1.1 WELCOME
Mayor Bim Lange declared the meeting open at 9.00am.

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

1.3 LEAVE OF ABSENCE
Cr Hurn

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 17 November 2020 at 9.00am and the Minutes of the Special Council Meeting held Thursday 19 November 2020 at 2.00pm, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.
Seconded Cr Johnstone  
CARRIED 2018-22/318

1.6 MATTERS ARISING FROM PREVIOUS MINUTES
Nil

1.7 PETITIONS
Nil

1.8 DEPUTATIONS
Nil

1.9 NOTICE OF MOTION
Nil

1.10 QUESTIONS – WITH OR WITHOUT NOTICE
Nil
2. MAYOR

2.1 MAYOR’S REPORT

MOVED Cr de Vries that the Mayor’s report be received.  
Seconded Cr Troup  
CARRIED 2018-22/319

3. COUNCILLOR REPORTS

Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA

Cr Angas requested that item 4.5.2.2 Gawler River Floodplain Management Authority – State Government Funding be withdrawn.

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr de Vries that the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted except for item 4.5.2.2 Gawler River Floodplain Management Authority – State Government Funding.  
Seconded Cr Barrett  
CARRIED 2018-22/320

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

4.5.2.2 – Gawler River Floodplain Management Authority – State Government Funding

Cr Angas sought details of what was envisioned for the “No Regrets” projects noted in the correspondence for Minister Spiers.

Mr Mavrinac advised that the GRFMA Board has recently been advised by Department of Environment and Water, the projects as being:

- The removal of trees from Hillier Bushfire, to avoid tangles
- Construction of a drainage system for Virginia, Carmelo and Park Road drain (City of Playford)
- New control structures – flood warning infrastructure, flood warning levels (Gawler West and North Para, Nuriootpa)
- Northern Floodway early works – existing levee banks, river survey and works

MOVED Cr Angas that Council receive and note 4.5.2.2 and that a further report will be provided to Council in due course.  
Seconded Cr Johnstone  
CARRIED 2018-22/321

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING

Nil
7. DEBATE AGENDA

7.1 MAYOR – DEBATE

7.1.1 REVIEW OF ORDERS UNDER CONFIDENTIALITY PROVISIONS OF THE LOCAL GOVERNMENT ACT 1999 – RELATED TO PREVIOUS PERFORMANCE REVIEW AND CONDITIONS OF CONTRACT FOR THE CHIEF EXECUTIVE OFFICER (CEO)

Pursuant to S120(1) of the Local Government Act 1999 Mr McCarthy disclosed a conflict of interest due to the matter related to his employment and performance records and processes.

Mr McCarthy advised the meeting of the conflict of interest and left the meeting at 9.09 am.

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

- 16 July 2013 – Performance Review of the Chief Executive Officer;
- 24 June 2014 – Performance Review of the Chief Executive Officer;
- 17 February 2015 – Mid Year CEO Performance Target Report;
- 21 July 2015 – Performance Review of the Chief Executive Officer;
- 16 August 2016 – Chief Executive Officer’s 2015/16 Performance Review and New Contract Negotiation;
- 18 July 2017 – Chief Executive Officer’s 2016/17 Performance Review, and;
- 17 July 2018 – Chief Executive Officer’s 2017/18 Performance and Conditions of Contract Review;
- 16 July 2019 - Chief Executive Officer’s 2018/19 Performance and Conditions of Contract Review;
- 21 July 2020 – Chief Executive Officer’s 2019/20 Performance and Remuneration Review;

made in accordance with Section 90(3)(a) of the Act resolve that the performance documents, agenda reports and relevant minutes shall continue to remain confidential and that Council review the said orders prior to 15 December 2021.

Seconded Cr Wiese-Smith

CARRIED 2018-22/322

PURPOSE

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

REPORT

The following confidential orders were reviewed on 28 January 2020 and determined that the circumstances for which Council considered the original matters in confidence and
subsequent reviews continues to meet the personal affairs test under Section 90(3)(a) of the Local Government Act and thereby all relevant documents remained in confidence. There has been not change to these circumstances and it is recommended through this review the documents remain in confidence.

<table>
<thead>
<tr>
<th>Date initiated</th>
<th>Orders due for review</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 July 2013</td>
<td>Performance Review of the Chief Executive Officer</td>
</tr>
<tr>
<td>24 June 2014</td>
<td>Performance Review of the Chief Executive Officer</td>
</tr>
<tr>
<td>17 February 2015</td>
<td>Mid Year CEO Performance Target Report</td>
</tr>
<tr>
<td>21 July 2015</td>
<td>Performance Review of the Chief Executive Officer</td>
</tr>
<tr>
<td>16 August 2016</td>
<td>Chief Executive Officer’s 2015/16 Performance Review and New Contract Negotiation</td>
</tr>
<tr>
<td>18 July 2017</td>
<td>Chief Executive Officer’s 2016/17 Performance Review</td>
</tr>
<tr>
<td>17 July 2018</td>
<td>Chief Executive Officer’s 2017/18 Performance and Conditions of Contract Review</td>
</tr>
<tr>
<td>16 July 2019</td>
<td>Chief Executive Officer’s 2018/19 Performance and Conditions of Contract Review</td>
</tr>
</tbody>
</table>

Further the annual review conducted for the 2019/20 financial year on 21 July 2020 was completed with an order to retain documentation in confidence. This order is not currently due for review, however to align all orders to a unified date it is recommended this order be reviewed as part of this annual process. Again there has been no change to these personal circumstances and it is recommended through this review the documents remain in confidence.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

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

**Community Plan**

- How We Work – Good Governance

**Corporate Plan**

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

**Legislative Requirements**

Local Government Act 1999, S90 and S91

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

No relevant considerations are noted.

**COMMUNITY CONSULTATION**

No public consultation is required or considered appropriate.

Mr McCarthy returned to the meeting at 9.10 am.
7.2 EXECUTIVE SERVICES - DEBATE

7.2.1. CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1 ELECTED MEMBERS’ TRAINING AND DEVELOPMENT PLAN
B2744

Mr McCarthy informed the Council that the contact details current highlighted as msouth@barossa.sa.gov.au will be updated to jharding@barossa.sa.gov.au as part of final publishing.

MOVED Cr Schilling that Council receives, considers and adopts the draft Elected Members’ Training and Development Plan (Attachment 1).

Seconded Cr Troup  

CARRIED 2018-22/323

PURPOSE

The Elected Members’ Training and Development Policy (the “Policy”) was adopted on 28 January 2020. Under clause 3.1.1 of the Policy, Council is required to “develop and adapt a Training and Development Plan to ensure that activities available to all Elected Members:

- comply with the Regulations and
- contribute to the personal development of the individual and the achievement of the strategic and good governance objectives of Council”.

The draft Plan is attached for Council’s consideration and adoption.

REPORT

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

Introduction
The current Elected Members’ Training and Development Policy (the “Policy”) and the Elected Members’ Training and Development Plan (the “Plan”) were approved on 28 January 2020.

The Plan is now due for its annual review. The updated draft Plan is presented at Attachment 1 for the Elected Body’s consideration and approval.

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

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

Summary and Conclusion
Council is asked to receive, consider and approve the draft Elected Members’ Training and Development Plan, as attached to this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 - Draft Elected Members’ Training and Development Plan (18/72136[v3])

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
How We Work – Good Governance

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

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

Legislative Requirements
Local Government Act 1999, Section 80A
Local Government (General) Regulations 2013, Regulation 8AA

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial – Elected Members’ training and development is supported with an annual budget allocation, based on historical spending.

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

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

COMMUNITY CONSULTATION
There is no community consultation required under the Local Government Act 1999. Further, the Training Plan is based on the Local Government Association recommendations and all training costs and attendances will be recorded in the Elected Members’ Allowances and Benefits Register and the Elected Members’ Training and Development Register. Accordingly, officers contend that no public consultation is required in this matter as public interest is already being protected through these transparent processes.
7.2.1.2
OMBUDSMAN CORRESPONDENCE – LAND EXCHANGE WITH CHATEAU TANUNDA
B10682

MOVED Cr de Vries
That Council receive and note the correspondence from Ombudsman SA dated 13 November 2020.

Seconded Cr Wiese-Smith
CARRIED 2018-22/324

PURPOSE
Council is asked to receive and note correspondence from the South Australian Ombudsman regarding a complaint made by Mr Robbert Sennef and Ms Shelley James.

REPORT

Background
The Ombudsman received complaints from Ms Shelley James and Mr Robbert Sennef with respect to the land exchange with Chateau Tanunda, via multiple letters between May and July 2020.

The Ombudsman’s reports with respect to those complaints were presented to Council at its meeting on 20 October 2020 and Council resolved as follows:

MOVED Cr Boothby that Council receive and note the Ombudsman correspondence dated 24 August 2020, 10 September 2020 and 15 September 2020.

Seconded Cr Johnstone
CARRIED 2018-22/262

Introduction
Following the Ombudsman’s letter on 15 September 2020, it appears that the complainants provided a subsequent response to the Ombudsman, expressing their dissatisfaction with the Ombudsman’s response and lodging a further complaint. Further correspondence from the Ombudsman, responding to the subsequent complaint was received by the Chief Executive Officer on 13 November 2020.

Discussion
The correspondence from the Ombudsman received on 13 November 2020 is attached to this report. The Ombudsman states, ‘I remain of the view, for the reasons that I have previously advised you, that investigation of your complaint is not necessary or justifiable. Any further correspondence in relation to issues that have already been thoroughly assessed by my Office will be read but may not be responded to’.

The Ombudsman has now closed the complainants’ file and has authorised disclosure of his letter by the complainants and Council as seen fit.

Summary and Conclusion
Council is asked to receive and note the correspondence from Ombudsman SA dated 13 November 2020.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Correspondence from Ombudsman SA received 13 November 2020 (ref: 20/68815)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

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

Legislative Requirements
Ombudsman Act 1972
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
As at 30 June 2020, as reported to Council in the Annual Report on the Internal Review of Council Decisions 2019-2020 at Council’s meeting on 21 July 2020, the total cost to Council in dealing with section 270 internal review applications made by the complainants with respect to decisions relating to the Chateau Tanunda Land swap and Barossa Culture Hub was $30,695.21. Responses to queries by the Ombudsman were carried out as part of normal officer duties resulting in further internal resourcing and legal costs which are not included in the above estimates to date.

COMMUNITY CONSULTATION
Not required under Legislation and Council’s Public Consultation Policy. However, community consultation on the community land revocation of the Council-owned land subject to the land swap with Chateau Tanunda, and Barossa Culture Hub master plan was carried out respectively in 2017 and 2018.

7.2.1.3 PRINCIPAL OFFICE AND OTHER OFFICES – LATE OPENING 16 DECEMBER 2020
B10322

MOVED Cr Wiese-Smith
That Council:

(1) Pursuant to Section 45(2) of the Local Government Act 1999, approves the principal office and other offices of the Council to open at 9.30am on 16 December 2020.

(2) Makes the following alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the principal office of the Council:

   Email: barossa@barossa.sa.gov.au
   Telephone:  8563 844
   After Hours Service: Answering Adelaide 8563 8444
   Online Form:

(3) In relation to any obligation under the Local Government Act 1999 to make a document available for inspection at the principal office of the Council, the document will be made available for inspection at www.barossa.sa.gov.au.

Seconded Cr Boothby
CARRIED 2018-22/325

PURPOSE
To allow Council offices to open at 9.30am on Wednesday 16 December 2020 to allow a staff event to occur and allow as many employees to attend as possible.

REPORT
There is a staff event to thank officers for what has been a challenging year and members are also invited on the morning of 16 December 2020. This is being hosted by the management group. To allow as many staff to attend and return to the workplace the timing of the event, whilst starting early before normal hours, will run to approximately 9.10am. Allowing offices to open 30 minutes later than normal will allow staff to attend the event in its entirety and be back in the workplace and open by 9.30 am.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

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

Legislative Requirements
Section 45 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Nil
COMMUNITY CONSULTATION
No consultation required given the amendment is minor in nature.

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1 MONTHLY FINANCE REPORT (AS AT 30 NOVEMBER 2020)

MOVED Cr Boothby
That the Monthly Finance Report as at 30 November 2020 be received and noted.
Seconded Cr de Vries
CARRIED 2018-22/326

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 November 2020) is attached. The report has been prepared comparing actuals to the Original adopted budget 2020/21 incorporating the Revised Budget for September.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1: Monthly Finance Report 30 November 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 CONSIDERATIONS

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

COMMUNITY CONSULTATION
Community Consultation was part of the original budget adoption process in June/July 2020, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.2.2.2
LONG TERM FINANCIAL PLAN 2021/22 to 2030/31 AND ANNUAL BUDGET & BUSINESS PLANNING TIMETABLE, NEW INITIATIVE INCLUSION, INDEXATION AND ASSUMPTIONS 2021/22
B7181

MOVED Cr Angas that Council endorses
1. The Operating Expenditure for Contractors, Materials and Other expenses indexation to be applied as contained within this report;
2. New initiatives will be considered; and

Seconded Cr Johnstone CARRIED 2018-22/327

PURPOSE
A business planning timetable, new initiative inclusion, indexation and assumptions is required to ensure Council meets key milestones for the annual review and adoption of the Long Term Financial Plan (LTFP) 2021/22 to 2030/31 and the consideration and adoption of the Annual Budget & Business Plan (AB&BP) 2021/22.

REPORT
Discussion
The Local Government Association has produced a number of information papers to assist Councils to meet requirements of the Local Government Act 1999 and the Local Government (Financial Management) Regulations 2011.

