



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 19 May 2020 commencing at 9.00am held digitally via Microsoft Teams, streamed live and recorded for future reference.

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 9.00am.

1.2 MEMBERS PRESENT

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

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr de Vries that the Minutes of the Council meeting held on Tuesday 21 April 2020 at 9.00am including confidential minutes as circulated, with the Members present to be amended to include Cr Miller and Cr Schilling, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Johnstone

CARRIED 2018-22/111

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

Nil

1.8 DEPUTATIONS

9.18 am

Mayor Lange welcomed Mrs Stacey Nelson and Mrs Cathy McAlpine to the meeting. Mrs Nelson (as the spokesperson) and Mrs McAlpine (present at the deputation) spoke to Council about the emotional impact of the death of Mr John McAlpine on Gottwald

Road Williamstown in January 2020 and requested Council to consider the impact of the memorial on the grieving processes for the family and friends.

9.32 am

Mayor Lange welcomed Mrs Susan Roth to the meeting.

Mrs Roth spoke to Council about the impact of the death of Mr John McAlpine on Gottwald Road Williamstown in January 2020 has had on the gentleman's children and asked Council to consider a compassionate response, further she asked of the application of the Memorials on Community Land Policy (the Policy) on different types of road surfaces and that the Policy be consistently applied.

The Chief Executive Officer responded that the Policy applies equally no matter of the road surface and assured Mrs Roth the other memorial displayed in her presentation is being followed up already.

9.40 am

Mayor Lange welcomed Mr John Terlet to the meeting. Mr Terlet spoke to Council of the tragic event and the impact on residents as well as the family. He confirmed he was speaking for many residents in the area and the emotional impact on his family and residents, also including children. He spoke of the inappropriate nature and risks for road users outlining recently the cross has also been illuminated. He requested Council seek the removal of the memorial.

MOVED Cr Johnstone that the deputations be received and noted.

Seconded Cr Troup

CARRIED 2018-22/112

1.9 NOTICE OF MOTION

Nil

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 Wiese-Smith

CARRIED 2018-22/113

3. COUNCILLOR REPORTS

Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA

Cr de Vries excluded item 4.1.1.1 Boundary Reform – Light Regional Council from the Consensus Agenda.

Cr Angas excluded item 4.2.1.1 Genetically Modified Crops from the Consensus Agenda.

Cr Troup excluded item 4.3.1.1 Barossa Cares Website – Initial Report from the Consensus Agenda.

Cr Boothby excluded item 4.5.1.1 Barossa Assessment Panel – Membership from the Consensus Agenda.

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Wiese-Smith that the information items, excluding 4.1.1.1 Boundary Reform – Light Regional Council, 4.2.1.1 Genetically Modified Crops, 4.3.1.1 Barossa Cares Website – Initial Report, and 4.5.1.1 Barossa Assessment Panel – Membership, contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

Seconded Cr Schilling

CARRIED 2018-22/114

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.1.1.1 Boundary Reform – Light Regional Council

Cr de Vries provided further information and commentary on the matter.

MOVED Cr de Vries that the correspondence from Light Regional Council be received and noted.

Seconded Cr Johnstone

CARRIED 2018-22/115

4.2.1.1 Genetically Modified Crops

Cr Angas provided further information and sought Council to write to relevant industry bodies to ascertain their initial views on the matter.

MOVED Cr Angas that Council instruct the Chief Executive Officer to write to relevant industry bodies including Barossa Grape and Wine Association, Barossa Tourism, RDA Barossa Gawler Light and Adelaide Plains, Agricultural Bureaus, SA Primary Producers and our neighbouring councils to seek their views as to the question of Genetically Modified Crops and report back to the Council once responses have been received.

Seconded Cr Hurn

CARRIED 2018-22/116

4.3.1.1 Barossa Cares Website – Initial Report

Cr Troup provided further information regarding the success and statistics about this initiative.

MOVED Cr Troup that report 4.3.1.1 be received.

Seconded Cr Wiese-Smith

CARRIED 2018-22/117

MOVED Cr Johnstone that the meeting be adjourned for a short break.

Seconded

The motion lapsed for the want of a seconder.

4.5.1.1 Barossa Assessment Panel – Membership

Cr Boothby outlined that as item 4.5.1.1 requires Council to make a decision the matter should be dealt with specifically.

Pursuant to S73 of the Local Government Act 1999 Cr Johnstone disclosed a material conflict of interest in the matter 4.5.1.1 –*Barossa Assessment Panel* – as he is presently the Member of the Development Assessment Panel and is seeking to be renominated to this role as per the agenda item.

Cr Johnstone advised Council of the conflict of interest and left the online meeting at 10.21am while the matter was being considered and voted upon.

Pursuant to S73 of the Local Government Act 1999 Cr Miller disclosed a material conflict of interest in the matter 4.5.1.1 –*Barossa Assessment Panel* – as he is presently a Member of the Development Assessment Panel and is seeking to be renominated to the role as per the agenda item.

Cr Miller advised Council of the conflict of interest and left the online meeting at 10.21 am while the matter was being considered and voted upon.

MOVED Cr de Vries that Council appoint member to the current Barossa Assessment Panel for the period of 1 July 2020 to 30 September 2020 as follows:

1. Presiding Member, Mr Bruce Ballantyne
2. Independent Members, Ms Deirdre Reimen, Mr Grant Hewitt and Mr Robert Veitch
3. Council Member, Councillor Richard Miller; and
4. Council Deputy Member, Councillor Russell Johnstone

Seconded Cr Boothby

CARRIED 2018-22/118

Cr Miller and Cr Johnstone returned to the meeting at 10.24am.

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

Mayor Lange welcomed Mr Simon Millcock, CEO of the Legatus Group, to the meeting. Mr Millcock presented on the performance of Legatus and strategies and budget for the future.

6.2 ADJOURNMENT OF COUNCIL MEETING

See Minute page 2020/231

7. DEBATE AGENDA

7.1 MAYOR – DEBATE

Nil

7.2 EXECUTIVE SERVICES - DEBATE

7.2.1. CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1

DROUGHT COMMUNITIES PROGRAMME EXTENSION

B10872

The Mayor considered that a short suspension of meeting procedures was warranted for questions and to explore the options regarding the Drought Communities Programme Extension.

MOVED Cr de Vries that Council suspend formal meeting procedures pursuant to Regulation 20 of the Local Government (Procedures at Meetings) Regulations 2013 for the purposes of discussion and asking questions related to the Drought Communities Programme Extension for a period of 15 minutes or earlier if there are no further questions or comments.

Seconded Cr Boothby

CARRIED 2018-22/119

SUSPENSION OF PROCEEDINGS – 10.26am

The council suspended meeting proceedings at 10.26am.

RECOMMENCEMENT OF PROCEEDINGS – 10.37am

The council recommenced meeting proceedings at 10.37am.

MOVED Cr Wiese-Smith that Council lay 7.2.1.1 on the table pending a further workshop and assessment of alternative projects and report back to Council at the June 2020 meeting.

Seconded Cr Barrett

CARRIED 2018-22/120

PURPOSE

To report formally the success of the drought funding representations made to Government and determine projects to move to full development of an application.

REPORT

Introduction

Council are aware of the work undertaken by the Mayor in lobbying State and Federal Governments for the recognition of The Barossa Council being in drought. A successful result was achieved and notified on 30 January 2020.

Discussion

There have been some delays in the provision of the portal to make applications which has now been made available to make submissions from 20 March 2020. Obviously COVID-19 has delayed our discussions around these matters. Recently I have been liaising with the Department in understanding the critical criteria for our projects to meet. These are summarised as:

- Increase employment in regions for locals and/or farmers/contractors whose employment has been affected by the drought;
- Improve levels of economic activity in regions;
- Increase productivity in regions; and
- Enable better retention of businesses, services and facilities.

The frequently asked questions and guidance is in the attachments.

At the March workshop of Council ideas were explored by members for utilisation of the \$1M in funds available. Two particular projects were of interest:

1. Tourism and town signage at all of our townships – up to \$200,000.
2. Drought and emergency water supply for the Barossa through the installation of large balance tanks and other infrastructure to supply water for firefighting purposes or lack of domestic supply in rural areas through user pays system. There would be up to 4-6

locations ranging in pricing of \$50,000 - \$150,000 and expected spend of \$600,000 - \$800,000.

I have sought preliminary advice from the Department and received advice on 7 May that both projects have merit. I have also been advised, that no decision can of course be made until the full documentation is submitted. Further I have been advised that item 1 has been funded in the past in other locations and item 2 on face value is sound but we must link it to community access, jobs, and economic outcomes.

In terms of item 1 if the target is to achieve town signage upgrades there are 37 signs to be upgraded. To achieve bespoke and individual signage cannot be achieved in that budget but a more generic solution as was presented to Council could be achieved with some minor township specific outcomes. A design process will be undertaken to refine the options with a focus on the Barossa Branding and subject to agreement with Barossa Grape and Wine Association who are the owners of the brand materials. An example is provided at the attachments.

In terms of item 2 the final solution will depend on what locations are selected by Council and therefore the solution necessary such as access to what water services, power, provision for access, planning approvals and maintenance requirements. We already have three locations scoped out but need final decisions from Council to conclude design and costing. The locations at present are (all subject to SA Water approval):

1. Eden Valley installation of tanks, standpipe associated infrastructure and automated billing and monitoring system, estimated at \$150,000;
2. Mt Pleasant installation of automated billing and monitoring system at existing standpipe, estimated at \$60,000;
3. Moculta installation of standpipe and automated billing and monitoring system, estimated at \$80,000.

If the goal of Council is to provide access to appropriate infrastructure members are ask to now identify other locations (which will also require SA Water approval), it is suggested:

1. Williamstown – recreation park;
2. Sandy Creek – recreation park;
3. Angaston – recreation park;

All three most likely need a similar solution to Eden Valley.

Such infrastructure is not considered necessary for Nuriootpa and Tanunda as there are significant other supplies available for emergencies such as those at our CWMS plants as the six locations provide north south west and east locations reasonable access.

Should all six locations proceed on current high level estimates it would equate to \$740,000, with contingency of 10% the allocation of \$800,000 for this project would be exhausted.

Subject to Council's approval to proceed, submissions would be made and costings and designs completed as part of that work. Submissions would made before the end of the financial year. Funds are required to be spent by 30 June 2021.

It should be noted there are ongoing costs that will be modelled as a part of the final solutions and will need to be budgeted for in the forward estimates from the 21/22 financial year especially in relation to the water infrastructure project. These costs do not existing in future budgets.

Summary

Council need to provide endorsement of the preferred projects and locations for emergency water supply for our community and authorise the Chief Executive Officer to proceed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Drought Communities Programme Extension – FAQs
Town Signage Example

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Natural Environment and Built Heritage



Community and Culture



Health and Wellbeing

- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.
- 2.12 Contribute to a safer community.
- 4.3 Work with emergency services to prepare for disaster management and recovery.

Legislative Requirements

Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

These will be outlined and developed as part of the final submissions and reported back to Council.

COMMUNITY CONSULTATION

Community consultation is not required but recommended for the signage project.

7.2.1.2**COVID – 19 - SERVICE LEVEL UPDATE****B10833**

MOVED Cr de Vries that Council receive and endorse:

- (a) the service level changes undertaken in accordance with Council's Budget and Business Plan and Review Policy clause 4.3.9 ; and
- (b) that the Chief Executive Officer continues to review, monitor and assess the risks and implement further service delivery solutions or changes as the Public Health Emergency proceeds and the State and Federal Government implement new changes to manage COVID-19 in conjunction with the Mayor and report changes back to Council in due course.

Seconded Cr Boothby

CARRIED 2018-22/121

PURPOSE

To review and report current service level changes enacted by the Chief Executive Officer in conjunction with consultation with the Mayor in accordance with Council's instructions contained in resolution number 2014-18/87 of the Special Meeting of 26 March 2020.

REPORT

The ongoing changes and response to COVID-19 has settled over the past weeks with minimal changes.

The vast majority of staff were possible are working from home with basic staff in the office and depots operating under increased hygiene and social distancing practices.

