



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 20 April 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, Crs Russell Johnstone, Leonie Boothby, Tony Hurn, David de Vries, David Haebich, Don Barrett, Kathryn Schilling

1.3 LEAVE OF ABSENCE

Cr Richard Miller, Cr Cathy Troup

1.4 APOLOGIES FOR ABSENCE

Cr Carla Wiese-Smith

MOVED Cr de Vries

That Council receive the apology from Cr Wiese-Smith.

Seconded Cr Schilling

CARRIED 2018-22/419

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION

MOVED Cr Hurn

That the Minutes of the Council meeting held on Tuesday 16 March 2021 at 9.00am, as circulated, be confirmed as a true and correct record of the proceedings of that meeting.

Seconded Cr Johnstone

CARRIED 2018-22/420

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 Haebich

That the Mayor's report be received with the following amendment, to remove '19/03/2021 Good Shepherd Lutheran School Angaston - Official opening (Deputy Mayor Russell Johnston attended in my absence)' as Deputy Mayor Johnstone was an apology.

Seconded Cr de Vries**CARRIED 2018-22/421**

Cr Angus and Cr Johnstone noted that there were some typographical errors included in the Mayors report which was noted by Mayor Lange.

Cr Boothby entered the meeting at 9:03am

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 Johnstone

That the information items contained in the Consensus Agenda be received and that any recommendations contained therein be adopted.

Seconded Cr Hurn**CARRIED 2018-22/422****5.3 DEBATE OF ITEMS EXCLUDED FROM THE CONSENSUS AGENDA**

Nil

6. VISITORS TO THE MEETING / ADJOURNMENT OF MEETING

Nil

7. DEBATE AGENDA

7.1 MAYOR – DEBATE

7.1.1

ESTABLISHMENT OF A NON-STATUTORY COMMITTEE – CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE AND TERMS OF REFERENCE B11158

Pursuant to Section 120(1) of the *Local Government Act 1999*, Mr Martin McCarthy as Chief Executive Officer, disclosed a Conflict of Interest in the matter Item 7.1.1 - Establishment of a Non-Statutory Committee – Chief Executive Officer Performance Review Committee and Terms of Reference as it relates directly to his performance outcomes and contractual conditions of employment and the management of these matters.

Mr McCarthy left the meeting at 9.05am.

MOVED Cr Johnstone

That Council:

- (1) Endorse the Chief Executive Officer Performance Review Committee - Terms of Reference (Attachment 1) and establish the Committee.
- (2) Appoints Mayor Lange, Deputy Mayor Johnstone, Cr Schilling, Cr Troup and Cr Miller to the Chief Executive Officer Performance Review Committee for the conduct of the 2021 process.
- (3) Allocate a budget of up to \$10,000 for the purpose of executing the Committee Terms of Reference including the external review of the Chief Executive Officers performance and remuneration, with the appointment to be undertaken in accordance with Council's procurement policy.

Seconded Cr Schilling

CARRIED 2018-22/423

PURPOSE

To establish a Non- Statutory Committee - Chief Executive Officer Performance Review Committee under Section 41 of the *Local Government Act 1999* and endorse the Terms of Reference for the Committee including the allocation of budget as per Council Resolution 2018-22/398. The framework is consistent with the LGA of SA Model and Ombudsman guidance. For the Committee to conduct the annual review of the Chief Executive Officer's performance and remuneration as required in accordance with the Contract of Employment.

REPORT

Introduction

The *Local Government Act 1999*, along with the Chief Executive Officer's Contract of Employment requires that Council is responsible to review the performance, remuneration and management of the Chief Executive Officer.

Background

For the past seven reviews, Council has elected to undertake the review process utilising internal expertise rather than outsourcing to a CEO management consultant. The internal process has been supported by internal resources limited to conducting and collating the survey results. Council, under the contract of employment can engage a relevant external agency to undertake the review.

At the Ordinary Council meeting held on the 16 March 2021, the Mayor provided the Council with a report titled 7.1.1 Annual Performance and Remuneration Review of Chief Executive Officer. Council endorsed the following:

MOVED Cr Boothby

That Council undertakes the 2021 annual review of the Chief Executive Officer's performance and remuneration facilitated by an external consultant (with relevant administrative support provided by the Executive and Project Support Officer) and appoints Mayor Lange, Deputy Mayor Johnstone and Councillors (up to 3) Cr Troup, Cr Miller, and Cr Schilling to the Chief Executive Officer Performance Review Committee for the conduct of the 2021 process.

Seconded Cr Schilling

CARRIED 2018-22/398

At present, there are no formal Terms of Reference for the CEO Performance Review Committee.

Discussion

As part of the contract of employment with the CEO the CEO Performance Review Committee is required to conduct the CEO's performance and remuneration reviews and consists of the Mayor, Deputy Mayor and up to three Councillors, or, where agreed with the CEO, additional Members.

Council may establish committees under Section 41 of *the Local Government Act 1999*. Council's endorsement is sought to establish a CEO Performance Review Committee, endorse the Committee Terms of Reference and appoint Council representatives to the Committee.

The Committee's draft Terms of Reference (Attachment 1) is for the Committee to be established for the purpose of not only undertaking the CEO Performance Review but formalise the terms of the Committee's operation, including to provide the Committee with the appropriate delegation to engage a Management Consultant, determine the time and frequency of meetings, prepare and distribution agendas, reports and minutes to facility transparency and accountability of the process and to review and make recommendations to Council.

At the finalisation of the Committee's review, they will provide Council with a full report to review, assess and make decisions. As Mayor, I may also provide a summary of the process and performance findings.

Considerations

It should be noted that the proposed reform to the *Local Government Act 1999*, provides additional requirements to the CEO performance review process. While the reform provisions have not been enacted as law, and are subject to parliamentary processes, the engagement of a consultant is in line with these proposed reforms:

Proposed Statutes Amendment (Local Government Review) Bill 2020 (Version 17 September 2020).

Part 1—Chief Executive Officer

102A—Chief executive officer—performance review

(1) A council must review the performance of its chief executive officer—

(a) at least once in each year that the chief executive officer holds office as chief executive officer; and

(b) if relevant, before reappointment of the chief executive officer.

(2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).

(3) In this section—

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

The Ombudsman SA also supports the process of including an independent CEO performance review being conducted. For more information refer to the Ombudsman SA Report – Kangaroo Island Council Reference 2018/01787, page 28.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Draft Terms of Reference – Chief Executive Officer Performance Review Committee

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Legislative Requirements

Local Government Act 1999

Proposed Statutes Amendment (Local Government Review) Bill 2020 (Version 17 September 2020) currently in parliamentary process

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

The Mid-year Budget Review as at 31 December 2020 for the 2020/21 financial year Key Performance Indicators forecast:

- Operating Deficit of \$363k Operating Deficit Ratio of (0.9%)
- Net Financial Liabilities (NFL) of \$19,613k NFL ratio of 48.6%
- Asset Funding Renewal Ratio of 132%

Financial assessment

A Due Diligence Level One Report has not been completed, this report requests an additional to operating expenditure at \$10k.

The financial assessment revised forecast include year to date approved additions not listed in the Mid-year Budget Review as at 31 December such as the autonomous vehicle consultancy for \$50k, the Community Loan required for the Barossa Rams \$300k, Basedow Road - additional budget \$151k, Memorial Avenue – Mount Pleasant – additional budget \$87k, Barossa Bushgardens Nursery Drainage, Water Recycling Project \$15k, Smart Cities Proposal \$49k and in this Council meeting agenda this report item (if approved) a net \$10k a total of \$661k, these will be included in the next Budget Update.

It is proposed that this item if approved, will be funded from the 2019/20 brought forward cash \$10k.

The 2020/21 Mid-year budget Review as at 31 December 2020 amounts and indicators including Council approved items year to date are used as the base for this financial assessment.

Item for Budget inclusion:	Chief Executive Officer Performance Review Committee - external review costs	
Net operating costs - (incl depreciation)		\$10,000
Additional project cost (ex GST) - loan funded		\$0
Transfer from existing budget - reduced (ex GST)		\$0
Funding required by Council - loan funded		\$10,000
DDR provided		No
This projects BAT score – approved by CMT (Cut-off)		N/A
CMT reviewed and recommended		Not considered
If approved – a BAR or NI will be included in the:	2020/21 Budget Update as at 31 March 2021	
Assessment of Key Performance Indicators (KPI) for all changes council has approved and the reports in Council meeting(s) agenda since the Mid-year Budget Review as at 31 December 2020/21*.		
KPI	Revised forecast	Overall Change since*
Operating Surplus/(Deficit) (Target: break even position over a five year period)	\$-422k	Deficit increased \$59k
Operating Surplus Ratio (Target: -2% to 10%)	-1.05%	Ratio - deficit increased 0.15%
Net Financial Liabilities (NFL) \$	\$20274k	Increase in NFL \$661k
Net Financial Liabilities Ratio (Target: >0 to <100%)	50.3%	Increase to liabilities ratio 1.7%
Asset Funding Renewal Ratio (Target: >80% to <110%)	132%	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 a decrease to the Councils cash position for 2020/21 of \$10k.

Since Budget adoption 2020/21 the net cash reduction approved by Council for numerous budget amendments in the Mid-year Budget Review 31 Dec 2020 and Council meetings reports for additional expenditure not included with this update, these have been funded from the brought forward cash.

COMMUNITY CONSULTATION

Community consultation is not required.