As part of the 2021/22 draft budget preparation Council will hold a strategic discussion to set the general service requirements and larger expenditure programs in detail for the next few years and at a summary level for the remaining years of the LTFP. As listed in this draft timetable it is proposed that Strategic discussion is held as a workshop on the 2 February 2021.
Indexation and Assumptions

Each annual review process provides an opportunity to introduce new assumptions or enhance the information base as required, using the existing indexation and assumptions.

The main assumptions and indexation being considered during this early stage of budget preparation is the income and expenditure indexation. As included in the draft timetable, with updated valuation data Council will review the proposed options for rate increases are reasonable and indexation for operational expenditure and ensure indexation is appropriate.

Council staff will provide information for the cost of delivering services and any suggested changes to service levels ensuring income or charges for the services are appropriate. The final expenditure amounts may differ from the LTFP estimates for the 2021/22 year due to external influences such as service contracts, agreements where costs such as fuel prices, State Govt. levies and contracted employee costs, i.e. costs out of our control, including from COVID-19 and some areas of expenditure may be more or less than expected.

Council sets the expenditure budget required to meet its service provision and will make adjustments as needed for the benefit of its customers, an example of this was the required increase for service level requirements for tree trimming/planting where Council approved an increase to the resource - input to expand the tree timing/planting - output and thereby providing green space/shade/environment - better outcome for the community.

A Zero Based Budget basis was used for the 2018/19 year where costs were reviewed to actual $ required for that ongoing service provision, the 2021/22 will not use a zero based approach, under the current policy and process this is due for the 2022/23 budget year.

The LGPI (Local Government Price Index) is used as a base for the LTFP and considering local needs and requirements to meet service levels. The Local Government Price Index (LGPI) increase for 12 months to 30 June 2020 was 0.7%; (noting the Adelaide CPI for the 30 September 2020 period was 1%).

The financial impacts from COVID-19 for both the Council and Community will need to be assessed during the 2021/22 budget preparation.

For the purposes of this draft budget timetable until further information is provided, it has been assumed that the LG Reform Bill and Council requirements for information provision to the designated authority will start for the 2022/23 budget period.

The following indexation base information is sourced from the adopted LTFP for the 2020/21 year.

Operating Income

Rate increases to fund and ensure service level provision is maintained in line with revised sustainability requirements.

General Rate revenue increases for the 2020/21 year was reduced to 1.44%, as Council provided a lower increase to assist rate payers for financial impacts due to COVID-19. As this significantly reduced income and the future operating results, general rate revenue was then budgeted to increase at 2.75% pa from 2021/22 to 2025/26. And then from
2026/27 and the remaining years of the LTFP an increase of 2.5% pa, all plus growth at 1% pa. During the preparation of the 2021/22 draft budget Council management will review the revenue and expenditure requirements and report this to Council. Council will then assess and approve the general rate revenue increases required to ensure Council's financial sustainability in the annual review of the LTFP.

Waste collection & disposal of the three services the 2020/21 rate revenue increases was a net 6.73%, as a result of significant recycling disposal costs and the State Waste Levy increases. In the adopted LTFP the Waste Service Rate Revenue indexation service charge is set to increase at 2.5% from 2021/22 to 2028/29 and then at 2.25% for 2029/30, plus growth for new services budgeted at 1% pa.

Community Wastewater Management Systems (CWMS) Service Rate Revenue indexation rates in the adopted LTFP was budgeted to increase in 2021/22 at 1.5% and forward years ranging from 1.5% to 2.5% for the remaining years in the LTFP.

Service charge revenue is established to recover the cost to provide the services ensuring ongoing service delivery in a sustainable manner.

Other income indexation has a base increase of 2.0%.

**Operating Expenditure**

Operating expenditure indexation will be assessed individually for internal and external factors. All indexation quoted is from the adopted LTFP for 2021/22, and will be reviewed.

- employee costs increase for 2021/22 and 2022/23 was set at 2.25% and the remaining years at 2.5%; the draft budget will use existing awards, enterprise bargaining agreements and salary packaging costs and the ASU a 2% increase pa and the AWU is a 2.3% increase pa;

- contractor, materials and other expenses will be reviewed to meet service requirements, the increase for these costs for 2021/22 and 2022/23 was set at 2.25% and the remaining years at 2.5%. Indexation will be adjusted to meet existing service requirements:
  - selected costs are increased by indexation where agreements, contracts, licensing, arranged service charges, etc. provide for that option, along with costs outside of our control, inc fuel, postage; these will be considered where the relevant service provider(s) initiates the increases,
  - where costs will increase but the quantum is unknown a default increase in line with LGPI,
  - some areas of expenditure may actually be the same or less the expected; and
  - for changes to service provision, ie. increased number of services provided (eg. no. of waste collection(s)) or usage (eg. water usage at parks and gardens).

**New Initiatives**

Council to decide if New Initiatives* (NIs) will be considered for the 2021/22 budget year.

In the past Council has decided not to consider or have added criteria for consideration of NIs when budget programs were significant and Council staff or contractors did not have the capacity to absorb further projects with its existing resourcing and funding to either coordinate or deliver the works. The funding requirements not only includes the grants available or rate income to pay for any additional programs and/or ongoing net
operational, maintenance and replacement costs but also Councils capacity to repay additional loans and ensuring a long term view of financial sustainability.

Councils existing programs include not in any particular order and/or limited to:

- Existing service provision, governance and administration,
- Capital renewal/replacement programs,
- Revaluation and condition assessment of assets update the estimate replacement cost over the LTFP. Council’s understanding and management will continually refine the operating result,
- Heavy vehicle and Plant utilisation review,
- Existing long term projects including ,
  - Solar, LED and Climate Control – efficiency, financial and environmental benefits/requirements
  - Change Program – internal program for innovative and simple systems, process and productivity improvements
- Infrastructure Asset Management Plans due 2021,
- Strategic Management Plans,
- The Big Project(s),
- Transport renewal programs year 3 of the 3 year program,
- Asset maintenance and operational requirements

**Timetable**
The proposed timetable for the annual review/update of the Long Term Financial Plan and the consideration/adoption of the Annual Budget & Business Plan is outlined in the table below:

<table>
<thead>
<tr>
<th>What</th>
<th>Activity</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Meeting</td>
<td>Endorse AB&amp;BP and LTFP timetable</td>
<td>15/12/20</td>
</tr>
<tr>
<td>Council Workshop</td>
<td>1st Review and discuss - EM’s to be given the opportunity to put forward suggestions for the budget; CMT to present budget process, available advisory groups’ budget(s), priorities and pressures; strategic and long term aspirations; consider adopted long term indexing &amp; assumptions</td>
<td>3/2/21</td>
</tr>
<tr>
<td>What</td>
<td>Activity</td>
<td>Date</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Finance/Elected Members/Community Advisory Groups</td>
<td>New Initiatives* and Capital Works to be submitted via website link – email will be sent to Elected Members with link. Community Advisory Groups/Committees</td>
<td>Due date for submissions 26/2/21</td>
</tr>
<tr>
<td>Council Workshop</td>
<td>2nd - Capital Expenditure review programs: Year 3 - Transport works adopted 19/20 LTFP - Renewal/Replacement programs TBP – Grant submissions and ongoing items Prepare Rates report including: Rating Analysis of other Councils and consider other Council Rating Strategies</td>
<td>3/3/21</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>AB&amp;BP and LTFP review To review indexing and assumptions</td>
<td>Feb- March 2021</td>
</tr>
<tr>
<td>Council Workshop</td>
<td>3rd – Brief Council on EM and/or Community New Initiatives/Submissions Stage 2, consider what to progress to Stage 3 in the budget process</td>
<td>10/3/21</td>
</tr>
<tr>
<td>Council Workshop</td>
<td>4th AB&amp;BP and LTFP New Initiatives review for DDR; Council to assess and stage approval Stage 5</td>
<td>7/4/21</td>
</tr>
<tr>
<td>Council Workshop</td>
<td>5th AB&amp;BP and LTFP Review draft Operating Budgets &amp; Capital Works submissions and LTFP</td>
<td>20/4/21 after Council meeting</td>
</tr>
<tr>
<td>Council Management &amp; Staff</td>
<td><strong>During January to April, budget preparation including rating and valuation modelling is undertaken</strong></td>
<td>Jan to April 2021</td>
</tr>
<tr>
<td>Council Workshop</td>
<td>6th Rating &amp; Valuation Forecasting, valuation changes, rebate, rating options Final Operating and Capital Works review</td>
<td>5/5/21</td>
</tr>
<tr>
<td>Audit Committee</td>
<td>AB&amp;BP and LTFP review and endorse for consultation</td>
<td>May-June 2021</td>
</tr>
<tr>
<td>Special Council Meeting</td>
<td>Endorse Nuriootpa Centennial Park Authority Budget Endorse draft AB&amp;BP and LTFP for public consultation</td>
<td>11/5/21</td>
</tr>
<tr>
<td></td>
<td>Public Notices and Council internet provision for web submissions</td>
<td>12/05/21</td>
</tr>
<tr>
<td></td>
<td>Public Submissions period – 3 weeks If delayed 20/05/20 to 10-06-20</td>
<td>12/5/21 to 3/06/21</td>
</tr>
<tr>
<td>Special Council Meeting / Other process**</td>
<td>Process for the public to present/provide budget submissions in line with legislative/other requirements</td>
<td>2/06/21 or 9/06/21</td>
</tr>
<tr>
<td>Council Meeting</td>
<td>AB&amp;BP and LTFP Consideration of public submissions</td>
<td>15/06/21</td>
</tr>
<tr>
<td>Special Council Meeting</td>
<td>Adopt AB&amp;BP and LTFP, Valuation and Rating</td>
<td>23/06/21</td>
</tr>
</tbody>
</table>

*New Initiatives discussions, processes and workshops will be included if Council approves to consider them for the 2021/22 budget processes.
**In 2020 due to COVID-19 restrictions no meeting was held for the public to present budget proposals or submissions to Council.**

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Policy
Budget & Business Plan and Review Policy:

LGA Information papers – No. 8 Long-term Financial Plan and No. 13 Annual Business Plan; register to logon and access:

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

Corporate Plan

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 Section 123
Local Government (Financial Management) Regulations 2011

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial
The Budget and LTFP indexation, assumptions and timetable are integral parts of financial planning to ensure an organised and thorough process is undertaken.

As a result of TBP and other programs the discretionary spend amount (usually contributes to the expenditure for NIs) is not funded or available until the 2026/27 budget year starting at $500k pa for the remaining year of the LTFP.

**COMMUNITY CONSULTATION**

Included as part of the draft 2021/22 Budget & Business Plan consultation and adoption process.
7.3.1 DEBATE AGENDA – DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1 REQUEST FOR FUNDING – COMPLETION OF VERANDAH – NURIOOTPA MULTI USE CHANGE ROOMS
B10117

MOVED Cr de Vries
That Council:

(1) Approves the allocation of $11,089.99 from Developer Contribution Reserves to the construction of the remaining verandah to the Nuriootpa Multi Use Change Rooms at Nuriootpa Centennial Park as a contribution to the total cost of $20,180.90 ex GST (Option 2 – trafficable).

(2) Council’s contribution is subject to the allocation of the balance of $9,090.91 ex GST from the Nuriootpa Centennial Park Authority as indicated in its letter of 1 December 2020.

(3) Waives the requirement for additional quotations to be sourced noting that the quotation from BG Building Group is $179.90 ex GST over the Policy threshold requiring 3 quotations but supports the use of the contractor of the original building, noting it is still under the Defect Liability Period as a prudent risk mitigation measure.

Seconded Cr Boothby
CARRIED 2018-22/328

PURPOSE

To seek approval for additional funds to be drawn from Developer Contribution cash backed reserves to complete the addition of a verandah to the recently constructed Nuriootpa Multi Use Change Rooms at the Nuriootpa Centennial Park.

REPORT

Background
Council received grant funding from the Office of Recreation Sport and Racing Football, Cricket and Netball Grassroots Funding Round 1 for the construction of multi use change rooms at Nuriootpa Centennial Park in 2019 and the work on the in scope items of the project was concluded in August 2020.

During the design development it was determined that the verandah to the public toilet component of the facility was an essential requirement to protect users from the elements when accessing or waiting to use the public amenities. This work has been completed. The Clubs also wanted to extend the verandah to provide further protection to the change room elevation of the building. Whilst funds were available to complete the concrete concourse to this side of the facility, there were insufficient funds to include the verandah.

Introduction
The Nuriootpa Centennial Park Authority (NCPA) and the user groups have now approached Council requesting that the verandah be completed to provide better shelter to users throughout the seasons and have offered to fund up to $9,090.91 ex GST of associated costs. Refer Attachment 1.
Quotations were provided by the project contractor BG Building Group during the construction period to indicate the cost of this work as a possible variation if funds had been available from the original budget. These are provided as Attachment 2.

The 2 options provided are:

Option 1: Non trafficable - $18,294.54 ex GST
Option 2: Trafficable - $20,180.90 ex GST

The trafficable option (Option 2) is recommended given the likelihood that access to the roof and verandah is likely (ie maintenance, retrieval of balls, etc).

Discussion
While there are no residual budget funds from the project, there are a number of cash backed Developer Contribution Reserves from local, Nuriootpa based developments that are intended to be applied to the provision of local open / recreational space. It is proposed that $11,089.99 ex GST of those funds be bought into the 2020/2021 budget and allocated to the completion of these works.

BG Building Group have confirmed that they will provide the works at the quoted July 2020 prices. While the proposed figure is $179.90 ex GST over the Policy threshold requiring 3 quotes, it is recommended, given BG’s role as head contractor for the original development and continuing liability in respect of the facility during the 12 month Defect Liability Period, that a waiver from seeking additional quotes be provided.

