proposed legislation to undertake enforcement action similar to other pieces of environment protection legislation.

The bill explanatory information (Attachment 3) proposes that exemptions be granted to enable people who live with a disability and require single-use plastic straws to be able to access them efficiently.

There are people with disability who rely on using plastic straws to consume hot and cold beverages. Not only is this to meet nutrition and hydration needs but is also integral to social inclusion. Current plastic alternatives are not fit for purpose (Metal is too hard, gets too hot with hot drinks and is not flexible or long enough. Paper gets soggy, silicon gets too soft with heat)

Exemptions could be granted to allow the sale and supply of plastic straws from particular outlets - eg. medical facilities, pharmacies and council offices (potentially in accordance with councils' Disability Access and Inclusion Plans).

The LGA will be making a submission and, in particular, has been asked to advise Green Industries SA on whether councils would be willing to offer plastic straws for sale at council offices so that they remain accessible to people who live with a disability. The LGA would appreciate any information councils are able to provide on this possibility.

The draft comments (Attachment 4) seek to address the above.

Summary and Conclusion

Green Industries SA Released the Draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019 for public consultation.

Comments and submissions are due by Friday, 7 February 2020 and following consideration of feedback, the Bill will be finalised for introduction to Parliament.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Turning the Tide on Single-Use Plastic Products – Next Steps

Attachment 2: Draft Single-use and Other Plastic Products (Waste Avoidance) Bill 2019

Attachment 3: Bill Explanatory Information

Attachment 4: Draft Comments for Submission

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

- 1.8 Implement and promote policy that reduces the consumption of our natural resources and reuses or recycles waste.



Health and Wellbeing

- 4.5 Advocate for and encourage services and resources that ensure equity and support for disadvantaged, disabled and at risk members of the community.

Corporate Plan

- 1.9 Participate in initiatives, or advocate for, improvement to recycling, re-use, and minimisation education initiatives to reduce waste disposed to landfill.
- 4.4 Provide support and advocacy on aged and disability services including ensuring arrangements for Barossa Leisure Options services post NDIS implementation.

Legislative Requirements

Green Industries SA Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS*Financial Management*

Nil

Risk Management

Nil

COMMUNITY CONSULTATION

Nil

8. CONFIDENTIAL MATTERS**8.1 CONFIDENTIAL - DIRECTOR DEVELOPMENT AND ENVIRONMENTAL SERVICES - 10.26AM****8.1.1****BIOSECURITY BILL – STAKEHOLDER FEEDBACK REPORT**

The matter of the agenda item being the support document of the agenda item has been provided to Council for information following consultation in the Discussion Paper on the Biosecurity Bill. In doing so, PIRSA has advised that the document is 'not for further distribution' at this time as the Department assess the matters and consider the information for legislative purposes. Pursuant to Section 90(3)(j)(i) and (ii) of the Local Government Act 1999 relating to item 8.1.1 Biosecurity Bill – Stakeholder Feedback Report, being information that PIRSA being a public authority has requested not be for further distribution and therefore is information the disclosure of which:

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the Council); and

- (ii) would, on balance, be contrary to the public interest

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

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

- the disclosure of certain information would prevent the efficient and effective governance of the Council and its relationship with the State agency PIRSA;
- detriment to the public through the disclosure of sensitive information concerning bio-security management in South Australia.

On balance, the above reason which support the need for confidentiality pursuant to Section 90(2) of the Act outweigh the factors in favour of the public interest of open decision-making given the Department will manage the process and have requested it remain not distributed.

MOVED Cr Boothby that:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from the meeting, with the exception of the Chief Executive Officer, Director Works and Engineering, Director Development and Environmental Services, Director Corporate and Community Services, and Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(j)(1) and (11) of the Local Government Act 1999 relating to item 8.1.1 Biosecurity Bill – Stakeholder Feedback Report, being information that PIRSA being a public authority has requested not be for further distribution and therefore is information the disclosure of which:
- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the Council); and
- (ii) would, on balance, be contrary to the public interest; and
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to prevent the disclosure of information at the request of PIRSA.

Seconded Cr Hurn

CARRIED 2018-22/446

RESUMPTION OF OPEN COUNCIL MEETING - 10.28AM

The open meeting of Council resumed at 10.28am.

In the matter of *Biosecurity Bill – Stakeholder Report*:

MOVED Cr Wiese-Smith that Council:

- (1) Confidential Resolution;
- (2) Having considered this matter in confidence under Section 90(2) and 90(3)(j)(i) and (ii) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the agenda report and attachments of agenda item 8.1.1 Biosecurity Bill – Stakeholder Feedback Report of the Confidential Council meeting held on 28 January 2020 be kept confidential and not available for public inspection and that the Chief Executive Officer be authorised to review and revoke this.

Seconded Cr Boothby

CARRIED CO2018/22-21

8.2 CONFIDENTIAL – MANAGER COMMUNITY PROJECTS – 10.28AM

8.2.1

SANTOS TOUR DOWN UNDER 2021

The matter of the agenda item being a Report regarding Council's potential Expression of Interest to host an event or events in the 2021 Santos Tour Down Under and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 ("the Act") being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and (ii) would on balance, be contrary to the public interest.

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

In this matter, the reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council as commercial in confidence. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2021 Santos Tour Down Under is lifted by Events South Australia.

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

MOVED Cr Wiese-Smith that Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Manager Community Projects, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section

90(3) (d) of the Local Government Act 1999 relating to agenda item 8.2.1 Santos Tour Down Under 2021 being information that must be considered in confidence in order to ensure that Council does not disclose commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential as the information has been provided to Council as commercial in confidence and Council could be prejudiced if it disclosed this information.

Seconded Cr de Vries

CARRIED 2018-22/447

RESUMPTION OF OPEN COUNCIL MEETING – 10.51AM

The open meeting of Council resumed at 10.51am.

In the matter of *Santos Tour Down Under 2020*:

MOVED Cr Johnstone that Council:

- (1) Confidential resolution
- (2) Confidential resolution
- (3) Confidential resolution
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section and 90(3)(b)(i) and (ii) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of council makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minute relating to the confidential order of the Confidential Council meeting held on 28 January 2020 in relation to Confidential Item Number 8.2.1 and titled Santos Tour Down Under 2021 be kept confidential and not available for public inspection until date as any embargo on the announcement regarding venues for the 2021 Santos Tour Down under is lifted.

Seconded Cr de Vries

CARRIED CO2018/22-22

9. URGENT OTHER BUSINESS

Nil

9.1 REQUEST FOR LEAVE OF ABSENCE

Nil

10. NEXT MEETING

Tuesday 18 February 2020 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 10.52am.

Confirmed at Council meeting Tuesday
18 February 2020

Date:

Mayor: