



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Wednesday 27 January 2021 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 9.00am

1.2 MEMBERS PRESENT

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

1.3 LEAVE OF ABSENCE

Cr Carla Wiese-Smith

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr Johnstone

That the Minutes of the Council meeting held on Tuesday 15 December 2020 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr de Vries

CARRIED 2018-22/346

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 Miller

That the Mayor's report be received.

Seconded Cr de Vries

CARRIED 2018-22/347

Cr Miller asked if access could be improved to the Electric Car Charging Station. Mr Elding will review the matter including installation of signage.

3. COUNCILLOR REPORTS

Nil

4. CONSENSUS AGENDA

5. ADOPTION OF CONSENSUS AGENDA

5.1 ITEMS FOR EXCLUSION FROM THE CONSENSUS AGENDA

Nil

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.

Seconded Cr Hurn

CARRIED 2018-22/348

5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA

Nil

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

Nil

6.1 VISITORS TO THE MEETING

9.30am

Presentation by Mr Peter Brass, Chair of the Audit Committee, see page 2021/46

6.2 ADJOURNMENT OF COUNCIL MEETING

Nil

7. DEBATE AGENDA

7.1 MAYOR – DEBATE

Nil

7.2 EXECUTIVE SERVICES – DEBATE**7.2.1. CHIEF EXECUTIVE OFFICER****7.2.1.1****DRAFT HOSPITALITY POLICY****B6888****MOVED** Cr de Vries

That Council receives, considers and approves the draft Hospitality Policy as Attachment 1.

Seconded Cr Johnstone**CARRIED 2018-22/349****PURPOSE**

Council is asked to receive, consider and approve the draft Hospitality Policy, which is provided at Attachment 1 to this report.

REPORTBackground

On 19 December 2017, Council adopted its Hospitality Policy. The policy is now due for periodic review and is presented at Attachment 1 for Council's consideration.

Introduction

The Hospitality Policy provides a framework for when Council might provide hospitality, and applies to all situations where Council funds or provides hospitality, including both internal and external events.

Discussion

Updates to the Policy are shown by way of track changes in the draft policy at Attachment 1 and include:

- New "Scope" section to clarify when the Policy applies.
- Removal of content in the Policy that is captured within the Workplace Drug and Alcohol Policy, restructure of the Policy to accommodate remaining content and to reflect current practices.
- Update to the review period to four years (from three years) for consistency with Council's usual policy review timeframes.
- Update to the new policy document template and other minor updates including grammatical and format changes.

Summary and Conclusion

Council is now asked to receive, consider and approve the Hospitality Policy at Attachment 1.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Draft Hospitality Policy (ref: 17/99239[v2])

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

How We Work – Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999, Section 125

Code of Conduct for Council Members

Code of Conduct for Council Employees

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no financial or resource implications in finalising and implementing this policy as management will be absorbed as part of officers' existing duties. Risk is mitigated by reliance on content from the Ombudsman SA's own report into hospitality expenditure and in having defined and documented expectations of how hospitality expenditure is authorised and controlled.

COMMUNITY CONSULTATION

Community engagement is not legislatively required.

7.2.1.2**PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT DELEGATIONS****B3624****MOVED** Cr de Vries

That under Instrument A – Power of Council as a Council, Designated Authority and Designated Entity under the Planning Development and Infrastructure Act

- (1) Council hereby revokes all delegations to the Chief Executive Officer of those powers and functions under the provisions of the Planning Development and Infrastructure Act, set out in Attachment 5 of this Report.
- (2) In exercise of the power contained in Section 44 of the Local Government Act 1999 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation as Attachment 1, Council hereby delegates to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified in the proposed Instrument A as Attachment 1 to this report.
- (3) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated in the proposed Instrument of Delegation.

That under Instrument B – Power of Council as a Relevant Authority under the Planning Development and Infrastructure Act

- (4) In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder contained in the proposed Instrument of Delegation as Attachment 2, Council hereby delegates to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified in the proposed Instrument of Delegation.
- (5) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated in the proposed Instrument of Delegation.

That under Instrument C and D

- (6) That Council receive and note the proposed Instrument C – Power of the Barossa Assessment Panel (Relevant Authority); and Instrument D – Power of the Assessment Manager (Relevant Authorities), noting that the powers contained in Instruments C and D are subject to delegation by the Barossa Assessment Panel and the Assessment Manager, respectively.

Seconded Cr Angas

CARRIED 2018-22/350

PURPOSE

Council is asked to:

- revoke delegations to the Chief Executive Officer under the *Planning, Development and Infrastructure Act*, as it is proposed that this Instrument of Delegation be replaced by the new Instrument A and B, at Attachments 1 and 2;
- delegate to the CEO, the new Instrument A – Power of Council as a Council, Designated Authority and Designated Entity under the *Planning Development and Infrastructure Act* at Attachment 1;
- delegate to the CEO, the new Instrument B – Power of Council as a Relevant Authority under the *Planning Development and Infrastructure Act* at Attachment 2;
- receive and note Instrument C – Power of the Barossa Assessment Panel as a Relevant Authority under the *Planning, Development and Infrastructure Act* at Attachment 3; and Instrument D – Power of the Assessment Manager as a Relevant Authority under the *Planning Development and Infrastructure Act* at Attachment 4, noting that the powers contained in these instruments will be delegated by the Barossa Assessment Panel and Assessment Manager, respectively.

REPORT

Background

The *Planning, Development and Infrastructure Act 2016* ("PDI Act") is expected to come into full operation in the first half of 2021, upon the commencement of the Planning and Design Code for Phase 3 Councils.

Prior to it becoming fully operational, it is now necessary for Council to consider delegations under the PDI Act, noting that the majority of the powers will be used upon the PDI Act becoming fully operational. Powers that are relevant to parts of the PDI Act that are operational can be used from the date of delegation by Council.

It should be noted that any delegations under the PDI Act will not replace current delegations from Council under the *Development Act 1993* and associated regulations. The current Development Act delegation instruments will remain in force, as dual systems will be required until we have fully transitioned to the new planning system under the PDI Act.

Introduction

The PDI Act confers powers directly on:

- Council as a Council, Designated Authority and Designated Entity;
- Council as a Relevant Authority;
- the Barossa Assessment Panel as a Relevant Authority; and
- the Assessment Manager as a Relevant Authority.

Council may delegate its statutory powers and functions pursuant to Section 44 of the *Local Government Act 1999*, and it is proposed that Council do so with respect to Council's powers as a Council, Designated Authority and Designated Entity.

Further, Relevant Authorities may delegate their powers and functions pursuant to Section 100 of the PDI Act. Accordingly, it is proposed that Council do so with respect to Council's powers as a Relevant Authority.

Discussion

Council's Delegation Register and instruments are based on LGA templates. The LGA has identified that due to the nature of the powers conferred by the PDI Act, it is appropriate to have four instruments of delegation under the PDI Act.

The proposed instruments of delegation are described below and are attached to this report at Attachments 1 to 4. The instruments contain both the proposed delegations as well as proposed sub-delegations, which are subject to sub-delegation by the delegate.

Instrument A – Powers of a Council as a Council; a Designated Authority and a Designated Entity

Instrument A contains powers conferred to Council by the PDI Act, in Council's capacity as a Council, a Designated Authority and a Designated Entity.

Council may delegate its powers to the Chief Executive Officer under Section 44 of the *Local Government Act 1999*, and, unless otherwise indicated, the Chief Executive Officer may further sub-delegate these powers under Sections 44 and 101 of the *Local Government Act*. The proposed delegations and sub-delegations are included in Attachment 1, noting that the latter are subject to sub-delegation by the Chief Executive Officer.

Once approved, Instrument A and B, at Attachments 1 and 2, will replace current delegations from Council to the Chief Executive Officer under the PDI Act. Accordingly, it is proposed that Council revoke its current delegations to the Chief Executive Officer under the PDI Act, at Attachment 5.

Instrument B – Powers of a Council as a Relevant Authority

Instrument B contains powers conferred to Council by the PDI Act, in Council's capacity as a Relevant Authority. The role of a Relevant Authority is to grant or refuse various types of development approvals. Council will generally be a Relevant Authority with respect to building consent.

Council may delegate its powers to the Chief Executive Officer under Section 100 of the PDI Act, and, unless otherwise indicated, the Chief Executive Officer may further sub-delegate these powers under Section 100(2)(c) of the PDI Act. The proposed delegations and sub-delegations are included in Attachment 2, noting that the proposed sub-delegations are subject to sub-delegation by the Chief Executive Officer.

Instrument C - Powers of an Assessment Panel (Relevant Authority)

Instrument C contains powers conferred to the Barossa Assessment Panel by the PDI Act, in the Panel's capacity as a Relevant Authority. The Panel's role as a Relevant Authority is generally with respect to granting planning consent for performance assessed development that is the subject of public notification.

The Panel may delegate its powers to under Section 100 of the PDI Act. It is proposed that the Panel delegate these powers to the Assessment Manager, and, unless otherwise indicated, the Assessment Manager further sub-delegate these powers under Section 100(2)(c) of the PDI Act. The proposed delegations and sub-delegations are included in Instrument C at Attachment 3, which are subject to delegation by the Panel and sub-delegation by the Assessment Manager.

The proposed delegations also include reference to a standing referral under Section 99(1), whereby the Panel may resolve, where it has determined to act under Section 99(1)(b) of the PDI Act, to refer the assessment of a development in respect of the Building Rules, to Council. The standing referral would remove the need for the Panel to refer each matter that Section 99(1) applies to, to Council.

Elected Members should be aware that because the PDI Act confers the powers contained in Instrument C directly to the Panel, Council is not required to delegate these powers to the Panel. Rather, the Panel may delegate these powers directly to the Assessment Manager. Accordingly, Instrument C at Attachment 3 is being provided to Elected Members for information only as the delegations must be made by the Panel.