Mr McCarthy returned to the meeting at 9.12am.

7.2 EXECUTIVE SERVICES - DEBATE

7.2.1 CHIEF EXECUTIVE OFFICER

7.2.1.1

REQUEST TO INCREASE 2018-19 BUDGET ALLOCATION TO MEET COULTHARD HOUSE AND GROUNDS PROJECT OVERSPEND B3342

Pursuant to Section 73 of the *Local Government Act 1999* Cr Schilling disclosed a Conflict of Interest in the matter related to Item 7.2.1.1 - Request to increase 2018-19 Budget allocation to meet Coulthard House and Grounds Project Overspend as she is a Board Member of the Nuriootpa Futures Association.

Cr Schilling left the meeting at 9.12am.

MOVED Cr de Vries

That Council allocate a further \$5,590 for Coulthard House works in support of the heritage and history of the Barossa and that this grant be made in the 2020-21 financial year from savings and allocations outlined in the body of the report and that Nuriootpa Futures Association will not be entitled to any further grants funding from the Community Assistance Scheme in the 2021-22 financial year.

Seconded Cr Hurn

CARRIED 2018-22/424

PURPOSE

This report seeks Council to increase funding from \$20,000 allocated to the Nuriootpa Future Association to undertake works at Coulthard House and grounds, which have gone over budget, by a further \$5,590.

REPORT

Background

The Nuriootpa Future Association (NFA) was successful in receiving a community grant in 2017 to do various upgrades to Coulthard House. Council assisted with the work including in-kind support, advice and \$20,000, paid in the 2018-19 financial year.

Discussion

As per the attached correspondence, NFA have made an error in managing the various projects that has resulted in over expenditure. Regardless of this fact the works undertaken are supportive of preserving the history of the Barossa.

The works will also support the potential leasing for the house to ensure this not for profit organisation can be self-sustainable.

NFA have attempted financing the gap various ways but remain \$5,590 short of meeting their legal obligations and have approached Council to increase the prior support to meet this shortfall.

Summary

It is recommended that Council support the increase in funding for the works undertaken due to the fact they are a not for profit volunteer group supporting the preservation of the heritage and history of the Barossa and providing a location for open space and events in Nuriootpa. This approval will recommend on the basis that this funding will result in the NFA not being eligible under the Community Assistance Scheme Policy for a further 12 months on the basis this forms part of a grant.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Correspondence from Nuriootpa Future Association

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture

- Goal 2 The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.
- Strategy 2.1 Continue to maintain streetscapes that reflect the character and heritage of the region and facilitate opportunities to repurpose or find alternative uses of built heritage.
- Goal 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.
- Strategy 5.1 Support the development of activities that celebrate the history, art and culture of the Barossa and its people.
- Strategy 5.2 Create places where people want to live and plan for the future in a coordinated, affordable, appropriate and proactive way.

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Council allocates \$3000 per annum for donations in the Elected Members budget not meeting the Community Assistance Scheme grant program which remains unspent. Further training and development budgets of Elected Members are significantly under budget and can fund the remainder, therefore the cost will be budget neutral.

COMMUNITY CONSULTATION

Community consultation is not required.

Cr Schilling returned to the meeting at 9.13am.

7.2.1.2

INDUSTRY COLLABORATION (BAROSSA AUSTRALIA) B6096

MOVED Cr de Vries

That Council continues to support industry collaboration and reform.

Seconded Cr Johnstone

CARRIED 2018-22/425

PURPOSE

This report seeks Council's consideration and support for pursuing a strategy as a collaborative industry and leadership model.

RECOMMENDATION

That Council support industry collaboration frameworks and achievement of funding efficiency and aligned industry development strategy.

REPORT

Background

In late 2018 Regional Development Australia held a Barossa Thinktank which served to review prior strategic work and plan for the long term success of the Barossa.

Furthermore, a collaborative group called WAFTL (wine arts food tourism and local government) met monthly to discuss common interests, risks, opportunities and barriers for development.

Significant discussions have been held around various models and leadership strategies for the future.

Discussion

The concept of Barossa Australia is built around a common shared leadership model for the development of key industries in the Barossa as a collaborative and singular entity.

The work to move towards this model needs cross organisational work by the wine, food and tourism cluster.

Council significantly supports the industries either directly or indirectly through:

1. Provision of tourism services;
2. Arts and culture investment and services;
3. Recreation, sport and events investment and support;
4. General infrastructure such as roads; and
5. Direct funding support for RDA Barossa, Tourism Barossa and recently BGWA.

In addition, Council has increased support through its COVID-19 recovery plan which has been recently updated to include industry support for market adjustments for the wine industry.

Council is also currently rendering for the development of a local Economic Development Plan to complement our Regional and State approach.

The role of Council is to continue to support industry development and support along with partner Council, Light Regional Council, State and Federal Governments and other stakeholders.

Summary

Through industry discussion and collaboration Council policy position is outlined to continue to support industry discussion and agreed reform.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Business and Employment

Goal 11 The Barossa has a strong local economy that adapts, innovates and thrives on change and strives for a diverse industry base that provides a sustainable range of business and job opportunities for people.

Strategy 11.1 Work closely with State Government, Federal Government and other key stakeholders to support economic growth, development and job creation.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no financial impact of this report.

Resources involve the existing commitment of time and support provided by the Chief Executive Officer to support industry discussion.

Risk of the strategy are reputational and collaborative relationships, however they are considered minimal and a successful strategy could see a collaborative industry model

for food wine tourism and arts, with potential for further growth and funding stability and efficiency.

COMMUNITY CONSULTATION

Community consultation is not required by Council but industries bodies will move towards board engagement and stakeholder engagement.

7.2.1.3

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT DELEGATIONS – UPDATE TO INSTRUMENTS B, C AND D

B11649

MOVED Cr de Vries

- (1) Council hereby revokes the delegations to the Chief Executive Officer of the powers and functions under section 65(1)(a) of Instrument B – Powers of the Council as a Relevant Authority under the *Planning Development and Infrastructure Act* as contained in Attachment 1.
- (2) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, Council hereby delegates to the person occupying or acting in the office of Chief Executive Officer of the Council, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the extract of the Instrument of Delegation as Attachment 1, subject to the conditions and/or limitations, if any, specified in the proposed Instrument of Delegation.
- (3) 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.
- (4) That Council receive and note the updated and new powers under 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 2018-22/426

PURPOSE

Council is asked to:

- delegate to the CEO, the powers under Instrument B – Power of Council as a Relevant Authority under the *Planning Development and Infrastructure Act* which are specified in Attachment 1;
- receive and note the updated and new powers for delegation under Instrument C – Power of the Barossa Assessment Panel as a Relevant Authority under the *Planning, Development and Infrastructure Act* at Attachment 2; and Instrument D – Power of the Assessment Manager as a Relevant Authority under the *Planning Development and Infrastructure Act* at Attachment 2, 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") confers powers directly on:

- Council as a Council, Designated Authority and Designated Entity (Instrument A);
- Council as a Relevant Authority (Instrument B);
- the Barossa Assessment Panel as a Relevant Authority (Instrument C); and
- the Assessment Manager as a Relevant Authority (Instrument D).

The above powers were separated into four Instruments of Delegation, Instruments A – D as marked in the list above.

Introduction

In January 2021, Council adopted Instruments of Delegation delegating its statutory powers and functions:

- with respect to its powers as a Council, Designated Entity and Designated Authority (Instrument A), pursuant to Section 44 of the *Local Government Act 1999*;
- with respect to its powers as a Relevant Authority, pursuant to section 100 of the PDI Act.

Council's Delegation Register and instruments are based on LGA templates. The LGA has recently issued an update to its template delegation instruments under the PDI Act, amending Instrument B, C and D. The LGA have recommended that Council's Instruments of Delegation be updated as soon as possible. An explanatory guide issued by the LGA is presented for the Elected Body's information at [Attachment 4](#).

Discussion

The proposed extracts of the instruments of delegation specifying the updated powers, are described below and are attached to this report at [Attachments 1, 2 and 3](#). The instruments contain both the proposed delegations as well as proposed sub-delegations, which are subject to sub-delegation by the delegate.

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. An extract of the instrument of delegations containing the updated powers and functions and proposed sub-delegations is presented at [Attachment 1](#), noting that the proposed sub-delegations are subject to sub-delegation by the Chief Executive Officer, upon Council delegating these powers accordingly.

[Attachments 2 and 3](#) contain extracts of Instrument C and D under the PDI Act showing the updated powers and functions, and are provided for the Elected Body's information, noting that these Instruments contain powers conferred to the Barossa Assessment Panel and Assessment Manager respectively, and therefore are subject to delegation by those parties.

Summary and Conclusion

Council is asked to receive, consider and approve the updated powers under Instrument B under the PDI Act at Attachment 1; and receive and note Instruments C and D, at Attachments 3 and 4.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Extract of new powers under Instrument B - Powers of a Council as a Relevant Authority – Update (ref: 21/28257)

Attachment 2 – Extract of Instrument C - Powers of an Assessment Panel (Relevant Authority) – Update (ref: 21/28258)

Attachment 3 – Extract of Instrument D - Powers of an Assessment Manager (Relevant Authority) – Update (ref: 21/28259)

Attachment 4 – LGA update (ref: 21/28260)

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 FINANCE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 31 MARCH 2021)

B411

MOVED Cr de Vries

That the Monthly Finance Report as at 31 March 2021 be received and noted.

Seconded Cr Boothby

CARRIED 2018-22/427

PURPOSE

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

RECOMMENDATION

That the Monthly Finance Report as at 31 March 2021 be received and noted.

REPORT

Discussion

The Monthly Finance Report (as at 31 March 2021) is Attached. The report has been prepared comparing actuals to the Original adopted budget 2020/21 incorporating the Revised Budgets for September and December.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Monthly Finance Report 31 March 2021

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.

7.3 CORPORATE AND COMMUNITY SERVICES - DEBATE

7.3.1 DIRECTOR REPORT

7.3.1.1

NURIOOTPA WAR MEMORIAL SWIMMING POOL – UPDATE ON CONDITION ASSESSMENT REPORT – FMG ENGINEERING B11856

MOVED Cr de Vries

That Council:

- (1) Notes Officers are progressing a scan of the concrete shell of the Nuriootpa War Memorial Pool to assess the current condition of the metal reinforcement with current operational 2020/21 budget and will bring a future report to Council when the outcome of the assessment is available. Updates on timeframe will be provided to Elected Members via email.
- (2) Notes that Officers will ask FMG Engineering to include supplementary commentary in its Engineering Investigation Report 26 March 2021 on: options for the pool infrastructure associated with the separation of the toddler and main pools; greater detail of balance tank requirements; any impacts arising from the size clarification of the main pool.
- (3) Requires the Chief Executive Officer to bring a future report to Council regarding pool usage at the Nuriootpa and Williamstown pools during the 2020/21 season.

Seconded Cr Johnstone

CARRIED 2018-22/428

PURPOSE

Following provision of an updated condition assessment report, follow up discussions and the Question and Answer session with the FMG Engineering consultant at 7 April 2021 Council Workshop; for Council to consider further assessment of the pool shell condition prior to determining next steps and any future planned asset expenditure.

REPORT

Background

At its meeting on the 16 February 2021 Council resolved that:

MOVED Cr Haebich

That Council:

- (1) *Note the initial conclusions contained in the draft letter from FMG Engineering dated 22 January 2021 regarding the Nuriootpa War Memorial Swimming Pool (the Pool) filters and valves.*
- (2) *Note the initial considerations regarding the Pool filters and valves received via email from an inspection of the Nuriootpa War memorial Swimming Pool Working Group and Nutrien Ag Solutions on 25 January 2021.*
- (3) *Defers any decision on future expenditure on the filters until the final and full FMG Engineering report is received, on the basis that this is due in mid-February 2021 and any immediate works will disrupt the continued short term operation of the Pool during the remainder (or part) of the 2020/21 season.*
- (4) *Requires the Chief Executive Officer to bring a further report to the March or April 2021 Council Meeting so that the scope of any work to be undertaken can be agreed taking into account the full report recommendations and to allow time for approved expenditure of existing 2020/21 budget and for any additional agreed requirements to be funded and/or factored into the 2021/22 draft budget process.*

Seconded Cr Angas

CARRIED 2018-22/381

Introduction

The full report from FMG Engineering dated 26 March 2021 reference 21/28322 was distributed to Elected Members and Nuriootpa War Memorial Pool Working Group (NWMPWG) in readiness for the Workshop on the 7 April 2021. Subsequent to that some minor adjustments and typographical amendments were made by FMG in the current, final version of the report.

Given the detail and breadth of the issues covered by the report, the FMG consultant was asked to attend the April Workshop to answer Elected Members' questions and clarify any elements of the report. Mayor Lange also invited the NWMPWG representative to ask any additional questions/points of clarification to FMG.

The presented version of the report is provided as Attachment 1.

Discussion

While the intent of the resolution of the 16 February 2021 was to provide full recommendations around the scope of any future works and the 7 April Workshop assisted to inform this consideration process; the particular discussion in relation to the ongoing integrity of the concrete shell of the pool was identified as a pivotal issue in the ongoing sustainability of the pool and material to the cost v benefit of future investment.

FMG clarified that whilst the concrete itself may appear to be sound, the highly corrosive environment of the chlorinated water encroaching over a sustained time through the concrete (particularly via historic leaks) into the steel fabrication/reinforcement in the shell has the potential to trigger a catastrophic failure of the concrete at any given time. Alternatively, the metal reinforcement may be in sound condition and provide comfort for investment in other related works.

A straightforward process of scanning the concrete to interrogate the integrity and current condition of the steelwork is a realistic and cost effective step that has not yet been taken. This will necessitate the immediate draining of the pool, which can be actioned now that the swimming season has concluded.

Other items raised during the discussions that are not fully covered in the existing FMG report are:

- Options for the separate pool infrastructure associated with the separation of the toddler / wading pool.
- Detailed explanation of the requirements relating to the balance tanks for the main pool; why the current balance tank is insufficient (ie it was stated at the Workshop that the current tank is more suited to a pool 25% the size of the Nuriootpa Pool); options for replacement of the balance tank.
- Clear clarification of the size calculations of the main pool vessel.

These matters can be addressed by FMG while the scan assessment is carried out in readiness for a further report to be presented to Council. This may be subsequent to a further Workshop discussion if warranted.

Other matters for update and noting at this point are:

1. The conclusion of the 2020/21 season at the end of March 2021 now enables an assessment of usage statistics to be completed. Officers and Belgravia Leisure are already working on this analysis. Elected Members and the NWMPWG have been provided with the rolling raw data throughout the season but this has not yet been the subject of any formal report or Workshop discussion.
2. While no formal consideration of future expenditure has yet been undertaken given the reasons already documented in this and previous reports, and while no decisions are made at Council Workshops, it is also worth noting that, were Council to commit to repairs and improvements to increase the longevity of the pool, this will alter the basis on which the modelling for the community consultation (approved at the November 2020 Council Meeting) is being developed. The approved consultation tree is provided as Attachment 2.

Summary and Conclusion

- An assessment of the current condition of the reinforcing steelwork to the concrete shell of the pool is a recommended next step pre-empting consideration of other expenditure in relation to the filtration system and potential separation of the 2 pool vessels given the potential for catastrophic failure in the event that the steelwork is compromised.
- The assessment will provide a much greater level of comfort on which Elected Members can base any commitment for expenditure over and above this component.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES	
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Attachment 1	FMG Engineering – Engineering Investigation Report Ref: 274126-S23014 – 21/28322
Attachment 2	Consultation Tree – Community Consultation Process – 20/65330

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Health and Wellbeing



How We Work – Good Governance

Legislative Requirements

Local Government Act 1999

Work Health and Safety Act 2012

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources

There is current residual operating budget to fund the proposed concrete scan estimated by FMG to be in the order of \$2,000 ex GST from General Ledger 216-654 and Officers are working with FMG to source suitable contractors to undertake this work. Belgravia is being mobilised to drain the pool as soon as practicable.

Risk Management

The proposed strategy to assess the integrity of the metal reinforcement to the concrete is a risk management approach to the ongoing cost v benefit assessment of ongoing financial investment.

The duration of continued investment in the pool makes it increasingly challenging for officers / consultants to craft a community consultation process that provides clarity to the community about the potential options for consideration. Officers continue to work through this process with Wax Designs and will provide further update to Elected Members.

COMMUNITY CONSULTATION

Not required under legislation and Council Policy specifically in relation to this matter and recommendation but community consultation will take place on the investment in aquatic services and services in Nuriootpa when the survey approach can be finalised.

7.3.1 MANAGER COMMUNITY PROJECTS

7.3.2.1

DOG PARKS – FINAL FUNDING ALLOCATION

B7797

Questions without Notice from Cr Schilling to Director Corporate and Community Services: Regarding the Nuriootpa Dog Park:

- 1) When will the picnic table be installed; and
- 2) Why was the cost of the fence repair not undertaken as an insurance claim?

Director Corporate and Community Services advised the meeting that the questions would be taken on notice and a response provided via email.

MOVED Cr Schilling

That Council:

- (1) Notes the expenditure to date for the Nuriootpa Dog Park of \$52,085.13 ex GST and Williamstown Dog Park of \$58,591.83 ex GST.
- (2) Notes that there is a budget balance of \$6,973.05 ex GST remaining for expenditure at the Nuriootpa Dog Park.

Seconded Cr Boothby

CARRIED 2018-22/429

PURPOSE

To provide a summary of the project costs to date and for Council to determine the final funding allocation.

REPORT**Background**

At the meeting 20 August 2020, Council resolved

MOVED Cr Wiese-Smith that Council:

- (1) Notes the expenditure to date of \$41,096 ex GST at the Nuriootpa Dog Park and \$55,061 ex GST at the Williamstown Dog Park.
- (2) Notes that there is a balance of \$21,084 ex GST remaining of the \$62,470 ex GST budget for the Nuriootpa Dog Park and \$409 ex GST remaining of the \$55,470 ex GST budget for the Williamstown Dog Park.
- (3) Approves that allocation and expenditure of the remaining funds for each dog park be agreed with the Friends of the Barossa Dog Parks and Williamstown Action Group and taking into account the priorities identified in the concept plan developed by the Friends Group.
- (4) Notes the potential for additional funding for the Nuriootpa Dog Park to be provided by the Rotary Barossa group and that Officers will work with that group and the Friends of the Barossa Dog Parks to agree the allocation of that funding if it eventuates.

Seconded Cr Haebich

CARRIED 2018-22/221

Cr Wiese-Smith asked the question of Mrs Joanne Thomas, Director Corporate and Community Services, if Council has consulted with the Williamstown Action Group and Mrs Thomas took the question on notice.