Summary and Conclusion
The completion of these works will finalise comprehensive weather protection for users of the new Nuriootpa Multi Use Change Rooms, with funding being provided by users and developer contributions intended for open/recreational space service provision.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

| Attachment 1: | Letter of funding commitment NCPA – 1 December 2020 – 20/70651 |
| Attachment 2: | Quotations (Option 1 and 2) BG Building Group – July 2020 – 20/68350 |
| Attachment 3: | Due Diligence Report (DDR) Level 1 – Nuriootpa Change Room Verandah 20/72088 |

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Community and Culture
- Infrastructure
- Health and Wellbeing

- How We Work – Good Governance

4.1 Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.

7.1 Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.
10.3 Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

**Financial:**
A Due Diligence Report (DDR) Level 1 is provided as Attachment 3 as required under Budget and Business Plan Review Policy and Process.

The Budget Update as at 30 September 2020 for the 2020/21 financial year Key Performance Indicators forecast:

- Operating Deficit of $147k Operating Deficit Ratio of (0.4%)
- Net Financial Liabilities (NFL) of $19,926k NFL ratio of 50.1%
- Asset Funding Renewal Ratio of 122%

**Financial assessment**
A Due Diligence Level One Report has been completed as Attachment 3 with a BAT score of 52.

Council’s adopted Budget and Budget Review and Updates contain financial results, cash balances and information that represent all of Council operations, which includes both the Nuriootpa Centennial Park Authority and Developer Contribution cash holdings. Consequently, the full amount requested for this item of $20,180 has been used for the 2020/21 financial assessment and revised forecasts.

The financial assessment revised forecast include year to date approved additions not listed in the Budget Update as at 30 September such as the Sub-Regions and Townships Project, Caravan Park Management Services, Community Consultation - Aquatic Services Provision and Stormwater Drainage and Footpath design and construction estimates, Nuriootpa War Memorial and Williamstown Swimming Pool - additional opening hours along with this report item (if approved) at $20k, a total of $252k; these will be included in the Mid-year Budget Review.

It is proposed that this item if approved, will be funded from the 2019/20 brought forward cash with allocations from the Nuriootpa Centennial Park Authority operations and from the Developer Contributions, as available.

The 2020/21 budget update as at 30 September 2020 amounts and indicators including Council approved items year to date are used as the base for this financial assessment.
Resource:
No significant impacts. The works can be easily managed by existing officer resources in conjunction with Nuriootpa Centennial Park and the contractor.

Noting that after the addition of this and previously approved projects for 2020/21 - all KPI’s are within the target range set by Council.

Funding for this project will:

- Be transferred from existing budget line.
- Be allocated from next years discretionary spend:
- Be allocated from previous years surplus:
- Effect the Council’s end of year results and cash position.

This item is an once-off net operating expenditure in 2020/21 of $20k.

Since Budget adoption 2020/21 the net cash reduction approved by Council for numerous budget amendments in the Budget Update 30 Sept and Council meetings reports for additional expenditure not included with this update, these have been funded from the brought forward cash.

The Mid-year Budget Review as at 31 December 2020 will include the actual closing financial and cash position for 2019/20, this report will update the opening cash position for 2020/21 used to fund the additional expenditure.

<table>
<thead>
<tr>
<th>Item for Budget inclusion:</th>
<th>Verandah to the recently constructed Nuriootpa Multi Use change rooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net operating costs (incl depreciation)</td>
<td>$0</td>
</tr>
<tr>
<td>Additional project cost (ex GST)</td>
<td>$20,180</td>
</tr>
<tr>
<td>Grant Income reduced (ex GST)</td>
<td>$0</td>
</tr>
<tr>
<td>Funding required by Council</td>
<td>$20,180</td>
</tr>
</tbody>
</table>

KPI Revised forecast Overall Change since*

| Operating Surplus/(Deficit) (Target: break even position over a five year period) | $-377k | Reduced by $230k |
| Operating Surplus Ratio (Target: -2% to 10%) | -0.95% | Deficit unfavourable - minor |
| Net Financial Liabilities (NFL) $ | $20176.6k | Increase in NFL $250k |
| Net Financial Liabilities Ratio (Target: >0 to <100%) | 50.7% | Increase to NFL ratio 0.6% - minor |
| Asset Funding Renewal Ratio (Target: >80% to <110%) | 122% | No change |

CMT reviewed and recommended

If approved – a BAR or NI will be included in the: 2020/21 Mid-year Budget Review as at 31 December 2020

Assessment of Key Performance Indicators (KPI) for all changes council has approved and the reports at Council meetings since the Budget Update as at 30 September 2020/21*.
Risk:
The addition of the verandah does not address a high risk issue but would alleviate heat impacts on users and the changerooms during summer months and reduce mud and water coming into the facility during the wet months providing a better all round user experience.

Use of the original head contractor (BG Building Group) for the construction while the overall building is still covered by the 12 month Defect Liability Period, is seen as a prudent risk mitigation strategy and rationale for waiving the requirement for 3 quotations for this additional work.

COMMUNITY CONSULTATION
Not required under legislation or Council Policy. The original master plan concept for the Nuriootpa Centennial Park facility was subject to full community consultation. User groups have been included in detailed development planning.

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY AND CULTURE

7.3.2.1 DEED OF VARIATION – COMMONWEALTH HOME SUPPORT PROGRAM

MOVED Cr Wiese-Smith that Council:


(2) Provide approval for the Mayor and Chief Executive Officer to affix the seal and sign the Deed of Variation in relation to Home Support in accordance with section 38 of The Local Government Act 1999.

Seconded Cr Boothby

CARRIED 2018-22/329

PURPOSE
That approval be provided for the Mayor and Chief Executive Officer to sign and seal the Commonwealth Government Deed of Variation relating to Commonwealth Home Support Programme Community Passenger Network Funding.

REPORT
External funding for the Community Cars is currently provided via a single contract with the State Government. This was made up of a combination of State funding and Commonwealth Home Support Programme funding (the State having a funding agreement with the Commonwealth).

The Commonwealth will now be providing the Community Car funding directly to Council by extension of the existing Commonwealth Home Support Programme contract.
There is no change in funding amounts, simply a move from one contract to another. The State funding for the Community Cars remains within its existing contract.

The Deed of Variation being offered (Attachment 1) is subject to the South Australian Department of Human Services relinquishing all CHSP Transport funding to the Federal contract, commencing on 1 January 2021.

The Deed of Variation does not include any noteworthy changes to outputs, service types or funding when compared with the current agreement and no changes to service delivery are required or anticipated.

<table>
<thead>
<tr>
<th>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment 1: Deed of Variation in relation to Home Support</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Plan 2020 - 2040</td>
</tr>
<tr>
<td>Health and Wellbeing</td>
</tr>
<tr>
<td>9.1 Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMUNITY CONSULTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not required as no changes to service delivery are taking place.</td>
</tr>
</tbody>
</table>

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1 INFRASTRUCTURE ASSET MANAGEMENT PLAN - COMMUNITY CONSULTATION
B11500 – 20/69918

Noted that consultation to be advertised in The Bunyip and The Courier as well as The Leader.

MOVED Cr Haebich that:

(1) Council endorses the draft Infrastructure Asset Management Plan for a three week community consultation period from 20 January 2021 to 10 February 2021.

(2) Council endorses the Infrastructure Asset Management Plan Communications Plan.

Seconded Cr Miller CARRIED 2018-22/330
PURPOSE
To formalise the opportunity for the community to provide feedback to Council on the Infrastructure Asset Management Plan (IAMP).

REPORT
Introduction
Under the Local Government Act, Council is required to have a number of Strategic Management Plans, of which the Infrastructure Asset Management Plan (IAMP) is one.

The IAMP needs to be reviewed by Council within 2 years following a Council election.

This year Council received a 6 month extension due to COVID-19.

Council was presented with the Communications Plan for the IAMP at the Workshop held 2 December 2020.

The IAMP must be formally adopted by Council, by March 2021 (following a community consultation period).

Discussion
Council previously produced an individual IAMP for each Asset Class, i.e. Recreation, Buildings and Structures, Stormwater, Bridges, Transport and CWMS.

The first sections of each Plan were basically duplicated across the suite of IAMPs, with minimal changes. Each Plan was approximately 135 pages in length, with numerous charts and data tables which presented minimal information.

Every time an update was required to the IAMPs, including the Glossary or Financial information, it needed to be re-adopted by Council.

During this current review, a single 36 page IAMP document covering all Asset Classes has been produced.

This approach has reduced duplication, and allows for one source of truth and only one document needs to be updated and adopted by Council.

Council’s methodology is presented in Sections 1 to 4, and then each of the six classes is added as an appendix to include base data and financial information (which is already adopted by Council) to ensure the IAMP does not need presenting to Council for every minor change.

Summary and Conclusion
The IAMP is a key strategic document of Council and a legislated requirement. As such, to maximise the opportunity for the community to provide feedback, a three week period is proposed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Attachment 1 – Infrastructure and Asset Management Communications Plan – 20/60782
Attachment 2 – Infrastructure and Asset Management Plan and Appendices 1-7
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

6. The Barossa maintains and develops infrastructure that meets the needs of the region and is efficient.
6.2 Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.

7. Community infrastructure planning is aligned to both current and the future needs of the community.
7.1 Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.
7.2 Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

Corporate Plan

3.2 Ensure Council’s parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.

3.3 Ensure Council’s sporting, recreational and leisure building facilities and associated programs meet the current need of the community to an agreed level of service.

3.4 Ensure Council’s sporting, recreation and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.

3.6 Maintain and improve transport infrastructure to support economic, social and tourism activity within available resources and acceptable levels of service.

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

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

3.10 Ensure Council owned stormwater infrastructure are accessible, safe and maintained to an agreed level of service.

3.12 Ensure Council owned waste water systems are safe and maintained to an agreed level of service.

Legislative Requirements
Section 122 Local Government Act 1999
Section 50 Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The review of the IAMPS may identify priority work that will require funding as part of Council’s annual budget process.
COMMUNITY CONSULTATION
Minimum requirement - As per Section 50(4a) Local Government Act, at a minimum, Council will publish a notice in a newspaper circulating in The Barossa Council region describing the matter for which public consultation is required and inviting interested persons to make submissions to the Council within a period being at least twenty-one (21) days from the date of the Notice.

It is proposed that the administration will consult based on the Communications Plan for a three week period.

7.4.1.2
PROPOSED ROAD CLOSURE – 2021 DECLARATION OF VINTAGE
B9187 – 20/64947

MOVED Cr Troup that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads on Sunday 21 February 2021:

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

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

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

from 11.00am up to 1.00 pm to stage the 2021 Barons of Barossa Declaration of Vintage event.

Seconded Cr Wiese-Smith

CARRIED 2018-22/331

PURPOSE
The Barons of Barossa have made application to The Barossa Council requesting a road closure for the 2021 Declaration of Vintage Parade.

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

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

Introduction
Approval was sought to close Murray Street, Tanunda between Young Street and the northern arch between 11.00am and 1.00pm on Sunday 21 February 2021.

Summary and Conclusion
Council has previously supported this event as a risk mitigation strategy to maintain the safety of the participants and the general public.
ATTACHMENTS OR OTHER SUPPORTING REFERENCES
Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
Community Plan

Community and Culture
Health and Wellbeing

5. We are a strong community that is welcoming, safe and enjoys a quality lifestyle that celebrates our local identities, diversities, cultures and histories including our Aboriginal heritage.
5.1 Support the development of activities that celebrate the history, art and culture of the Barossa and its people.

10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.
10.3 Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

Legislative Requirements
Local Government Act 1999
Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
Financial and Resources
The in-kind cost and implementation of the road closure estimated to be approximately $900.00 is to be met by Council via Council’s Road Closure – Support Budget.

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

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

7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1 PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT - BUSINESS READINESS

Mr Mavrinac confirmed that part 2 of the recommendation should be amended to Allocate $40,500 for salary and on-cost to the 2020-21 budget as part of the Q2 review, and allocate a further $80,300 to base budget for 2021-22 financial year.
MOVED Cr Angas that Council:

(1) Support the recruitment of a Development and Customer Support Officer to provide assistance as part of the business readiness strategy for the commencement of the Planning and Design Code for Phase 3 councils in 2021, and

(2) Allocate $40,500 for salary and on-cost to the 2020-21 budget as part of the Q2 review, and allocate a further $80,300 to base budget for 2021-22 financial year.

Seconded Cr Johnstone

CARRIED 2018-22/332

PURPOSE

To provide Council with an overview of the potential resourcing implications of the new planning system, and seek support for additional resources to enable Council to manage transition from the current to the new system.

REPORT

Background

The Planning, Development and Infrastructure Act 2016 (the PDI Act) seeks to deliver a significant modernisation of the planning system in South Australia in 25 years, including the introduction of a number of new tools and a 24/7 digital ePlanning system.

At a glance the new system includes:

- Accredited Practitioners
- Community Engagement
- ePlanning
- Performance Indicators
- State Planning Policies
- Assessment Pathways
- Design Standards
- Infrastructure schemes
- Legislation Practice Directions and Guidelines
- Building reform
- Environment and Food Protection Areas
- Planning and Design Code

Most notably the PDI Act will affect how development policy is formed and amended and how development applications are lodged, assessed, approved and publicly notified. The new Planning and Design Code will become the State’s single reference for assessing all development applications, removing Council specific Development Plans (https://code.plan.sa.gov.au/).

The PDI Act has undergone a five year implementation process that is due to be finalised when the Act is fully operational by mid-2021 (following the Government’s decision to extend the commencement date from 1 July 2020 for Phase 3 councils).