The current detailed service level changes and position along with notes are provided at the Attachment. These are being updated online and Facebook with links to our website as changes occur. We have seen a reduction in foot traffic however online and call volumes remain steady. I have also instigated a fortnight short and sharp COVID-19 update in the two local papers on key messages and response.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Summary of Key Changes as at 5 May 2020.

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

Legislative Requirements

State Australian Public Health Act
Work Health Safety Act
Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Managing the risk of a pandemic has been outlined in our risk assessment which has informed the Business Continuity Plan and the current responses outlined in the Summary of Key Changes document.

There are no further resource or financial issues resulting from this report.

COMMUNITY CONSULTATION

There is no requirement to undertake consultation and response to the growing threat of COVID-19 warrants rapid response.

7.2.1.3

NEW INITIATIVES RECOMMENDATION

B10285

MOVED Cr Johnstone that Council having considered the instruction issued to the Chief Executive Office at its Special meeting of 11 March 2020 resolve:

- (a) That no new initiatives as outlined in the Minutes of the Special Meeting of 11 March 2020 proceed and that no further analysis should be undertaken by staff; and

- (b) That the Drought Funding new initiatives proceed as a separate and specific budgeted program due to its access to 100% funding for approved projects up to \$1M.

Seconded Cr Wiese-Smith

CARRIED 2018-22/122

PURPOSE

To report to Council findings of the Corporate Management Team in alignment with Council instructions to the Chief Executive Officer that:

“New initiatives shall not proceed unless they are legislatively required, address areas of extreme or high risk or deliver significant savings or efficiencies.”

REPORT

The Corporate Management team have assessed the remaining new initiatives that Council endorsed for assessment at its Special Meeting of 11 March, a copy of the Minutes with the new initiatives is provided at the attachment.

Council has instructed me to develop a budget in accordance with various instruction including the management of new initiatives. The review of all remaining initiatives has been undertaken and the recommendation is no remaining new initiatives meet the criteria being:

1. None are legislatively gaps and therefore required (noting that there are significant legislative implementations happening in 20/21 but there are resources the question remains in the long term the mix and level of resources);
2. Non are addressing extreme or high risk matters;
3. The only new initiative with significant efficiencies or savings was the agenda management system which was accelerated by Council at the April meeting.

Excluding drought undertakings related new initiatives for which there is dedicated grant funding, which is the subject of an earlier report in the agenda, it is recommend no new initiatives proceed, no further analysis be undertaken and the budget be drafted on this basis.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Minutes of 11 March 2020

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

All

Legislative Requirements

Local Government Act

7.2.1.4

NURIOOTPA CENTENNIAL PARK AUTHORITY – LOAN REPAYMENTS AND EXTENSIONS
B9880

The Mayor considered that a short suspension of meeting procedures was warranted for questions and to explore the options regarding the Nuriootpa Centennial Park Authority strategy and operations.

MOVED Cr Hurn that Council suspend formal meeting procedures pursuant to Regulation 20 of the Local Government (Procedures at Meetings) Regulations 2013 for the purposes of discussion and asking questions related to the Nuriootpa Centennial Park Authority strategy and operations.

Seconded Cr de Vries

CARRIED 2018-22/123

SUSPENSION OF PROCEEDINGS – 10.52am

The council suspended meeting proceedings at 10.52am.

RECOMMENCEMENT OF PROCEEDINGS – 11.08am

The council recommenced meeting proceedings at 11.08am.

MOVED Cr de Vries that the council meeting be adjourned for the purposes of having the Special Meeting.

Seconded Cr Johnstone

CARRIED 2018-22/124

MEETING ADJOURNMENT

The meeting was adjourned at 11.08am

MEETING RECOMMENCEMENT

The meeting recommenced at 11.16am

MOVED Cr de Vries that Council having considered the requests of the Nuriootpa Centennial Park Authority and considering performance against the business plan and risk mitigation to Council and its ratepayers:

- (a) That the internal loan repayments be deferred for 1 year with payments to recommence in the 20/21 financial year subject to COVID-19 relaxation of restrictions and restoration to normal trade and revenue performance on condition interest costs are compounded or paid prior to 30 June 2020.
- (b) Note that the financial sustainability of the commercial assets is questionable even prior to COVID-19 when compared to the business case for development and that the Board be directed that over the next 12 months at an appropriate time authorised by the Chief Executive Officer of Council and with the assistance of Council officers, approach the market to ascertain the value of the commercial assets under a lease arrangement, but that no community facilities shall be included and must remain completely separate from any lease arrangement and managed for the community by a new structure .
- (c) That the results of a market approach are tabled with Council after assessment by the Board and Council officers for the consideration and final decision by Council.
- (d) That the Board undertake a review of the subsidiary framework over the next 12 months with a view to dissolving the duplicative governance and cost structure and make recommendations to Council for an alternative community structure to support the community assets effectively bringing the community assets and service management structure in line with all others in the Council area including engagement with relevant stakeholders.
- (e) Agree that the current CAD facility of \$1.0M be converted to a principle interest loan with repayment over the next 10 years and authorise the Mayor and Chief Executive Officer to sign and seal any relevant documentation.

Seconded Cr Boothby

CARRIED 2018-22/126

PURPOSE

To address correspondence and resolutions of Council's subsidiary, the Nuriootpa Centennial Park Authority (the Authority) regarding loan repayments and extensions to loan facilities.

REPORTIntroduction

For decades the Nuriootpa Centennial Park has been managed under a subsidiary structure under Council. This is the only governance arrangement of its type in our area and only six at last review are known in the State. As a subsidiary they are governed by a Charter under Section 42 of the Local Government Act which is due for review this year. The Authority is answerable to Council and Council retains all rights to make decisions and assumes by law all liabilities.

In June 2014 Council support the Business Case for Investment strategy for the commercial assets. The Council report and Business Case are attached.

The business case was predicated on increasing the competitiveness of the caravan park and boosting revenue an occupation.

Discussion

Loan 1

The Business Case for Investment approved borrowings to support the upgrade. In relation to these funds the time for renewal of the main loan is 30 June 2020 and must now either be paid in full or rolled over. The Authority does not have the cash available to repay the loan and through the minutes at Attachment 3 (items 10.1) has sought to refinance that loan for a 10 year period. There was never a thought the loan would be paid off in the model in a short period of time as the financial model and performance changed over time and this request is proper and should be supported.

Loan 2

A decade ago the Council made an internal loan to the association that went to build the shop, offices, board room and managers residence. Part of this loan has been repaid and they are required to pay Council interest. Due to the impacts of COVID-19 the Authority does not have the cash available to make the payment of \$130,000 this financial year. The balance for Council information as at 1/7/19 of this loan is \$520k with \$130k due June 2020 it would have been \$390k. Ultimately in the financial accounts of Council this impacts cash but not the balance sheet or operating statement as it is a subsidiary and through accounting treatment known as consolidation the entries offset themselves.

It is undeniable that caravan parks including ours have been heavily impacted by COVID-19, unfortunately due to the structure of the Nuriootpa Caravan Park the organisation is not eligible for JobKeeper as it is a subsidiary of a Local Government entity, alternative structures not linked like this would have most likely qualified.

This is a proper and reasonable request and should be supported on condition all interest impacts are paid for in due course.

Mitigating Risk

In reviewing this matter it would be remiss that dialogue to address risk is not undertaken. The Nuriootpa Caravan Park is a commercial asset very much competing in a tough competitive market. Our other caravan parks do not have the same ability to raise revenue nor lose it due to a differing market offer and service provision and are exposed to less local market competition.

As a general principle governments are not normally the best governance structure for commercial assets and their management. The Rex is another example where we have outsourced to a company specifically set up to provide commercial solutions and that have market reach and expertise.

The Nuriootpa Centennial Park Authority has served the community for many decades, however in these times and with the requirement to review the Charter it is timely that Council consider testing the market at an appropriate time. The following table below demonstrated the Business Case for Investment revenue targets have not been able to be achieved even before COVID-19 has had its impact. The Authority has looked at the structure matters twice recently, once through the Business Case for Investment work done by Council and a second time the Board initiated a discussion and with assistance had a commercial lease valuation undertaken. Neither resulted in change. The current system requires the Authority to in essence duplicate significant systems that Council has such as financial and risk systems, audit committees, records keeping, procurement and the list goes on. The community assets are not part of any valuation or proposal. It is timely to revisit this with our budgets now under stress a lease arrangement could provide stability of income and remove the associated debt and address market risk.

Nuriootpa Centennial Park Caravan Park Revenue	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	Total
Approved Business Case	1,622,763	1,579,854	1,682,264	1,756,796	1,828,448	1,880,418	1,934,466	1,990,677	2,049,136	2,109,934	2,173,163	2,238,921	2,307,310	25,154,150
Result / Budget / Forecast	1,362,877	1,293,430	1,486,053	1,640,419	1,647,312	1,364,480	1,768,600	1,803,964	1,840,035	1,876,828	1,914,357	1,952,636	1,991,680	21,942,671
Difference	-259,886	-286,424	-196,211	-116,377	-181,136	-515,938	-165,866	-186,713	-209,101	-233,106	-258,806	-286,285	-315,630	-3,211,479
Nuriootpa Centennial Park Caravan Park Expenditure Comparison	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	Total
Approved Business Case	1,346,176	1,302,963	1,329,292	1,440,215	1,488,861	1,519,200	1,550,840	1,607,051	1,665,510	1,726,308	1,789,537	1,855,295	1,923,684	20,544,932
Result / Budget / Forecast	1,081,398	1,198,685	1,307,050	1,358,856	1,453,295	1,195,163	1,477,101	1,495,036	1,521,005	1,547,564	1,574,724	1,602,499	1,630,901	18,443,277
Difference	264,778	104,278	22,242	81,359	35,566	324,037	73,739	112,015	144,505	178,744	214,813	252,796	292,783	2,101,655
Net Operating Outcome	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	Total
Approved Business Case	276,587	276,891	352,972	316,581	339,587	361,218	383,626	383,626	383,626	383,626	383,626	383,626	383,626	4,609,218
Result / Budget / Forecast	281,479	94,745	179,003	281,563	194,017	169,317	291,499	308,928	319,030	329,264	339,633	350,137	360,779	3,499,394
Difference	4,892	-182,146	-173,969	-35,018	-145,570	-191,901	-92,127	-74,698	-64,596	-54,362	-43,993	-33,489	-22,847	-1,109,824
		COVID-19												

A larger copy of the above analysis is at the Attachments.

As Council looks to maximise its efficiencies and savings in these times it is recommended Council seriously consider directing the Board to consider alternative arrangements.

Summary

The immediate matters of loan management must be addressed, ultimately the requests are proper and the most logically approach. The longer term management of the commercial asset risks should also be addressed as part of the considerations of Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Council report June 2014
- Attachment 2 Business Case for Investment endorsed in June 2014
- Attachment 3 Minutes from Authority
- Attachment 4 Letter of Request from Authority

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Business and Employment

- 3.1 Develop and implement sound asset management which delivers sustainable services.
- 5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

Legislative Requirements

Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Outlined in the body of the report and the quarter 3 budget review anticipates the changes outlined in the recommendations.

COMMUNITY CONSULTATION

Community engagement should be undertaken with relevant stakeholder when considering alternative models by the Board and Council office can assist with that process.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no further resource or financial issues resulting from this report.

COMMUNITY CONSULTATION

Community consultation on the budget and business plan will be undertaken in accordance with the a Local Government Act and revised provisions under Notice 4 under Section 302B issued by the Minister for Local Government which will remove the requirement for an hour to be set aside to hear submissions.

7.2.1.5

LEGATUS (FORMERLY CENTRAL LOCAL GOVERNMENT REGION) – BUSINESS PLAN AND BUDGET FOR 2020-21
B10496 20/20947

Pursuant to S75 of the Local Government Act 1999 Cr Boothby disclosed a perceived conflict of interest in the matter 7.2.1.5 – *Legatus (Formerly Central Local Government Region) – Business Plan And Budget For 2020-21*– as she holds a like position with Spencer Gulf Councils and any comparison of salaries and responsibilities will include her.