Cr Wiese-Smith asked that Council engage with the Williamstown Action Group and that a report be brought back to Council to confirm the allocation of remaining funds.

Discussion

The following project financial summary is provided:

Total budget:

Funding Source	Allocation
State Government Open Space Grant	\$100,000
Council Contribution – Dec 2018	\$10,940
Council Contribution – June 2018 for Nuriootpa	\$7,000
Total Project Budget	\$117,940
Nuriootpa	\$62,470
Williamstown	\$55,470

At 20 August 2020, the remaining funds available for the two parks was \$21,493 ex GST. Since that time, the following has been implemented.

Nuriootpa

As well as Council expenditure below, the Friends of Barossa Dog Parks group (Nuriootpa) have supplied two donated fibreglass pipes as tunnels. Council's depot team have installed them.

Date	Item	Cost \$ ex GST
10/11/2020	Sign	67.80
23/10/2020	Landscaping and plants	2,181.82
23/10/2020	Bottom level pathway	2,763.64
23/10/2020	Top Level Pathway	2,200.00
5/11/2020	Picnic Table Setting + Freight	2,171.00
21/01/2021	Fence Repair	580.00
	Incidentals and wages	1,024.87
	TOTAL	\$10,989.13
To 20/8/2020	Expended up to date of last report	41,096.00
	Overall Total	\$52,085.13

This means that the total expenditure to date is \$10,384.87 under the original allocated budget.

Williamstown

Date	Item	Cost \$ ex GST
15/12/2020	Picnic Table Setting + Freight	2,171.00
15/12/2020	7 tonne gravel / sand mix	334.96
	Incidentals and wages	1,024.87
	TOTAL	\$3,530.83
To 20/8/2020	Expended up to date of last report	55,061.00
	Overall Total	\$58,591.83

The remaining funds available is \$6,973.05 ex GST.

The Nuriootpa group have expressed interest in purchasing sealant, paints, rollers and rubber edging to complete the tunnels. (Estimated \$500) They would also like to continue to work toward a shelter (Estimated \$10,000; however pre-COVID there was interest from the Barossa Valley Rotary Club to work with the group to achieve this) and noticeboard; however it is noted that it is difficult to have a dynamic sign that is not weather proof. Officers have recommended that the group continue to use their facebook social media page that has good following.

The Williamstown Action Group have now had an opportunity to finalise their requests for additional funding which has taken some months and in the meantime the commitments for work to date have gone ahead and it is noted that their expenditure to date of \$58,591.83 has already exceeded the allocated budget of \$55,470 ex GST.

Item	Cost ex GST
Supply and installation of pipes for tunnels with ramped ground for run up and over	\$1,800
Container for equipment storage (The Nuriootpa Group donated theirs)	\$100 estimate
Additional signage (a directional sign has already been installed on the corner of Queen and Victoria streets.	\$600 estimate
Dog agility equipment; hoop, weaving poles and hurdles and delivery	\$2,180
Installation of agility equipment by depot	\$1,800
TOTAL REQUEST	\$6,480

Conclusion

It was requested that the final funding for the dog parks be brought back to Council. This report provides the final figures, expenditure to date and group requests.

Based on the figures available, it is recommended that the remaining \$6,973.05 be allocated to the Nuriootpa dog park making a total expenditure of \$59,058.18 and noting that this is \$3,411.82 under the original allocated budget. It is suggested that this could be allocated towards the requested shelter with further collaboration and contribution being explored with the Rotary Club.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

None

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

As detailed earlier in the report.

Resource

Should Council support further improvements at either park, this will require additional officer time to be allocated to assist the Group and manage any contractors and volunteer activity.

Risk Management

The 19 March 2019 report 7.3.2.3 raised the following (note, escalation on these costs will now be around a 5% increase):

“Advice from Council's engineers, is that the car park area on Penrice Road will require monitoring over time for wear and tear. An increased use could contribute to the unsealed verge pot holing and ponding water and Council should then consider a consistent approach of sealing the verge as with other similar uses or applications. The scope of work would be approximately 75m of Penrice Road side seal extension to a width of approximately 3m, including formation of base course and hot mix wearing course. A row of bollards (or even kerbing) would be required to separate the car parking from the reserve park.

Indicative costs would include:

- *Pavement extension works \$20,000*
- *Sealing of pavement \$7,000*
- *(Kerbing works, if required \$13,000)*
- *Set out of works \$1,000*
- *Traffic control \$1,000*

Total (including kerbing works) = \$42,000 ex GST.

There is no capacity to fund this from existing budgets and it is noted that should the need eventuate, this amount represents a 42% increase of the total project spend, or a 84% increase of the northern dog park.”

Officers note a customer request recently received highlighting concern regarding the ongoing condition of the grass verge due to additional car parking in the area. There is some concern that the condition of this area may deteriorate over the winter season. Should this eventuate, a further report will be brought back to Council for consideration.

<h2>COMMUNITY CONSULTATION</h2>
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The outcome of the further requests arise from interested community members via the Friends of The Barossa Dog Parks and Williamstown Action Group. No further public consultation has been required by Council's Public Consultation Policy.

7.4 WORKS AND ENGINEERING SERVICES – DEBATE

7.4.1 DIRECTOR REPORT

7.4.1.1

ROAD AND BRIDGE LOAD LIMITS - PENRICE ROAD, NURIOOTPA; LIGHT PASS ROAD, LIGHT PASS AND PIPELINE ROAD, STOCKWELL B1513 – 21/30826

MOVED Cr de Vries

That the following road and bridge traffic management interventions be implemented:

- (1) The following roads be added to the Valley Floor “No Trucks” Zone:
 - a. Penrice Road, between Research Road and Murray Street,
 - b. Pipeline Road, between Stockwell Road and Sturt Highway,
 - c. Light Pass Road, between Penrice Road and Pipeline Road, and
- (2) The 5 Tonne Load Limit on Penrice Road, Nuriootpa, be removed, and
- (3) The 10 Tonne Load Limit on Pipeline Road, Stockwell, be removed, and
- (4) The bridge load limit on the Penrice Road Bridge (B63) over the North Para River be amended to a 25 Tonne Load Limit, in accordance with the WSP Bridge Audit Report load capacity review.

Seconded Cr Johnstone

CARRIED 2018-22/430

PURPOSE

In 2008 a number of load limit interventions were implemented on bridge and road infrastructure to control the through movement of trucks through the Nuriootpa and Light Pass Townships. These are required to be amended to ensure compliant access for the intended vehicles.

REPORT

Background

At the November 2008 meeting of The Barossa Council, a report was tabled to consider “strategies to restrict some of the freight traffic that is moving through some of the major townships and continuing to adopt asset management practises, it is suggested that an investigation and implementation of load limits be undertaken on specific sections of road.”

At this meeting, it was resolved that:

- *“Pursuant to the provisions of Section 359 of the Local Government Act 1934, Council resolved to exclude vehicles of the class specified below, from that portion of Penrice Street, Nuriootpa, between Research Road intersection and Murray Street intersection: All vehicles with a GVM greater than 5 tonne, with the exception of Passenger Transport Vehicles and Emergency Services Vehicles.*
- *Pursuant to the provisions of Section 359 of the Local Government Act 1934, Council resolves to exclude vehicles of the class specified below, from that portion of Pipeline Road, between Light Pass Road intersection and Sturt Highway intersection: All vehicles*

with a GVM greater than 10 tonne, with the exception of Passenger Transport Vehicles and Emergency Services Vehicles.

- *Other possible load limits be investigated and a further report be provided to Council for consideration."*

Introduction

Since 2008, concerns have arisen in terms of compliant legal access for the intended vehicles. The use of Load Limits to limit truck movements has unintended issues, for example, the "Gross Load Limit 5 Tonne" signage placed on Penrice Road used in conjunction with "Emergency vehicles and passenger vehicles excepted" signage is contradictory, in that passenger vehicles, such as buses and emergency vehicles, such as fire trucks, have a nominal gross mass greater than 5 tonnes. In accordance with the Australian Road Rules, load limit restrictions are not allowed to be exceeded under any circumstances and therefore legal access for buses and trucks with a gross mass of more than 5 tonnes is not provided.

Discussion

Council maintenance operations vehicles and waste trucks would significantly benefit from being able to access Nuriootpa Township via Penrice Road and the Penrice Road Bridge (B63), but are unable to legally do so due to the 5 tonne load limit. Notwithstanding, public buses currently use Penrice Road and the Penrice Road bridge to access local primary and secondary schools. In the same way, access for delivery truck vehicles to Light Pass Road via Pipeline Road is required to be legally compliant.

In February 2021, Council engaged WSP Consulting Engineers to assess the actual load capacity of the Penrice Road Bridge. After assessment of all available information, the load rating of the bridge was conservatively calculated to be 25 tonnes. A 25 tonne Load Limit would allow safe passage of non-articulated rigid vehicles, including buses, 3-axle waste trucks and fire vehicles. This would not include semitrailers, which generally have a gross mass of more than 25 tonnes.

The use of road and bridge load limits does not adequately achieve what was intended by the 2008 Council motion, being the restriction of heavy vehicles through the townships of Nuriootpa and Light Pass. This would better be achieved by a more specific and legally compliant "No Trucks" zone, as subsequently implemented on other adjacent roads.