Due to the complexity and volume of legislative and regulatory requirements in which the Development and Environmental Services (DES) Directorate operates the workforce
has been required to be adaptable and responsive to the legislative changes as they occur. The Directorate has been monitoring the implementation of the Act, particularly during the Review of the Operations of The Barossa Council’s Directorate for Development and Environmental Services (2017) (the DES Review) and the subsequent DES Administration Review and development of the Workforce Plan (2017 to 2027).

The DES Review and Workforce Plan resulted in the restructuring of the Directorate to create the Development Services business unit bringing together the planning and building functions. The review also examined the Directorate operations by service in terms of efficiency, effectiveness and customer experience improvement opportunities.

Many of the recommendations from the various reviews relating to the services within Development Services have been incorporated into the Lodgement to Inspection Project as part of the broader Change Program. Significant effort has been made to update and document the assessment process in Pathway and introduce ePathway for online lodgement and tracking of applications. This augurs well for our readiness for the commencement of the online Planning Portal.

Introduction
The implementation of the PDI Act is seen to have implications upon the workforce, systems and processes of councils across the State. As with any new system there is a high degree of uncertainty as to the actual impacts until it actually commences.

Notwithstanding this, members of the DES, CCS, WES, KATS and ExS teams collaborated to undertake a risk analysis to identify issues that need to be addressed in the lead up the commencement of the new system. These were grouped under the following categories:

- Customer Service
- Governance
- Professional Accreditation
- Workloads
- Planning Portal

A full risk assessment (Attachment 1) was subsequently competed to identify which of the risks needed urgent attention by Council to ensure that the development assessment and compliance functions were maintained in line with the agreed Service Levels and new statutory requirements.

The risk assessment identified the potential need for additional resources to cover the transition period between the old and new systems, and allow Council to monitor the impact of the system over time.

A new initiative was proposed as part of the 2020-21 budget in response to the risk assessment, but this was put on hold due to COVID-19 pandemic and its impact in budget priorities.

Discussion
A PDI Act Transition Working Group has been monitoring the reform and completed a risk analysis and assessment as part of the business readiness transition of the new planning system. The risk assessment, and associated Transition Task List (Attachment 2) takes into consideration the following key outputs:

Output 1: Customer Service / Information
Output 2: Training and Development
Output 3: Professional Accreditation
The Attorney-General’s Department has issued a Business Readiness Checklist (November 2020) for Phase Three Councils that address the following matters:

- User Training and System Familiarisation
- User set up
- Assessment Panels
- Assessment Managers
- Planning Officers
- Building and Compliance Officers
- Administration Officers
- Customer Service Officers
- Marketing and Communication
- Finance Officers
- Internal Referral Officers
- Fees and Charges
- Onscreen Assessment System Setup
- Reporting
- Development Assessment Processes
- Service Desk – Call Forward to Individual Councils

With recent discussions with Council on customer service and assessment outcomes, the Group identified a number of actions which were presented to Council on 18 August 2020 in relation to Output 1. Elements of the Council Resolution were:

- Agree to support messaging to redirect customers from Council’s website to the SA Planning Portal as the first point of contact for information regarding the planning system and assessment processes.
- Agree to utilise the existing Library public PC and scanning equipment for a Service Kiosk to allow applicants to lodge applications via the online Planning Portal.
- Agree to waive the additional $80 processing fee for hard copy lodgements until 30 June 2021.
- Only accepts applications (hard copy) and payment of fees at the Principal Office (Nuriootpa) for which the Barossa Assessment Panel, Assessment Manager or Council is the relevant authority.

At the November Council Workshop, Members were provided a training session on the new system from Victoria Shute of Kelledy Jones Lawyers and David Altmann of Development Answers. The session highlighted that there is significant implication for Council in managing the transition between the old and new system.

Resourcing

Code Amendment:
Council’s submission on the Planning and Design Code identified that Council was not given the opportunity to implement various recommended outcomes from recent strategic studies through the Phase 3 Code Amendment. The Code analysis had also identified additional matters for review. While the Phase 3 Code has undergone additional consultation, it is unlikely that major changes will be considered by the State Planning Commission (refer to separate agenda report on Code Submission).

Accordingly, it is considered that Council would still require resources to work in the strategy/policy amendment area to deliver on these outcomes, as well as working alongside the assessment team to identify errors/omissions in the Code that may have unforeseen or unintentional development outcomes.

With the departure of the Principal Planner, it is recommended that Council engage suitably qualified professional consultant to assist any future policy amendment/review, and allocate budget as and when the need is presented to Council for consideration via the Strategic Planning and Development Policy Committee.

A report will be presented to Council sometime in the New Year on the future arrangement of the Committee.

Development Assessment:

With the departure of the Principal Planner, the business unit intends to redirect resources to an additional Assessment Officer. As highlighted in the ‘what we heard’ response at the December Council Workshop, the additional resources will enable the assessment team to provide more of an “educative, supportive, collaborative case management approach” to applicants.

A consultative-style of service provision regarding general and pre-lodgement advice, including site inspections, and navigating statutory systems can be more effectively administered as the team manage workloads made up of applications under the old and new system for possibly a 12-18 month transition period.

Compliance:

The compliance function taken on by Council has shown to be well received by the community and has generated a level of compliance and development assessment activity. With the uncertainty of the new regime, there is a potential for additional activity. To support this, the initial new initiative for 2020-21 budget had identified an additional Compliance Officer to assist in this area. Notably, this resource could be delayed until such time that the actual demand is warranted.

Customer Support/Education:

In the new initiative for 2020-21 budget, an additional resource Assessment Officer - Planning Assistant role was proposed that would assist the assessment team to deal with the assessment process. In addition, the Council Resolution from August addressed some of the risks associated with Output 1.

Within the context of the broader Council resourcing review being undertaken by the CEO, and the desire to have a customer-centric delivery of the development assessment function, the Director CCS and DES have identified a need to deliver quality service to
our customers at the counter, especially in navigating the Planning Portal and Planning and Design Code.

Accordingly it is proposed that an additional Development and Customer Support Officer be budgeted for that can work across both Development Services and Customer Support but based at the front counter. The focus of this Officer would be the first point of contact with regard to the utilisation of the Planning Portal and navigation of the Planning and Design Code for applicants. When not servicing applicants etc, they would provide in other customer support services to alleviate identified pressures in the Corporate and Community Services Directorate.

As the first point of contact, this Officer will deal with the majority of planning and building related enquiries, and only refer to the assessment team when required. Enabling the assessment and administration teams to focus on assessment outputs, back of house and the case management approach.

**Summary and Conclusion**
Implementation of the new planning system will not necessarily bring about the efficient and effective system that was initially touted by the planning reform. Professional staff and community members will require a period of adjustment, and navigate their understanding of the new online portal and assessment pathways, while also maintaining workloads under the current system.

As part of the business readiness strategy through the transition period, it is proposed that in order to provide a customer-centric approach, more effort will be required to provide an educative, supportive, collaborative case management approach to the community at the front line, and ensuring that assessment timeframes are consistently met across the two systems. This approach also assists with some identified resourcing pressures in the Customer Support Team which are subject of continued consideration as part of the CEO resourcing review.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**
Attachment 1 – Risk Assessment
Attachment 2 – Transition Task List
Attachment 3 – Phase 3 Council Check List

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

### Community Plan

- Natural Environment and Built Heritage

### Corporate Plan

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

1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.

### Legislative Requirements

*Planning, Development and Infrastructure Act 2016*
FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

For the majority of the resource changes proposed, existing salary budget allocations can be used to fund the positions and variations to existing roles.

Notwithstanding this, it is recommended that Council allocate additional budget for the proposed Development and Customer Support Officer. As a General Officer level 3, a budget allocation of $52,900 is required for salary and on-cost until the end of the 2020-21 financial year. A full year’s allocation for 2021-22 would be in the order of $80,300.

Risk Management

A risk analysis undertaken by staff identified issues that need to be address in the lead up the commencement of the new system. The analysis examined customer service, governance, professional accreditation, workloads, and the Planning Portal.

More recently, Council has raised its concerns over the performance of the development assessment function following an article published in The Advertiser. Key elements in that feedback included performance/quarterly reporting, team performance, complexity of assessment/customer outcomes.

In presenting a case management approach, each Officer would be required to have a truly manageable personal workload to give applicants due regard in dealing with Council, especially under the new system which has more stringent timeframes. Opportunities for case management and improving assessment times are achievable through the various actions being pursued by the working group and the resourcing initiatives identified in this report.

Legal advice has confirmed we are able to provide more customer focussed preliminary advice, attend site meetings, and case manage applications to a greater extent. This would require that two Officers are present at all times with the customer(s) to witness the advice given. In addition, subsequent assessment of the application would need to be undertaken by another independent Officer. The above described scenario would obviously require more resourcing to be administered so as not to delay current assessment times. The additional assessment officer would support this scenario.

COMMUNITY CONSULTATION

Nil

7.5.1.2

REVISED DRAFT PHASE THREE AMENDMENT TO THE PLANNING AND DESIGN CODE

MOVED Cr de Vries that Council:
(1) Notes the report and the initial submission (28 February 2020);
(2) Endorse the content to be included in the submission on the Revised Phase 3 Code Amendment;
(3) Authorises the Chief Executive Officer to finalise the submission and for this to be submitted to the State Planning Commission by the 18 December 2020.

Seconded Cr Johnstone  CARRIED 2018-22/333
PURPOSE

To receive an overview of the State Planning Commission’s Revised Phase 3 Code Amendment together with key messages to deliver in Council’s submission. The report recommends that Council notes and adopts the analysis with delegation to the CEO to finalise the submission.

REPORT

Background

Council provided a detailed submission on the Phase 3 Code, following consideration at its meeting on 18 February 2020.

The State Planning Commission has provided the South Australian community further opportunity for feedback on the revised draft Phase Three Code. This follows the initial five-month period of public consultation on the draft Code from October 2019 to February 2020 which resulted in over 2,000 written submissions.

Introduction

The State Planning Commission has written to all councils advising them of the additional consultation (Attachment 1), and highlights the key areas of change to the revised Code that was released on 4 November 2020.

A transition table identifying how the original Barossa Development Plan zones have been transitioned to the new revised draft Code has been provided in Attachment 2. The correspondence also refers to elements of Council’s submission in Attachment 3 and how these have been addressed.

The revised Code has been made available using a version of the Planning and Design Code online tool (https://consult.code.plan.sa.gov.au/) enabling practitioners and the general public to navigate its functionality and experiment with the Code.
Discussion

During discussions with our Council (Code) Liaison Officer on the February Submission, reasons for why parts of our submission were not considered were confirmed as not meeting business rules set by the Commission for code amendment acceptance.

For instance, Council noted the inconsistent approach to zoning of ovals. Ovals in Lyndoch, Stockwell, Mount Pleasant and Williamstown oval which are currently in Township Zone and Recreation Policy Area 6 are proposed to be included in the Recreation Zone. This is a logical transition; however ovals (e.g. in Angaston and Tanunda) remain in a residential zone. Council’s last Strategic Directions Report recommended the current mismatch of zoning approaches be addressed. The Code presented this opportunity.

In this scenario, it was stated that property owners adjoining these ovals would not have been consulted and therefore would need to undergo a Code Amendment process to ensure all community interests were considered.

What is disappointing, and should be raised in our submission, is the fact that these matters could have been included in the Revised Code that was released on 4 November; therefore giving the community the opportunity to comment, and be adequately considered by the State Planning Commission before adopting the final Code. In effect, Council will now need to consider future Code Amendments and allocate resources should it wish to pursue these matters.

Revised Code Submission

Council Administration engaged URPS to undertake an analysis of the Revised Code against the February 2020 Submission as a basis for the new submission. This analysis is provided in Attachment 4.

Below is a summary.

Resolved:

- Nuriootpa Town Centre now in a single zone: Township Activity Centre Zone
- Angaston: Town Hall and nearby properties back into the Activity Centre Zone (not Community Facilities)
- Lyndoch, Williamstown and Mount Pleasant Town Centre policy areas now in Township Main Street Zone
- Angaston, Tanunda and Lyndoch: areas in Historic Area Overlay now in Established Neighbourhood Zone
- Limited Land Division Overlay applied to Rural Zone and Adelaide Country
- Concept Plans: Cockatoo Valley and Gawler East transitioned
- Menge Road: Illapara precinct no longer in Deferred Urban Zone

Partially Resolved:

- Cromer and Mount Crawford rural living areas. Now same zone as surrounding but Adelaide Country

Remaining issues:
• Mount Pleasant: Melrose Street properties still split. Now Township Main Street and Recreation
• Tanunda: Elizabeth Street still in separate zone to adjacent: i.e. Neighbourhood surrounded by Established Neighbourhood
• Tanunda: Basedow Road properties still split into 2 zones: Neighbourhood and Established Neighbourhood
• Ovals in Angaston and Tanunda: not included in Recreation Zone
• Tanunda: Murray Street properties in Historic Area Overlay remain split
• Hazards (Flooding) Overlay: old mapping still shown for Nuriootpa. No additional flood mapping included. Flood mapping at Tanunda within Light Regional Council not included
• Major Urban Transport Routes Overlay: still adhoc application along Barossa Valley Way
• Resource Extraction Zone: Limited Land Division Overlay not applied as requested; Resource Extraction Protection Area not applied as requested
• Rocland/Highway Service Centre site:
  • Remains in Employment Zone contrary to submission, in fact the concerns are increased as the Rocland site is now split into 2: Employment for service centre site with Roadside Service Centre subzone and Strategic Employment for winery site.
  • Limited Land Division Overlay not applied (check if we raised this as an issue)
  • Maximum Building Height (Metres) TNV [22 m] and Maximum Building Height (Levels) TNV [6 levels] continue to apply contrary to our submission
  • Clumsy attempt to transition policies - e.g. a standalone shop of any time is possible under the Roadside Service Centre Subzone PO1.2 / DTS/DPF 1.2 where there is no requirement for any of the listed uses to only take place where one of the ‘mandatory’ uses in PO 1.1 / DTS/DPV 1.1 exists
• Concept Plans: with exception of Cockatoo Valley and Gawler East, none transitioned as requested
• Minimum Site Area TNV not applied to Home Industry or Employment Zone
• Growth areas: existing policies including concept plans and policy area policies not transitioned at Tanunda, Lyndoch and Mount Pleasant.
• Dwellings on undersized allotments - i.e. where Minimum Dwelling Lot Size not met - appear to be Performance Assessed, not Restricted as requested

The above matters have been addressed in the associated tables provided in Attachment 4.