Cr Boothby advised Council of the conflict of interest and left the online meeting at 11.22am while the matter was being considered and voted upon.

MOVED Cr de Vries that Council having reviewed the Legatus Group draft Budget and Business Plan for 2020-21 makes the following comments, given times of potentially constrained revenue generation:

1. Seek response on the following matters:
 - (a) what the long term financial position of the organisation is based on this budget;
 - (b) why superannuation is being paid at 10% when the superannuation guarantee is 9.5% and legislated increases do not commence until the 2021/22 financial year;
 - (c) a comparison of regional executive office wages and duties is undertaken over the next 12 months and provided to each Council for review similar to that undertake by the Local Government Association previous for Council Chief Executive Officer packages and the McArthur Australian survey;
2. That Legatus reduce its fees by 5% to facilitate the utilisation of cash reserves and continues to address the cash surplus position and provide relief to its member Councils; and

reserves it right to endorse the Budget and Business Plan until the above matters are addressed.

Seconded Cr Johnstone

CARRIED 2018-22/127

Cr Boothby returned to the meeting at 11.24am.

PURPOSE

To provide Council the draft Budget and Business Plan for the 2020-21 financial year, which includes the prior budget of Legatus, seek any comment and endorse the document.

REPORT

Council has received correspondence from the Chief Executive Officer of Legatus providing the draft budget and business plan for the 2020-21 financial year.

The budget and business plan has addressed long term financial settings so as to ensure long term viability as sought. However, the closing balance sheet show significant cash surpluses remain, it is recommended that these surpluses, especially cash are allocated or returned as the cash is ultimately being eroded in its purchasing power as time rolls on. There is no update to the long term plan.

The plan outlines the main components of work many of which have only minor application for The Barossa Council however it remains important to be a part of a regional association to ensure access to lobbying support and funding avenues especial special local roads funding. The activities are consistent with past year programs and the strategic plan.

The financial statements indicate some areas for questioning:

1. The noted identify a 0% increase in charges to Council but the revenue associated with Council contribution is rising by 14.95%, there are no new Councils so this seems to be an anomaly;
2. Superannuation payments have been increased to 10% but the superannuation guarantee is 9.5% and the projected increase to the guarantee does not commence until the 2021-22 financial year;
3. The organisation has over \$700,000 sitting in cash and net assets also over \$700,000. The cash alone is covering liabilities by 22.75 times. To put that in context that is the equivalent of The Barossa Council (based on quarter 2 budget update) holding \$419.628M in uncommitted cash reserves.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Draft Budget and Business Plan 2020-21

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Current allowance in the budget for Legatus Group fees is \$11,246 it is unclear as outlined above what the contribution will be as the notes to the budget say a zero increase yet the revenue is increasing by 14.95%.

COMMUNITY CONSULTATION

No consultation is required or necessary for this matter.

7.2.1.6**PUBLIC CONSULTATION POLICY VARIATIONS**

B10716-01

Author: Governance Advisor

MOVED Cr Johnstone that Council:

- (1) receive and note the *Notice Pursuant to Section 302B of the Local Government Act 1999 – Public Health Emergency – Public Access and Public Consultation (No 2)* by the Minister for Transport, Infrastructure and Local Government in the South Australian Government Gazette on Wednesday, 8 April 2020 (the “Notice No 2”) attached to this report at Attachment 1;
- (2) pursuant to section 50(5a) of the *Local Government Act 1999*, inserted under the Notice No 2, the Council receives, considers and adopts the altered draft Public Consultation Policy at Attachment 2.

Seconded Cr Boothby

CARRIED 2018-22/128

PURPOSE

Following issue of the *Notice Pursuant to Section 302B of the Local Government Act 1999 – Public Health Emergency – Public Access and Public Consultation (No 2)* by the Minister for Transport, Infrastructure and Local Government in the South Australian Government Gazette on Wednesday, 8 April 2020 (the “Notice No 2”), it is necessary for Council to consider variations to Council’s Public Consultation Policy.

REPORT

Background

Following the declaration of the COVID-19 public health emergency and the subsequent declaration of a major emergency, the Minister for Transport Infrastructure and Local Government has varied various sections of the *Local Government Act*. The first of these notices was issued on Tuesday 31 March 2020. This notice allowed for Council meetings to be conducted electronically.

Subsequently, a second notice, the *Notice Pursuant to Section 302B of the Local Government Act 1999 – Public Health Emergency – Public Access and Public Consultation (No 2)* was issued by the Minister for Transport, Infrastructure and Local Government in the South Australian Government Gazette on Wednesday, 8 April 2020 (the “Notice No 2”).

Introduction

The effect of Notice No 2 is to:

- i. suspend public consultation requirements that require public meetings;
- ii. allow the Council to close its principal office or vary hours without public consultation;
- iii. allow the Council to provide alternative means to access documents.

Of the above, Officers have identified that it is necessary for Council to consider the provisions of the Notice No 2, with respect to item (i) above, specifically in relation to ensuring that the Notice No 2 provisions are complied with respect to the development of annual business plans and budgets. Officers note that (ii) and (iii) are not required to be considered by Council in the current circumstances.

Discussion

Council’s Public Consultation Policy was due for its periodic review in mid-2020. Due to the circumstances and the requirements of Notice No 2, the periodic review of the Policy has been suspended. Instead, the draft Policy is presented at Attachment 2 with track changes showing those variations provided in Notice No 2, with respect to suspending public meetings that are carried out when consulting with the public.

A periodic review of the draft Policy will be carried out as soon as practicable after Notice No 2 ceases to be in effect.

Summary and Conclusion

Council is asked to:

- receive and consider the Notice No 2;
- receive, consider and adopt the draft Public Consultation Policy, which incorporates those provisions of Notice No 2 relating to suspension of public meetings.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Notice Pursuant to Section 302B of the Local Government Act 1999 – Public Health Emergency – Public Access and Public Consultation (No 2) by the Minister for Transport, Infrastructure and Local Government in the South Australian Government Gazette on Wednesday, 8 April 2020

Attachment 2 – draft Public Consultation Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

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

Corporate Plan



How We Work – Good Governance

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

Legislative Requirements

Public Access and Public Consultation (No 2) published in the South Australian Government Gazette on Wednesday, 8 April 2020
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Risk is mitigated by basing the variations to Council policies on model documents issued by the Local Government Association, which were developed by Norman Waterhouse Lawyers.

COMMUNITY CONSULTATION

Pursuant to Notice No 2, community consultation is not required to prior to Council altering its Public Consultation Policy.

7.2.1. CHIEF EXECUTIVE OFFICER - DEBATE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 30 APRIL 2020)

B411

Author: Senior Accountant

MOVED Cr de Vries that the Monthly Finance Report as at 30 April 2020 be received and noted.

Seconded Cr Boothby

CARRIED 2018-22/129

The Chief Executive Officer took a question on notice from Cr Wiese-Smith and Cr Haebich about the increase in \$11k expenses from last month to this month for the Nuriootpa Dog Park and Williamstown Dog Park.

The following tables provide expenditure details of both projects as requested noting a transaction for \$5,905.91 had been incorrectly allocated to the Nuriootpa project and has been transferred now to the Williamstown project.

Nuriootpa Dog Park					
Date	Reference	Type	Period	Amount	Balance Amt
9/10/2019	31075	APINVOICE	5	2,845.00	Nuriootpa Dog Park Fountain Urban Fountains
31/10/2019	31640	APINVOICE	5	28,532.00	Nuriootpa Dog Park - Quote 27421 LINKE VINEYARD
6/11/2019	INV-0028	APINVOICE	5	5,165.46	Nuriootpa Dog Park Concrete Works BAROSSA EARTHWO
18/12/2019	5204	APINVOICE	7	2,142.00	Nuriootpa Dog Park water HILI Plumbing &
11/02/2020	INV-0079	APINVOICE	8	1,345.46	Nuriootpa Dog Park fountain works BAROSSA EARTHWO
18/02/2020	5429	APINVOICE	9	1,014.30	Nuriootpa Dog Park water HILI Plumbing &
13/03/2020	208	APINVOICE	9	297.00	Dog Park Signs 900x1200mm BAROSSA SIGNS
				41,341.22	
Williamstown Dog Park					
Date	Reference	Type	Period	Amount	Narrative
13/03/2020	208	APINVOICE	9	297.00	Dog Park Signs 900x1200mm BAROSSA SIGNS
24/03/2020	2669	APINVOICE	10	100.00	Dog Park Sign BAROSSA SIGNS
16/04/2020	INV-0114	APINVOICE	10	5,905.91	Williamstown Dog Park Concrete Works BAROSSA EARTHWO
4/05/2020	GJ029335	GENJNL	11	278.00	Tsfr 2 x dog tidy bag dispensers install Williamstown Dog Park
				6,580.91	

PURPOSE

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

REPORT

Discussion

The Monthly Finance Report (as at 30 April 2020) is attached. The report has been prepared comparing actuals to the Original adopted budget 2019/20 and incorporating the Revised Budgets for September and December.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Monthly Finance Report 30 April 2020

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

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

COMMUNITY CONSULTATION

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

7.2.2.2**BUDGET UPDATE (AS AT 31 MARCH 2020)****B8923**

Author: Senior Accountant

MOVED Cr de Vries that the Budget Update for 2019/20 (as at 31 March 2020) be received and the budget variations including carried forwards and reserve transfers contained therein be adopted.

Seconded Cr Johnstone

CARRIED 2018-22/130

PURPOSE

The Budget Update for 2019/20 (as at 31 March 2020) is attached for Council consideration and adoption of budget variations.

REPORTDiscussion

The report provides information as to the financial position of Council, containing budget update reports which include Executive Summary, Uniform Presentation of Finances, Key Performance Indicators, Summary of Operating Budget Variance Adjustments and Summary of Capital Budget Variance Adjustments.

The proposed variances between the original budget and this budget update are listed on the operating and capital budget adjustment pages. The report also includes details of new initiatives and capital expenditure adjustments.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Budget Update (as at 31 March 2020)

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate Plan

How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999 Sect 123 (13)

Local Government (Financial Management) Regulations 2011 Regulation 9(1)(b)

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. This report contains budget adjustments for decisions Council has made since the last review and other adjustments to meet financial changes in capital and/or operational areas. The document contains comments and implications for the Long Term Financial Plan as a result of this review.

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 financial position as at 31 March 2020 compared to that budget.

7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1

COMMUNITY LOAN REPAYMENT – REQUEST BAROSSA VALLEY MACHINERY PRESERVATION SOCIETY – COVID-19 RESPONSE **B8100**

MOVED Cr Wiese-Smith that Council:

- (1) Notes the impact of the Coronavirus pandemic on the revenue raising capacity of the Barossa Valley Machinery Preservation Society (BVMPS).
- (2) Notes that the loss of income impacts the capacity of the BVMPS to make the full interest and principal repayment in respect of its \$80,000 loan with Council due in August 2020 and its \$25,000 loan with Council due in November 2020.
- (3) Approves interest only repayments by the BVMPS of \$1,501.07 due on the 15 August 2020 and \$470.70 due on the 8 November 2020 unless the group is in a position at either of those dates to make the full repayments.
- (4) Defers the principal component of the August 2020 repayment of \$3,510.30 and the November 2020 repayment of \$1,080.44 by the BVMPS to be repaid during the existing term of the loan arrangement at a time to be agreed.
- (5) Notes that in respect of the \$80,000 loan the principal sum of \$3,510.30 will be met in full by Council with no corresponding revenue offset to discharge the ongoing commitment to the loan arrangement with the Local Government Finance Authority in August 2020 and approves that this be reflected in the 2020/21 draft budget.

- (6) Notes that in respect of the \$25,000 loan solely with Council the principal sum of \$1,080.44 will result in a reduction in revenue during the 2020/21 financial year that will need to be reflected in the 2020/21 draft budget position.
- (7) Notes that Officers will adjust the schedule of payments in respect of each loan to reflect the amended arrangements.

Seconded Cr Angas

CARRIED 2018-22/131

PURPOSE

For Council to consider a request from the Barossa Valley Machinery Preservation Society (BVMPS) to agree short term revised repayment arrangements on its community loans due to the financial impacts of lost revenue arising from the Coronavirus pandemic.