Instrument D – Powers of an Assessment Manager (Relevant Authority)

Instrument D contains powers conferred to the Assessment Manager by the PDI Act, in the Assessment Manager's capacity as a Relevant Authority. The Assessment Manager's role as a Relevant Authority is with respect to the granting of planning consent for performance assessed development that is not the subject of public notice and deemed to satisfy development (including where there may be 1 or more minor variations); and for the purposes of granting land division consent, encroachment consent and consent as to the satisfaction of any relevant offset scheme such as the open space contribution scheme or an urban trees fund.

The Assessment Manager may delegate its powers under Section 100 of the PDI Act. It is proposed that the Assessment manager delegate these powers directly to officers, with no further sub-delegation.

Instrument D, at Attachment 4 is provided for Elected Members' information and contains the powers and proposed delegations from the Assessment Manager to officers. The proposed delegations are subject to approval by the Assessment Manager.

Summary and Conclusion

Council is asked to receive, consider and approve Instrument A and B at Attachments 1 and 2; and receive and note Instruments C and D, at Attachments 3 and 4.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Instrument A - Powers of a Council as a Council; a Designated Authority and a Designated Entity (ref: 20/27529*)

Attachment 2 - Instrument B - Powers of a Council as a Relevant Authority (ref: 20/29000*)

Attachment 3 - Instrument C - Powers of an Assessment Panel (Relevant Authority) (ref: 20/31313*)

Attachment 4 - Instrument D - Powers of an Assessment Manager (Relevant Authority) (ref: 20/31726*)

Attachment 5 - Instrument of Delegation under the *Planning, Development and Infrastructure Act 2016* reviewed by Council at its Annual Review on 21 May 2019 and amended on 15 October 2019 (ref: 21/2488)

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.

Legislative Requirements

Local Government Act 1999

Planning, Development and Infrastructure Act 2016 and statutory instruments made thereunder

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Facilitation of these delegations to the Chief Executive Officer (or Assessment Manager where relevant) will be undertaken according to officers' existing duties.

Risk

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA). The proposed delegations contained in the attachments have also been reviewed by Kelledy Jones Lawyers.

It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council
- where the unlawful exercise of the power has caused loss or damage, the Council may be liable for such loss or damage.

COMMUNITY CONSULTATION

There is no legislative requirement to consult the community in this situation, nor, in officers' opinions, do the particular circumstances require it as the delegations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.

For transparency, the community has access to the delegations register on Council's website so is made aware of the powers of the Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer. Further, Instrument C and D, as they relate to the Barossa Assessment Panel and Assessment Manager (including those delegations and sub-delegations made by these Relevant Authorities) will be published on Council's website upon approval.

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 31 DECEMBER 2020)

B411

MOVED Cr Boothby

That the Monthly Finance Report as at 31 December 2020 be received and noted.

Seconded Cr Schilling

CARRIED 2018-22/351

PURPOSE

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

REPORT

Discussion

The Monthly Finance Report (as at 31 December 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 31 December 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

CONSIDERATION AND ADOPTION OF AUDIT COMMITTEE RESOLUTIONS B11633

MOVED Cr Hurn

That Council, having reviewed the Minutes of the Audit Committee meeting held 18 December 2020, adopt the Resolutions contained therein.

Seconded Cr Barrett

CARRIED 2018-22/352

PURPOSE

The Minutes of the Audit Committee meeting held 18 December 2020 are presented for the consideration and adoption of Council.

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Minutes of the Audit Committee meeting held 18 December 2020

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

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

Legislative Requirements
Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY CONSULTATION

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

7.3 CORPORATE AND COMMUNITY SERVICES - DEBATE

7.3.1 DIRECTOR CORPORATE AND COMMUNITY SERVICES

7.3.1.1

THE BIG PROJECT – OFFICE OF RECREATION, SPORT & RACING – GRANT APPLICATION – RUGBY (BAROSSA RAMS) – UPDATE OF FINANCIAL DETAILS AND APPLICATION FOR COMMUNITY LOAN ARRANGEMENTS B11579

MOVED Cr de Vries

That Council:

- (1) approves in principle the request from the Barossa Rams Rugby Club to access a community loan facility via Council for the sum of \$300,000 ex GST to support its contribution to the construction of a rugby pitch, change rooms and clubrooms at the Tanunda Rex site subject to a successful future grant application and noting that this will require the Council to borrow requisite funds from the Local Government Finance Authority of SA.
- (2) in the event of a successful grant application, requires the Chief Executive Officer or delegate to bring a future report to Council with the details of the required Council borrowing for final approval.
- (3) notes the further contribution of \$10,000 ex GST cash from Barossa Rams Rugby Club towards the project and related grant application.
- (4) approves the application for State Government Office of Recreation, Sport and Racing grant funding for the Rugby relocation component of the Southern Barossa Hub project based on contributions of: State grant allocation of \$995,000 ex GST; Council contribution of \$1,416,000 ex GST and Barossa Rams Rugby Club \$310,000 ex GST making a total funding amount of \$2,721,000 ex GST.

Seconded Cr Haebich

CARRIED 2018-22/353

PURPOSE

For Council to consider the amount of grant application for the Rugby (Barossa Rams) project and also a supporting community loan application from the Barossa Rams to support the grant application.

REPORTBackground

Council, has considered the prioritisation and scale of project funding and associated grant applications for The Big Project (Generational Community Infrastructure Project) on a number of occasions including most recently: August 2019 and November 2020 Council Meetings; the 2019/20 and 2020/21 draft budget and Long Term Financial Plan development and adoption processes. On other occasions the review of specific prioritised project elements such as the reprioritisation of the 2nd Oval at Stockwell Recreation Park have been reviewed by Council and associated changes adopted.

Council has worked on a funding model of 40% grant funding and 60% Council (or other party contributions) to maximise its chances of securing grants and leveraging ratepayer investment.

Introduction

The relocation of the Barossa Rams Rugby Club from its current location at the Lyndoch Oval to the land at the rear of the Rex, Barossa Aquatic Fitness Centre in Magnolia Road, Tanunda is the initial key driver for the realisation of the Southern Barossa Recreational Hub. A high Big Project priority due to the population growth and in particular young family demographics in that part of the Council area.

The intent supported by the stakeholders and through community consultation is for Rugby to relocate, Barossa District Football and Netball Clubs to move from Williamstown to Lyndoch and for the Queen Victoria Jubilee Park (Williamstown Oval) to be repurposed for nature and adventure based recreation activities (with a limited component of cricket competition retained). This in turn supports Council's investment in nature based tourism and economic development opportunities such as the Warren, cycle trail network and partnerships with SA Water etc.

In August 2019 Council prioritised the Rugby Club relocation with the construction of the new rugby pitch with the addition of change rooms and clubrooms as a later priority.

In November 2020 Council allocated \$2.36M ex GST total funding to the Rugby relocation project (Refer Attachment 1).

Also in November 2020, the State Government Office Recreation, Sport and Racing (ORSR) released an additional round of Grassroots and Community Recreation and Sport Facilities Program funding.

In December 2019, the Barossa Rams Rugby Club came to present to a Council Workshop to demonstrate to Council the breadth and depth of participation in its sport and club in the region and the work that it has done to foster and promote community connectedness and positive physical and mental health wellbeing and outcomes and urged Council to support the acceleration of the club/change rooms as well as the rugby pitch infrastructure.

Discussion

As with many other Big Project components, Officers have been working closely with the Barossa Rams Rugby Club (the Club) to develop requirements and ensure investment/shovel readiness for available funding.

The allocation identified in the November 2020 report has the potential to fund the pitch, lighting and basic change/clubroom infrastructure but is extremely tight; however, the

Club is seeking to borrow a further \$300k ex GST and donate \$10k ex GST in cash towards the project if a community loan can be agreed and the \$310k can be added onto the total project sum (Refer Attachment 2).

If approved, this will take the total project funding to \$2,716,000 ex GST with the breakdown as follows:

Entity	ORSR (grant)	Council	The Club
\$ amount contribution (ex GST)	\$995,000	\$1,416,000	\$310,000
% contribution	36.6%	52%	11.4%
Total Funding \$2,721,000 ex GST			

It is also proposed to increase the grant amount sought from the \$944k identified approved in the November 2020 report to \$995k. Council's contribution remains unaltered but the % mix ends up being 37% grant to 63% Council/other.

Feedback from the ORSR is that they are supportive of projects that can deliver a full project outcome as a preference to phased projects if at all possible.

As with other community loans (ie: Tanunda Bowling Club, Barossa Valley Hockey Association, Mount Pleasant Bowling Club, Tanunda Tennis and Netball Clubs) the process is that Council draws the funding and enters into a direct agreement with the Local Government Finance Authority (LGFA) (and so carries the associated risk) and then in turn enters into a funding agreement with the community group/club in accordance with Council's Treasury Management Policy.

In this instance, the Club is seeking a loan amount of \$300,000 ex GST for an anticipated term of 25 years. The Club has provided Council with its financial information for 2018 and 2019 and Officers have assessed its position and loan capacity. Given the relatively quick turnaround for the consideration of these recent developments, Council will continue to work through the details of the loan (if approved by Council) to ensure arrangements that are appropriate and achievable for the Club. The Club's offer of contribution is subject to achieving grant funding and the Council contribution detailed in this report.

ORSR indicate that there may be further funding opportunities later in the 2020/21 and 2021/22 periods and Officers will continue to work on the other elements of the Southern Barossa Hub project to ensure they are investment ready for future applications.

Summary and Conclusion

- The Rugby project facilitates great outcomes for the growing regional rugby community and the health and wellbeing achieved from participation in sport and the associated social activities. This helps to build community resilience across the Barossa that is increasingly important in these challenging times.
- If successful with the ORSR application, the project triggers the Southern Barossa Hub component of the Big Project.
- The Club is seeking loan funding to support an additional amount of total project funding to complete both the pitch and change/clubroom elements of the project.

- Officers have assessed the financial information provided by the Club and are able to recommend support of a \$300k ex GST loan over an anticipated term of 25 years.
- The total proposed project funding achieves a funding split of 37% grant and 63% Council/Other. This does not necessarily set a precedent for future applications and each project needs to be assessed on a case by case basis by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1: Extract Council Agenda Report November 2020 Council Report – Project funding allocations – ref: 20/65141
- Attachment 2: Letter of Request for Loan Funding – Barossa Rams Rugby Club – dated 17 January 2021 – ref: 21/4115
- Attachment 3: Preliminary Financial Modelling for Rugby – ref: 21/4315

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



Health and Wellbeing

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Consideration

In 2020 Council considered the Prudential Management Report on The Big Project undertaken independently by CHY Haines Norton Accountants. Given the relative amount of the proposed changes to the 40% v 60% policy approach in this particular instance (the additional 3% Council/Other funding amount for this project is the equivalent of \$81,480 ex GST), it is not considered that this is a material deviation from this strategy in total across the \$30M to \$50M investment.

The impact of the \$300k new loan borrowing on Council's financial position is assessed as follows:

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 not been completed as this project is included in the adopted Prudential report – Southern Rec Hub – Priority 1 Project 2 - Rugby Relocation – ground infrastructure.

The Long Term Financial Plan adopted in July 2020, spend for this project is \$1.488m offset by grant funding at 40% and this report includes expenditure at \$2.721m offset by grant

funding, contributions including the proposed community loan for \$0.3m. At the November 2020 meeting, Council approved \$2.36m for this project.

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, Veranda at the Nuriootpa Multi Use change rooms, autonomous vehicle consultancy work autonomous vehicle consultancy work and Mount Pleasant Show Society for additional funding for the Show Office Upgrade project, in this Agenda a total of \$337k (if approved), along with this report item a community loan for \$300k. These will be included in the Mid-year Budget Review or next Budget Update.

It is proposed that this report item for a community loan of \$300k if approved, will be financed in 2021/22 using a Local Government Finance Authority loan with loan repayments on-charged by Council to the Barossa Rams Rugby Club. This additional loan will increase Council's loan portfolio as reflected in the Net Financial Liabilities ratio.

If the additional project cost is captured as an asset, it will increase future years' depreciation along with asset renewal requirements and annual maintenance costs, but if these works are not captured within assets, then the initial build costs will be treated as an operating expense along with the annual maintenance costs. It is noted that this proposal is bringing projects forward to support the economy but will work within the overall prudential report assumptions.

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.

Item for Budget inclusion:	Barossa Rams Rugby Club	
Net operating costs - (incl depreciation)	\$0	
Additional project cost (ex GST) - loan funded	\$300,000	
Grant Income reduced (ex GST)	\$0	
Funding required by Council - loan funded	\$300,000	
DDR provided	Future Council report	
This projects BAT score – approved by CMT (Cut-off		
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 in Council meeting(s) agenda since the Budget Update as at 30 September 2020/21*.		
KPI	Revised forecast	Overall Change since*
Operating Surplus / (Deficit) (Target: break even position over a five year period)	\$-427k	Increased by \$280k
Operating Surplus Ratio (Target: -2% to 10%)	-1.07%	Deficit position increased 0.55%
Net Financial Liabilities (NFL) \$	\$20563.428k	Increase in NFL \$637k
Net Financial Liabilities Ratio (Target: >0 to <100%)	51.7%	Increase to liabilities ratio 1.6%
Asset Funding Renewal Ratio (Target: >80% to <110%)	122%	No change to asset renewal spends

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 increase to the Councils loan portfolio \$300k.

Since Budget adoption 2020/21, the net cash reduction approved by Council for numerous budget amendments in the Budget Update 30 September 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.

Community Loan repayments

Further to the above, we have undertaken preliminary modelling on Rugby's financial information and drawn up a 25 year estimate of its operating and cash position should Council support it borrowing funds. The data provided does not have completed 2020 financial accounts; therefore the estimates are based on the 2018 and 2019 accounts (noting the club's financial year runs from January to December). The summary indicates:

1. An ongoing operating surplus through the modelling period of 25 years.
2. Sufficient cash to fund the loan and its existing operations.
3. Undertaking some sensitivity analysis through the assumption of a 5% or 10% revenue loss demonstrates there remains sufficient cash; however, that a 10% loss of revenue will slowly diminish any cash reserves.

Resource Consideration

Officers and Council continue to monitor the resource impacts and requirements of the Big Project and as implementation of projects increases, ensure that resource costs are adequately incorporated into capital budgets.

Risk Management Consideration

Overarching risks of the Big Project are reviewed periodically and each project is subject to separate risk assessment processes. There is risk associated with community loans in that Council is responsible for the repayment of the loan funding with LGFA whether or not the community organisation can acquit its repayment obligations under the loan arrangements entered into with Council across the full term of the loan. Officers assess and review the status of debtor arrangements on a periodic and ongoing basis and reports to Council as necessary.

COMMUNITY CONSULTATION

Undertaken as part of the development of the Southern Barossa Hub master planning process.

7.3.1.2

**THE BIG PROJECT – BAROSSA UNITED FOOTBALL CLUB (SOCCER) PROJECT –
ALLOCATION OF PRIORITISED LANDSCAPING/CIVIL/ROAD/SERVICES FUNDING
COMPONENT
B11578**

MOVED Cr Johnstone

That Council:

- (1) approves the allocation of \$814,176 ex GST from the \$1,356,960 ex GST identified for Nuriootpa Centennial Park (NCP) prioritised project 1 (Landscaping/Civi/Roads/Electrical and Drainage) to prioritised projects 2 and 5 (Soccer Club Rooms and New Soccer Pitches) – as identified in extract Nuriootpa Centennial Park – Financial Model – Priority 1 Projects reference: 21/4113.
- (2) notes the revised total project funding for NCP prioritised projects 2 and 5 of \$4,110,303 ex GST.

Seconded Cr Angas

CARRIED 2018-22/354

PURPOSE

For Council to approve the allocation of a proportion of the prioritised landscaping, civil, road, services funding identified in the Nuriootpa Centennial Park Big Project Financial Modelling to the Barossa United Football Club project.

REPORT

Background

In August 2019 Council was presented with comprehensive Financial Modelling for each component project of The Big Project (Generational Community Infrastructure Plan).

The extract modelling (Refer Attachment 1) shows the breakdown of funding for the Nuriootpa Centennial Park (NCP) Priority 1 Projects.

Council completed the AFL/Cricket/Netball change room prioritised Project 3 in August 2020 within the \$1,000,000 ex GST budget after securing a State Office of Recreation, Sport and Racing (ORSR) Grassroots Round 1 grant and also Project 6 cricket nets with Cricket Australia funding.

Funding has now opened up for projects from other sporting codes via both Federal and State grant opportunities. Council's application strategy for these various grants was identified and approved in November 2020 when it resolved:

MOVED Cr Boothby

That Council adopt the Forward Grant Program and authorise the Chief Executive Officer to make necessary submissions in accordance with the target program and where necessary the engagement of contract resources to assist with application processes, subject to quarterly budget reviews.

Seconded Cr Johnstone

CARRIED 2018-22/293

Council is now applying for NCP prioritised Projects 2 and 5, soccer club infrastructure (pitch, lighting, club/change rooms) via the Local Roads and Community Infrastructure Federal Funding Grant program (LRCI) and if this is unsuccessful, will also apply for State ORSR funding.

Introduction

When the Forward Grant Program (refer Attachment 2) was adopted by Council in November 2020, the funds allocated to NCP Projects 2 and 5 are as follows:

Grant \$	Council \$	Total
1,034,462	2,465,538	\$3,500,000 ex GST

NB: includes rounding of project costs

There are a range of landscaping/civil works/roads/service works associated with the soccer project (refer latest draft extract site plan – Attachment 3).

The NCP prioritised projects also includes Project 1 – landscaping/civil/roads/ electrical and drainage totalling \$1,356,960 ex GST. This is to facilitate general upgrades to infrastructure amenity required across the whole of the Nuriootpa Centennial Park as a result of the Big Project works and that was hard to pin down to a particular project when the master planning process was undertaken. To date it has not been necessary for this allocation of funding to be applied for the projects already completed.

It is now proposed that a proportion of that prioritised Project 1 funding should be allocated to the soccer project because of the extent of ancillary supporting infrastructure required. This is particularly the case because Council will now have to bring the land it acquired in Prider Street fully into the park with associated civil and service works.

Discussion

An allocation of the prioritised Project 1 funding is identified as follows:

Grant \$	Council Project 2 and 5 \$	Council Project 1\$	Total
1,034,462	2,261,125	814,176	4,110,3030 ex GST

This allocation does not increase overall and budgeted cost of the total NCP project; it is in line with the adopted Big Project Prudential Management Report details but does not allow for escalation of costs since August 2019.

Summary and Conclusion

- To ensure sufficient funds are allocated to include all civil and service infrastructure associated with the prioritised soccer Project 2 and 5 a component of the funding for NCP prioritised Project 1 needs to be applied.
- The identified allocation is \$814,176 ex GST from Project 1
- Council's overall contribution to the total NCP projects is unaltered.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Extract Council Agenda Report August 2019 – Financial Modelling Nuriootpa Centennial Park – Financial Model – Priority 1 Projects ref: 21/4113
Attachment 2:	Extract Council Agenda Report November 2020 Council Report – Project funding allocations – ref: 20/65141
Attachment 3:	Extract draft Barossa United Football Club site plan ref: 21/4106

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan 2020 - 2040



Community and Culture



Infrastructure



Health and Wellbeing

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial Management Consideration

Covered within the report and existing Financial Modelling and Big Project Prudential Management reporting and associated Council reports. No additional financial impacts on Council's overall commitment to The Big Project.