• Local Heritage Place Overlay: several mapping anomalies identified (from existing DP mapping and new ones in draft Code) have not been corrected
• Heritage Adjacency Overlay: still applied somewhat randomly applied and with varying width of buffers
• Minimum Side Boundary Setback TNV not applied to ‘growth areas’ at Lyndoch and Mount Pleasant

The above matters continue to require resolution.

New issues:

• Rocland site now split into two - see above
This matter has been addressed in the associated tables provided in Attachment 4. Not clear on why the split zone is retained, given its current zoning as Primary Production (BVR) Zone. Strategic Employment Zone section could be zoned Rural, given support provided within zone to the winery activities occurring on site.

- Adelaide Country for areas within watershed

The Adelaide Country Zone is essentially a translation of the Peri-Urban Zone content with a number of refinements. The key refinements worth noting include:

**Policy**

- **DTS/DPF 4.1:**
  - Buildings in association with industries, storage, warehousing, produce grading etc. – DTS/DPF floor area increased from 250m² to 350m².
  - New connection – directly related and ancillary to a primary production use one the same allotment or adjoining allotment
- **New PO 4.2** – policy guidance relating to the expansion of, or establishment of new large-scale industry (e.g. beverage production), storage, warehousing etc. Connection to primary production primarily sourced from the same allotment and/or surrounding rural areas (No guidance on ‘surrounding rural areas’).
- **New DTS/DPF 5.3** - policy guidance for the establishment of a second dwelling:
  - Within 20m of existing dwelling
  - Share same utilities as existing dwelling (e.g. wastewater)
  - Same access point from public road as existing dwelling
  - Location on an allotment with an area not less than 40ha (policy focused on the provision of second dwellings to facilitate ageing in place).
- **Amended DTS/DPF 6.1:**
  - Connection to land – shops sell produce or goods primarily sourced, produced or manufactured on same allotment or adjoining allotments (previously from region)
- **Tourist Accommodation:**
  - Refinement of DTS/DPF relating to DTS floor area – existing building 150m², new building 100m².
- **DTS/DPF 13.1** – Agricultural Buildings:
  - Ag Buildings DTS floor area increased from 200m² to 350m².

**Table 1 – Accepted Development Classification**

- Agricultural Building listed as Accepted where achieving criteria. No trigger for exception to Accepted pathway where within Character Preservation District. Previously DTS or PA.

- Angaston: Character Area Overlays appears to be applied randomly.

Character Area Overlay still appears to be applied in a random fashion. For instance, in Angaston the Overlay has been applied to two Contributory Items however not applied to a number of other items. The reason for this is not clear.

Separately, the SPC has confirmed the reintroduction of ‘contributory items’ within the Code as Representative Buildings. It is understood that these buildings will be located within the Historic Area Overlay.
• Minimum Site Area TNV now applied to areas within existing PP (BVR) Zone; Primary Production Zone Barossa Range, Moculta and Concordia precincts, but not applied to land within Adelaide Country Zone or covered by the Significant Landscape Protection Overlay.
• Minimum Site Area TNV is confusing - e.g. valley floor is 25 ha but areas covered by existing Moculta precinct are 32 ha.

Limited Land Division Overlay applied to both Rural and Adelaide Country Zones.

Not clear why the Minimum Site Area TNV has been applied for:
• Primary Production (BVR) Zone - currently land division is non-complying and no minimum site area indicated in the non-complying list
• Primary Production Zone – Precinct 4, 6 or 7 – all note land division creating new allotments as non-complying and require any boundary adjustment to result in allotments within an area of not less than 32ha.

Application of Minimum Site Area TNV would be applicable for Primary Production Zone – Precinct 5 (40ha).

Changes that require consideration:

• Mount Pleasant: Mixed Use policy area is in Township Zone
• Nuriootpa: Low Density precinct: Established Neighbourhood Zone
• Lyndoch, Williamstown and Mount Pleasant residential areas: now in Township Neighbourhood Zone
• Contributory Items retention - only a handful of sites in Angaston captured
• Affordable Housing Overlay applied to selected areas in Tanunda and Mount Pleasant. Curiously it applies to the Tanunda East area, except to the Illapara Winery precinct
• Stormwater Management Overlay: applied to Established Neighbourhood Zone in Nuriootpa, Angaston, Tanunda and Lyndoch, and to Kalimna Road precinct in Nuriootpa
• Mount Pleasant and Williamstown: Established Neighbourhood Zone not applied to residential properties in existing Historic Character Area, different approach to Lyndoch
• Minimum Side Boundary Setback TNV applied to some parts of Lyndoch, Williamstown and Mount Pleasant
• Minimum Rear Boundary Setback TNV not applied to any areas
• Minimum Dwelling Allotment Size Overlay - need to review if existing provisions maintained

<table>
<thead>
<tr>
<th>Development Plan</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Production Zone, Precinct 5 – Concordia – 32ha</td>
<td>32ha proposed</td>
</tr>
<tr>
<td>Primary Production Zone, Precinct 6 – Moculta – 60ha</td>
<td>60ha proposed</td>
</tr>
<tr>
<td>Primary Production Zone, Precinct 7 – Paper Town – 32ha</td>
<td>32ha proposed</td>
</tr>
<tr>
<td>Rural Landscape Protection – 100ha</td>
<td>100ha proposed</td>
</tr>
<tr>
<td>Primary Production BVR Zone – 25ha</td>
<td>25ha proposed</td>
</tr>
</tbody>
</table>
• Infill Dwelling Sites: these allotments are not included in the new Minimum Dwelling Allotment Size Overlay. Need to review how they are addressed in the assessment provisions

The infill dwelling sites have been accurately depicted within the Code, namely, these allotments are excluded from the application of the Minimum Dwelling Allotment Size TNV.

In considering the future DA process for a detached dwelling, it is important to consider both Table 3 – Applicable Policies for Performance Assessed Development and DTS/DPF 5.1. Namely, DTS/DPF 5.1 (a) requires dwellings to be located on allotments with a minimum area corresponding with the localised TNV. Clause 5.1(e) notes that where no value is returned for DTS/DPF 5.1(a), there is no minimum dwelling allotment size applicable.

The complexity arises when considering the associated PO 5.1 which talks of dwellings being established for the purpose of managing commercial scale primary production and rural related value adding activities.

Flood Mapping

As part of the finalisation for the Code, councils have been requested to provide additional information regarding known flooding, in addition to what is currently within the Development Plan. The response is provided in Attachment 5.

Community raised issues

Since the February Submission, other zoning matters have been raised with Council officers by community members. These residents have been encouraged to make their own submission on the Code, but are wanting Council to also make a submission.

A Williamstown resident is seeking Council support to rezone Lot 9 George Street, Williamstown (Figure 1) currently Township to Rural as they raise concern over a possible sub-division of the site. The site has been zoned for residential purposes for some time, and has been the subject of a land division proposal in the past. The site contains a number of constraints that would need to be addressed by a developer before a land division is approved.

It is unlikely that the Commission would support a change to the zone without going through a formal Code Amendment process. However, if Council is prepared to, it can be included within the submission in the Revised Code.
Another resident seeks support for a zoning anomaly at 18 Gods Hill Road, Lyndoch (Figure 2). The site is currently Primary Production (Barossa Valley Region) and is proposed as Rural, but retains a Local Variation (TNV) minimum site area of 25 ha restricting opportunity to develop the site.

The removal of the TNV to allow a dwelling/structure on the site appears reasonable, and is questioned why it wasn’t included in the initial Development Plan Amendment that rezoned the adjacent land, now subject to a land division proposal.

It is suggested that this request be included within the submission.

**Contributory Items**

In the 2019 Code release, a decision was made not to include Contributory Items associated with our Historic Conservation Zones. In the 2020 Code release, these have been reinstated as ‘Representative Buildings’.

The State Planning Commission had written to the CEO seeking direct feedback on historic areas and proposed changes affecting council property (*Attachment 6*). The site is the Angaston’s First Cemetery located at 8 Hannay Crescent, Angaston as shown in Figure 3.
The reinstatement of Contributory Items, be it as Representative Buildings, is supported. Therefore it is recommended that Council support the inclusion within the proposed Historic Areas. However, it is noted that only items for Angaston have been included. Items at Bethany, Krondorf, Moculta, Mount Pleasant, Stockwell, Tanunda, and Williamstown have not been reinstated, and should be pursued as part of the submission.

It is recommended that the zone boundary adjacent the Angaston’s First Cemetery located at 8 Hannay Crescent, Angaston reflect the boundary of the new Historic Area in order to encompass the Representative Buildings in the same zone.

Summary and Conclusion

The State Planning Commission had released a revised version of the Code for additional six week consultation.

Given the extensive nature of the Code, Council Administration has sort to undertake an analysis of the Code against our initial submission. It is intended that the submission reinforce the matters raised in the February submission and highlights key matters that had not been addressed through the Revised Code.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Letter from State Planning Commission – Phase 3 Code
Attachment 2 – Transition Table – Zone/Sub Zone
Attachment 3 – Submission Summary
Attachment 4 – Submission/Code Analysis
Attachment 5 – Flood Mapping
Attachment 6 – Letter from State Planning Commission - Historic Areas

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
- Business and Employment

Goal 1 The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.

Goal 2 The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

Goal 4 The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.

Goal 11 The Barossa has a strong local economy that adapts, innovates and thrives on change and strives for a diverse industry base that provides a sustainable range of business and job opportunities for people.
Strategy 1.1 Ensure land use planning and resource use protects the quality of the natural environment, the existing character of rural landscapes, historic significance and the high value of agricultural land.

Strategy 2.2 Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Strategy 4.3 Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces and active recreation.

Strategy 11.2 Support proactive population growth that is incremental, well managed and is backed up by local planning and development opportunities.

Advocacy Plan

8 Ensure the best possible management of the land use and development framework to preserve the history, heritage and natural assets of the Barossa and support appropriate development.

Corporate Plan

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

1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.

1.6 Apply development policies to protect places of environmental value and significance.

1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.

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

1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.

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

5.4 Participate in initiatives, or advocate for, investment in creative industries and cultural tourism.

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

Legislative Requirements
Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management
As raised previously, Council will need to allocate appropriate funds for future strategic review and flood mapping projects. It is possible that external funding might be available for the flood hazard mapping but that would be subject to future State or Federal grant programs.
Resource Management
Additional resourcing from a consultancy may be required at some future stage if council wishes to pursue its own Code amendments (subject to approval by the State Planning Commission).

Risk Management
With any new system there is an element of risk arising from new processes. Staff have applied a risk analysis to the whole reform process which has identified areas for attention and monitoring.

COMMUNITY CONSULTATION
The Commission was responsible for consultation on the revised Code Amendment.

7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.1 BAROSSA BUSHGARDENS URBAN DESIGN FRAMEWORK - POST CONSULTATION APPROVAL

MOVED Cr Schilling that Council:

(1) Note the submissions received during the consultation period, and
(2) Endorse the Barossa Bushgardens Urban Design Framework - 2020 Update.

Seconded Cr Haebich

CARRIED 2018-22/334

PURPOSE
To approve the 2020 update of the Barossa Bushgardens Urban Design Framework, post consultation.

REPORT
Background

At its meeting on 20 October 2020, Council resolved to endorse the draft Barossa Bushgardens Urban Design Framework for public consultation, and adopt the framework at the conclusion of the consultation in the absence of any written submission.

MOVED Cr Schilling that Council

(1) Endorse the Barossa Bushgardens Urban Design Framework - Draft 2020 Update for a period of public consultation in accordance with Council’s Public Consultation Policy.

(2) Adopt the Barossa Bushgardens Urban Design Framework - Draft 2020 Update at the immediate conclusion of the public consultation period, in the absence of any written submission being received, otherwise a report to be brought back to Council on the submissions received.

Seconded Cr Troup

CARRIED 2018-22/272
Introduction

Consultation on the Urban Design Framework commenced 4 November and concluded on the 24 November 2020. The Urban Design Framework was made available to the public on the Your Say Barossa site.

Barossa Bushgardens draft Urban Design Framework

Barossa Bushgardens is a regional native flora centre, conserving, promoting and supplying the Barossa region’s unique local native plants. It is a model social enterprise that was founded nearly 20 years ago in context of 97% of native vegetation loss in the Barossa region. The site now features a multi faceted seed orchard, display gardens, a greenhouse, volunteer centre, nursery and sales area. The Barossa Bushgardens are open to the public 365 days a year and entry is free.

The Urban Design Framework has been prepared to identify how the Barossa Bushgardens currently and potentially can connect with the urban context of Nuriootpa and the Barossa Valley. The Framework includes recommendations of:

- Enhancement of major pedestrian access
- New vehicular, pedestrian and bike access off Research Road
- Further development of community volunteer centre precinct area
- Shared path upgrade
- Signage and way finding

During the consultation period, a total of 47 people visited the Your Say Barossa page, with 22 downloads of the Urban Design Framework. A visitor summary is provided below.
A total of two submissions had been received, therefore requiring that a further report be presented to Council.