The Barossa Council approved implementation of a "No Trucks" zone across the valley Floor at the Council meeting held 16 June 2009 (HPE 09/20605), including the following Roads:

- Penrice Road, between Light Pass Road and Research Road.
- Research Road, between Penrice Road and Sturt Highway.
- Kalimna Road, between Stockwell Road and Murray Street.
- Willows Road, between Stockwell Road and Sturt Highway.

Trucks that have an end destination point of delivery or pick-up within the "No Trucks" zone are still able to access the roads as per the gazetted conditions.

Summary and Conclusion

With consideration to the above information, the following recommendations are considered warranted to enable appropriately sized trucks, buses and larger vehicles to legally access the Nuriootpa and Light Pass Townships.

1. Add the following roads to the existing Valley Floor "No Trucks" Zone:
 - a. Penrice Road, between Research Road and Murray Street

- b. Pipeline Road, between Stockwell Road and Sturt Highway
 - c. Light Pass Road, between Penrice Road and Pipeline Road
2. Remove the road 5 Tonne Load Limit on Penrice Road, Nuriootpa.
 3. Remove the road 10 Tonne Load Limit on Pipeline Road, Stockwell.
 4. Revise the bridge load limit on the Penrice Road Bridge (B63) over the North Para River to a 25 Tonne Load Limit, in accordance with the WSP Bridge Audit Report load capacity review.

Pursuant to the provisions of the Local Government Act 1999, a Council resolution is required to implement these traffic management interventions.

The existing 20 Tonne Load Limit on the Light Pass Road Bridge (B62) over the North Para River is to be retained without change.

Appropriate warning signage will be placed on approach roads for the above traffic management and load limits in compliance with the relevant Australian Standards.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – General Locality Plan

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

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

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961 - Australian Road Rules.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The proposed recommendations will provide legal access for current and proposed desirable truck and bus vehicle movements.

COMMUNITY CONSULTATION

Nil

**7.4.1.2
REQUEST TO SEAL – GNADENBERG ROAD
B11740 – 21/30655**

MOVED Cr de Vries

That Council consider the sealing upgrade of a 180 to 300 metre section of Gnadenberg Road to be not warranted.

Seconded Cr Johnstone

FORMAL MOTION

MOVED Cr Haebich

That the item 7.4.1.2 - Request to Seal – Gnadenberg Road lie on the table.

Seconded Cr Hurn

TIED VOTE

The Mayor exercised his casting vote by voting AGAINST the formal motion. LOST

The original motion was **CARRIED**

Cr Hurn called for a **DIVISION**

The Mayor set aside the motion.

The division was taken with:

FOR the motion - Cr Schilling, Cr Angas, Cr Boothby, Cr de Vries, Cr Johnstone

AGAINST the motion - Cr Hurn, Cr Barrett, Cr Haebich

The Mayor declared the motion

CARRIED 2018-22/431

PURPOSE

A letter has been received requesting the sealing of a section of Gnadenberg Road, Moculta, in front of 33 Gnadenberg Road.

REPORT

Background

A letter has been received from Melissa and Peter Raymond by Council's Manager Engineering Services, dated 2 March 2021, requesting the sealing upgrade of a section of unsealed road in front of their property at 33 Gnadenberg Road, Moculta. Refer to letter attached (P21/20637)

A previous request was received from the same property owners in February 2010 with the request for sealing of the same section of Gnadenberg Road. Council staff responded at the time advising that, with consideration to Council's long term financial and asset management plans, the sealing of this short section of road was not warranted.

Discussion

The section of Gnadenberg Road requested for upgrade is located entirely within a Primary Production Zone. The road connects the Gruenberg locality to Keyneton Road

and the Keyneton Township further on, with less than 10 residential properties accessing the road.

Council's Infrastructure Asset Management Plan (IAMP) records Gnadenberg Road, between Lindsay Park Road and Hutton Vale Road, as a Rural Unsealed road and is classified as a Class 3: Local Access road with Low Social Importance, No Commercial Importance and Low Tourist Importance.

The section of Gnadenberg Road requested to be sealed is nominally 180 to 300 metres. Refer to General Locality Plan attached.

The scope of works to upgrade the road from a an unsealed to sealed road surface will include reshaping and formation with compacted rubble road pavement base course, construction of a 2 coat spray seal surface and placement of signage and line marking as required. A preliminary construction budget cost was estimated to be between \$60,000 and \$80,000, depending on the proposed final distance.

In the correspondence, the property owner has offered to contribute nominally \$4,000 to \$5,000 towards the sealing costs.

Council understands that the sealing of this short road section of road has specific individual property owner benefit rather than wider community connectivity benefit. Council does not currently have an approved road upgrade plan for increasing the Level of Service of existing unsealed road assets to a higher level of service.

Council's Infrastructure Asset management Plan (IAMP) has allocated Gnadenberg Road a Class 5 Unsealed Local Access road Level of Service, with 2 grades planned per year to maintain the Level of Service. The actual grading interventions required to maintain the road surface were 2 full grades in 2018 and 2019 and 1 full grade in the past 2020/21 twelve month period so far.

Traffic counts performed in March 2021 recorded a weekly average daily traffic count of 36 vehicles per day on Gnadenberg Road between Lindsay Park Road and Hutton Vale Road, of which approximately 45% were commercial vehicles. This is considered a very low number of vehicles per day for an unsealed road. There have been no recorded vehicle crashes on Gnadenberg Road in the past 10 years.

For information, the property owner has previously enquired about the possibility of establishing a cellar door at the 33 Gnadenberg Road premises through Council planners, but no formal application has been received to date.

Summary and Conclusion

With consideration to Council's Infrastructure Asset Management Plan (IAMP), Long Term Financial Plan and good engineering practice guidelines, the sealing of short sections of unsealed roads, in this specific case Gnadenberg Road, is not warranted.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Letter to Council from Melissa & Peter Raymond, dated 2 March 2021
Attachment 2 – General Layout Plan

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

<u>Community Plan</u>



Infrastructure

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

<u>Legislative Requirements</u>

Nil.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

<u>Financial</u>

The budget cost estimate for the construction of the proposed section of road upgrade is expected to be in the order of \$60,000 to 80,000.

COMMUNITY CONSULTATION

Nil.

7.4.1.3

KROEMER CROSSING ROUNDABOUT – BUDGET ADJUSTMENT

B9872 21/27394

MOVED Cr Haebich

That Council approve a budget adjustment increase of \$86,477 for the Kroemer Crossing Roundabout landscaping project, to be fully funded from a \$20,000 contribution and a reimbursement of \$66,477 received from the Department Infrastructure and Transport.

Seconded Cr Hurn

CARRIED 2018-22/432

PURPOSE

Council approval is sought to approve a budget adjustment for the Kroemer Crossing Roundabout landscaping project, funded entirely from additional funds received from Department Infrastructure and Transport (DIT).

REPORT

The DIT have recently completed the six million dollar Kroemer Crossing Roundabout project, which included construction of a single lane roundabout at the 5 road junction to accommodate vehicles up to 26m long, stormwater drainage upgrade, an extension of the shared path and pedestrian refuges.

The project was jointly funded by the Australian and South Australian Governments, The Barossa Council and Pernod Ricard Winemakers Pty Ltd.
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Council has received an updated Section 26(7) Notice from DIT dated 15 September 2020, under the Highways Act 1926, for Council to assume responsibility for the ongoing maintenance of the centre of the Kroemer Crossing roundabout and large median island adjacent Vine Vale Road.
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Council has also received a \$20,000 contribution from DIT, specifically for landscaping works at the roundabout, and a reimbursement of \$66,477, as a share of construction cost savings – making a total of \$86,477 received by Council.

In terms of the landscaping works associated with the roundabout, a number of concepts and budget cost estimates are being considered by Council staff and local community interest groups.

In August 2020, Council engaged LCS Landscapes to formulate a concept landscaping master plan for the roundabout precinct with projected construction cost estimated to be between \$256,522 and \$398,390, which remains unbudgeted.

Council staff also produced a more basic landscaping design, which has been actioned for construction and includes restoration and replanting of road side vegetation, restoration of the north and south rose hedge alignments to the roundabout, removal of various redundant infrastructure, and future connectivity of path networks to Menge Road.

Further, the Director Works and Engineering Services has been approached by a group of enthusiastic Tanunda volunteers with several ideas for the roundabout that will require review for feasibility and costing.

It is therefore proposed that Council Staff will work with all interested community members to produce a roundabout landscaping design that can be constructed and completed within the proposed adjusted budget of \$86,477, to be fully funded from the recently received DIT contribution and reimbursement amounts.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

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

The contribution and reimbursement have both been invoiced to DIT and payment has been received. Council are required to endorse the budget adjustment increase prior to expenditure.

COMMUNITY CONSULTATION

Council Staff will work with all interested community members to produce a roundabout landscaping design, which will in turn be presented to the community for feedback via Councils' Public Consultation Policy.

7.4.1.4

2021 BAROSSA MARATHON FESTIVAL – ROAD CLOSURE REQUEST B11739 – 21/27259

MOVED Cr de Vries

That the Commissioner of Police be advised that The Barossa Council endorses the closure of:

Magnolia Road, Tanunda between Neldner Road and Research Road;
Research Road, Tanunda between Magnolia Road and Angaston Road;
Nuraip Road, Nuriootpa between Research Road and Light Pass Road;
Light Pass Road, Light Pass between Nuraip Road and Penrice Road; and
Penrice Road, Light Pass between Stockwell Road and Research Road; and
Research Road, Nuriootpa between Penrice Road and Angaston Road.

on Sunday 30 May 2021 between 6.30am and 3.00pm for the purpose of the 2021 Barossa Marathon Festival.