REPORT

Background

The BVMPS has 2 separate community loan agreements with Council to support the funding for the construction of its shed at the Angaston Railway Precinct in addition to the \$50,000 direct cash contribution (ex GST) from Council to the project:

- An \$80,000 loan repayable in 6 monthly instalments over a 10 year period commencing August 2018. Payments due in February and August each year. This loan is linked to funding Council has agreed with the Local Government Finance Authority solely for the purpose of supporting the BVMPS project as LGFA cannot fund community groups directly.
- A \$25,000 loan repayable in 6 monthly instalments over a 10 year period commencing May 2019. Payments due in May and November each year. This loan is funded direct from Council with no related LGFA borrowings.

Both loan repayments are based on a sliding principal and interest basis. Repayments for both loans are up to date as at February 2020.

Introduction

The BVMPS derives its income primarily from exhibition revenue from the Adelaide Show each year; membership fees and ad hoc event fees.

With the current restrictions on its operations due to the Coronavirus pandemic including the cancellation of the 2020 Adelaide Show, its income will be significantly impacted during the remainder of the 2019/20 financial year and into the following 2020/21 financial year.

The BVMPS has approached Council requesting that due to the current unforeseen circumstances, consideration be given to short term adjustment to the payment terms of its 2 loan arrangements. (Refer letter dated 7 May 2020 Attachment 1).

Discussion

At its Special Council Meeting on the 26 March 2020, Council approved the waiving of annual lease and licence fees for community clubs and groups operating on Council land for a 12 month period to mitigate some of the impacts on volunteer and not for profit groups of the Coronavirus. The BVMPS has a Land Only Lease arrangement with Council based on a \$1 peppercorn lease fee. This is because it is solely responsible for all maintenance, upkeep and outgoings in respect of its own assets ie the new shed and surrounding areas covered under the lease constructed on Council land. It therefore, derives no financial benefit from the relaxation of lease and licence fees to alleviate the current impacts of the pandemic.

Officers have suggested a range of options that could be considered in respect of upcoming loan repayments:

- Deferral of repayments for a period to be agreed by Council with an extension to the term of the loan agreement.
- Deferral of repayments for a period to be agreed by Council with missed repayments to be made up during the current loan agreement term.
- Payment of interest only for a period to be agreed by Council with missed principal repayments to be made up with an extension to the term of the loan agreement.
- Payment of interest only for a period to be agreed by Council with missed principal repayments to be made up during the current loan agreement term.

BVMPS can make the full payment of principal and interest due in May 2020 (ie: \$493.44 interest and \$1,057.70 principal totalling \$1,551.14) but is looking for Council to provide advance approval to **an interest only payment** for:

1. the \$80,000 loan repayment due in August 2020 (ie: \$1,501.07 interest to be paid with deferral of the \$3,510.30 principal component); and
2. the \$25,000 loan repayment due in November 2020 (ie: \$470.70 interest to be paid with deferral of the \$1,080.44 principal component)

Unless the Group is in a position at those times to make the full repayments.

This means a total deferred amount of \$4,590.74 across the 2 repayments and will provide the group with some certainty for the short term while a recovery period hopefully commences.

The BVMPS will look to make up the missed principal payment during the current term of its 2 loan agreements.

Council should note that if the request is approved, the larger \$80,000 loan is financed via a Council loan with the Local Government Finance Authority (LGFA) and the full principal and interest repayment for August will have to be made by Council itself to make up the \$3,510.30 principal repayment shortfall.

Officers have approached the LGFA with regard to its own position in supporting the sector with a relaxation of payment arrangements in respect of community style funding during the Coronavirus response and recovery period but at the time of writing this report, has not received a definitive response.

Summary and Conclusion

- The BVMPS is experiencing loss of revenue as a result of cancelled income generating activities during the current Coronavirus pandemic.
- The loss of income will impact its capacity to fully meet the interest and principal repayments of its Council loan arrangements in the short term and beyond its pending May 2020 repayment.
- A deferral of the August 2020 principal component of the \$80,000 loan with Council totalling \$3,510.30 is requested and recommended by Council Officers.
- A deferral of the November 2020 principal component of the \$25,000 loan with Council totalling \$1,080.44 is requested and recommended by Council Officers.
- BVMPS has indicated that if it is in a position to make the full repayments then it will do so.
- Any further requests for review of payments beyond November 2020 will be the subject of future reports to Council once the duration of the Coronavirus recovery and associated ongoing impacts become clearer.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Letter – Treasurer Barossa Valley Machinery Preservation Society – Ref: HPE 20/24738

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

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

4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan

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

Legislative Requirements

Local Government Act 1999

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

The adjustment to the repayment arrangement to reflect the loss of offsetting principal income of \$3,510.30 to discharge loan commitments to the LGFA will be incorporated into the 2020/21 draft base budget and cross referenced to the COVID-19 Recovery Plan with associated due diligence documentation in accordance with Council's Budget and Business Plan and Review Policy and Prudential Management Policy.

Resource

Officers will need to resource the adjustment of future repayment schedules and loan arrangement agreements but other than this, there are no resourcing implications arising from the matter.

Risk Management

Council has a number of community loans with sporting and recreational groups. The loans are generally funded via reciprocal loan arrangements between Council and the LGFA as the LGFA cannot directly fund organisations other than Local Government Authorities.

This means that if community groups cannot fund their agreed repayments for any reason, Council will have exposure to the risk of meeting those repayments without receipt of offsetting revenue.

It is proposed to deal with requests such as these on a case by case basis. It is a condition of loan arrangements that groups provide Council with yearly financial statements to demonstrate their ongoing financial position.

The BVMPS financial year runs from May to April and as such the most recent available statements for 2018/19 do not reflect the impacts of the Coronavirus pandemic on the group's capacity to service its loans with Council.

COMMUNITY CONSULTATION

Consultation on this matter is not required under legislation or Council's Public Consultation Policy.

7.3.1.2**GOTTWALD ROAD WILLIAMSTOWN – MR J MCALPINE – ROADSIDE MEMORIAL
LPA/26195**

Pursuant to S75 of the Local Government Act 1999 Cr Wiese-Smith disclosed a perceived conflict of interest in the matter 7.3.1.2 – *Gottwald Road Williamstown -Mr J McAlpine – Roadside Memorial*; Cr Wiese-Smith resides in the general area but does not consider there is any benefit or detriment personally and if during the debate a matter arises which gives rise to a material conflict will remove herself from the meeting, otherwise shall remain present and vote on the matter.

Cr Wiese-Smith informed Council of the conflict and as prescribed by the legislation how she will management the conflict and remained in the meeting and voted on the matter.

Council was informed via email dated Thursday 14 May 2020 record number 20/26168 that it has received a link to a Change.org petition on this matter seeking the memorial to remain. The petition does not meet the legislative standards to be recognised as a formal petition, however as previously undertaken Council has been made aware of such submissions as part of a matter for debate on the agenda.

MOVED Cr Miller that the matter relating to Council meeting agenda item of 19 May 2020 item 7.3.1.2 – *Gottwald Road, Williamstown – Mr J McAlpine – Roadside Memorial* lie on the table pending consideration of the Confidential Council agenda item 8.1.1 titled “*Submission – Gottwald Road Williamstown – Roadside Memorial*” and that Council bring forward agenda item 8.1.1 immediately for discussion.

Seconded Cr Haebich

CARRIED 2018-22/132

Cr Wiese- Smith pursuant to Section 75A(4)(c) voted for the recommendation.

Following consideration of the Confidential agenda item 8.1.1 titled “Submission – Gottwald Road Williamstown – Roadside Memorial”

8.1 CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORT**8.1.1 SUBMISSION - GOTTWALD ROAD WILLIAMSTOWN – ROADSIDE MEMORIAL**

MOVED Cr Haebich that Council:

- (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 Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Governance Advisor, ICT System Administrator, ICT Support Officer and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(a) and 90(3)(e) of the Local Government Act 1999 relating to 8.1.1 Submission - *Gottwald Road, Williamstown – Roadside Memorial*, being information that must be considered in confidence in order to ensure that Council does not disclose information relating to personal information of members of the public with an interest in this matter who have asked for their personal information not to be disclosed and stated that the disclosure of personal information could result in their safety being compromised.

- (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 unreasonable exposure of private information of members of the public with an interest in this matter and the disclosure of which could compromise their safety.

Seconded Cr Boothby

CARRIED 2018-22/133

Cr Wiese- Smith pursuant to Section 75A(4)(d) voted for the recommendation.

In the matter of 'Submission - Gottwald Road Williamstown – Roadside Memorial:

MOVED Cr Haebich that Council:

- (1) Confidential Resolution
- (2) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the agenda report and all attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 May 2020 in relation to item 8.1.1 "Submission – Gottwald Road Williamstown – Roadside Memorial" be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

Seconded Cr Boothby

CARRIED CO2018/22-25

Cr Wiese- Smith pursuant to Section 75A(4)(d) voted for the recommendation.

Following consideration of the confidential item 8.1.1 titled 'Submission - Gottwald Road Williamstown – Roadside Memorial' the ordinary meeting resumed at 11.48am.

MOVED Cr Johnstone

That the matter relating to the Council meeting agenda of 19 May 2020 item 7.3.1.2 – Gottwald Road, Williamstown – Mr J McAlpine – Roadside Memorial be lifted from the table for discussion.

Seconded Cr de Vries

CARRIED 2018-22/134

Cr Wiese- Smith pursuant to Section 75A(4)(d) voted for the recommendation.

MOVED Cr de Vries that Council:

- (1) Notes the tragic circumstances of Mr McAlpine's death and expresses condolences to the family and friends of the deceased.
- (2) Notes the stated concerns of some Gottwald Road, Williamstown residents and reinforces the importance of consideration of the potential health and wellbeing impacts of Roadside Memorials in circumstances such as those detailed in this Report.

- (3) Notes that despite best endeavours and the handling of this matter in a compassionate and flexible manner to achieve an outcome acceptable to all parties, Officers have been unable to secure an agreed outcome.
- (4) Notes that while immediate safety issues have been addressed by the relocation of the memorial away from the edge of the road it remains non-compliant with the Memorials on Community Land Policy 19/31010 due to the size of the cross and bench both being in excess of 1m²
- (5) Approves formal notice being given to Mr McAlpine's family to reduce the size of the cross to 1m² and remove the bench from the site by the 30 June 2020.
- (6) In the event that the actions detailed in (5) above are not carried out, instructs the Chief Executive Officer to remove the cross and bench in accordance with section 4.2.9 of the Memorials on Community Land Policy and engage solicitors to prepare a case for breaches of law and recovery of costs in this case.
- (7) Approves interim changes to the draft Memorials on Community Land Policy provided as Attachment 1 to this Report, pending a further review of the Policy and report to Council by 31 May 2021.

Seconded Cr Johnstone

CARRIED 2018-22/135

Cr Wiese-Smith pursuant to Section 75A(4)(d) voted for the recommendation.

PURPOSE

This report seeks Council's guidance and determination on the status of the roadside memorial erected at Gottwald Road, Williamstown following the death of Mr J McAlpine at the site as a result of a motorcycle accident on 24 January 2020.

REPORT

Background

At its meeting on the 17 September 2019 Council resolved that:

MOVED Cr Angas that Council:

(1) Adopt the draft Memorials on Community Land Policy as presented in Attachment 1.

(2) Where contact details are supplied, notify those that have made formal submissions of the outcome of the consultation process and thank them for their contribution and interest.

Seconded Cr Haebich

CARRIED 2018-22/317

The Memorials on Community Land Policy (the Policy) is provided as Attachment 1.

Officers have provided a comprehensive chronology of events and actions relating to this matter as Attachment 2 to give Elected Members the background of what has occurred since the fatal accident on Friday, 24 January 2020.

During the course of this matter to date, Officers have been responding to communication and complaints from local residents particularly concerned by:

- the safety risk presented by the memorial including the attraction of groups of family and friends of the deceased attending the site prior to the current coronavirus pandemic restrictions;
- the appearance and visibility of the memorial and the reminder it serves to trigger memories of the traumatic circumstances of the accident;

- the non-compliance of the memorial with the requirements set out in the Policy.