**Discussion**

A summary of the submissions is provided in *Attachment 1*. Overall, the two submissions are supportive of the Urban Design Framework and the proposed projects contained within it. A number of Action/Recommendations have been made, which will be presented to the S41 Committee for future consideration as it seeks to implement the Urban Design Framework.

**Summary and Conclusion**

The Barossa Bushgardens S41 Committee has prepared an updated of the Urban Design Framework to reflect the recent developments that have occurred, and identify new opportunities for further improvements to the site.

Post Consultation, no amendments are proposed to the Urban Design Framework Update (*Attachment 2*), and is therefore presented to Council for endorsement.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

- Attachment 1 – Summary of Submissions Table
- Attachment 2 – Barossa Bushgardens Urban Design Framework 2020 Update: Final for Endorsement

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

- **Community Plan**
  - **Infrastructure**

- **Corporate Plan**

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

- **Legislative Requirements**
  - **Local Government Act 1999**

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

- **Financial Management**

  Adoption of the Urban Design Framework enables the S41 Committee to priorities and seek funding for the various elements contained within the framework.

- **Risk Management**

  The Urban Design Framework allows for coordinated activity, and reduce likelihood of ad hoc development occurring at the Barossa Bushgardens site.
COMMUNITY CONSULTATION

Consultation has been conducted in line with Council’s Public Consultation Policy

7.5.2.2 
BAROSSA BUSHGARDENS – OPEN SPACE AND PLACES FOR PEOPLE GRANT ACQUITTAL B6512

MOVED Cr Barrett that Council approve a budget adjustment of $3167.00 to deliver the Open Space and Places for People- Barossa Bushgardens project.

Seconded Cr Boothby  
CARRIED 2018-22/335

PURPOSE

To finalise the budget allocation to enable acquittal of the Open Space and Places for People Grant funding agreement.

REPORT

During the 2017-18 financial year, Council was successful in obtaining Open Space and Places for People Grant funding on behalf of the Barossa Bushgardens.

A copy of the Grant Agreement forms Attachment 1.

The completion date for the project had previously been extended and is now awaiting finalisation.

The Project goal was to provide greater connectivity and accessibility between key destination points and elevate the use of the Bushgardens as a destination for active and passive open space activities, delivering long-term cultural, environmental, social, educational, tourism and economic benefits to the region.

Whilst the external funding has been fully expended, $3,167.00 of Council’s agreed contribution remains outstanding, therefore a budget adjustment is requested to enable the purchase and installation of remaining signage, and for the project to be acquitted.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Open Space Places for People Grant Agreement

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage
- Community and Culture
Corporate Plan
Natural Environment and Built Heritage
1.3 Build on the conservation of the region’s natural heritage including bush eco-systems, grassy woodlands, agricultural landscapes and recreational green spaces.
3.2 Collaborate with partners and our community to support innovative approaches to waste minimisation, and increase reuse and recycling opportunities.

Community and Culture
5.3 Create vibrant public spaces that provide places for creative development, cultural interaction and social connections.

Legislative Requirements
Local Government Act and Regulations
Development Act and Regulations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
The purchase and installation of remaining signage is proposed to be funded by a budget adjustment of $3167.00.

COMMUNITY CONSULTATION
Not required by Council.

7.5.5 DEBATE AGENDA – WASTE SERVICES REPORT

7.5.5.1 PROPOSED MANDATORY GREEN ORGANIC SERVICE COMMUNITY CONSULTATION RESULTS

B10455

MOVED Cr Boothby that Council:
(1) Receive and note the results of the public consultation for the proposed mandatory green organic service;
(2) Authorise the Chief Executive Officer or his delegate to
   (a) negotiate a contract variation with Solo Resource Recovery to convert the Green organic Service to a mandatory service, shifting the service to weekdays aligning service day with other waste streams, increase the service level to weekly and provide a service exception for properties that are able to demonstrate that they effectively manage their green waste.
   (b) amend the Waste Management Services Policy to align with the revised service levels.
(3) Contribute $24,472.16 (plus GST) to match Grant funds to be taken from the recyclables reserve which as of 30 June 2020 has a balance of $57,967.00
(4) Support further education in waste reduction strategies and best use of the kerbside services to minimise waste to landfill and contamination, with the intent to bring about the new service level by the start of the 2021-22 financial year.

Seconded Cr Johnstone
CARRIED 2018-22/336
PURPOSE

To present Council with the results of the community consultation that was conducted between 6 - 27 October 2020 proposing that the kerbside Green Organic Service be moved to mandatory.

REPORT

Background

Council have been offered a Grant of up to $24,472.16 (plus GST) in the Kerbside Performance Incentives Program, 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.

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

At the 19 May 2020 Council meeting, Council resolved to undertake a period of public consultation in accordance with Council’s Public Consultation Policy to determine the level of community support for the introduction of a mandatory Green Organic Service within the townships.

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

As identified in the Waste Management Services Policy the Green Organic Service is currently available on a voluntary basis within the townships of Angaston, Penrice, Tanunda, Springton, Mount Pleasant, Nuriootpa, Lyndoch, Williamstown and Stockwell.

Introduction

Community consultation was conducted from 6 – 27 October 2020. A survey was made available on Your Say Barossa with hardcopies available at the front counter for interested residents to complete.

The survey identified if residents were for or against the Green Organic Service moving to mandatory. Written submissions to Council were also received in addition to the survey. Two late submissions were accepted on 28 October as they were received before the survey was shut off.
Discussion

Survey Results

Council received 110 survey submissions through Your Say Barossa. 10 residents asked questions or submitted feedback via the questions section. The results of the survey and feedback received are presented in Attachment 1. Standalone survey results are in Attachment 2. Below is a summary of key components of the consultation.

The survey asked which town the respondent resides in. 93% reside in eligible townships with the other 7% in an area where the service is not currently available. The townships that delivered the most responses were Tanunda 25%, Nuriootpa 23% and Lyndoch 22%

60% (66 respondents) do not currently subscribe to the optional Green Organic Service. The current optional service is available to tenants so the survey asked if the resident is the property owner. 95% are property owners.

When asked if they support the introduction of a mandatory service for eligible townships 55% were in support of the introduction (as shown in figure 1). 56% of survey respondents would support the introduction if the service day moved to the weekday that their other bins are serviced.

Those in support of a mandatory Green Organic Service sighted environmental impact, reduction in material going to landfill and encouraging recycling as the main reasons for their decision

Reasons for opposing a mandatory Green Organic Service focused on the cost to ratepayers or the need for the service with many indicating that they home compost or have low volumes of green waste.

Figure 1
For those that were in support, 79% also supported the use of a kitchen caddy. Reasons for this support included convenience and to encourage the collection of food scraps. It was suggested that Council should consider supplying compostable bags.

Reasons against the supply of a kitchen caddy included already having a kitchen caddy or similar container, scraps going directly to compost or worm farms and not encouraging the generation and use of plastic.

The Your Say Barossa platform also offered residents the opportunity to submit questions. 10 questions were submitted, with majority being statements rather than questions. Statements related to concerns around an extra charge for the service along with suggestions of changing service levels so that the green bin is collected weekly and the general waste fortnightly.

In the questions, it was asked if Council would consider expanding the service to townships that are not currently eligible namely Light Pass and Eden Valley. If the service is moved to mandatory in the townships that are currently eligible, it would give the opportunity to review the schedule and route for the Green Organic Service. The possibility of extending the route would be able to be discussed with Solo Resource Recovery as part of the review.

The suggestion of the change to service levels also came up on the survey results and through all feedback it was mentioned 10 times. The concern around cost was raised 26 times with many suggesting they shouldn’t be penalised with a charge when they already manage their green waste through home compost, mulching or burning.

Burning was identified as both a solution and an issue in managing green waste with 4 respondents mentioning that they burn green waste and another 4 supporting the mandating of the service to reduce backyard burning.

Feedback received outside of Your Say Barossa (Attachment 3) included 1 hardcopy of the survey which was in support of the service and 3 written submissions that offered support of the Green Organic service but did not want to see it moved to mandatory due to cost and home composting systems already in place.

Comments received on social media also highlighted home composting systems as a reason for the service to remain optional. It was suggested that Council could provide free bags of compost to residents to acknowledge those that are using the service. Moving the Green Organic service to weekly was also put forward.

It was evident through the feedback gained in consultation that residents are keen to do more to support the environment and that education is highly important. Of those that were not in support, 34 respondents or 69% cited that they have home composting or suitable green waste systems outside of using the general waste bin.

The Green Organic bin can support home composting as items that are too large or take a long time to break down can be disposed of in the green bin. The Organic service can also assist in bushfire prevention as material can be cleared regularly from properties, minimising potential fire hazards.

Grant funding gives opportunity to further develop education material and disburse to all eligible properties.
The Australian Government’s National Food Waste Strategy requires each Australian State and Territory to achieve a 50% reduction in food waste by 2030. The objective of South Australia’s Waste Strategy is to outline actions that can contribute to the development of a circular economy that realises the best or full value from products and materials produced, consumed and recovered in South Australia.

A target of zero avoidable waste to landfill by 2030 is proposed to guide action during and beyond the lifespan of the 2020-2025 Waste Strategy. This target aims to stimulate action towards a circular economy.

Food waste continues to create significant greenhouse gas emissions, both at the end of its lifecycle when it produces methane if disposed to landfill and through lost embodied resources. Preventing organic material from going to landfill will preserve organic carbon and nutrients for more valuable uses in land management and food production.

At 30 June 2020, 3,921 properties had opted into the Green Organic service which is a take up rate of 61%. Some residents have opted to have additional green bins at their property. The total number of active services at 30 June was 3,994.

Below in figure 2 is a breakdown of the take up in each township. This breakdown looks at eligible properties and captures if a property is currently subscribed and includes properties where services are billed directly to tenants.

### Figure 2 - Green Organic Participation

<table>
<thead>
<tr>
<th>Township</th>
<th>Eligible properties</th>
<th>Properties opted in</th>
<th>Percentage of take up</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angaston</td>
<td>851</td>
<td>374</td>
<td>44%</td>
</tr>
<tr>
<td>Penrice</td>
<td>155</td>
<td>46</td>
<td>30%</td>
</tr>
<tr>
<td>Tanunda</td>
<td>2073</td>
<td>1070</td>
<td>52%</td>
</tr>
<tr>
<td>Springfield</td>
<td>190</td>
<td>48</td>
<td>25%</td>
</tr>
<tr>
<td>Mount Pleasant</td>
<td>281</td>
<td>82</td>
<td>29%</td>
</tr>
<tr>
<td>Nuriootpa</td>
<td>2272</td>
<td>1490</td>
<td>66%</td>
</tr>
<tr>
<td>Lyndoch</td>
<td>741</td>
<td>356</td>
<td>48%</td>
</tr>
<tr>
<td>Williamstown</td>
<td>890</td>
<td>383</td>
<td>43%</td>
</tr>
<tr>
<td>Stockwell</td>
<td>152</td>
<td>64</td>
<td>42%</td>
</tr>
<tr>
<td>Sandy Creek</td>
<td>81</td>
<td>22</td>
<td>27%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7686</strong></td>
<td><strong>3935</strong></td>
<td><strong>51%</strong></td>
</tr>
</tbody>
</table>

*Not eligible in current Scope

**Revised Service Level Options**

Having reviewed the survey results and submissions, with there not being an overwhelming majority view, there are a number of potential options for Council to consider.

**Option 1 – Retain optional service**
The pros are residents still have access to the service and this does still contribute to material being diverted from landfill. It relies on residents opting in and limits the amount of material that can be diverted from landfill. Supporting this option will mean the loss of Grant funding and impacts education opportunities.

Option 2 - Make mandatory (leaving service on a Saturday)

Gives greater opportunity for resource recovery. Grant funding can be retained and an education campaign can be developed. Solo Resource Recovery will need to assess the viability and sustainability of the Saturday service due to the sharp increase to service levels that will be required.

The cost of service could be a contentious issue for ratepayers with some not wanting the service and others who believe they already manage green waste effectively feeling penalised for their efforts.

Option 3 - Make mandatory and shift to weekday aligning service day with other waste streams (alternate fortnight to Recycling Service)

This option gives opportunity to discuss expanding the scope of the Green Organic System which could include investigating the option to have the service level increased to weekly or the inclusion of townships that are not eligible currently.

This could strengthen the sustainability of the Green Organic service and create opportunity long term to review service levels of all waste streams to maximise landfill diversion rates and create cost savings for ratepayers.

The downside of this option is that it will in the short term require a higher level of resources to ensure that residents that currently subscribe to the service are aware of the changes to the schedule.

Solo Resource Recovery would also need to be consulted on this option as it would require a variation to the Waste Management Services Contract.

Option 4 – As option 3 but with a service exception for properties that are able to provide evidence that they effectively manage their green waste.

This option would still offer the opportunity to increase tonnages diverted from landfill and also addresses the issue of some ratepayers feeling penalised for already effectively managing their green waste.

It gives opportunity for residents to think about implementing their own systems to avoid the service charge which should still lead to a reduction in material going to landfill.

The challenge in this option is the additional administration and maintenance of this system that will be required both from Council and Solo Resource Recovery.

Option 5 – As option 4 but moving the Organic service to a weekly collection with the view to reduce the General Waste service to a fortnightly collection.
This addresses concerns raised around the service level and will encourage residents to use the Green Organic Service for food waste as it is no different to placing food waste in the red bin each week and will help eliminate odours and issues with pests.