Seconded Cr Hurn

CARRIED 2018-22/433

PURPOSE

A request has been received from the South Australian Road Runners Club Inc (SARRC) as organisers of the 2021 Barossa Marathon Festival for the closure of a number of roads in Tanunda for the staging of the 2021 Barossa Marathon, to be held on Sunday 30 May 2021.

REPORT

Discussion

The Barossa Marathon Festival is a walking and running event incorporating 42.2km, 21.1km, 10km and 5km events, the first event was held in 2012. The 2021 event will be starting and finishing at Faith Lutheran College Magnolia Road, Tanunda.

ForMile Events have been engaged by SARRC to prepare the event Traffic Management Plan and to also coordinate the implementation and monitoring of the road closures on race day.

Elected Members are advised that an approved road closure can be reopened earlier than approved but cannot remain in place later than approved i.e. the organisers have the flexibility to open up roads early if the runners are complete.

Summary and Conclusion

The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961. Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

<u>Community Plan</u>



Health and Wellbeing

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 cost to advertise and implement the road closure is to be met by SARCC as the organisers.

Risk management -

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

COMMUNITY CONSULTATION

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

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES – DEBATE**7.5.1 DIRECTOR REPORT****7.5.1.1****ESTABLISHMENT AND APPOINTMENT OF STRATEGIC PLANNING AND DEVELOPMENT POLICY COMMITTEE****B1577****MOVED** Cr Angas

That Council:

- (1) Establish a Strategic Planning and Development Policy Committee pursuant to Section 41 of the *Local Government Act 1999*, in accordance with the Terms of Reference (*Attachment 2*), and the term of the Committee to end at the next periodic election.
- (2) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the Strategic Planning and Development Policy Committee the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder, contained in the proposed Instrument of Delegations at *Attachment 1*, subject to the conditions and/or limitations, if any, specified in the proposed Instrument attached.
- (3) Adopts the Terms of Reference for the Strategic Planning and Development Policy Committee contained in *Attachment 2*.

Seconded Cr Johnstone**CARRIED 2018-22/434****PURPOSE**

To establish and appoint a committee to advise and assist Council in respect to strategic planning and development policy matters.

REPORTBackground

As previously reported to Council the *Development Act 1993* required a Council to appoint a Strategic Planning and Development Policy Committee (SPDPC) however the *Planning, Development and Infrastructure Act 2016* (PDI Act) does not carry this same requirement forward.

At its meeting held on 16 June 2020 Council noted that this does not preclude Council appointing a Committee of this nature in the future and accordingly resolved to continue with a Committee similar to the current Committee (Refer agenda and minutes of the meeting - item 7.5.1.1, titled 'Potential Future Strategic Planning and Development Policy Review Committee'), as follows:

MOVED Cr Angas

- (1) That Council receive the report.
- (2) That Council continue with a Committee to advise and assist it with Strategic Planning and Development Policy matters and that a separate report be presented to Council with draft Terms of Reference and Operating Procedures.

Seconded Cr Johnstone

CARRIED 2018-22/165

Procedurally it was intended that the existing Committee would continue until such time the relevant provisions in the *Development Act 1993* are 'turned off' with the new Committee taking effect at that point.

Discussion

As the Development Act is now repealed, Council can opt to establish a similar Committee pursuant to Section 41 of the *Local Government Act 1999*, and in accordance with its resolution at its meeting held on 16 June 2020.

Size and composition

The previous Committee comprised the Mayor and all Elected Members. It is recommended this arrangement be maintained. Other membership options available range from membership excluding any Elected Member appointed to the Barossa Assessment Panel (to clearly separate policy and assessment matters) to including staff and independent members.

Function and responsibilities

The recommended functions of the Committee are:

1. To provide advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with relevant designated instruments.
2. To assist the Council in undertaking strategic planning and monitoring directed at achieving:
 - 2.1 orderly and efficient development within the area of the Council;
 - 2.2 high levels of integration of transport and land-use planning;
 - 2.3 relevant targets set out in a designated instrument within the area of the Council; and
 - 2.4 the implementation of affordable housing policies set out in the designated instruments within the area of the Council.
3. To provide advice to the Council (or, where delegated, to act as its delegate) in relation to strategic planning and development policy issues when the Council is:
 - 3.1 initiating or considering initiating a proposal to amend a designated instrument;
 - 3.2 preparing a report or response of any nature in relation to a proposal by another body to initiate, prepare or amend a designated instrument;

- 3.3 initiating or considering initiating an infrastructure scheme under Part 13 of the PDI Act;
 - 3.4 preparing a report or response to consultation (direct or otherwise) under Part 13 of the PDI Act in relation to an infrastructure scheme initiated by another body;
 - 3.5 establishing or considering the establishment of an offset scheme under Part 15, Division 2 of the PDI Act; or
 - 3.6 preparing a report or response to an agency or body which relates to a proposal to create or amend, or the contents of, a practice direction or practice guideline.
4. To provide advice to the Council in relation to such other issues or matters as requested by the Council.

Delegations

It is recommended that the Committee act as Council's delegate in relation to preparing an amendment to the Planning and Design Code including powers and duties associated with initiating an amendment, conducting engagement in accordance with the Community Engagement Charter and submitting an amendment for approval. Refer to the draft Instrument of Delegation to the Strategic Planning and Development Policy Committee included as Attachment 1.

Conclusion

The PDI Act does not require the establishment of a Strategic Planning and Development Policy Committee. Should Council wish to retain the operations of such a Committee, it will be required to set it up pursuant to Section 41 of the *Local Government Act 1999*.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|---|
| Attachment 1 | Draft Instrument of Delegation to the Strategic Planning and Development Policy Committee (21/16609*) |
| Attachment 2 | Terms of Reference for the Strategic Planning and Development Policy Committee (20/45823*) |

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Business and Employment



How We Work – Good Governance

- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.
- 1.4 Develop and maintain streetscapes that reflect the character and heritage of the region.
- 1.5 Provide support and advice to preserve properties and sites which have historic significance.

- 1.7 Maintain clearly defined townships and manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.
- 1.10 Facilitate opportunities to repurpose or find alternative use of built heritage.
- 1.11 Ensure the unique character of the rural landscape is appropriately managed.
- 5.7 Collaborate with industry leaders to ensure informed decision making and Council representation in relation to economic growth, planning and development.

Corporate Plan

- 1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.
- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Following repeal of the *Development Act 1993* there will be no legislative requirement for a Committee to deal with strategic planning and development policy matters.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Committee will require ongoing administrative support. Any projects initiated by the Committee will need to be undertaken in accordance with adopted budget resources.

COMMUNITY CONSULTATION

There is no requirement to consult with the community regarding establishment of a Committee to deal with strategic planning and development policy matters.

7.5.2.1

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) – NOTICE OF ANNUAL BUSINESS PLAN AND DRAFT BUDGET 2021/2022

B11628, 21/26349

MOVED Cr de Vries

That Council:

- (1) Endorses the draft Gawler River Floodplain Management Authority Annual Business Plan 2021-2022 and the draft Consolidated Budget 2021-2022 as circulated to Constituent Councils.

Seconded Cr Hurn

CARRIED 2018-22/435

PURPOSE

The attached documents have been circulated for consideration and approval by Constituent Councils in accordance with Clause 12 of the Charter for the Gawler River Floodplain Management Authority.

REPORT

Background

The Gawler River Floodplain Management Authority (GRFMA) is established as a regional subsidiary pursuant to section 43 and Schedule 2 of the *Local Government Act 1999* to coordinate the construction, operation and maintenance of flood mitigation infrastructure in the Gawler River.

Constituent Councils are City of Playford, Adelaide Plains Council, Town of Gawler, The Barossa Council, Light Regional Council and Adelaide Hills Council.

Introduction

The recently amended GRFMA Charter (2020) now provides that the Authority must prepare and Annual Business Plan and Budget for the forthcoming financial year.

The Charter also provides requirement for establishment of a Strategic Plan, Long-Term Financial Plan and Asset Management Plan. The GRFMA Board has determined that a program to establish the new management framework will be undertaken in 2022.

The Executive Officer of the GRFMA has written to the Constituent Councils seeking Council's consideration of the draft 2021-2022 GRFMA Annual Business Plan and draft Budget.

The GRFMA must submit in draft form, the Business Plan and Draft Budget to each Constituent Council before 31 March for approval.

The draft Business Plan and Budget were considered at the GRFMA Audit Committee meeting held 17 March 2021.

The documentation was received on 17 March 2021, and are now presented for review and approval.

Discussion**GRFMA ANNUAL BUSINESS PLAN 2020-2021**

Key elements of the 2021-2022 Annual Business Plan include:

- Continuation of the advocacy program to secure funding for the Northern Floodway project.
- Implementation of requirement of the reviewed Operation and Maintenance Manual.
- Continuation of the revegetation program around land associated with the Bruce Eastick North Para Flood Mitigation Dam.
- Scheduled inspections and environmental management of land associated with the Dam location will be undertaken in accordance with ANCOLD recommendations. Principality Routine (monthly), Intermediate (annually), Comprehensive (every 5 years which is next due 2022/2023).
- Completion of the Gawler River Stormwater Management Plan - the GRFMA recognises in-kind contribution of the City of Playford in provision of a Project Manager to facilitate development of the Plan.
- Completion of the GRFMA Strategic Management Plan.