Resource Consideration

Officers and Council continue to monitor the resource impacts and requirements of the Big Project and as implementation of projects increases, ensure that resource costs are adequately incorporated into capital budgets.

Risk Management Consideration

Overarching risks of the Big Project are reviewed periodically and each project is subject to separate risk assessment processes.

COMMUNITY CONSULTATION

Undertaken as part of the development of the Nuriootpa Centennial Park master planning process.

7.3.1.3**FEE WAIVER FOR KIND HEARTED KITCHEN – TANUNDA SHOW HALL****B11664****MOVED** Cr Angas

That Council:

- (1) Approves the not for profit Kind Hearted Kitchen organisation's use of the Tanunda Show Hall Kitchen for up to 3 days per month.
- (2) Approves the proposed 100% fee waiver application from Kind Hearted Kitchen for the use of the Tanunda Show Hall kitchen for an initial trial period of 12 months representing a loss of revenue equivalent to circa \$5,400 to \$8,100 ex GST (ie based on the already 50% not for profit, community discounted rate of \$225 per day).
- (3) Requires Kind Hearted Kitchen to be responsible for all post use cleaning at no cost to Council and in accordance with venue requirements.
- (4) Notes that this is not intended to set a precedent or departure from the existing application of Council Fees and Charges for community/not for profit organisations.

Seconded Cr Haebich**CARRIED 2018-22/355**

PURPOSE

To seek approval of a fee waiver for Kind Hearted Kitchen to utilise the Tanunda Show Hall Kitchen for a trial period to support the preparation and cooking of meals to be distributed to vulnerable and in need members of the local community.

REPORT

Background

Kind Hearted Kitchen is a not for profit volunteer based organisation providing a free service of ready-made meals for local families and vulnerable people in need. It has been serving the Barossa community since June 2015. Kind Hearted Kitchen has sourced, cooked, packed and delivered over 20,000 free meals to the Barossa community.

Kind Hearted Kitchen is founded on an ongoing commitment to the Barossa by two Barossa based mums, Rachael Braunack and Ruby Stobart who have put their talents together to create nourishing meals from local, seasonal ingredients collected from their own gardens, friends pantries and local community donations.

The meals are distributed to The Hub, Lutheran Community Care Emergency Relief Centre, Carers and Disability Link, Child and Family Youth Health, The Community Kitchen and via pastoral care programs at multiple local schools. There is no qualification process to access the meals, simply feeding people when they need a hand, giving respite when needed and offering a collective avenue for people to give. Kind Hearted Kitchen do not charge for meals.

Currently several Barossa schools offer breakfast programs to ensure children have something nourishing to eat before starting a day of lessons. Over the last 18 months Kind Hearted Kitchen has made food to help meet the needs of both primary and high school children who go to school without having breakfast or without food in their lunchbox.

Kind Hearted Kitchen has proven itself as a viable producer of free meals. The local community is extremely supportive with an abundance of donated produce, community groups raising food vouchers, and many individuals and businesses offering assistance in various ways. Many volunteers including chefs, members of the local community, those new to the region and youth all assist in the preparation and cooking of the meals.

Discussion

For the last 3 years, every 6-8 weeks regular cook-ups have occurred at the Nuriootpa High School hospitality centre, with food generously donated for Kind Hearted Kitchen to prepare and cook the meals. The High School has not made any charge for the use of its facilities.

Unfortunately due to COVID19, Kind Hearted Kitchen has not been able to access the High School site and in 2021 the school will be undergoing renovations and Kind Hearted Kitchen must find a new kitchen to access.

In 2021, Kind Hearted Kitchen is aiming to cook more often, every 4 weeks to meet the demand for both ready-made-meals and lunchbox items and are looking to utilise the Tanunda Show Hall Kitchen over 2-3 days a month and are flexible with weekday or weekend days and also should any conflicting bookings of the kitchen occur.

Kind Hearted Kitchen anticipate during a cook up they would be using all kitchen facilities except for the deep fryer and walk in freezer room; therefore the usual

applicable fees would be calculated at a Full Commercial kitchen usage rate as per the fees and charges previously adopted by Council for a community group

Council's Fees and Charges register has Full Commercial use of the Kitchen at \$450.00 per day and Kind Hearted Kitchen immediately qualify for the not-for-profit discount, as per the Fees and Charges Register, of 50% reducing the fee to \$225.00 per day.

Assuming a maximum use of 3 days per month at 50% not-for-profit Full Commercial Kitchen fee equates to \$675.00 per month and up to \$8,100 for a 12 month period.

The amount of \$225.00 per day, irrelevant if usage is 2 or 3 days per month, is the figure that Kind Hearted Kitchen would like to be waived to enable the organisation to continue their free service to the community.

The full and community discounted fees incorporate assessment to ensure cost recovery of Council's associated costs such as electricity, gas and water. These have been estimated for the new Show Hall kitchen and due to COVID and the limited opportunity for the kitchen to be booked/used, data on actual costs / energy charges are not known. This can be better assessed during the proposed 12 month pilot period.

Council has requests from other community and not for profit groups to waive fees beyond the existing 50% approved discount and these are rarely approved. Due to the particular nature of this request and the potential for precedent, Officers are bringing this matter to Council for consideration rather than exercising their delegated decision making powers. This is a further reason that a trial period is proposed.

Summary and Conclusion

- The not for profit Kind Hearted Kitchen is meeting a present need for the provision of free meals to vulnerable and in need Barossa community members including school children
- An impressive local network of donated food, volunteer input in preparation and distribution has been established.
- Previous free of charge cooking facilities at Nuriootpa High School are no longer available to the group.
- Use of the Show Hall kitchen will not impact other revenue generating bookings as the group will be flexible and work around other users.
- It is proposed that a 12 month trial period be agreed with a 100% fee waiver for up to 3 days use per month so that full associated costs and continued application of the arrangement can be better assessed.
- The lost revenue for the trial period will be between \$5,400 and \$8,100 based on use of between 2 or 3 days per month.
- The initiative supports Council's "Barossa Cares" ethos.
- Due to the continuing impact of COVID 19 restrictions on events, bookings and use of Council facilities, there is currently plenty of capacity for the Tanunda Show Hall kitchen to be made available to the group.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Kind Hearted Kitchen Summary 21/000798

Attachment 2: Application for Fee Reduction 21/000884

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan 2020-2040



Community and Culture: refers to the values, beliefs and lifestyle of the Barossa people who reside here. It includes the network of organisations and groups who work collaboratively to preserve and acknowledge the identity and history of the Barossa's people and places. Volunteering, social interaction, creative activities and community history initiatives all play an important part in developing and sustaining a community and its culture.

Corporate Plan

2.4 Foster volunteering opportunities that are responsive to the needs of the Community.
4.6 Support the growth and sustainability of sporting, recreational and community clubs and organisations through provision of shared infrastructure, grants and opportunities to shape future use and development.

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

Legislative Requirements

The Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

The proposed fee waiver equates to revenue of between \$5,400 and \$8,100 for the 12 month trial period dependent on 2 or 3 days per month use. The group will work around other revenue generating bookings.

Resources

The true costs of utilities for the use of the new kitchen is not known due to the disruption of booking opportunities arising from the COVID 19 restrictions.

Risk Management

Reputational risk to Council if it is not supportive of a community orientated venture of this nature but also the risk of setting a precedent for other deserving community and not for profit activities and groups.

COMMUNITY CONSULTATION

Council's fees and charges register is reviewed annually as part of the draft budget and business plan development, consultation and adoption process.

7.3.2 MANAGER COMMUNITY PROJECTS

7.3.2.1

MOUNT PLEASANT SHOW SOCIETY – REQUEST FOR ADDITIONAL FUNDING FOR SHOW OFFICE UPGRADE PROJECT B10998

MOVED Cr Boothby

That Council:

- (1) Endorses the updated design and costing information for the Mount Pleasant Show Office Upgrade project (the Project) as provided by the Mount Pleasant Show Society Inc.
- (2) Approves an additional contribution of up to \$56,655 ex GST to be applied to stage one of the Project build costs.
- (3) Requires a contract for works be entered into between the Mount Pleasant Agricultural Show Society and the builder, GE Hughes Pty Ltd.
- (4) Requires Officers to be continuing members of the project management team and participate in regular site meetings during final planning and construction works.

Seconded Cr Barrett

CARRIED 2018-22/356

PURPOSE

For Council to consider the request from the Mount Pleasant Show Society (Show Society) for additional funding for the Show Office Upgrade project.

REPORT

Background

Council, at its 19 November 2019 meeting, resolved the following:

MOVED Cr Wiese-Smith that Council:

(1) Receives and notes the urgent New Initiative request from the Mount Pleasant Agricultural Show Society to upgrade the Show Office and construct a Wool Shed in order that a Regional Agricultural Show Development Grants Program funding application can be made by the deadline of 13 December 2019.

(2) Notes that due to the constraints of time between the release and close of the grant funding the Show Society and Officers have had limited opportunity to provide the usual information and due diligence required to support New Initiative requests as per Council's Prudential Management Policy.

(3) Supports (in principle) the request for an up to \$31,000 ex GST contribution to the grant application in the 2020/21 financial year on the basis that the identified works are identified in the Talunga Park Masterplan (the administration centre only) and as such, align with Council's long-term vision for this facility.

(4) That Officers provide administrative support to the Show Society's application for funding in the aforementioned program.

(5) That officers present the final application and financial assessment to a future meeting of Council.