In moving the General Waste stream to fortnightly, costs will decrease as collection costs for eligible properties will halve. Tonnages should decrease as households will only be able to present 140 Litres of General Waste for collection each fortnight instead of each week.

Case studies interstate (attached) show that moving the Green Organic Service to weekly and the General Waste to fortnightly had a significant impact on diversion rates. The City of Boroondara achieved a landfill diversion rate above 70% and the Macedon Ranges Shire Council saw the diversion rate increase from 42% to 68%.

While this option addresses the cost of service and service levels, it is also the option most likely create backlash within the community as those who are opposed to mandating the Green Organic Service may see the decrease in the general waste service as a negative.

Moving the service to mandatory aligns with South Australia’s Food Waste Strategy (consultation draft) where proposed actions include working with Councils for more frequent collections of household organic bins and the continuation of the ‘Which Bin?’ campaign to increase and improve recycling, including food waste diversion through the green organics bin and home composting.

**Summary and Conclusion**

Despite the survey results and submissions not providing an overwhelming majority view, there are a number of benefits is shifting to a mandatory service.

As a transition, it is proposed that the Green Organic Service become a mandatory service, shifting the service to weekdays aligning service day with other waste streams, increase the service level to weekly and provide a service exception for properties that are able to demonstrate that they effectively manage their green waste.

It is proposed that the service level be reviewed again, in one to two years’ time to determine community support to bring the general waste bin to a fortnightly service.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 - Your Say Barossa - Consultation Report
Attachment 2 - Your Say Barossa - Survey Results
Attachment 3 - Feedback outside of Your say Barossa
Attachment 4 - Case Studies Weekly Green Organics
Attachment 5 – Estimated Costings Waste Collection


COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

- Natural Environment and Built Heritage

3. We take a proactive approach in responding to key environmental challenges such as climate change, water security and waste management.

3.2 Collaborate with partners and our community to support innovative approaches to waste minimisation, and increase reuse and recycling opportunities.

Advocacy Plan

1. Working with the community, industry and government to build on the Barossa’s capacity to attract investment, improve services and encourage employment opportunities.

Corporate Plan

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

Legislative Requirements

- Local Government Act 1999
- Environment Protection Act 1993
- Green Industries SA Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Grant funding is to be matched by Council and is to be used to assist in the roll out of kitchen caddies and the creation and disbursement of educational material.

It has been discussed with Green Industries that our current service includes a Kitchen caddy and that this cost is built into our Waste Management Services Contract. This would remain the case if the service moved to mandatory. Because of this, the Grant money can be used to cover some of the collection costs that will be associated with the additional services.

If the service is moved to mandatory, the Grant money needs to be applied this financial year. The roll out should take place in the final quarter of this financial year however, the service can commence FY 21/22. This allows for all waste services to be reviewed in line with the budget process.

In Attachment 5 the additional collection and disposal costs to Council are estimated based on the options discussed above where a rollout of a mandatory service is to occur.

The Green Organic disposal costs in Attachment 5 are based on a 40% increase in our current presentation rate which was at 66% for the first quarter. The decrease in disposal
rate of general waste estimates the tonnages collected in Eligible township areas and applies a decrease of 15%.

Based on data from the Waste Audit that was conducted in September 2019 which indicated that 47% of material in the general waste bins was organic, a target of a 15% reduction should be achievable.

With the education material being included as part of the roll out, the presentation rate of the Green Organic Service may increase which would lead to a higher disposal cost for the green waste stream. This should also result in a diversion of material from landfill and a reduction in disposal costs for the general waste stream.

In the grant application for the Kerbside Performance Plus Food Organics Incentives Program, the budget for educational material, distribution and other expenses is set at $8914.91 with 50% of this cost covered by the Grant.

Taking this and the costs outlined in Attachment 5 into account, it is estimated that Council will be required to contribute $16,049.32 (plus GST). This amount could be taken from the recyclables reserve which as of 30 June 2020 has a balance of $57,967.00.

Option 5 does present the most cost effective scenario however, other factors should be considered such as the level of change to the services and the behavioural change that is required from residents to positively impact diversion rates. Education is critical to drive behaviour change.

If the introduction of the mandatory service is not supported, Council will be required to return the Grant funding as this was dependent upon a mandatory service including kitchen caddies being rolled out.

**COMMUNITY CONSULTATION**

Consultation completed in line with Council’s Consultation Policy.

**7.5.5.2 HARD WASTE DISPOSAL B10455**

**MOVED** Cr Haebich that Council:

(1) Not proceed with the proposed Pop Up style Hard Waste Service on the basis of the identified risk and safety to operators and members of the community, and

(2) That Council further investigate the options of roadside pick-up for hard waste and report back to Council within two months.

**Seconded** Cr Schilling

Cr Wiese-Smith moved an Amendment to include a part 3 to the motion as follows:

(3) Implement and promote the alternate voucher system for Hard and Green Waste disposal as per Option 2 presented at the 16 July 2019 meeting for the remainder of the 2020-21 financial year.
The Mover Cr Haebich agreed to include to the additional motion as a variation to the motion which was supported by the Seconder Cr Schilling.

<table>
<thead>
<tr>
<th>Moved</th>
<th>Cr Haebich that Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Not proceed with the proposed Pop Up style Hard Waste Service on the basis of the identified risk and safety to operators and members of the community, and</td>
</tr>
<tr>
<td>(2)</td>
<td>That Council further investigate the options of roadside pick-up for hard waste and report back to Council within two months.</td>
</tr>
<tr>
<td>(3)</td>
<td>Implement and promote the alternate voucher system for Hard and Green Waste disposal as per Option 2 presented at the 16 July 2019 meeting for the remainder of the 2020-21 financial year.</td>
</tr>
<tr>
<td>Seconded</td>
<td>Cr Schilling</td>
</tr>
</tbody>
</table>

CARRIED 2018-22/337

**PURPOSE**

Provide Council with an update on investigations into hosting a Hard Waste ‘Pop Up’ event with suggestions to modify the Hard Waste disposal option.

**REPORT**

*Background*

At the July 2019 workshop, Elected Members were presented with options to supplement the existing waste service levels made available to residents. These options were:

- **Option 1A** - Annual area-wide collection campaign for townships and voucher disposal for rural areas
- **Option 1B** - On Call Service collection campaign for townships and voucher disposal for rural areas
- **Option 2** - Discount Voucher Disposal at commercial operators/other facilities
- **Option 3** - Council site skip bins
- **Option 4** - Increase service levels at Springton Transfer Station

At its meeting on 16 July 2019, Council resolved to provide a Hard Waste service to ratepayers through a ‘Pop Up’ type service.

<table>
<thead>
<tr>
<th>Moved</th>
<th>Cr de Vries that Council:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Support, subject to final operational considerations, the implementation of a Hybrid of Options 3 and 4 as outlined in the Hard Waste Options Paper (dated 4 June 2019) as a means of providing a hard waste service for the 2019-20 financial year.</td>
</tr>
<tr>
<td>(2)</td>
<td>Authorise the Chief Executive Officer or his Delegate to amend Clause 4.17.1 in the Waste Management Service Policy, by deleting ‘disposal’ from the first sentence.</td>
</tr>
<tr>
<td>Seconded</td>
<td>Cr Johnstone</td>
</tr>
</tbody>
</table>

CARRIED 2018-22/264

Council administration had been working with various parties to identify suitable sites and logistics for providing the service. The Fathers Farm agreed to Council making use of their site at 110 Moppa Road South, Nuriootpa for the purpose of a Hard Waste disposal event.
Unfortunately due to Covid-19 restrictions, progress was halted as Fathers Farm temporarily closed and the proposed May and June 2020 dates for the event were no longer viable.

Consequently, a Hard Waste disposal event was not delivered for financial year 2019-2020. A Consensus Agenda report was presented to Council on 16 June 2020 stipulating that every effort will be made to stage an event in 2020-21.

Introduction
Council administration have been exploring the option to host the Pop Up event at Fathers Farm.

A number of concerns around risk and safety have been identified if Fathers Farm is to be utilised for the event. The safety concerns raised included:

- Manual handling of material
- Unacceptable material presented
- Adequate infrastructure, plant and personnel to manage the event
- Traffic management both within the site and on the access road
- Vehicle, plant and pedestrian interaction

Other risk factors include underestimating or overestimating the need for the service which could result in unnecessary cost to rate payers if the event is overestimated or frustration and disappointment if the event is underestimated.

Discussion
In order to provide a service for 2020-21 Council Administration has gone back to the initial options presented to Council and has pursued the voucher system option, noting the previous correspondence from Springton Progress Association calling for a Green Waste voucher.

The voucher system could incorporate both Hard and Green Waste disposal. Vouchers would be made accessible to all residents however, a limited number of vouchers would be available. This would allow Council to better manage resources and ensure budget is adhered to.

Attachment 1 includes further detail on how the voucher system would be implemented and the process for how vouchers would be dispersed to residents.

Summary and Conclusion
The risks to Council and the resourcing requirements to manage a Pop Up Hard Waste collection currently outweigh the benefits to the community.

The implementation of a voucher system would give the opportunity to assess the appetite of residents for a Hard Waste Service as well and give opportunity to strategically plan for Hard Waste management in the future.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Green Waste Voucher System Proposal and process
Attachment 2: Photo of Traffic at Springton Transfer Station
COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

3. We take a proactive approach in responding to key environmental challenges such as climate change, water security and waste management.

3.2 Collaborate with partners and our community to support innovative approaches to waste minimisation, and increase reuse and recycling opportunities.

Advocacy Plan

1. Working with the community, industry and government to build on the Barossa’s capacity to attract investment, improve services and encourage employment opportunities.

Corporate Plan

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

Legislative Requirements

Local Government Act 1999
Environment Protection Act 1993
Green Industries SA Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Funds of $50,000 were allocated to hard waste disposal in the budget for financial year 2019-2020. Funds have been rolled over to financial year 2020-2021. The voucher system can be set to ensure expenditure does not exceed the current budget.

Risk Management

Pop up Event

Safety around manual handling of material for both residents and staff is a concern as the material would need to be transferred into skip bins at ground level. This will produce issues with pedestrian, plant and vehicle interaction as well as the efficiency to work through each disposal and move through the queue efficiently.

A list of unacceptable material would need to be provided to the community prior to the event and any loads including unacceptable material would be rejected. There is no
provision for the handling of hazardous material and some materials such as tyres or mattresses attract additional charges which Council would be required to pay.

Traffic management is a concern both within the site and on the road that accesses the property. Within the site, vehicle, plant and pedestrian movements would need to be considered along with sufficient access and egress in the area. Exclusion zones would need to be set to limit interactions. Staffing levels would need to take into consideration the traffic management and exclusion zone requirements.

Half Price Dump Days at Springton have in the past lead to a line-up of cars attempting to access the site causing congestion on the road and roadside (Attachment 2). Fathers Farm is located on Moppa Road South, Nuriootpa and sees a higher level of traffic then Springton Road. It is also frequented by heavy vehicles.

As a Hard Waste event of this nature has not been held before it is difficult to gauge the level of participation and resourcing requirements.

No waste can be left on ground at the conclusion of the event and Council would need to ensure there is an adequate level of skip bins available to meet the needs of residents. Reaching capacity in the skip bins would lead to residents being turned away from the event.

**COMMUNITY CONSULTATION**

Nil

8.1 CHIEF EXECUTIVE OFFICER

8.1.1 – AUSTRALIA DAY AWARDS 2021 CITIZEN OF THE YEAR

Pursuant to S75 of the Local Government Act 1999 Cr Troup disclosed an actual conflict of interest due to being the nominator of one of the award nominees.

Cr Troup advised the meeting of the conflict of interest and left the meeting at 10.24am.

Pursuant to S74 of the Local Government Act 1999 Cr Angas disclosed a material conflict of interest due to one of his close relatives being nominated for the Citizen of the Year award.

Cr Angas advised the meeting of the conflict of interest and left the meeting at 10.24am. (8.1.1.)

The matter of the agenda item being the consideration of community nominations for Australia Day Awards pursuant to Section 90(3)(a) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure that personal information provided to Council disclosing personal information including relationships, contact details and merit for an award.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of private information of an individual would be unfair or harmful by release of the information to the community.

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

Moved Cr Wiese-Smith that Council

(1) Under the provisions of Section 90(2) of the Local Government Act 1999 an order be made that the public be excluded from the meeting, with the exception of the Chief Executive Officer, Director Works and Engineering, Director Development and Environmental Services, Director Corporate and Community Services, Communications and Engagement Officer, ICT Administrator and Minute Secretaries in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999 relating to 8.1.1 Australia Day Awards 2021 – Citizen of the Year, being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being private information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials; and

(2) Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Seconded Cr Miller CARRIED 2018-22/338

Cr Troup and Cr Angas returned to the meeting at 10.28am.

RESUMPTION OF OPEN COUNCIL MEETING – 10.28AM

In the matter 8.1.1 – Australia Day Awards 2021 Citizen of the Year:

MOVED Cr Wiese-Smith that:

(1) Confidential Resolution

(2) Council having considered this matter in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the attachments of the report 8.1.1, Australia Day Awards 2021 – Citizen of the Year of the Confidential Council meeting held on 15 December 2020 be kept confidential and not available for public inspection and that the Chief Executive Officer be authorised to review and revoke this order and further that the details of winners of all awards be released to the Australia Day Council at the end of the meeting for inclusion and consideration for State awards and to the local media once all recipients have been notified.
Council having considered this matter in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes and report of the Confidential Council meeting held on 15 December 2020 in relation to confidential item 8.1.1, Australia Day Awards 2021 – Citizen of the Year, be kept confidential and not available for public inspection until such time as all recipients of awards have been notified.