- Establishment of the Long-Term Financial Plan, and the Asset Management Plan.
- Engagement and partnership with the State Government to deliver the \$9 Million for Gawler River flood mitigation works.
- Completion of identified repairs to the Bruce Eastick North Para Flood Mitigation Dam.

The draft GRFMA Annual Business Plan is included as Attachment 2.

DRAFT BUDGET 2021-2022

The draft Budget is provided as Attachment 3.

Considerations included within the draft Budget is allowances for the undertaking of repairs as identified in the Bruce Eastick Dam Low Level Outlet Pipe Inspection Report and the Bruce Eastick Dam Baffle Replacement Design Report, for which Tenders will be sought. An estimated value of \$70,000 (based on a ten year term) as an annual repayment of the amount of borrowings has been proposed in the draft budget on the basis of providing capacity and flexibility for the GRFMA to utilise at the time any tender submissions are considered. Subsequently the actual level of funds required to then be financed will be able to be determined by the GRFMA and adjusted as required.

The finance for the required works will be via debenture loan borrowings (likely LGFA) in accordance with Clause 8.4 of the GRFMA Charter.

The Barossa Council's contribution is proposed to be \$36,729, which is an increase of \$8046 on the 2020-2021 contributions, and represents an 8.67% share of maintenance of assets costs and 16.66% share of operational costs as per the Charter.

Summary and Conclusion

The draft GRFMA Annual Business Plan 2021-2022 and Budget 2021-2022 have been circulated for consideration and approval by Constituent Councils in accordance with the GRFMA Charter.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 – Letter from Executive Officer
- Attachment 2 – GRFMA Annual Business Plan 2021-2022
- Attachment 3 – GRFMA Consolidated Draft Budget 2021-2022

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Infrastructure

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.
- 3.3 Ensure long term confidence in the Barossa's capacity to access water to meet its industrial, domestic and environmental needs.

Infrastructure

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

Advocacy Plan

9. Work with governments and industry to bring critical water supply to the Barossa.

Corporate Plan

- 1.7 Maintain and extend existing initiatives to reduce, re-use and recycle water resources.

Legislative Requirements

Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

The scope of the GRFMA Annual Budget is small in comparison to the extensive undertakings by Constituent Councils.

Principally the budget revenue is sourced from predetermined 'formulae based' financial contributions by the six Constituent Councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

Risk Management

The GRFMA and Constituent Councils have a level of responsibility to act on dealing with known potential flood risks. The GRFMA needs to be seen as to be moving forward in seeking to address flood measures in a strategic and financially sustainable manner.

COMMUNITY CONSULTATION

The GRFMA Charter requires that the Business Plan and Draft Budget are circulated to the Constituent Councils seeking support prior to their adoption. There is not an obligation or need for community consultation in relation to this matter.

7.5.5.1
MANDATORY GREEN ORGANIC SERVICE UPDATE
B11883-05

MOVED Cr Johnstone

That Council:

- (1) Receive and note the expressions of interest received for green organic service exemption
- (2) Reaffirm its support for the green organic service to become mandatory, with the adoption of
 - a) a change from a Saturday service to a weekday service,
 - b) a fortnightly service level (with the view to increase to weekly in the future), and
- (3) Approve the update of the Waste Management Services Policy to reflect changes to service levels, townships boundaries and management of units/multiple tenancies as detailed in Attachment 2.

Seconded Cr Barrett

CARRIED 2018-22/436

PURPOSE

To provide Council with the outcome of the expression of interest for green organic service exemption, and an update on the mandatory green organic roll out.

REPORT

Background

At the Council Meeting held 15 December 2020, Council initially moved to introduce a mandatory Green Organic service with the service shifting to weekdays and increasing the service level to weekly rather than fortnightly. In addition, there was to be a service exemption for properties that could demonstrate effective management of their green waste.

At the Council meeting held 27 January 2021, a further report was received with an overview of how the Green Organic service exemption will be determined and implemented. Council moved to commence a call for residents to apply for a Green Organic service exemption ahead of the roll out of the mandatory Green Organic service.

It was also noted that negotiations with Solo Resource Recovery would commence, with the intent that a contract variation would need to be executed.

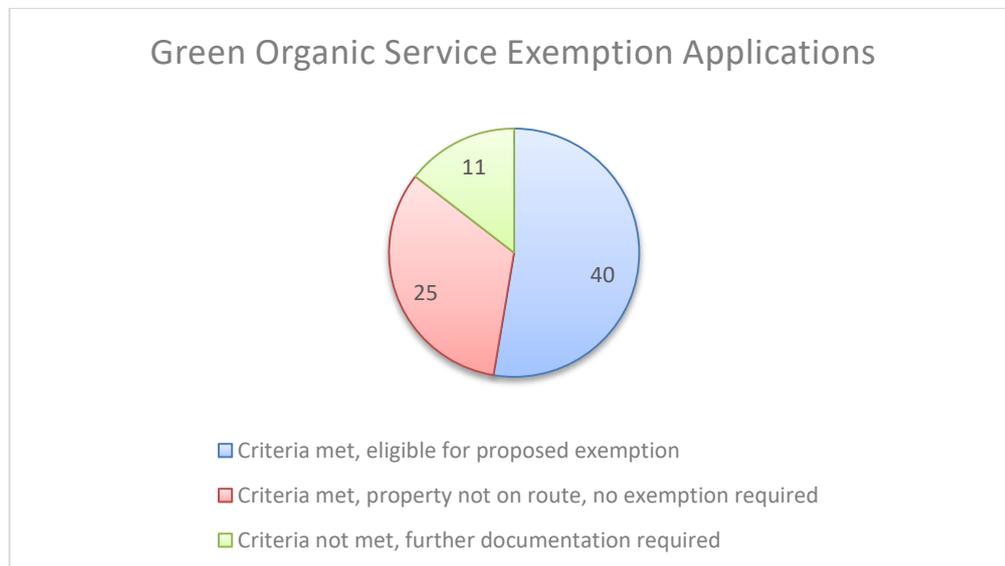
MOVED Cr de Vries

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**Introduction

A call for expressions of interest for the Green Organic service exemption commenced on 24 February 2021 and concluded on 1 April 2021. A total of 76 completed applications were put forward, with 86 enquiries logged.



The 76 applications fell into 3 categories:

1. Criteria met, eligible for proposed exemption

The property was within the eligible townships, evidence of compost or green waste management systems was supplied and a Statutory Declaration was provided.

These properties will be notified that their exemption will be approved as per the revised Policy.

2. Criteria met, property not on route, no exemption required

The applicant provided evidence of compost or green waste management systems and a Statutory Declaration however, the property is not within an eligible township. This type of application has still been noted against the properties as they would still qualify for the exemption if the route was expanded.

These properties will be notified that the exemption will be reconsidered if/when the route is reviewed by the contractor.

3. Criteria not met, further documentation required

These applications were missing an element of the required documentation. In most cases the Statutory Declaration was not completed. Any applications that were missing documentation were given the opportunity to provide the missing items.

These properties will be notified that the exemption will be reconsidered as soon as the additional documentation has been provided.

In effect, a total of 40 properties would be immediately eligible to receive the exemption on adoption of the revised Policy. A further 11 applications can be reassessed on receipt of the required information.

The following will be added to the special circumstances provisions with the Waste Management Policy:

Green Organic Service Exemption

4.7.6 *A Residential Premises within the Designated Waste Collection Area (refer Appendix B are eligible for a green organic service exemption if they are effectively managing green waste via composting as evidenced by photographs submitted to council and signed statutory declaration stating that no green waste will be placed in the General Waste or Recycling services.*

Discussion

Feedback from expression of interest for the Green Organic Service Exemption

Enquiries received for the Green Organic service exemption highlighted the potential challenges for residential properties with multiple tenancies such as unit blocks or retired / aged accommodation where the total volume of kerbside bins supplied might be above the needs of residents and could become difficult to store and create congestion issues when presented kerbside for emptying.

The above was also reiterated by property owners that are part of a Community Plan (Community/Strata Titles). In this scenario 13 properties currently share 2 green organic bins which are charged via a Tenant Licence held by the Community Corporation.

In light of these enquiries, a mechanism to manage this type of scenario within the Waste Management Services Policy has been considered. It is proposed that the following wording be added to the Policy:

4.8.7 *Multiple dwellings such as community and strata titles may apply to the Contractor to share bin services. Subject to Council approval.*

Negotiations with Solo for the Mandatory Roll Out

Council administration met with Solo Resource Recovery (Solo) to discuss the mandatory Green Organic service to determine if there were any major obstacles to the proposed changes. See attachment 1.

Township and Rural Services:

As there are no changes proposed to rural service level, it was acknowledged that there are some primary production properties on the fringe of townships that should be considered rural. It was also noted that some rural properties that are along the approved designated collection route could be provided with the Green Organic service.

As part of the Policy a clear designation between Township and Rural properties is needed to ensure the level of service entitlements. In addition, Council could opt to allow rural properties along the designated collection route to have access to the service on an opt-in basis.

Solo see no issue with the scope of eligible properties being expanded to include all townships defined in the Waste Management Service Policy. This would mean that the Green Organic service could become mandatory in Cockatoo Valley, Sandy Creek, Moculta and Eden Valley.