Residents have expressed their sympathy and empathy for Mr McAlpine's family and friends but view the current memorial as inconsiderate of the impacts on them.

As a result of those complaints and in accordance with the Policy, Officers have made contact with the family and tried to come to some agreement to achieve a resolution considerate to the impacts on all parties and aligned to the Policy. Officers have been mindful at all times of the recent occurrence of the accident and that the family is in the earliest stages of grieving for Mr McAlpine.

To date those attempts have been unsuccessful and the matter is therefore, brought to Council to consider.

Discussion

When the roadside memorial was first put in place it consisted of:

- A large cross – 1.8m high and 1m wide, cemented into the ground;
- A cycle wheel secured with a metal star dropper;
- After a couple of days a bench was positioned along the fence line of one of the residential properties.

It did not comply with the Policy because:

- it was placed on the very edge of the dirt road – the Policy requires memorials to be set back at least 2metres from the edge of a road;
- The cross was larger than 1m² and so was the bench;
- It had a fixed footing;
- It was in close proximity to residential dwellings and the permission of residents had not been asked;
- Presented a public safety risk;
- It did not have a contact person nominated for communication with Council.

Refer to pictures provided as Attachment 3.

At a meeting with family and friends of Mr McAlpine on the 29 February, Officers discussed the nature of the concerns raised by residents and how the memorial could be modified to make it safer and to better fit with the Policy. This was done as compassionately as possible. A copy of the Policy was provided for future reference but not gone through line by line. There was and continues to be a mutual understanding by family, friends and residents of the impact on each other but disagreement about how this should be responded to and the relative validity of the other perspective.

Officers asked that the following changes be made:

- The cross be moved back from the roadside, preferably to the side of the bench and placed parallel to the road / boundary fence line;
- The concrete footing for the cross removed and the cross be secured without fixed footing in the changed position;
- The cross be reduced significantly in size to bring within the 1m²;
- The wheel and star dropper removed completely (the family stated they would not do this).

It was noted that officers were undertaking ongoing communication with residents and that at that stage of the matter this approach would continue.

The family was asked to make those changes as soon as practicable and said that they would do so.

After further communication and follow up, the following actions were taken by the family on the 17 April 2020:

- The cross was moved back 2 metres, was not cemented in but was not reduced in size;
- The cross was turned 90 degrees and now more visible when cars drive either way along the road.
- The wheel was relocated by the cross and the star dropper removed.

Refer to pictures provided as Attachment 4.

Following reinspection of the changes, the family was contacted again by phone on the 27 April. They advised that they were not willing to make any further changes and if removed, stated that the memorial would be reinstated. They also indicated they would approach the media. Officers advised that ongoing concerns and complaints were being received from residents and confirmed that as changes could not be agreed to, the matter would be taken for Council to consider at the 19 May Council Meeting. This was subsequently confirmed in writing.

The opportunity to address Council by way of deputation and in writing was provided to all parties. Some parties have expressed anxiety of potential impacts on their safety if information is available that assists in identifying them. Council takes such matters seriously, and in this regard a submission has previously been considered in Confidence as allowed under Section 90(2) of the Local Government Act 1999.

Copies of all related correspondence received (other than acknowledgement emails from officers) during this matter and also following media initiated by the family after discussion on the 27 April are provided as Attachment 5. This includes:

- Correspondence prior to the 27 April 2020;
- Emails received direct to Council after a facebook site was established by the family;

The circumstances of this matter are the first time that the Policy has been tested since its adoption. It was envisaged that the highly emotive matters arising in these situations would present challenges for Council and that is proving to be the case. The following Policy considerations have arisen in this instance:

1. People motivated to erect a memorial at such an emotional and distressing time have no knowledge that a Policy exists and it adds to the trauma they are experiencing to have to deal with and navigate requirements. No suggested action but impacts on the effectiveness of a policy position and means that Council will most often be put in a reactive position.
2. In most instances accidents occur on arterial roads and it is much more unusual for them to be in the middle of a residential setting such as this. Whilst the Policy makes reference to permissions from neighbours etc, realistically it is unlikely that people will be aware that they need to do that or take that step. What if the neighbours disagree as in this instance? The Policy is silent on that and provides no guidance as to the weight this should carry and actions to be followed. If this step is required it needs to be facilitated by Council in some way.
3. There is confusion when different approaches are taken with State and locally managed roads.
4. The process of mediation, consideration and compassion takes time and does not align with community expectations that Council will require prompt compliance with its own Policy. In this instance the family are only 3 months into the grieving process but for those residents experiencing trauma and triggers from viewing the memorial each day, 3 months is an excessive amount of time with little action.
5. The amalgamation of the Policy with the approval process for requests to erect memorials on Council land such as park benches has resulted in the Policy now sitting within the responsibility of Corporate and Community Services. It is recommended that the enforcement of the Roadside Memorials component reverts to Development and Environmental Services for oversight by the General Inspectors.
6. Keeping a register as required by the Policy is also problematic. Council sources all road crash data from the Centre for Automotive Safety Research (CASR) Traffic Accident

Reporting System (as does DPTI); however, it takes around 6 months for incidents to be logged on the web portal. Beyond that, Officers are reliant on more informal information such as local advice, knowledge or media reporting. In this instance, the family has questioned why they have been "singled" out when other roadside memorials have gone unquestioned. That comes down to whether complaints are received, the level of information and resourcing to follow up.

7. The Policy does not explicitly state that multiple memorials can be placed at any one particular accident site; however, it is implied. Was this Council's intent that multiple memorials could be established on the same site? If the number is restricted, there are further challenges of determining which should be removed and who makes that determination.
8. The restriction of the size of a memorial to 1m² is still a relatively large item and in a residential setting such as in this instance, proves challenging and confronting for some people. The intent is for items to be no more than 1m wide or tall but some have expressed confusion at this.
9. The Policy states that roadside memorials can be distracting. There is an opposite view that has been expressed in this case that they serve as a cautionary sign to encourage people to take greater care / slow down. In both cases this is a subjective position and perhaps not relevant in the Policy context.
10. There is an expressed view that where residents and ratepayers of The Barossa Council are impacted by actions relating to those from outside the Council area, there should be weight and greater consideration given to residents/ratepayers.
11. Section 4.2.6 of the Policy incorrectly cross references Section 4.2.10 and this should be amended to read Section 4.2.9.

At this stage, suggestions for any amendments to the current Policy have not been proposed with the exception of items 5 and 11 above, as detailed officer review, broader consultation and discussion with Council has not been undertaken. However, it is recommended that a review takes place during the next 12 month period.

Summary and Conclusion

- Officers have complied with Policy requirements detailed in section 4.2.9 to "... attempt to contact the family or friends of the deceased person to arrange for its (the Roadside Memorial's) modification, relocation or removal" and have at all times acted with "sensitivity" to family and friends that have lost loved ones and approached this matter "with a flexible, balanced, compassionate approach to individual preferences, road safety considerations and nearby residents."
- Despite best endeavours, Officers have not been able to achieve an outcome that complies with the Policy or is mutually acceptable to the family and friends of Mr McAlpine and Gottwald Road residents.
- The circumstances and issues arising from this particular and tragic situation, reinforces that opinions regarding these matters are frequently diametrically opposed and do not make compromise possible.
- Officers assess that the safety concerns and risks resulting from: the proximity of the memorial to the road; the metal dropper and the fixed footing have been mediated to an acceptable level.
- Suggestions made to the family to reduce the size of the memorial cross and remove other items such as the wheel have not been agreed or carried out. The memorial cross does not therefore, comply with the Policy and neither does the bench.
- Officers recommend that the Policy should now be enforced. To try and achieve this, it is suggested that a fixed timeframe to make changes is given to the family and if that does not occur the provisions of section 4.2.6 of the Policy be enforced ie: "Any Roadside Memorial placed which does not meet the criteria (above) may be removed and stored in accordance with 4.2.10." This would mean the removal of the cross and the bench.
- It is noted that the family has stated that if the memorial is removed, they will reinstate it.
- The Memorials on Community Land Policy should be reviewed by 30 May 2021. In the meantime a draft policy with amendments detailed in items 5 and 11 of the Discussion section of this report are incorporated in Attachment 1 for Council's consideration.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Memorials on Community Land Policy 19/31010 including suggested immediate amendments.
Attachment 2:	Chronology – Gottwald Road, Roadside Memorial with requested personal information redacted LPA/23778
Attachment 3:	Pictures – initial location of memorial
Attachment 4:	Pictures – current location of memorial
Attachment 5:	compilation of emails and correspondence received with personal information redacted unless permission withheld

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



Business and Employment

Corporate Plan

3.8 Ensure Council owned roads, bridges, footpaths, tracks and car parking are accessible, safe and maintained to an agreed level of service.

6.7 Implement strategies for the community to be actively engaged in Council decision making through sound information and communication.

Legislative Requirements

The Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

There are no specific financial management considerations in this matter.

Resource Considerations

A recommendation to specify the relevant officer resources identified as Owner of this Policy has been provided and suggested amendments to the Policy included in *Attachment 1*.

Risk Management Considerations

The safety considerations, impact on health and wellbeing of all involved in matters of this nature and the reputational risk to Council are documented within the body of the report.

COMMUNITY CONSULTATION

Community consultation was undertaken during the drafting of the Policy in 2019 in accordance with Council's Public Consultation Policy.

Correspondence has been received from a number of people regarding this matter and this is compiled for reference in *Attachment 5* with personal information redacted unless permission to reproduce has been withheld.

The family and friends of Mr McAlpine have approached the media and this has resulted in significant public comment. Officers have sought approval from the Advertiser newspaper to reproduce its article of the 2 May 2020 and the resulting facebook feedback received. No permission has been forthcoming and therefore, Council does not have Copyright to reproduce. Officers will distribute prior to the meeting if permission is received. An assessment of the 564 responses as at the 6 May 2020 indicated 11% supportive of the position expressed by the family,

87% holding a contrary view and 2% neutral. While the comments behind the numbers provide the best indication of sentiment, the numbers give a snapshot of the level and nature of feedback following the family's approach to the media.

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.1

COMMUNITY GRANT APPLICATION – SOUTHERN BAROSSA MEN'S SHED INC B3342

MOVED Cr Wiese-Smith that Council approve a Community Grant of \$5000 to Southern Barossa Men's Shed Inc toward materials required for the establishment of a new Men's Shed at 16 Queen Street, Williamstown, subject to compliance with all Planning and Building approvals.

Seconded Cr Boothby

CARRIED 2018-22/136

PURPOSE

The meeting scheduled for the Community Assistance Scheme Committee (CASC) on 6 May 2020 was cancelled in response to COVID-19 restrictions. As a non essential meeting, the Business Continuity Management Group (BCMT) has determined that the items for consideration be presented to full Council to avoid additional meetings during this time. The Community Grant Application from the Southern Barossa Men's Shed Inc is presented to Council for consideration and decision.

REPORT

Background

The Southern Barossa Men's Shed (SBMS) at Williamstown has been established for over five years and became an incorporated body in December 2019. SBMS has been utilising a small shed adjacent to Wirraminna Care Inc Williamstown Residential Aged Care (formerly Abbeyfield) facility since inception, but due to Wirraminna Care's expansion plans, has been required to relocate the Men's Shed facility.

Wirraminna Care has agreed to erect a new shed on its property at 16 Queen Street, Williamstown, to assist relocation of the SBMS.

Introduction

SBMS is seeking funding of \$5,000 (ex GST) from Council for its project: "Southern Barossa Men's Shed Inc – Transfer of Existing Men's Shed to New Facilities in Particular to Ensure Disability Access for Members".

The normal process is for the CASC to review all Community Grant applications. If the application sits outside of the Community Grant Guidelines (as this one does - the funding sought is over \$3,000), it is then presented to Council with a recommendation from CASC for the final decision. Unfortunately, the CASC has not been able to review this application to provide comment or recommendation to Council due to its meeting on 6 May 2020 being cancelled.