Seconded Cr Barrett

CARRIED 2018-22/382

A further report was considered by Council at its 15 September 2020 meeting and resolved the following:

MOVED Cr Barrett that Council:

- (1) Endorses the updated design and costing information for the Show Office Upgrade project as provided by the Mount Pleasant Show Society Inc.
- (2) Confirms the contribution of \$31,000 ex GST to the Show Office Upgrade project and a further \$10,000 ex GST contribution (already budgeted) originally earmarked for the refurbishment of the ATCO toilet block, notes that no contingency appears to have been included in the figures provided.
- (3) Requires Officers to be members of the project management team and participate in regular site meetings during final planning and construction works.

Seconded Cr Wiese-Smith

CARRIED 2018-22/250

Introduction

Plans have been submitted for Development Assessment (planning only) on 31 August 2020 and subsequently Building Rules Consent. A number of requests for information have required additional amendments to the design floor plan.

It is acknowledged that the inclusion of the toilets into the Show Office building have added complexity into the design and required specification of the plans. It has also become evident to Officers that the design tabled with the last Council report did not correspond to the quote that was also provided by the Show Society and GE Hughes and attached as part of that report. This was not known to Officers at the time of writing and tabling that previous agenda report. Consequently, the quote provided was under the cost to build the design at that point in time. Again, this was not known by Officers.

These design changes and misaligned quote have resulted in additional cost in order to achieve the Show Society's outcomes and compliance with the Building Code.

Discussion

There is still support for the toilets being included within the Show Office footprint, for a greater community outcome, improved whole of life costs and to rationalise the number of buildings on that section of Talunga Park.

The current design floor plan (Attachment 1) has been reviewed by Council's planners and building officers with the final outstanding information to be provided being:

1. Floor slab construction details (including concrete grade, thickness, reinforcement, jointing, damp-proof membrane, termite protection etc) and justification that the floor slab nominated is suitable to support lined and tiled walls and accommodate the differential soil movements resulting from moisture changes in the underlying reactive soils. (Engineering advice underway as engaged by Show Society)
2. Amended ceiling construction details over the disability toilet as the ceiling joists nominated appear undersized. (Building Officer recommended additional hanging beams or larger joist.)

The design floor plan includes a note that the internal fitout is not included in the quote and will not be a deliverable of stage one of the project. Officers have strongly recommended that the Show Society contact the Regional Agricultural Show Development Grants Program to confirm that an acquittal of stage one only of the project is acceptable within the terms of its grant funding agreement. The Show Society plan to fundraise and to complete the internal fitout of the building within 1 to 3 years. The building will still be suitable for occupation at the conclusion of stage one. The timeframe for the conclusion of the works by the Show Society is very much dependent on whether they will be able to hold the Mount Pleasant Show in 2021. This is the Show Society's main revenue stream. Plans are well in hand but reliant on the level of any restrictions arising from COVID regulations prevailing at the time (and continued insurance cover). The Mount Pleasant Show had to be cancelled at extremely short notice in 2020 at the very beginning of COVID restrictions.

The quote for the building is provided at Attachment 2.

It is also noted that the cost of the shed materials of \$46,950 ex GST remains in the quote as a PC Sum. Officers have requested that this part of the quote be confirmed.

A review of the project budget and funding model has also been completed by officers.

Item	Ex GST
Build Quote	\$214,631
Recommended contingency budget – 7% (not identified in Show Society funding model)	\$15,024
Project Cost (ex GST)	\$229,655
Funding	
Regional Agricultural Show Development Grant	\$124,000
Council Contribution	\$31,000
Council Contribution (from ATCO toilet)	\$10,000
Mount Pleasant Agricultural Show Society	\$5,000
Mount Pleasant Incorporated (Attachment 3)	\$1,000
Mount Pleasant Pony Club (Attachment 4)	\$2,000
Total Funding	\$173,000
Budget Shortfall	\$56,655

A letter of support (Attachment 5) was also received by the Mount Pleasant Farmer's Market stating that in principle support is provided and a financial contribution may be made available subsequent to their committee meeting on 18 January 2021. A verbal update on this contribution will be made at the Council meeting.

The Mount Pleasant Pony Club's letter of support provides for possible additional future funding for stage two (internal fitout) of the project.

It is acknowledged that added complexity has been applied to the project by the inclusion of the toilets to the building. However the benefit is rationalising the number of buildings on the area of Talunga Park and providing a fit for purpose amenity for the community usage on Framer's Market, Horse Event, Mount Pleasant Show days, and any other events that are held at the Park.

Without additional funding, this benefit will not be realised and the Show Society will not be able to achieve their objectives for upgraded Show Office facilities. To continue to support the project, up to an additional \$56,655 ex GST will be required.

Summary and Conclusion

The Project has been complicated by successive design reviews and the uncertainty of the Show Society having to manage its finances through the COVID response period with a consequential significant impact on its past and future revenue generation capacity. Finalised planning, associated quote and stakeholder contributions have now been finalised. There is a shortfall of \$56,655 ex GST (including 7% contingency) to fund stage one of the project.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Mount Pleasant Show Office – Floor Plan Ref: 21/1571
Attachment 2:	Mount Pleasant Show Office – Quote – GE Hughes Ref: 21/1573
Attachment 3:	Letter of Support – Mount Pleasant Progress Association Incorporated Ref: 21/136
Attachment 4:	Letter of Support – Mount Pleasant Pony Club Ref: 21/100
Attachment 5:	Letter of Support – Mount Pleasant Farmer's Market Ref: 21/136
Attachment 6:	Due Diligence Level Two Report Ref: 21/4452

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan 2020 - 2040



Community and Culture



Infrastructure

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Consideration

The Council contributions have been budgeted for in the 2020/21 budget for the original \$10,000 contribution. Up to an additional \$56,655 ex GST will required if further Council support is agreed.

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

As detailed in the Council Agenda report of the 19 November 2019, a Due Diligence Assessment was not completed for the original application as the original request from the Show Society for the support for the grant application came in at very short notice ahead of the grant close deadline. A Due Diligence Level Two Report has been completed as Attachment 6 with a BAT score of 52.

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 Pools - additional opening hours, Veranda at the Nuriootpa Multi Use change rooms, autonomous vehicle consultancy work for \$50k, in this Agenda, along with this report item (if approved), at \$57k, a total of \$337k. These will be included in the Mid-year Budget Review or next Budget Update.

It is proposed that this item if approved, will be funded from the 2019/20 brought forward cash.

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.

Item for Budget inclusion:	Mount Pleasant Show Society for additional funding for the Show Office Upgrade project	
Net operating costs (incl depreciation)		\$0
Additional project cost (ex GST)		\$56,655
Grant Income reduced (ex GST)		\$0
Funding required by Council		\$56,655
DDR provided		
This projects BAT score – approved by CMT (Cut-off)		
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 in Council meeting(s) agenda since the Budget Update as at 30 September 2020/21*.		
KPI	Revised forecast	Overall Change since*
Operating Surplus/(Deficit) (Target: break even position over a five year period)	\$-427k	Increased by \$280k
Operating Surplus Ratio (Target: -2% to 10%)	-1.07%	Deficit position increased 0.55%
Net Financial Liabilities (NFL) \$	\$20263.428k	Increase in NFL \$337k
Net Financial Liabilities Ratio (Target: >0 to <100%)	50.9%	Increase to liabilities ratio 0.8%
Asset Funding Renewal Ratio (Target: >80% to <110%)	122%	No change to asset renewal spends

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 additional capital expenditure in 2020/21 of \$57k.

Since Budget adoption 2020/21, the net cash reduction approved by Council for numerous budget amendments in the Budget Update 30 September 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.

Risk Management Consideration

Ongoing project and budget risk remains as to date and despite offers of support from Officers, there has been no contract entered into by the parties to formalise the project. Officers have stressed the importance of this step in the management of public funding and drafted a contract to assist. It is recommended that any additional contribution be subject to the execution of the appropriate works agreement contract.

Officers will continue to provide input on Council requirements for Project and Contractor Management requirements and will participate in site meetings.

COMMUNITY CONSULTATION

Undertaken as part of the consideration of the Talunga Park and Old Talunga Park Masterplan development and adoption process. This is a Mount Pleasant Show Society initiated project and there has been no specific consultation by Council in relation to these proposed items.

7.3.2.2

MEN'S SHED DEFIBRILLATOR INITIATIVE – DEED OF ACKNOWLEDGEMENT B10577

MOVED Cr Johnstone

That Council provide approval for the Mayor and Chief Executive Officer to affix the seal and sign the Deed of Acknowledgement from the Commonwealth of Australia Department of Health for supply of a defibrillator to the Barossa Community Men's Shed in Tanunda, in accordance with section 38 of The Local Government Act 1999.

Seconded Cr Troup

CARRIED 2018-22/357

PURPOSE

That approval be provided for the Mayor and Chief Executive Officer to sign and seal the Deed of Acknowledgement from the Commonwealth of Australia Department of Health for supply of a defibrillator to the Barossa Community Men's Shed, 6 Ash Street, Tanunda.

REPORT

The Barossa Community Men's Shed are successful applicants of The Commonwealth Government's Department of Health defibrillator initiative.

The purpose of the initiative is to ensure that men's sheds have access to automated external defibrillation devices. This is provided at no cost to the Men's Shed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Deed of Acknowledgement of the Commonwealth of Australia Department of Health (20/72867)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan 2020 - 2040



Health and Wellbeing

9.1 Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

Not required under legislation or Council Policy.

7.3.2.3**COMMUNITY CONSULTATION – MOUNT PLEASANT SHOPPING BUS
B11336****MOVED** Cr de Vries

That Council note the outcome of community consultation regarding a proposal for a monthly shopping bus between Eden Valley, Springton and Mount Pleasant to Gawler, and endorse officers' decision not to introduce the service due to level of demand and anticipated low patronage indicated in the consultation responses.