Seconded Cr Johnstone

CARRIED CO2018-22/35

8.1.2 – AUSTRALIA DAY AWARDS 2021 YOUNG CITIZEN OF THE YEAR

The matter of the agenda item being the consideration of community nominations for Australia Day Awards pursuant to Section 90(3)(a) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence in order to ensure that personal information provided to Council disclosing personal information including relationships, contact details and merit for an award.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of private information of an individual would be unfair or harmful by release of the information to the community.

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

Moved Cr de Vries 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 Works and Engineering, Director Development and Environmental Services, Director Corporate and Community Services, Communications and Engagement Officer, ICT Administrator, and Minute Secretaries in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999 relating to 8.1.2 Australia Day Awards 2021 – Young Citizen of the Year, being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being private information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials; and
Accommodating of this basis, the principle that meetings of the Council should be
conducted in a place open to the public has been outweighed by the need to
keep the information and discussion confidential.
Seconded Cr Wiese-Smith
CARRIED 2018-22/339

RESUMPTION OF OPEN COUNCIL MEETING – 10.36AM

In the matter 8.1.2 – Australia Day Awards 2021 Young Citizen of the Year:

MOVED Cr de Vries that:
(1) Confidential Resolution.
(2) Council having considered this matter in confidence under Section 90(2) and
90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section
91(7), that the attachments of the report 8.1.2, Australia Day Awards 2021 – Young
Citizen of the Year of the Confidential Council meeting held on 15 December 2020
be kept confidential and not available for public inspection and that the Chief
Executive Officer be authorised to review and revoke this order and further that
the details of winners of all awards be released to the Australia Day Council at the
end of the meeting for inclusion and consideration for State awards and to the
local media once all recipients have been notified.
(3) Council having considered this matter in confidence under Section 90(2) and
90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section
91(7), that the minutes and report of the Confidential Council meeting held on 15
December 2020 in relation to confidential item 8.1.2, Australia Day Awards 2021 –
Young Citizen of the Year, be kept confidential and not available for public
inspection until such time as all recipients of awards have been notified.
Seconded Cr Miller
CARRIED CO2018-22/36

8.1.3 – AUSTRALIA DAY AWARDS 2021 COMMUNITY EVENT OF THE YEAR

Pursuant to S75 of the Local Government Act 1999 Cr Boothby disclosed a perceived
conflict of interest due to being a participant in the event.

Cr Boothby advised the meeting of the conflict of interest and outlined as it is a perceived
interest she would remain in the meeting.

Pursuant to S74 of the Local Government Act 1999 Cr Angas disclosed a material
conflict of interest due to being a Board Member of Barossa Village.

Cr Angas advised the meeting of the conflict of interest and left the meeting at
10.37am.

The matter of the agenda item being the consideration of community nominations for
Australia Day Awards pursuant to Section 90(3)(a) of the Local Government Act 1999
(“the Act”) being information that must be considered in confidence in order to ensure
that personal information provided to Council disclosing personal information including relationships, contact details and merit for an award.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of private information of an individual would be unfair or harmful by release of the information to the community.

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

Moved Cr Johnstone 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 Works and Engineering, Director Development and Environmental Services, Director Corporate and Community Services, Communications and Engagement Officer, ICT Administrator and Minute Secretaries in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999 relating to 8.1.3 Australia Day Awards 2021 – Community Event of the Year, being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being private information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials; and

(2) Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Seconded Cr Wiese-Smith

CARRIED 2018-22/340

Cr Angas returned to the meeting at 10.38am.

RESUMPTION OF OPEN COUNCIL MEETING – 10.38AM

In the matter 8.1.3 – Australia Day Awards 2021 Community Event of the Year:

MOVED Cr Johnstone that:
(1) Confidential Resolution

(2) Council having considered this matter in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the attachments of the report 8.1.3, Australia Day Awards 2021 – Community Event of the Year of the Confidential Council meeting held on 15 December 2020 be kept confidential and not available for public inspection and that the Chief Executive Officer be authorised to review and revoke this order and further that the details of winners of all awards be released to the Australia Day Council at the end of the meeting for inclusion and consideration for State awards and to the local media once all recipients have been notified.

(3) Council having considered this matter in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes and report of the Confidential Council meeting held on 15 December 2020 in relation to confidential item 8.1.3, Australia Day Awards 2021 – Community Event of the Year, be kept confidential and not available for public inspection until such time as all recipients of awards have been notified.

Seconded Cr Troup

CARRIED CO2018-22/37

8.1.4 – AUSTRALIA DAY AWARDS 2021 COMMUNITY PROJECT OF THE YEAR

Pursuant to S74 of the Local Government Act 1999 Cr Johnstone disclosed a material conflict of interest due to his significant involvement in one of the projects nominated for an award.

Cr Johnstone advised the meeting of the conflict of interest and left the meeting at 10.39am

Pursuant to S74 of the Local Government Act 1999 Cr Troup disclosed a material conflict of interest due to her significant involvement in one projects nominated for an award.

Cr Troup advised the meeting of the conflict of interest (direct contributor to the project and left the meeting at 10.39am.

The matter of the agenda item being the consideration of community nominations for Australia Day Awards pursuant to Section 90(3)(a) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence in order to ensure that personal information provided to Council disclosing personal information including relationships, contact details and merit for an award.

There is strong public interest in enabling members of the public to observe Council’s transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.
In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure of private information of an individual would be unfair or harmful by release of the information to the community.

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

**Moved** Cr Angas 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 Works and Engineering, Director Development and Environmental Services, Director Corporate and Community Services, Communications and Engagement Officer, ICT Administrator and Minute Secretaries in order to consider in confidence a report relating to Section 90(3)(a) of the Local Government Act 1999 relating to 8.1.4 Australia Day Awards 2021 – Community Project of the Year, being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) being private information of nominees and those who nominated them for an Australia Day award including contact details, addresses and personal testimonials; and

(2) Accordingly, on this basis, the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

**Seconded** Cr Boothby  
**CARRIED 2018-22/341**

Cr Johnstone and Cr Troup returned to the meeting at 10.40am.

**RESUMPTION OF OPEN COUNCIL MEETING – 10.41AM**

In the matter 8.1.4 – Australia Day Awards 2021 Community Project Event of the Year:

**MOVED** Cr Wiese-Smith that:

(1) Confidential Resolution.

(2) Council having considered this matter in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the attachments of the report 8.1.4, Australia Day Awards 2021 – Community Project of the Year of the Confidential Council meeting held on 15 December 2020 be kept confidential and not available for public inspection and that the Chief Executive Officer be authorised to review and revoke this order and further that the details of winners of all awards be released to the Australia Day Council at the end of the meeting for inclusion and consideration for State awards and to the local media once all recipients have been notified.

(3) Council having considered this matter in confidence under Section 90(2) and 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes and report of the Confidential Council meeting held on 15 December 2020 in relation to confidential item 8.1.4, Australia Day Awards 2021 –
Community Project of the Year, be kept confidential and not available for public inspection until such time as all recipients of awards have been notified.

Seconded Cr Haebich

CARRIED CO2018-22/38

8.1.5 – COVID-19 RECOVERY GRANT PROGRAM – UPDATED AND DEFERRED MATTERS

The matter of the agenda item being confidential information of clubs and businesses including financial and personal details of a commercial nature therefore pursuant to Section 90(3)(a) and (d)(i) and (ii) of the Local Government Act 1999 (“the Act”) being information that must be considered in confidence in order to ensure that disclosure of sensitive financial and personal information.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that:
- the disclosure of certain information that would prevent the efficient and effective governance of the Council or committee;
- the disclosure of private information of an individual or club or commercial organisation that could be unfair or harmful;
- could result in damage to third parties or the flow of information for future grant programs that Council operates due to loss of confidence in Council in managing confidential personal and commercial information.

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

Moved Cr de Vries that Council:

(1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Communications and Engagement Officer, ICT Administrator and Minute Secretaries, in order to consider in confidence a report relating to agenda item 8.1.1 ‘COVID-19 Recovery Grant Program – Updated and Deferred Matters’ being information that must be considered in confidence in order to ensure that the Council does not disclose information that is considered confidential under the following provisions of the Local Government Act:
i) Section 90(3)(a) being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

or

ii) 90(3)(d)(i) and (ii) being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest;

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 avoid disclosure of certain information that would prevent the efficient and effective governance of the Council or committee; disclosure of private information of an individual or club or commercial organisation that could be unfair or harmful or; could result in damage to third parties or the flow of information for future grant programs that Council operates due to loss of confidence in Council in managing confidential personal and commercial information.

Seconded Cr Wiese-Smith

RESUMPTION OF OPEN COUNCIL MEETING – 10.41am

In the matter 8.1.5 – Covid-19 Recovery Grant Program – Updated and Deferred Matters:

MOVED Cr de Vries that Council:

1. Confidential Resolution.
2. Confidential Resolution.
3. Confidential Resolution.
4. Confidential Resolution.
5. Having considered this matter in confidence under Section 90(2) and 90(3)(a) and 90(3)(d)(i) and (ii) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that all application documents and attachments of this report to the Confidential Council Meeting held on 15 December 2020 in relation to item COVID-19 Recovery Grant Program – Updated and Deferred Matters be kept confidential and not available for public inspection until and authorise the Chief Executive Officer to review and revoke the order, noting the Chief Executive Officer will release to the public, under this order, notice of those applicants that received grants.

Seconded Cr Boothby
8.2.1 WORKS AND ENGINEERING SERVICES - CONFIDENTIAL

MENGE ROAD - TANUNDA – NOISE COMPLAINT
LPA/6234 - 20/71434
The matter of the agenda item being Menge Road, Tanunda – Noise Complaint pursuant to Section 90(3)(h) of the Local Government Act 1999 ("the Act") being legal advice.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that Council has been provided with legal advice from Kelledy Jones Lawyers on instruction from Council Officers pertaining to a noise complaint.

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

Moved Cr Wiese-Smith 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 Services, Manager Engineering Services, Communications and Engagement Officer, ICT Administrator and Minute Secretaries, in order to consider in confidence a report relating to Section 90(3)(h) of the Local Government Act 1999 being legal advice; and

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential as Council has been provided with legal advice from Kelledy Jones Lawyers on instruction from Council Officers pertaining to a noise complaint.

Seconded Cr Johnstone CARRIED 2018-22/343

RESUMPTION OF OPEN COUNCIL MEETING – 11.14AM

In the matter 8.2.1 – Menge Road - Tanunda – Noise Complaint:
MOVED Cr de Vries that:

(1) Confidential Resolution.

(2) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(h) of the Act being legal advice, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the agenda and all documents in relation to Confidential Item 8.2.1 of the Council Meeting held 15 December 2020 and titled Menge Road - Tanunda – Noise Complaint be kept confidential and not available for public inspection and that the Chief Executive Officer be delegated the power to review and revoke this order.

Seconded Cr Wiese-Smith

CARRIED CO2018-22/40

8.3.1 – DEVELOPMENT SERVICES – CUSTOMER FOCUS PROTOCOLS

The matter of the agenda item being consideration of customer service provision related to enquiries, pre-lodgment, lodgment, assessment and decision making related to planning and building development and compliance pursuant to Section 90(3)(h) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence in order to ensure that Council maintains legal professional privilege.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the information must be considered in confidence in order to maintain legal professional privilege

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

Moved Cr Miller that Council:

(1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Manager, Development Services, Communications and Engagement Officer, ICT Administrator and Minute Secretaries, in order to consider in confidence a report relating to Section 90(3)(h) of the Local Government Act 1999, relating to 8.3.1 ‘Development Services – Customer Service Protocols’ being information that must
be considered in confidence in order to ensure that the Council maintains legal professional privilege; and

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to maintain legal professional privilege.

Seconded Cr Wiese-Smith

The Chamber sought further clarification of why the matter of legal advice was required to be in confidence.

Mr Monteduro, Manager Development Services explained the legal advice was prescriptive around the management of the customer focus protocols and reform being implemented and could escalate risk and liability for Council.

Cr Wiese-Smith sought to withdraw her seconding the motion however it was confirmed that this cannot occur under the Local Government Act Meeting Regulations but the motion would have to be put but may be voted against.

The motion was put and CARRIED 2018-22/344

RESUMPTION OF OPEN COUNCIL MEETING – 11:30AM

In the matter 8.3.1 – Development Services – Customer Service Protocols:

MOVED Cr de Vries that Council:

(1) Confidential Resolution
(2) Confidential Resolution
(3) 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 attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 15 December 2020 in relation to item 8.3.1 – Development Services – Customer Service Protocols be kept confidential and not available for public inspection, reviewed annually; and authorise the Chief Executive officer to review and/or revoke the order.

Seconded Cr Johnstone CARRIED CO2018-22/41

9. URGENT OTHER BUSINESS

9.1 REQUEST – LEAVE OF ABSENCE – CR WIESE-SMITH

Pursuant to S73 of the Local Government Act 1999 Cr Wiese-Smith disclosed a material conflict of interest in the matter 9.1 – Request - Leave of Absence – Cr Wiese-Smith as she is seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Cr Wiese–Smith advised Council of the conflict of interest and left the meeting at 11.30am.
Cr Wiese-Smith returned to the meeting at 11.31am.

9.2 REQUEST – LEAVE OF ABSENCE – CR BOOTHBY

Cr Boothby advised the Chief Executive Officer that leave was no longer required and the matter is therefore withdrawn.

10. NEXT MEETING
Wednesday 27 January 2021 at 9.00am.

11. CLOSURE OF MEETING
Mayor Lange extended Christmas greetings and declared the meeting closed at 11.32am.

Confirmed at Council Meeting on Wednesday 27 January 2021

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