Discussion

A copy of the SBMS Community Grant Application (and supporting documentation) is provided at Attachment 1. The SBMS is seeking assistance of \$5,000 (ex GST) towards its project, which it has estimated will cost \$19,150. (Quotes for various elements are included in Attachment 1.)

SBMS has stated that "the grant application is for materials and freight with the SBMS members carrying out all the works".

SBMS is able to contribute some of its existing funds to the project (see Budget and Funding below); the remainder has been earmarked for fit out, plant, equipment, furniture and fittings and for

operational needs. SBMS has a responsibility and agreement with Wirraminna Care to fit out and equip the new Shed.

The estimated income and expenses for the project are:

7. BUDGET AND FUNDING		
PROJECT INCOME		
	(Group's Contribution to Project)	
Group Funds	\$8700	
Fundraising Activities	\$ 1500	
Donations	\$ 800	
In Kind (provide details)	\$ 3150	126 @v\$25 per hour Trench digging and pipe laying
Other (provide details)	\$ [REDACTED]	
	Total Group's Contribution	\$ 14150
Council Assistance Requested		\$ 5000
	TOTAL PROJECT INCOME	\$ 19150
PROJECT EXPENDITURE (Please provide an itemised list of expenses for the project)		
isolation		\$ 500
Access all weather [REDACTED]		\$ 1800
Disabled parking and access		\$ 2200
Disabled Unisex Toilet		\$3650
Meeting Room and craft area		\$ 2500
Electrical Work – Service and Fit out		\$ 8500
	TOTAL PROJECT EXPENDITURE	\$ 19150

SBMS has not sought any other sources of funding at this point in time and state that the project will proceed, even if only partial funding is received from Council; however, the project will be dependent on fundraising for the shortfall.

Development Plan Consent for the Men's Shed (and verandah) was granted in December 2019 and Building Rules Consent in February 2020. Officers have noted a recent article in a local newsletter, that "the new shed building being erected by Wirraminna Care Inc is under way".

SBMS anticipate that the new Shed will benefit a broad range of men aged between 60 – 97 years; estimate around 40 men.

Wirraminna Care's letter of support (*within Attachment 1*) states that the current shed "has been very successful but is limited in the capacity to provide a service for the number of people who wish to attend"..... "this new location will allow the role of the shed to cater for the increase interest in attending and will provide a safe environment".

Various officers have provided comment regarding the Grant application and project (*Attachment 2*). Officers are supportive of the project and recognise the value of Men's Sheds in the community.

Summary and Conclusion

The SBMS Community Grant Application complies with Council's Community Grant Guidelines and all supporting documentation has been provided. Officers are supportive of the project and recognise the value of Men's Sheds in the community. Council has provided funding to several local projects in other townships. The SBMS has not received any previous assistance from Council. The 2019/20 CASC budget can accommodate the \$5,000 (ex GST) request, as shown in the Financial Considerations below.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1: Community Grant Application and supporting documentation Ref: HPE P20/23637
Attachment 2: Staff Feedback Sheet – Ref: HPE 20/20411

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan**

Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

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

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.

Legislation

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial Management Considerations

The adopted Budget for the Community Grants and Youth Grants for 2019/20 is \$25,500 (excl GST).

	BUDGET 2019-2020	\$ (excl GST)
	GRANTS APPROVED TO DATE	\$25,500
	FUNDS REMAINING	<u>\$ 10,475</u>
		<u>\$15,025</u>
<u>4th Quarter - Requested:</u> Community Grants	3 Applications:	
	1. Southern Barossa Men's Shed - \$5,000	
	2. Williamstown Senior Citizens Club - \$3,000	<u>\$8,000</u>
	+ additional amount of \$2,000 if approved by Council	+ \$2,000
	3. Nuriootpa Futures Assoc - \$2,000	<u>\$2,000</u>
	TOTAL	<u>\$12,000</u>

Funds remaining if all Applications approved in full		\$3,025

Risk Management Considerations

The Community Grant Guidelines, Grant requirements and the review of applications by various Council Officers provide a satisfactory level of risk management.

COMMUNITY CONSULTATION

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

7.3.2.2

COMMUNITY GRANT APPLICATION – WILLIAMSTOWN SENIOR CITIZENS CLUB INC B3342

MOVED Cr de Vries that Council approve a Community Grant of \$4863 Ex GST to the Williamstown Senior Citizens Club Inc to assist the replacement of obsolete air conditioning units in the Senior Citizens / RSL Hall, Memorial Drive, Williamstown.

Seconded Cr Johnstone

CARRIED 2018-22/137

PURPOSE

The meeting scheduled for the Community Assistance Scheme Committee (CASC) on 6 May 2020 was cancelled in response to COVID-19 restrictions. As a non essential meeting, the Business Continuity Management Group (BCMT) has determined that the items for consideration be presented to full Council to avoid additional meetings during this time. The Community Grant Application from the Williamstown Senior Citizens Club Inc is presented to Council for consideration and decision.

REPORT

Background

The Williamstown Senior Citizens Club Inc (WSSC) has been operating for over 34 years and has successfully managed the maintenance and booking of the Williamstown Senior Citizen and RSL Hall for many years. Council has had a long relationship with the Club. The land and WSSC Hall (formerly Williamstown RSL) was transferred to the District Council of Barossa by the Williamstown War Memorial Community Centre Inc on 4 February 1991.

The WSSC leases the property from Council. The current 20 year lease runs until 2027 with an option to extend for a further 20 years at a peppercorn rent.

Introduction

SBMS is seeking funding of \$3,000 (ex GST) from Council for its project: "Replacement of obsolete air conditioning with modern equivalents".

The Community Assistance Scheme Committee (CASC) has delegation to approve funding up to \$3,000 (ex GST); however, as the 6 May 2020 CASC meeting was cancelled, the Application is presented to Council for decision.

Discussion

One of the Objectives in the WSSC Constitution is "(e) To provide facilities for the use of its members" .

The WSSC has used the Hall since its inception. It has kept the premises in good repair and contributed to various improvements through fundraising, grants and hiring out of the Hall with minimal impost on Council.

The WSSC propose to replace two very old "through the wall" air conditioning units in the main Hall. They are inefficient and consume a large amount of power, adding to the problem of

demand spikes and insufficient electricity supply to power all appliances in the Hall simultaneously. During periods of high activity, the power supply fails due to overloading from the old air conditioners. They are also very noisy, which creates problems for people with limited hearing.

Council's Coordinator Facilities Management has discussed the facility's electricity demand with WSSC members and highlighted the relatively large demand of the old air conditioners and recommended to replace them with modern reverse cycle units. (Low energy lights have also recently been installed.)

Replacement of the old air conditioners would reduce power consumption and electricity bills and also contribute to reducing the problem of excessive noise. It would make the environment more comfortable for the members of the Club and those who hire the premises, the majority of whom are elderly. It may also encourage new hirers, thus adding to revenue for the Club.

The WSSC states that it is not in a position to fund the whole project, but can 'top up' the \$3,000 (ex GST) Council grant. The preferred units have been quoted at \$5,350 incl GST (ie \$4,863 ex GST).

Various officers have provided comment regarding the Grant application and project (Attachment 2). Officers are supportive of the project.

Under the Lease Agreement with Council – clause 3.11.1, the WSSC must not install any air conditioning equipment unless it first gets Council's written consent. Clause 3.11.2 states the works "will be done at the cost of the Lessee".

Given that the Club has not been able to operate and get any revenue due to the COVID-19 issues, the Director Corporate and Community Services has suggested and is supportive of CASC funding the full cost of the project, particularly as there will be no further formal rounds of CASC during the 2019/20 financial year. The residual CASC 2019/20 budget is able to accommodate the increased funding (refer Financial Considerations section below).

It is noted that the WSSC has indicated that its next major project is to upgrade the kitchen facilities at the Hall (some elements date from the 1950s/60s). Officers suggest that the Club's funds could be put towards this project rather than the air conditioner upgrade. Officers have flagged that an electrical capacity assessment for any future upgrades needs to be undertaken if further capacity demands arise from a potential kitchen revamp.

Summary and Conclusion

The WSSC is, and has been, an industrious group and willingly volunteer many hours to the upkeep of the premises, along with organising a wide range of Club activities. It pays all rates, taxes, charges and associated user costs for the facility. It receives a modest fee from hirers of the Hall to help defray these costs and offset costs of repairs and renewals resulting from wear and tear on the premises. The WSSC is charged a peppercorn fee in its Lease Agreement.

Officers are supportive of the Community Assistance Scheme funding the full cost to replace the air conditioners up to an amount of \$5,000 (excl GST). The CASC 2019/20 budget is able to accommodate this funding.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|---------------|---|
| Attachment 1: | Community Grant Application and supporting documentation Ref: HPE P20/23912 & P20/23913 |
| Attachment 2: | Staff Feedback Sheet – Ref: HPE 20/20411 |

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

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

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.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

The adopted Budget for the Community Grants and Youth Grants for 2019/20 is \$25,500 (excl GST).

	BUDGET 2019-2020	\$ (excl GST)
	GRANTS APPROVED TO DATE	\$25,500
	FUNDS REMAINING	<u>\$ 10,475</u>
		<u>\$15,025</u>
<u>4th Quarter - Requested:</u> Community Grants	3 Applications:	
	4. Southern Barossa Men's Shed - \$5,000	
	5. Williamstown Senior Citizens Club - \$3,000	<u>\$8,000</u>
	+ additional amount of \$2,000 if approved by Council	+ \$2,000
	6. Nuriootpa Futures Assoc - \$2,000	<u>\$2,000</u>
	TOTAL	<u>\$12,000</u>
Funds remaining if all Applications approved in full		\$3,025

Risk Management Considerations

The Community Grant Guidelines, Grant requirements and the review of applications by various Council Officers provide a satisfactory level of risk management.

A future electrical capacity assessment will assist with risk management considerations for any future works.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

7.3.2.3

NURIOOTPA FUTURES ASSOCIATION INC – REQUEST FOR FUNDING TO COMPLETE PROJECT: “COULTHARD HOUSE ‘THE PEOPLES PLACE’ STAGE 1 DOWNSTAIRS”
B3342

Pursuant to S73 of the Local Government Act 1999 Cr Schilling disclosed a material conflict of interest in the matter 7.3.2.3 – *Nuriootpa Futures Association inc – Request For Funding to Complete Project: “Coulthard House ‘The Peoples Place’ Stage 1 Downstairs”* – as she is on the Board of Management of the Nuriootpa Futures Association.

Cr Schilling advised Council of the conflict of interest and left the online meeting at 12.23pm while the matter was being considered and voted upon.

MOVED Cr Wiese-Smith that Council:

- (1) Approves Nuriootpa Futures Association's request for a further Community Grant of \$2,000 (ex GST) in order to complete the *Coulthard House ‘The Peoples Place’ Stage 1 Downstairs* project, specifically painting.
- (2) Notes that the project was awarded a \$6,000 (ex GST) Community Grant in June 2018 which has not yet been expended due to unforeseen delays in dealing with the lead based paint previously used on the House.

Seconded Cr Boothby

CARRIED 2018-22/138

PURPOSE

Council, at its 19 June 2018 meeting, approved a Community Grant of \$6,000 to the Nuriootpa Futures Association Inc (NFA) for their *Coulthard House ‘The Peoples Place’ Stage 1 Downstairs* project. NFA has not been able to complete the project as yet, as additional funds are required due to an increase in the painting cost. A further Community Grant Application has been received seeking an additional \$2,000 for the project.

The meeting scheduled for the Community Assistance Scheme Committee (CASC) on 6 May 2020 was cancelled in response to COVID-19 restrictions. As a non essential meeting, the Business Continuity Management Group (BCMT) has determined that the items for consideration be presented to full Council to avoid additional meetings during this time. The Community Grant Application from Nuriootpa Futures Association Inc is presented to Council for consideration and decision.

REPORTBackground

Nuriootpa Futures Association (NFA) is a representative organisation run by community members who are passionate about Nuriootpa's future and its place in the Barossa Valley. Coulthard House is an asset owned by the community and managed by NFA.