Seconded Cr Boothby**CARRIED 2018-22/358****PURPOSE**

To advise Council of the outcome of recent community consultation regarding a proposal for a monthly shopping bus between Eden Valley, Springton and Mount Pleasant to Gawler, principally for people over 65 years and living along the suggested bus route.

REPORTBackground

Council's Community Transport officers were contacted by a resident in September 2020 about the need for a door to door community shopping bus service in Mount Pleasant. A LinkSA public bus is available; however, for older people it was the resident's view that distance from bus stops with heavy groceries was unmanageable.

A proposal to trial a monthly shopping bus between Eden Valley, Springton and Mount Pleasant to Gawler, driven by a Community Transport Volunteer Driver and funded via the Commonwealth Home Support Programme, subject to an initial period of community consultation to assess interest/demand, was made.

Discussion**Community Consultation**

Community consultation on the proposal took place between 4 and 24 November 2020.

The survey was made available online and in paper copy and was widely promoted including: Your Say, Council's Website, Barossa Community Services Network, Mount Pleasant Beat newsletter, hard copies in Springton Store and Post Office, Eden Valley Post

Office, Nuriootpa Library, Angaston Library, Mount Pleasant Library, Mount Pleasant Hospital, Mount Pleasant doctors, Mount Pleasant Post Office, Mount Pleasant Men's Shed, Mount Pleasant Bowls Club and Mount Pleasant Bakery.

The criteria for going ahead with the proposal was set at four responses from people in the target group (over 65 and living along the suggested bus route) wishing to use the bus.

Consultation Results

Eight responses were received, 7 Yoursay responses and 1 hardcopy. They are summarised below.

	Would use?	Town	Age	Comments
1.	Not now but maybe in the future	Might be moving to Springton	59	Doesn't yet live in Springton. Below target age.
2.	Not now but maybe in the future	Mount Crawford	71	Mount Crawford out of proposed bus route.
3.	No	Tanunda	n/a	Advocacy only – wanted to say it's a good idea.
4.	Yes	Eden Valley	47	Below target age.
5.	Yes	Eden Valley	77	Meets criteria and would use.
6.	Not now but maybe in the future	Eden Valley	73	Meets criteria but wouldn't want to use yet.
7.	Not now but maybe in the future	Mount Pleasant	87	Meets criteria but wouldn't want to use yet.
8.	No	Lyndoch	n/a	Advocacy only – wanted to say it's a good idea.

Outcome

The go-ahead criteria was not met. Only one respondent met the target criteria and would like to use the service.

All eight respondents have been contacted about the result and given information about the Community Transport Car service, which remains open to them.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment: Advertising poster and hard copy survey (Ref: 20/60752)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan 2020 - 2040



Infrastructure

8.1 Support opportunities to increase community transport and access to services and facilities.



Health and Wellbeing

9.1 Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource Management

A monthly shopping bus between Eden Valley, Springton and Mount Pleasant to Gawler, would be driven by a Community Transport Volunteer Driver and funded via the Commonwealth Home Support Programme.

Risk Management

Community Transport Volunteer Drivers complete an accreditation process to be accepted for volunteering. They also must adhere to Council's Volunteer Code of Conduct and quality checks on their service provision are undertaken intermittently.

COMMUNITY CONSULTATION

No formal community consultation is required under the Local Government Act 1999 or Council Public Consultation Policy. However, a survey was made available online and in paper copy and was widely promoted in Mount Pleasant and surrounding district, from 4 – 24 November 2020.

7.3.2.4

DRAFT BAROSSA REGIONAL HERITAGE STRATEGY 2021 - 2025 B2318

MOVED Cr Troup

That Council approves the Draft Barossa Regional Heritage Strategy 2021 – 2025 and associated action plan.

Seconded Cr Johnstone

CARRIED 2018-22/359

Cr Barrett acknowledged the work of Ms Paull, Manager Heritage and Library Services in the development of the strategy and support of the Heritage Network.

PURPOSE

Seeking Council approval of the Draft Barossa Regional Heritage Strategy 2021 - 2025.

REPORT

Background

The Barossa, Light and Gawler *Regional Heritage Strategy 2014-2020* was developed and approved by Council in 2015. The Barossa Regional Heritage Network has revised and developed the updated strategy, renamed as the Draft Barossa Regional Heritage Strategy 2021-2025.

Note: The title has removed Gawler and Light, to identify the strategy as a Barossa Council document. Groups from Gawler, Light and Mid Murray Councils continue to participate, but the strategy is not required to be formally endorsed by their respective Councils.

Introduction

The Barossa Regional Heritage Network has been successful in achieving many of the actions of the 2014 - 2020 Strategy.

Highlights for the first six years can be summarised under the strategy themes.

Participation:

- Increased heritage experiences for the Vintage Festival and History Festival with new events - bus tours, talks, concerts and exhibitions developed.
- Increased participation by families and children through library collaboration for new experiences such as the Barossa Museum Escape Room and Wunderbar Barossa Family Trail.
- Developed the Barossa Heritage Trail Map in 2016, 13,000 maps distributed.
- Delivered World War I experiences with commemorations including Mount Pleasant History Room revival of Violet Day and Cheer Up Hut experiences. The Freidensberg German School, Private Semmler story by ABC TV for Remembrance Day 2018. War history was researched and included in *The Barossa: Federation to the Fifties* publication and the development of the Light Horse permanent exhibition at Kapunda.
- Participation by the library at Bushgardens Reconciliation and Barossa Reconciliation Group events. Increased discussions with Ngadjuri, Peramangk, and Kaurna representatives and inclusion of their heritage in documents and events.
- Initiated the Barossa History Fair held in 2018 and 2019 attracting 300 people each year. 2020 was cancelled due to Coronavirus and will be held in 2021.
- Opening of the Angaston History Centre in 2019 producing regular exhibitions.
- Support and research provided for the Angaston Railway Station restoration and Barossa Adventure Station development.

Promotion:

- Monthly heritage articles published in *The Leader* from 2015-2018 and progressing to quarterly articles in *The Barossa Mag*.
- Initiated social media use with Barossa Heritage Facebook page reaching 554 followers, new sites for Angaston, Mt Pleasant, Luhrs Cottage Museum and Nuriootpa groups.
- Commenced Vintage Festival Ambassadors heritage workshops 2015 – 2021 at the Nuriootpa Library History Room.
- Increase in school visits to the Barossa Library, Angaston Blacksmith, Barossa Museum, Freidensberg School and Luhrs Cottage Museum.

Preservation:

- Publication of *The Barossa: Federation to the Fifties 1901-1950*, a major work recording the twentieth century history of the region, 3,000 printed in 2017.
- Barossa Library digitised to date 335 photographs from the Barossa Archives and Historical Trust collection, training 6 volunteers to digitise and catalogue.
- Increased grant applications were encouraged including: Council and SA History Trust grants for the Moculta Linke Stripper shelter, Langmeil Centre Pastor Kavel

grave restoration, Angaston relocation the German Wagon to the Blacksmith and museum shed and development of Angaston History Centre. Peter Lehmann Arts and Education Foundation grants were received for Luhrs Cottage storage shed and Barossa Heritage Trails App.

- 4 member groups Angaston, Freidensberg, Luhrs Cottage Museum, and Mount Pleasant History Room retained South History Trust of South Australia, Museums and Collections program status and received additional grant funding.
- Opening of the Gawler Cultural Heritage Centre and sharing of knowledge which are contributing to planning for the Barossa Creative Industries Centre.

Discussion

The revised strategy continues the aims and themes and identifies actions to 2025. (See Attachment 1 – Draft Barossa Regional Heritage Strategy 2021 – 2025.)

The aims of the strategy are to:

1. To ensure a strong, knowledgeable and collaborative community heritage sector for the region.
2. To maintain a strong presence in the cultural tourism sector and establish heritage experiences which contribute to the social, environmental and economic status of the community.
3. To ensure productive relationships with government, statutory bodies and private interests to ensure decisions relating to heritage are made with an informed heritage perspective.
4. To ensure effective preservation and digitisation practices in our leading cultural heritage and community facilities.

An annual action plan is developed each financial year to drive the progress of the strategy. Priorities identified for 2021 include:

- Support the development of the Creative Industries Centre.
- Increase heritage tourism through the launch of the Barossa Heritage Trails My Tours App for Angaston, Light Pass, Mount Pleasant, Nuriootpa, Tanunda in 2021 with Lyndoch, Williamstown, Barossa Museum and other locations in 2022. Funded by the Peter Lehmann Arts and Education Foundation.
- Participation in the Vintage Festival, History Festival and Barossa History Fair.
- Continue the digitisation program, commence Council assessment books and seek funding for shared library software to promote groups online collections.
- Continue discussions with Ngadjuri, Peramangk and Kaurna representatives to increase recognition of First Nations heritage and experiences.
- Increase sustainability for heritage groups through volunteer support.
- Collaboration with schools to better connect heritage experiences.
- Planning for a Barossa collection significance survey to identify the depth of the collections and preservation needs and digitising priorities.

Summary and Conclusion

The current Regional Heritage Strategy has been successful in increasing collaboration, participation and focusing the effort of community heritage groups and library heritage services. The proposed 2021-2025 strategy will continue to strengthen the community

heritage sector, support heritage tourism and increase the preservation of Barossa heritage.

The recommendation is for Council to approve the Draft Strategy.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Draft Barossa Regional Heritage Strategy 2021-2025

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



How We Work – Good Governance

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.

10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.

12. We are a visitor destination of choice.

Legislative Requirements

Local Government Act 1999, Heritage Places Act 1983, Libraries Act 1982, History Trust of South Australia Act 1981

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The Regional Heritage Network is supported within the existing Library Services budget. Over the life of the strategy grant funding will be sort from heritage sources, self-funded by heritage network members groups, or Councils funding for significant projects, as determined through Council budget processes.