It is proposed that the following revisions to the Waste Management Policy be made:

	Waste to Landfill (Red Bin)	Recyclable (Yellow Bin)	Green Organic (Green Bin)
<i>Township</i>	140L	240L	240L
<i>Rural</i>	140L	240L	240L <i>Optional</i>
<i>Commercial</i>	140L	240L	240L <i>(Townships Only)</i>

Township Service

4.5.4 Residential Premises within the Designated Waste Collection Area (refer Appendix B) will receive:

- A mandatory weekly collection service for General (Landfill) Waste (140L Red Bin),
- A mandatory fortnightly collection service for Co-mingled Recycling (240L Yellow Bin)
- A mandatory fortnightly collection service for Green Organics Recycling (240L Green Bin) and

4.5.5 Residential Premises opting into the Green Organics Recycling service will receive a Kitchen Caddy for compost, which is supplied by Council's contractor.

Rural Service

4.5.6 Residential Premises within rural areas (having property frontage to the Approved Waste Collection Route refer Appendix A) will receive

- A mandatory weekly collection service for General (Landfill) Waste (140L Red Bin),
- A mandatory fortnightly collection service for Co-mingled Recycling (240L Yellow Bin); and

Residential Premises within rural areas may apply to opt into a fortnightly collection service for Green Organics Recycling subject to demand and availability of service.

Commercial Service

4.5.8 *Commercial Premises within the Designated Waste Collection Area will can receive, on an optional basis:*

- *a weekly collection service for General (Landfill) Waste (140L Red Bin), and*
- *A fortnightly collection service for Co-mingled Recycling (240L Yellow Bin).*
- *A fortnightly collection service for Green Organics Recycling (240L Green Bin – within the Designated Waste Collection Area (refer Appendix B)*

4.11.2 *A service charge for mandatory General (Landfill) and Recycling Waste and Green Organics will be applied on all Service Entitled Properties within the Designated Waste Collection Area and along the Approved Collection Route with a dwelling, whether permanently occupied or not, and regardless of whether the service is required or utilised.*

4.11.3 *A service charge for Green Organics will be applied on all Service Entitled Properties within the Designated Waste Collection Area or along the Approved Collection Route where the property owner has opted for the service. Where a tenant has opted for a service, and the property owner has declined to accept the service charge, the tenant will be required to sign an agreement with Council to have the charge billed directly. Any default on payment will result in the cancellation of the service and surrender of the bin. An administration fee is applicable in the event of a cancellation.*

Weekly Green Organic Service:

Solo stated that moving the service to weekly is achievable. However, Solo suggested that in swapping the Organics collection to weekly, the current weekly Rubbish (red bin) could shift to fortnightly. This is due to concerns around bin clutter and the need for each residence to have the service. For example, on the recycling fortnight, there would in effect be three bins placed at the kerb. As an alternative, the Green Organic Service could be made fortnightly on the alternate fortnight of the recycling bin, as is the case for most metropolitan council services, to ensure that only two bins are out at any one time.

Weekday service:

Solo have confirmed that maintaining the fortnightly service on a Saturday would no longer be viable and that collections will move to weekday aligning with current service days and in the off week for recyclables.

Service Commencement:

A weekly Organics service would need a full costing to ensure it does not have too much of an impact to the capital equipment and as such Solo believe a longer timeline is required for the service to move to weekly and would recommend allowing until July 2022 for the roll out.

Therefore it is suggested commencing the mandatory Green Organic service on a fortnightly basis, but continue discussions with Solo in regards to a weekly service and/or a swap in service levels. Tonnages and diversion rates can be monitored and a full costing analysed with a further report to Council outlining the pros and cons to change service levels in the future.

Rollout, Resourcing and Equipment:

There will be no problems with resourcing additional staff and the roll out could be implemented within 1 month of being advised of the intent to commence a mandatory service however, they would prefer the roll out to occur in September or October 2021.

A suitable permanent vehicle could take up to 6 months to secure. Subject to Council approval, a generic branded Solo vehicle would be used until the permanent vehicle is available.

Waste Management Service Policy

A revised version of the Policy containing track changes to address the service level changes and exemption requirements is provided in Attachment 2.

With the opportunity to update the Waste Management Service Policy to better align the policy with the Waste Services Contract, the following additional changes have also been made:

Changing 'attachment b' to appendix b in the 'designated Waste Collection Area' definition to align with the rest of the policy.

Removing the following from the Special Circumstances provisions:

4.7.2 Eligible Special Circumstance Provision applicants will be issued an annual sticker to affix to the bin which will confirm collection for the Contractor's drivers. Bins will not be collected if the sticker is not displayed

Adding 'small businesses' to the commercial premise in the special circumstances Provisions section:

Commercial Premises

4.7.6 *Commercial Premises and small businesses can upsize to 240L General (Landfill) Waste Bin at an additional cost and may request additional bins from the Contractor which are charged annually at the unit rate cost.*

Defining the maximum distance a collection point service can be from the property:

Collection Locations

4.8.2 *Within rural areas, a common collection point may be nominated for ease of waste collection by the Contractor. A common collection point will be as close as possible to eligible premise and no more than 5 kilometres from the access point to the premise*

Summary and Conclusion

Following the expression of interest process for service exemptions, it is proposed that Council proceed with the changes to the Green Organic service, as follows:

- Move from a Saturday Service to a Weekday service
- Fortnightly service level instead of the initially proposed weekly service level
- Alternate fortnight to the recycling service
- Add options for community titles / strata titles to better manage waste services

These are reflected in the revised Policy.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Solo response
Attachment 2 – update of Waste Management Service Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

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.

Health and Wellbeing

9. Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle.
10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.

Natural Environment and Built Heritage

- 3.1 Support community based sustainability initiatives to help reduce the Barossa's contribution to the climate crisis and build on the capacity of local residents and industry to mitigate negative impacts.
- 3.2 Collaborate with partners and our community to support innovative approaches to waste minimisation, and increase reuse and recycling opportunities.

Health and Wellbeing

- 10.2 Advocate for and encourage services that ensure equity and support inclusion and at risk members of the community.

Corporate Plan

Health and Wellbeing

- 4.9 Provide residents kerbside waste collection and recycling services that reduce waste disposed to landfill.
- 4.10 Facilitate access to hard and green waste facilities and associated recycling opportunities that reduce waste disposed to landfill and support the environment.

Legislative Requirements

Local Government Act 1999

Environment Protection Act 1993

Green Industries SA Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Based on the outcome of the expression of interest, it is estimated that the initial number of Green Organic services to determine the Service Charge would be 6,475 240L bins with the approved townships, plus the existing 38 240L bins for Commercial (owner/tenant) services (which remains optional). With allowance for new services (i.e. new dwellings) the total amount of bins is in the order of 6,870.

The current collection rate for the service is \$1.0184 and allowing for a CPI increase using the current rate of 0.70%. This would equate to a collection cost of approximately \$15,497 per month for a fortnightly service. Estimated annual cost is \$185,971.

The disposal cost for green organic material is currently at \$37.55 per tonne and allowing for a CPI increase using the current rate of 0.70%. Disposal would cost \$8,008.44 per month, with an annual cost estimated at \$96,101.30. Estimated monthly tonnage has been calculated based on a 45% increase to the average monthly tonnage.

The total mandatory Green Organic service for 6,870 services is estimated at \$282,072 the budget for 2020-21 for 4,348 voluntary services is \$183,029.

The service charge will be calculated accordingly with the intention that it remains as close to the current service charge as possible. The current service charge is \$53, the current figure based on the estimated bin numbers and tonnages would be \$49.

COMMUNITY CONSULTATION

Nil

8. CONFIDENTIAL AGENDA**8.1 EXECUTIVE SERVICES****8.1.1 PRIVATE WORKS PROPOSAL****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 8.1.1 'Private Works Request' being information that must be considered in confidence as includes the personal information of a ratepayer and resident under Section 90(3)(a) of the Local Government Act being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); 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 2018-22/437***The meeting moved into confidence at 10.10am.***MOVED** Cr Boothby

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Having considered this matter in confidence under Section 90(3)(a) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes (except this part 3 of this resolution), agenda report and attachments of this report to the Confidential Council Meeting held on 20 April 2021 in relation to item 8.1.1 Private Works Request 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 CO2018-22/52***Resumption of open council meeting at 10.12am.*

8.1.2 NURIOOTPA OLD DUMP SITE PROPOSAL**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 'Nuriootpa Old Dump Site Proposal being information that must be considered in confidence as it includes commercial and valuation information that under Section 90(3)(b) of the Local Government Act being information the disclosure of which would involve the unreasonable disclosure of information the disclosure of which would be information the disclosure of which (i) reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest; and
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential to consider the commercial and pricing proposal of the submission.

Seconded Cr Angas**CARRIED 2018-22/438***The meeting moved into confidence at 10.12am.***MOVED** Cr Boothby

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Having considered this matter in confidence under Section 90(3)(b) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes (except this part 3 of this resolution), agenda report and attachments of this report to the Confidential Council Meeting held on 20 April 2021 in relation to item 8.1.2 Nurioopta Old Dump Site Proposal be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

Seconded Cr Haebich**CARRIED CO2018-22/53***Resumption of open council meeting at 10.13am.***9. URGENT OTHER BUSINESS**

Nil

9.1 REQUEST – LEAVE OF ABSENCE

Nil

10. NEXT MEETING

Tuesday 18 May 2021 at 9.00am.

11. CLOSURE OF MEETING

Mayor Lange declared the meeting closed at 10.13am.

Confirmed at Council Meeting on 18 May 2021

Date:.....

Mayor:.....