Council, at its 19 June 2018 meeting, approved a Community Grant of \$6,000 to NFA for its *Coulthard House ‘The Peoples Place’ Stage 1 Downstairs* project, specifically to “*clean, paint, prepare downstairs area for use by NFA committee, Nuriootpa High School, community groups*”. The Community Assistance Scheme Committee (CASC) supported the project in principle, but the decision was referred to Council, as the funding request was above CASC's delegation and the 2017/18 Community Grant budget was almost exhausted.

At its 7 August 2019 meeting, CASC approved a request from NFA for an extension of time to complete the project as the contractor had not been available and the weather not conducive to outside painting. A further request for extension was approved in November 2019 as NFA advised that there was still a delay in finalising the project due to queries raised regarding the treatment of the lead based paint previously used on the house.

Discussion

In April 2020, NFA advised that it had received two quotes for painting: one for \$11,000 and one for over \$8,000. A copy of the lower quote is provided in Attachment 1 (Annexure F). The only funds NFA has available for the painting work is the original \$6,000 Community Grant; so additional funds have to be raised before proceeding with the work.

As it appears unlikely that the 2019/20 Community Assistance Scheme Budget will be fully expended, officers indicated to NFA the possible option to submit a request seeking additional funding so that the project could finally be completed. A new Community Grant Application was submitted to Council on 7 May 2020 (Attachment 1) and has been reviewed by the Manager Community Projects, Director Corporate and Community Services and Executive and Project Support Officer. A copy of the original 2018 Application is also provided for information at Attachment 2.

Summary and Conclusion

In its 2018 Community Grant Application, NFA stated that, as they are a not-for-profit organisation, the project could not proceed if only partial funding was received. NFA had not investigated additional sources of funding for the project.

Officers recommend that the request for additional funds of \$2,000 (ex GST) to complete the project be approved. The CASC 2019/20 budget, at this point in time, is able to accommodate the request.

For information: NFA has received previous Community Grants: June 2015 - \$700; December 2015 - \$2,250 and June 2017 - \$500.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES**Attachments**

Attachment 1: Community Grant Application – May 2020 Ref: P20/38335
Quote for painting (Annexure F)

Attachment 2: Community Grant Application – April 2018 Ref: 18/23829

Policy

Community Assistance Scheme Policy
Community Grant Guidelines

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan**

Community and Culture



Natural Environment and Built Heritage

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.

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

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.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

The adopted Budget for the Community Grants and Youth Grants for 2019/20 is \$25,500 (excl GST).

	BUDGET 2019-2020	\$ (excl GST)
	GRANTS APPROVED TO DATE	\$25,500
	FUNDS REMAINING	<u>\$ 10,475</u>
<u>4th Quarter - Requested:</u>		
Community Grants	3 Applications:	
	7. Southern Barossa Men's Shed - \$5,000	
	8. Williamstown Senior Citizens Club - \$3,000	\$8,000
	+ additional amount of \$2,000 if approved by Council	+ \$2,000
	9. Nuriootpa Futures Assoc - \$2,000	\$2,000
Funds remaining if all Applications approved in full		\$3,025

Risk Management Considerations

The Community Grant Guidelines, Grant requirements and the review of applications by various Council Officers provide a satisfactory level of risk management.

COMMUNITY CONSULTATION

Community Consultation is not required under legislation or Council Policy.

Cr Schilling returned to the meeting at 12.25pm.

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1

REASSESSMENT OF ROAD CLASSIFICATION – KEMPE ROAD – EDEN VALLEY **B10730 20/23800**

Author: Manager Engineering Services

MOVED Cr de Vries that:

- (1) With reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the service level classification for Kempe Road, Eden Valley, north of Shearers Road to the property access of 118 Kempe Road - a distance of approximately 1.2 kilometres - be amended to have the following asset assessment rating scores:
 1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
 2. Social Priority - Score 2 (Low Social Importance, < 5 dwellings)
 3. Freight Priority - Score 0 (No commercial vehicles)
 4. Tourist Priority - Score 0 (No tourist potential)
 5. Economic Priority - Score 0 (No development potential)
 6. Accident History - Score 0 (No accident history)
- (2) The section of Kempe Road north of Shearers Road, for a distance of approximately 1.2 kilometres, be removed from the Council unmade road rental register (RRENT/223).

- (3) Council approve a budget adjustment transferring \$35,000 from the unallocated road re-sheet budget 601261 to Kempe Road Upgrade.

Seconded Cr Boothby

CARRIED 2018-22/139

PURPOSE

A request has been received from Ms M Wilson, owner of the property at 118 Kempe Road, Eden Valley, for the upgrade of the unmade section of Kempe Road, north of Shearers Road to the property access. This will require the road to be allocated a service level classification.

REPORT

Background

The section of Kempe Road forming the subject of this report has been historically identifiable as unmade road reserve and is currently listed on Council's unmade public road rental register (RRENT/223). Refer attached general locality plan.

In 2003 a residential development was approved at 118 Kempe Road. The development consent conditions (P/9494) provide no information relating to the property access requirements. The principle access was constructed to the unmade section of Kempe Road at a distance of approximately 1.2 kilometres north of Shearers Road.

A Customer Request (85641), dated 10 March 2020, has been received from Ms M Wilson, owner of the property at 118 Kempe Road, requesting the section of unmade Kempe road be graded for road safety reasons.

Introduction

The Barossa Council "Infrastructure Asset Management Plan (IAMP), Transport" outlines service level classifications for all roads across the Council area, defined in terms of Community Levels of Service and Technical Levels of Service. The maintenance interventions of Council roads are determined from the rated score on the six measures of road assessment:

1. Function
2. Social Importance
3. Freight Use
4. Tourist Importance
5. Development Potential
6. Accident History

Council's asset management data base currently identifies the section of Kempe Road, from north of Shearers Road to the property access of 118 Kempe Road, as a rural road reserve with an unmade road. As such there is no recognised Council road asset in this section of road reserve.

The unmade road has been formed within the natural sandy clay earth surface over time. There has been no placement or construction of crushed rubble road base pavement or other stormwater drainage infrastructure. Refer attached images of Kempe Road.

The road pavement properties vary significantly during the season cycles. In the wet it becomes muddy and slippery and does not provide safe road access to the residential dwelling. The road also has unsafe rutting due to the lack of stormwater management measures to divert stormwater runoff away from the road.

An unmade road is not able to be improved by grading unless there is a depth of rubble base material to work with, to ensure a compacted road surface can be achieved, consistent with the quality and surface finish of other roads in the region. Notwithstanding, the unmade road surface has likely been loose graded by Council on at least one occasion over the past 10 years.

The existing use of the road as the principal access to a residential property requires the road to function at a Level of Service (LoS) that is fit for purpose and any maintenance, if required, is deemed to be the responsibility of Council in accordance with the Local Government Act.

For the road to be upgraded, Council is first required to allocate an appropriate service level to the road in accordance with Council's Infrastructure Asset Management Plan (IAMP).

Discussion

The Level of Service appropriate for the first 1.2 kilometres of unmade Kempe Road, north of Shearers Road, should be amended to have the lowest classification for a rural road in Council's IAMP. This is consistent with other roads in the nearby area with similar uses and community expectations.

The proposed Level of Service scores for the unnamed road are proposed as follows:

1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
2. Social Priority - Score 2 (Low Social Importance, < 5 dwellings)
3. Freight Priority - Score 0 (No commercial vehicles)
4. Tourist Priority - Score 0 (No tourist potential)
5. Economic Priority - Score 0 (No development potential)
6. Accident History - Score 0 (No accident history)

The Daily Average Vehicle Counts traffic counts on the unnamed road would be low. The road currently accesses a single existing dwelling and adjacent rural paddocks.

There has been no recorded crash accident history on this section of Kempe Road.

Kempe Road is proposed to be upgraded to the lowest level Council asset – a rural road – with 150mm thick compacted rubble road pavement. The construction works will need to include drainage infrastructure such as culvert crossings at the natural low points, tree trimming and fence removal at the Shearers Road intersection.

The cost of the road construction is estimated to be approximately \$35,000.

Summary and Conclusion

The section of Kempe Road in question is not registered as a road asset on Council's IAMP and therefore is not included in Council's road maintenance plans.

The road does not currently function at a Level of Service (LoS) that is fit for purpose as access to a residential dwelling and is therefore required to be upgraded.

For the road to be upgraded and maintained it will require Council to approve an appropriate road asset service level. The lowest classification of local access unsealed rural road is deemed appropriate.

The road will incur future capital upgrade grading and operational maintenance interventions as outlined in Council's IAMP. The frequency of grading is expected to be as required, subject to inspection and would not be more than once per year.

The upgrade of the first 1.2 kilometres of this road to a formed road classification will require this section of road to be withdrawn from the unmade public road rental register.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - General locality plan.

Attachment 2 – Images of the unmade road surface.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



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

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Any increase to the level of service on a Council road will require a commensurate increase in the necessary capital road upgrade and operations road maintenance budgets.

With acceptance of this asset service level rating recommendation, the capital cost of the proposed upgrade works on Kempe Road is approximately \$35,000.

This will require a capital budget adjustment, to be funded from the unallocated road re-sheet budget 601261.

The future operations maintenance budget is required to be increased to accommodate the costs of approximately one grade per year along the length of the road upgraded.

COMMUNITY CONSULTATION

The IAMPS have previously been presented for community review and approved by Council.

7.4.1.2

KEIL GARDENS, TANUNDA – RETAINING WALL – BUDGET ADJUSTMENT

B10951 – 20/24119

Author: Manager Engineering Services

MOVED Cr de Vries that Council approve a budget allocation of \$90,000 to undertake retaining wall reconstruction works in Keil Gardens, Tanunda and approve a budget adjustment, transferring project savings from;

- A) McDonnell Street road drain (asset number 312727) of \$11,000, and
- B) Para Road, Tanunda road drain (asset number 312741) of \$32,000, and
- C) The REX car park (asset number 601658) of \$15,000, and
- D) Kroehn Road culvert upgrade (asset number) 601624 of \$32,000.

Seconded Cr Boothby

CARRIED 2018-22/140

PURPOSE

For Council to consider approving a budget adjustment to allocate funds from savings in the 2019/20 financial year capital budget to undertake necessary reconstruction works of the retaining walls in Keil Gardens, Tanunda.

REPORT

Background and Introduction

The Keil Gardens and rotunda is located on the corner of Murray Street and Bilyara Road, Tanunda. In front of the rotunda is an elevated grassed area and rose garden, supported by a semi-circular red brick retaining wall. The retaining wall height varies and is nominally 1 metre high at its highest point. The walls were constructed at the same time as the rotunda structure in the 1980's.

Over a number of years, however, the retaining wall has developed significant cracking, lateral displacement and rotational movement at a number of locations and is now considered to pose a public safety risk if the wall were to further slip, overturn or fail.

The retaining wall supporting the rotunda structure itself is in good condition, without any displacement or undue dilapidation, and is not the subject of discussion in this report.

Discussion

Council engaged Wallbridge Gilbert Aztec (WGA) Consulting Engineers to undertake a condition assessment report on the retaining walls in Keil Gardens. Refer attached report dated 15 January 2020 (HPE 20/2691).

WGA observed that the cause of the wall movement was likely a combination of:

- Progressive creep due to softening of the subgrade at the toe of the wall due to irrigation,
- Build-up of hydrostatic pressure behind the wall due to inadequate behind wall drainage and/or lack of weepholes,
- Inadequate design of the wall.

It was considered that failure of the wall in the short term is unlikely. However, for public safety reasons, given the likely crowds in the wall vicinity during events such as the Hot Rod Show or Tour Down Under, it was strongly recommended that temporary propping of the wall be undertaken with sandbags placed in the garden bed in front of the northwest section, to arrest further expected lateral movements. Additionally, WGA recommended that any form of loading be prevented within 1.5 metres of the top of the wall.

The repair of the wall to a level of full load function was not deemed practical due to the inadequate design and construction of the existing wall for the loads being encountered. The existing unreinforced "gravity" type retaining wall design provides negligible restraint to rotational turning and lateral displacement being experienced, which is expected to continue over time.