The Department of Environment and Water will be finalising the Heritage Tourism Strategy in 2021 which may offer new grant funding opportunities. Other grant sources include from the History Trust of South Australia, the National Library and the Peter Lehman Arts and Education Foundation.

Resources

Officer support is provided by:

Manager Library and Heritage Services, Coordinator Heritage Services, Local History Officer, Barossa Visitor Centre Officers, Member Groups and their volunteers.

Priorities for funding 2021-2025 include purchasing or outsourcing access to large format digitising equipment for significant digitising and preservation projects including Council Assessment Books. A software product is required to manage and curate digital images to increase online access to the collections held by the library and member groups. Resources for heritage implementation work are under pressure as interest and expectations continue to increase. A clear strategy helps to target resourcing on agreed priorities and associated actions.

Risk Management

The Regional Heritage Network meets in an advisory capacity and is considered a low-risk activity. Risk is managed through risk assessments that will be completed as required e.g. for major events or projects.

Managing expectations of what can be achieved within current resource levels is a reputational risk.

Ongoing risks for Member Groups include financial sustainability, aging membership and succession planning and volunteer retention.

COMMUNITY CONSULTATION

Community consultation was completed for the Regional Heritage Strategy 2014 -2020 in April 2015. Changes to the strategy are in line with the intent of the original strategy and further community consultation is not considered necessary or required under the legislation and Council Public Consultation Policy. Regional Heritage Network Members from across the Council area have assisted in developing the Draft Strategy 2021-2025 and been consulted prior to the completion of the final proposed draft.

7.4 WORKS AND ENGINEERING – DEBATE-

7.4.1 DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1

LAND ACQUISITION – CAPITAL WORKS ROAD UPGRADE – AUTHORITY FOR DOCUMENTATION EXECUTION B10870-04 – 20/73519

MOVED Cr de Vries

That the Mayor and Chief Executive Officer be authorised to sign and seal documentation required to finalise the acquirement of a portion of land associated with the property at 314 Penrice Road, Penrice which is required for road construction purposes at the intersection of Stockwell Road and Penrice Road, Penrice

Seconded Cr Boothby

CARRIED 2018-22/360

PURPOSE

To formalise land acquisition required for road making purposes associated with the Stockwell Road / Penrice Road intersection upgrade, authority is required for the signing and sealing of documentation by Council.

REPORT

At the 16 June 2020 meeting of Council a report was presented advising of the successful application for the Stockwell Road and Penrice Road – Intersection Upgrade under the 2020/2021 Black Spot Program. Council was granted full funding of \$560,000 inclusive of road construction, land acquisition, contingency and native vegetation clearance offset costs.

Documentation associated with the required land acquisition at 314 Penrice Road, Penrice has now been prepared by Jones Lang LaSalle (SA) Pty Ltd and signed by the property owner, Aubrey Rohrlach, for "Right to Enter, Licence to Construct and

Agreement to Sell". The proposed land acquisition is required to widen the intersection wings and to construct an off-set intersection arrangement by installing central "tear drop" medians. Refer attached agreement with general layout plan.

This document now requires execution by the Mayor and CEO under Common Seal.

Future documentation required to be signed to finalise the acquisition will be the Consent for the Deposit of Plan of Division, with the Land Title Office (LTO).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Right To Enter, Licence To Construct and Agreement To Sell

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.
7. Community infrastructure planning is aligned to both current and the future needs of the community.
8. To have a connected and safe transport network that meets the needs of our community.
- 7.2 Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
- 8.1 Support opportunities to increase community transport and access to services and facilities.
- 8.2 Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All project costs associated with the execution of the land acquisitions are fully funded by the Black Spot grant funding.

COMMUNITY CONSULTATION

Nil.

7.4.1.2**PROPOSED ROAD CLOSURE – 2021 BAROSSA VINTAGE FESTIVAL - ZIEGENMARKT
B10734 – 21/1760****MOVED** Cr Haebich

That the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads in Tanunda on Thursday 15 April 2021:

Maria Street from Julius Street to Young Street and
John Street from William Street to Albert Street, from 5.00am up to 3.00pm,

to stage the 2021 Ziegenmarkt as part of the 2021 Barossa Vintage Festival.

Seconded Cr Schilling**CARRIED 2018-22/361****PURPOSE**

A request has been received from Tourism Barossa for temporary road closure of several streets around "Goat Square", Tanunda, for the staging of the 2021 Barossa Vintage Festival Ziegenmarkt event.

Background

Literally meaning "goat market", the Ziegenmarkt first appeared in Tanunda during the mid-1800's. Organisers of the 2021 event promise participants a bustling live market and an opportunity to bid on fresh produce, buy livestock, taste the local fare and embrace the sights, sounds, tastes and experiences of a bygone era.

Programmed to be held on Thursday 15 April 2021 this is a free event scheduled to run between 8.00am and 11.00am.

Summary and Conclusion

Council has previously supported this event by organising and implementing the road closure. The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961. Parking restrictions will also be implemented along one side of each of the surrounding streets, being Maria Street, John Street, Julius Street, Young Street and William Street to allow smooth passage of vehicles utilising the detours.

The road closure and parking restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

The total cost to Council to facilitate the proposed events is \$1,500 inclusive of Council staff costs for the road closures and speed restrictions.

If Council elects not to implement the road closure requirements, this will need to be performed by a traffic management company engaged at the event organiser's expense, as happens with some other public events of similar nature in the Barossa.

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 estimated actual cost of \$1,500 for Council to facilitate the road closures and speed restrictions would be allocated from 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 advertisement to be placed in The Leader and also via placement of the SAPOL notice on Council's website.

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES

7.5.1 DEVELOPMENT SERVICES

7.5.1.1

MOUNT LOFTY RANGES AGRARIAN LANDSCAPE WORLD HERITAGE BID - UPDATE B1948

MOVED Cr Boothby

That Council:

- (1) Note the progress in regard to the World Heritage Bid, and support the joint bid between the Adelaide city layout and parklands and the Mount Lofty Ranges.
- (2) Authorise the Mayor to respond to the Project Steering Group advising that Council has a Reconciliation Working Group, and wishes to continue to be a part of the Project, as per the advice provided in December 2019.

Seconded Cr Angas

CARRIED 2018-22/362

PURPOSE

To provide an update on the proposed World Heritage Bid, and provide direction to the Project Steering Group on continuation with the project.

REPORT

Background

In 2010, the University of Adelaide initiated the feasibility of mounting a World Heritage bid to the United Nations Educational, Scientific and Cultural Organisation (UNESCO). It was considered that a series of agricultural landscapes extending from the Fleurieu Peninsula in the south to the Clare Valley in the north could be listed as a World Heritage Site as they represent an outstanding example of a "working agrarian landscape" which is under threat of irreversible change.

The region is believed to be worthy of listing for its working agricultural landscapes and historic townships on the basis of their unique history of settlement and continuing culture and practice.

Council first considered the World Heritage Bid in February 2011, where it gave in principle support to commence a study to explore the opportunities for mounting a bid.

Since then, Council has contributed both financially and in-kind to the project.

A specific project-oriented structure was established consisting of a Project Steering Group (PSG) and a Project Management Group (PMG). The PSG comprises Mayors and CEOs of the partner councils. The PMG comprises nominated staff representatives of each Council.

Initial councils were Adelaide Hills Council, The District Council of Mount Barker, The Barossa Council and City of Onkaparinga. This has grown to include Alexandrina Council, Yankalilla Council, Light Regional Council, Clare and Gilbert Valleys Council, City of Mitcham, and Mid Murray Council.

Introduction

Following a meeting of the Project Steering Group on Monday 14 December 2020, Mayor Wisdom, Adelaide Hills Council and Chair of the Project Steering Group has written to all of the Mayors seeking direction from each of the participating Councils (Attachment 1).

At this meeting, the Lord Mayor Sandy Verschoor provided context surrounding the City of Adelaide intent to pursue a World Heritage Bid associated with the city layout and parklands, and desire to pursue a joint bid with the Mount Lofty Ranges Bid noting that Minister Speirs did not support two bids. Minutes of the meeting are provided in Attachment 2.

Mayor Wisdom seeks advice whether or not Council:

1. Has a Reconciliation Working Group and who the contact person is; and
2. Wishes to continue to be a part of the project by way of either in-kind and/or financial support.

Discussion

At its meeting on 15 October 2019 Council received an update report on the World Heritage Bid project. Presented as a Consensus Agenda, Members elected to debate the item. Accordingly Council resolved as follows:

- a) Receives the report including the Annual Report and Independent Expert Review;
- b) Notes that significant additional research work is required to close research gaps, including confirming values and attributes in order to map the boundaries of any potential bid 'property';
- c) Notes that in order to progress any bid, State Government support is required but that this support has not been indicated to date;
- d) Continues to partner with other councils to present to the State Government a governance model in which the State will be responsible for all further research required to prepare a formal bid; and
- e) That Council's future contribution to the project be on an in-kind basis only unless otherwise determined on a case-by-case basis"

A copy of the letter to Dr Jan-Claire Wisdom, Mayor Adelaide Hills Council following Council's resolution is provided in Attachment 3.

Summary and Conclusion

The Project Steering Group met to discuss the opportunity for a joint bid for the Adelaide city layout and parklands and the Mount Lofty Ranges. In order to progress the project, Mayor Wisdom has sought advice whether or not the partner Councils wish to continue to be a part of the project by way of either in-kind and/or financial support.

Based on where the project is at, it is proposed that Council respond in favour of the joint bid, and seek to continue to provide support to the project in line with the resolution from 15 October 2019.

Mayor Wisdom had requested a response by no later than 22 January 2021. To accommodate this timeframe a response had been provided in relation to the Reconciliation Working Group and referring back to the 23 December 2019 letter as

Council's current position, advising that Council will formally consider the matter again at its January meeting.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Letter from Mayor Wisdom, Chair of the Project Steering Group
Attachment 2 - Minutes of the Project Steering Group, 14 December 2020
Attachment 3 - Letter to Mayor Wisdom dated 23 December 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

1. The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.
 - 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.
 - 1.2 Support tourism development that is sensitive to the natural environment and ensures that the unique character of the rural landscape is appropriately managed and promoted.
 - 1.3 Build on the conservation of the region's natural heritage including bush eco-systems, grassy woodlands, agricultural landscapes and recreational green spaces.

Advocacy Plan

2. Build on the strong Barossa brand by working with tourism providers and industry bodies to enhance opportunities in eco-tourism, the World Heritage bid, and new and emerging markets.

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

Legislative Requirements

Aboriginal Heritage Act 1988
Development Act 1993
Character Preservation (Barossa Valley) Act 2012
Planning, Development and Infrastructures Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Council had previously allocated funding to the project on an annual basis. Since the 2019 resolution, no allocation has been made, and a decision to do so is on a case by case basis.

Resource

In-kind support is being provided with senior management attending meetings of the Project Steering Group and/or Project Management Group as required. Should Council support the project this in-kind support will continue.

Risk Management

Maintaining involvement in the project is consistent with the Advocacy Plan to build on the strong reputation of the Barossa brand. The joint bid will seek to address the need for better support from the State Government, noting that the Minister has stated that he would not support two bids.

COMMUNITY CONSULTATION

Nil

7.5.2 ENVIRONMENTAL SERVICES**7.5.2.1**

**CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS – BAROSSA
BUSHGARDENS
B11625**

MOVED Cr Hurn

That Council receive and note the Minutes of the Barossa Bushgardens S41 Committee Meeting held on 9 December 2020.

Seconded Cr Schilling

CARRIED 2018-22/363

PURPOSE

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

REPORT

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes - Barossa Bushgardens S41 Committee Meeting held 9 December 2020.

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

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

COMMUNITY CONSULTATION

Not required by Council.

7.5.5 WASTE SERVICES

7.5.5.1

MANDATORY GREEN ORGANIC SERVICE EXEMPTION

B11432-01

MOVED Cr de Vries

That Council:

- (1) support the proposed criteria and process for determining an exemption for the green organic service, and
- (2) authorise officers to commence a call for residents to apply for the service exemption ahead of the roll out of the mandatory green organic service, and
- (3) note that a further report will be provided to Council on the final assessment of the proposed new service level following the call and negotiations with Solo Resource Recovery.

Seconded Cr Johnstone

CARRIED 2018-22/364

PURPOSE

To provide an overview of how the green organic service exemption will be determined and implemented.

REPORTBackground

At the Council Meeting held 15 December 2020, Council moved to introduce a mandatory Green Organic service and provide a service exemption for properties that are able to demonstrate effective management of their green waste.

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**Discussion

The proposed process guidelines for the management of the Green Organic service exemption including the application form and criteria is outlined in Attachment 1.

This process has been modelled on the Waste Services Special Circumstances application and renewal process which is used to manage general waste service upgrades. The service exemption will need to be reapplied for each financial year.

The criteria for a property to be eligible for the Green Organic service exemption is as follows –

- The property is within the designated mandatory collection route.
- Photographic evidence of a suitable composting system (compost pile or bay, static or tumbling compost bins) will be need to be supplied with the completed application form
- The person applying for the service exemption is the property owner or rate payer for the property that the application relates to
- A statutory declaration is completed and submitted with the application.

In the event that a property is sold, the Green Organic service exemption will be revoked, charges will be reinstated on the rates notice and a Green Organic bin will be delivered to the property. The new property owners can then apply for the exemption if they will be continuing composting and the independent management of green waste.

Communication with residents in relation to the Green Organic service will commence in February 2021 and will focus on the intention to move the service to mandatory and seek to make residents aware of the proposed changes to service levels and the current collection schedule.

If the recommendations in this report are supported, the communication to residents will also include a call for residents to apply for the Green Organic Service Exemption. Applications will close at the beginning of April 2021.

Discussions with Solo Resource Recovery have commenced to begin assessing the proposed change to service levels and the potential for a contract variation to be actioned. It has been requested that Solo Resource Recovery provide an overview of resourcing, operational changes and associated costs that may be required for the roll out of a mandatory Green Organic Service.

Summary and Conclusion

The process for the Green Organic Service Exemption is easily trackable through the licensing and customer request modules in Council's Pathway system.

The application form covers the criteria that needs to be met for a resident to be eligible, how the service will be renewed as well as when a service exemption will be revoked and a service reinstated to a property.

A report will be put to Council in April 2021 to provide an update on the progression of the mandatory Green Organic service and will include an update on Solo Resource Recovery's position and the estimated cost of the service. Final timeframes for the rollout of bins and kitchen caddies will be included in the report.

The total number of services will also be confirmed at this time and will be broken down into the following categories -

1. Existing services – no bin or kitchen caddy rollout required
2. New Services – rollout of bin and kitchen caddy required
3. Successful service exemptions

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Draft Application and Renewal Process Green Organic Service Exemption

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

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 optional Green Organic service is currently offered to tenants and the administration of this is managed by Customer Support and the Waste Management Officer. With the service moving to mandatory, the tenant services and licences will no longer be required.

Resources that are currently used to manage tenant services can be shifted to manage the Green Organic service exemptions.

COMMUNITY CONSULTATION

Nil.

6.1 VISITORS TO THE MEETING

Mr Brass addressed Council on the main points and activities of the committee including:

1. Strategic risk register, framework and presentations from executive staff.
2. Normal workloads reviewing the annual financial statements and the annual budget and business plan.
3. Status of Internal Controls.
4. Local Government reform and the structure of the current committee, likely to have little impact.
5. Cyber security and the growing issues in managing our electronic systems.

MOVED Cr de Vries

That Council receive and note the presentation from Mr Peter Brass Chair of The Barossa Council Audit Committee.

Seconded Cr Miller

CARRIED 2018-22/365

8. CONFIDENTIAL AGENDA

8.1 EXECUTIVE SERVICES - CHIEF EXECUTIVE OFFICER

8.1.1 – COVID-19 RECOVERY GRANT PROGRAM – UPDATED MATTERS

Pursuant to S75 of the Local Government Act 1999 the Mayor disclosed a perceived Conflict of Interest as relatives may be effected.

The Mayor advised the meeting of the conflict of interest and left the meeting at 9.39am.

Deputy Mayor Johnstone assumed the Chair.

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 Hurn

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, Information and Technology Officer and the Minute Secretary, in order to consider in confidence a report relating to agenda item 8.1.1 'COVID-19 Recovery Grant Program – Updated 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 1999*:
 - 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
 - i) 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;
- (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 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 Haebich

CARRIED 2018-22/366

MOVED Cr de Vries

That Council:

- (1) Confidential resolution
- (2) Confidential resolution
- (3) 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 27 January 2021 in relation to item COVID-19 Recovery Grant Program – Updated Matters be kept confidential and not available for public inspection 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 Haebich

CARRIED CO2018-22/43

The meeting moved into confidence at 9.39am

Resumption of open council meeting at 9.40am

The Mayor returned to the meeting and assumed the Chair at 9.40am

8.1.2 – PROPOSAL TO DEVELOP AUTONOMOUS VEHICLE BUSINESS CASE

The matter of the agenda item being confidential information being the provision of business information related to a select tender for the provision of services therefore pursuant to Section 90(3)(k) of the Local Government Act 1999 ("the Act") being information that is related to the tenders for the supply of goods, the provision of services or the carry out of works.

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 being a submission to carry out services contains commercial information and pricing.

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, 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, Information and Technology Officer and the Minute Secretary , in order to consider in confidence a report relating to agenda item 8.1.2 'Proposal to Develop Autonomous Vehicle Business Case' being information that must be considered in confidence as it is a submission in relation to the consultant services under Section 90(3)(k) of the Local Government Act being tenders for the supply of goods, the provision of services or the carrying out of works; 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 consider the commercial and pricing proposal of the submission.

Seconded Cr de Vries

CARRIED 2018-22/367

The meeting moved into confidence at 9.40am

MOVED Cr Boothby

That Council:

- (1) Confidential resolution
- (2) Having considered this matter in confidence under Section 90(3)(k) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the agenda report and attachments of this report to the Confidential Council Meeting held on 27 January 2021 in relation to item Proposal to Develop Autonomous Vehicle Business Case be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Johnstone

CARRIED CO2018-22/44

Resumption of open council meeting at 10.20am

8.2 DIRECTOR WORKS AND ENGINEERING SERVICES

8.2.1 MENGE ROAD - TANUNDA – NOISE COMPLAINT

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 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 , Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering Services, Manager Engineering Services and the Minute Secretary, 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 Miller

CARRIED 2018-22/368

The meeting moved into confidence at 10.20am

MOVED Cr de Vries

That the matter relating to Council meeting confidential agenda of 15 December 2020 Item 8.2.1 – Menge Road – Tanunda – Noise Complaint be lifted from the table for discussion.

SECONDED Cr Johnstone

CARRIED CO2018-22/45

MOVED Cr Troup

That:

- (1) Council 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 27 January 2021 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 Miller

CARRIED CO2018-22/46

Resumption of open council meeting at 10.38am

9. URGENT OTHER BUSINESS

9.1 REQUEST – LEAVE OF ABSENCE – CR Johnstone

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

Cr Johnstone left the meeting at 10.38am

MOVED Cr Miller

That Cr Johnstone be granted Leave of Absence from 28 January 2021 to 22 March 2021 inclusive.

Seconded Cr Angas

CARRIED 2018-22/369

Cr Johnstone returned to the meeting at 10.39am

10. NEXT MEETING

Tuesday 16 February 2021 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 10.39am.

Confirmed at Council Meeting on 16 February 2021

Date:.....

Mayor:.....