With reference to the Barossa Council Risk Assessment Matrix, the assessed likelihood of a structural failure of the wall could occur within a two to five year timeframe, giving a risk likelihood rating of L4 - Unlikely. The consequence of a failure however would be major, with possible significant injury, giving a risk consequence rating of C4 - Major. The overall risk score is M14 - Moderate Risk - noted in the risk matrix with the following statement - "Management responsibility must be specified, maintain existing risk treatments; review as necessary. Unacceptable if left untreated in some circumstances".

In the longer term it is deemed that the wall will require replacement with a more suitable form of construction. Given the formal urban character of the site, it is recommended that the wall be replaced with a brick faced reinforced concrete "cantilever" type retaining wall, with consideration given to its visual appearance and fit within the existing character of the site.

Subsequently, WGA have undertaken detailed design documentation of the proposed new wall structures with designs for variable heights. Refer attached structural engineering design plans dated 5 May 2020 (HPE 20/24118).

A provisional unit rate cost estimate was provided by WGA. They estimate the cost of the new retaining walls to be in the order of \$50k to \$70k.

Additional costs associated with demolition and reinstatement of grass and landscaping would likely be in the order of an additional \$20k. The total project costs could potentially be in the order of \$90k, this would be confirmed during construction procurement.

Summary and Conclusion

Due to the notable cracking, lateral displacement and rotational movement of the existing retaining walls in Keil Gardens at a number of locations, the walls are deemed to pose a Moderate

Risk to public safety if they were to further slip further, overturn or fail. They have been propped up with sand bags in the interim to arrest further expected movement.

It is recommended that the retaining walls be reconstructed in accordance with the WGA structural engineering design and that funding in the order of \$90,000 be allocated from the 2019/20 financial year capital budget.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - WGA Condition assessment report, dated 15 January 2020.
Attachment 2 – WGA Structural engineering design plans, dated 5 May 2020.

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.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A risk assessment of the retaining wall if it were to fail results in a Moderate Risk to Council.

Funding for the project will be achieved by transferring project savings from recently completed drainage projects, McDonnell Street, Para Road, Kroehn Road and the recently completed REX car park upgrade.

Council have submitted an insurance claim and at this time is still under assessment but early indications are its unlikely to be compensable as the deterioration of the wall is gradual and not from a single event.

COMMUNITY CONSULTATION

Extensive community consultation was undertaken as part of the Tanunda Urban Design Framework and Main Street Masterplan study, dated June 2013, by Jensen Planning and Design.

This study highlighted the community value of the Tanunda main street central park precinct, with Keil Gardens, the rotunda and Homburg Gardens (located directly opposite) designated for future development as an integrated shared community use zone.

7.5.4. DEBATE AGENDA – REGULATORY SERVICES REPORT

7.5.4.1

DRAFT MOBILE FOOD VENDOR POLICY AND LOCATION RULES

B6097

Author: Manager, Regulatory Services

MOVED Cr Johnstone that Council:

- (1) Receive and note the submission received on the first phase of public consultation;
- (2) Endorses the revised Draft Mobile Food Vendors Policy and Draft Location Guidelines for a second phase of public consultation in accordance with its Public Consultation Policy;
- (3) Endorse the annual and monthly permit fees of:

Annual Permit Fee: \$2,000.00

Monthly Permit Fee: \$200.00

which will be incorporated into Council's Fees and Charges Register once the Policy is formally endorsed.

Seconded Cr de Vries

CARRIED 2018-22/141

PURPOSE

To seek Council endorsement to enter into a second phase of public consultation in relation to Council's Draft Mobile Food Vendor Policy and Location Rules.

REPORT

Introduction

At the February 2020 Meeting of Council, Members endorsed a Draft Mobile Food vendors Policy and Draft Location Rules (the draft documents) for public consultation.

This report seeks endorsement for a second round of public consultation.

Discussion

In accordance with Council's Public Consultation Policy, the community were invited to provide written feedback and submissions in relation to the draft documents.

Council prepared a media release, placed a public notices in two local newspapers, promoted the consultation on its website and Facebook page and provided copies of the draft documents at all Council Offices. Only one written submission was received, which is provided as Attachment 1.

The public consultation period commenced on the publication date of the newspapers, being Wednesday 18 March, 2020.

Unfortunately, several days later the region experienced the outbreak of COVID19. The subsequent impact is well known and does not need further discussion. It is considered that a second phase of consultation would be appropriate given the timing of both the consultation and outbreak.

In addition, following further investigation into the legislative wording, a slight amendment is needed to the draft documents which further warrants a second phase of public consultation.

The previously endorsed Draft Mobile Food Vendor Policy stated at 2.1 and 3.1 that:

2.1 *This Policy applies to all mobile food vendors operating on a public road or reserve within the Barossa Council.*

Exclusion from this policy:

- *Mobile Food Vendors operating as part of a Council-approved event or function.*
- *Mobile Food Vendors operating on private land with the consent of the owner of the land;*
- *Food delivery services;*
- ***Mobile Food Vendors primarily engaged in the sale of ice-cream.***

3.1 General Principles

Mobile Food Vendors shall not:

- **Operate in contravention of Council's Mobile Food Vendor Location Rules or without a current Mobile Food Vendor Permit;**

This wording excluded mobile ice cream vendors from having to comply with the both the Policy (which required a permit to be obtained) and Location Rules.

The correct interpretation and wording is that mobile ice cream vendors are also required to obtain a permit before operating, however providing they are predominately mobile and do not remain in one location for an extended period of time, they are exempt from some provisions of the location rules. This is to enable mobile ice-cream vendors to drive up residential streets and stop to serve customers at the side of a road when hailed.

As such, a slight but important amendment has been made to reflect this change. No other wording changes have been made to the previously endorsed Draft Policy or Location Rules.

A revised Draft Policy and Draft Location Rules with these changes highlighted is provided as Attachment 2.

Summary and Conclusion

It is recommended the Council endorse the revised Draft Mobile Food Vendor Policy and Location Rules for a second phase of public consultation to be undertaken in accordance with its Public Consultation Policy.

The submission already received will be included together with any further written submissions received and presented to Council at a future meeting.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Community Consultation Feedback – Louise Osbourne
Attachment 2: Revised Draft Mobile Food Vendor Policy and Location Rules
Attachment 3: Full Agenda Report – 18 February 2020 Meeting.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

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



Health and Wellbeing

4.7 Ensure food safety, hygiene and appropriate waste management standards are maintained.



Business and Employment

5.8 Ensure advice and support for small business is available.
5.13 Support economic development through events.

Corporate Plan



How We Work - Good Governance
Ensure the Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Section 222, 224, 225A, 225B - Local Government Act 1999

Regulation 25A, 25B, 25C - Local Government (General) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Risk Management

Risk management considerations have been incorporated into the Policy framework in an effort to minimise risks and adverse impacts.

Financial Considerations

As detailed in the previous report, officers recommend the maximum annual and monthly fees which reflects some of the overhead costs of fixed food businesses.

If approved, these fees will be incorporated into Council's fees and charges register and reviewed annually. Based on feedback and permit numbers from other councils, minimal revenue is anticipated.

Resource Considerations

The resource implications are largely unknown but will be monitored closely over the course of the first 12 months.

COMMUNITY CONSULTATION

It is proposed to undertake a second phase of community consultation in accordance with Council's Public Consultation Policy.

Any further written submissions received will be tabled (together with the initial response) at a future Council meeting for Council's consideration.

7.5.5. WASTE SERVICES REPORT

7.5.5.1

WASTE MANAGEMENT SERVICES – GRANT OFFERS FROM GREEN INDUSTRIES B9810

Author: Waste Management Officer

MOVED Cr Johnstone that Council:

1. Note and accept the two Grant Offers from Green Industries SA as detailed in the report,
2. As part of Kerbside Performance Plus Incentives Program undertake a period of public consultation in accordance with Council's Public Consultation Policy for the introduction of mandatory green organic service within the townships as identified in the Waste Management Services Policy.

Seconded Cr Wiese-Smith

CARRIED 2018-22/142

PURPOSE

To advise Council of successful applications with Green Industries SA for grant funding as part of the Regional Transport Subsidies Program and Kerbside Performance Plus Incentives Program.

REPORT

Background

Applications for both the *Regional Transport Subsidies Program* and *Kerbside Performance Plus Incentives Program* were submitted by Administration in February 2020 in accordance with Council's resolution from the meeting held 29 January 2020:

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

Introduction

Regional Transport Subsidies Program

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.

Funding of \$23,929.80 (plus GST) has been provided to Council for the 2020-21 Financial Year.

Kerbside Performance Incentives Program

The *Kerbside Performance Incentives Program* assists councils to implement sustainable and efficient food organics recycling systems. The level of financial incentives depends on the council's approach towards introducing food organics recycling.

Council have been offered a grant of up to \$24,472.16 (plus GST) for distribution of a food waste disposal system for 5,200 households, being 50% towards the cost of the enclosed food waste containers (no compostable bags), delivery where required and associated education material.

Discussion

Council considered a report in December 2019 where it was suggested that the Administration further consider the introduction of a green organics mandatory service within townships. The report from January 2020 (*Attachment 1*) recommending Council apply for the grant also highlighted to opportunity to introduce a mandatory service.

To be eligible to claim funding for the *Kerbside Performance Incentives Program*, Council needs to resolve to implement the roll out of a mandatory service within townships that includes a kitchen caddy for each household.

Summary and Conclusion

Council has received notification of its successful application for grant funding from Green Industries SA.

Please note that the lapse of offer date is 15 May 2020. Green Industries SA are aware that the offer is being presented to Council after this date, and have extended the deadline.

In order to facilitate the *Kerbside Performance Incentives Program*, Council will need to consider the adoption of a mandatory green organic service. To do so, public consultation will be undertaken to determine the level of community support for such a service.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Debate Agenda – Waste Services Report – 29 January 2020
 Attachment 2 – Offer of Funding Regional Transport Subsidies Program
 Attachment 3 – Offer of Funding Kerbside Performance Incentives Program
 Attachment 4 – Debate Agenda – Waste Services Report – 17 December 2019

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

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.
- 2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.
- 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.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The cost of waste management services is determined by many external variables, including the cost of disposing of waste to landfill (i.e. transportation, solid waste levy, facility disposal costs). All of these costs are attributed to the Waste Services Charge that is payable by ratepayers on their rates notices. The Service Charge must seek to cover the cost of the service. Any opportunity to reduce the overall costs helps to retain/reduce the service charge.

The Regional Transport Subsidies Program will assist in offsetting the cost charged to Council by the Waste Contractor for the collection and disposal of waste.

The Kerbside Performance Incentives Program will enable Council to increase the level of green organic waste that is diverted from landfill.

As indicated in the report from December 2019 (*Attachment 4*) approximately 47% of waste in the red bins is made up of organic material (i.e. food waste), the weight of which increases the cost of disposal at landfill charged to Council. Reducing the tonnage of waste to landfill will assist in reducing cost for disposal.

COMMUNITY CONSULTATION

Prior to a formal recommendation to implement a mandatory service, it is proposed that Council undertake community consultation in accordance with Council's Public Consultation Policy.

Consultation is to target residential properties within the townships of Nuriootpa, Tanunda, Angaston/Penrice, Lyndoch, Williamstown, Stockwell, Springton and Mount Pleasant. The consultation will seek to highlight the importance of recycling as a means of reducing waste to landfill in order to keep the cost of waste management to Council sustainable in the long term.

8. CONFIDENTIAL AGENDA

8.1 CORPORATE AND COMMUNITY SERVICES – DIRECTOR’S REPORT

8.1.1

SUBMISSION - GOTTWALD ROAD WILLIAMSTOWN – ROADSIDE MEMORIAL

Refer minute page 2020/249

9. URGENT OTHER BUSINESS

Nil

9.1 REQUEST – LEAVE OF ABSENCE

Nil

10. NEXT MEETING

Tuesday 16 June 2020 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 12.35pm.

Confirmed at Council Meeting on 16 June 2020

Date:.....

Mayor:.....