



The Barossa Council

MINUTES OF THE MEETING OF SPECIAL COUNCIL MEETING

held on Wednesday 5 May 2021 commencing at 7.15pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

1. THE BAROSSA COUNCIL

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 7.18pm.

1.2 MEMBERS PRESENT

Mayor Bim Lange, Deputy Mayor Russell Johnstone, Crs John Angas, Don Barrett, Leonie Boothby, David de Vries, Tony Hurn, Kathryn Schilling.

1.3 LEAVE OF ABSENCE

Cr Richard Miller and Cr Cathy Troup

1.4 APOLOGIES FOR ABSENCE

Cr David Haebich and Cr Carla Weise-Smith

MOVED Cr Hurn

That the Council receive and accept Cr Haebich and Cr Weise-Smith's apology.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/439

2. DEBATE AGENDA

2.1.1

BUSINESS CASE FOR SUSTAINABLE RESOURCING MODEL (PHASE 1)

21/37320

MOVED Cr de Vries

That Council approves the Business Case for Sustainable Resourcing Model (Phase 1) and instructs the Chief Executive Officer to implement the Business Case as presented.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/440

PURPOSE

To address performance targets set for me as part of my 2019-20 annual performance review, growth in demand for services, increased investment in capital and The Big Project and alignment with the Community Plan 2020-2040.

REPORT

The Council has considered through my past performance review, service level reviews and set strategic policy through the service levels of Council and the Community Plan.

The attached business case explores strategic and operational matters relevant to long term sustainable service delivery and resourcing to achieve agreed service levels.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Business Case for Sustainable Resourcing Model (Phase 1)

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

All themes and all strategies.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Outlined in the attached Business Case.

COMMUNITY ENGAGEMENT

Community consultation is not required as the document is an administrative assessment of capacity to meet current service levels and strategic directions and policies of Council. Further, the financial matters will be included in the annual budget and business plan engagement.

2.1.2

TEMPORARY REFORM EXECUTIVE SERVICES

21/37330

MOVED Cr Boothby

That Council:

- (1) Approves the Temporary Reform Paper presented at the Attachment for a minimum period of 12 months and instructs the Chief Executive Officer to implement the changes immediately with the support of the Mayor.
- (2) Approve a budget adjustment for the 20/21 and 21/22 financial years of \$40,000 in order to support the temporary reform.
- (3) Requires the Mayor to bring a report back to Council in October 2021 on the outcomes of the temporary reforms with a view to embedding a fourth directorate as Phase 2 of the sustainable resourcing model business case.

SECONDED Deputy Mayor Johnstone**CARRIED 2018-22/441****PURPOSE**

To address temporary changes in Executive Services to support reform, leadership and other changes outlined at the agenda report 2.1.1 Business Case for Sustainable Resourcing Model (Phase 1).

REPORT

The Council has through the Chief Executive Officers past performance review tasked myself as Mayor to address various issues including capacity and workload. Recently I have been engaging with all executive staff, and our Senior People and Culture Advisor to support the achievement of the strategies and policies Council has set. The Business Case for Sustainable Resourcing Model (Phase 1) has presented a further opportunity to consider from Council's perspective a sustainable leadership model as well.

After consulting with the Directors and other relevant staff, supported by the Senior and People Culture Advisor, I have developed a temporary reform model for Executive Services, which is at the Attachment. This model aligns with that outlined in the report and business case presented at agenda item 2.1.1.

The proposal is to implement this model for 6 months and review it after that period. Further the ICT Review would have reached completion and, should the Business Case be supported, this will all be included in the six month review report. In essence the temporary model represents a new Director position and devolution of some duties in order to better support capacity and workload. If this model is successful a report will come back to Council to consider embedding the structure long term, along with any other changes required to address a new Directorate.

This model recognises the growing workload on our Chief Executive Officer which is reflected also in the Business Case on the broader organisation. I stress the Chief Executive Officer is supportive and has stated that he wants the Business Case to take

precedence as in his words "boots on ground are more important". I beg to differ, they are equally important, and the collective view of those that supported me in this temporary model development agree with me that this needs to happen to ensure the Business Case and The Barossa Council is successful in all its endeavours from boots on ground to long term leadership.

Implementation will require the Manager Executive Services to act in the role of Director for the term of 6 months, titled as Director Corporate Services and Business Innovation. On human resource advice, I am informed that this approach is sound. Further, this level of internal promotion has been undertaken previously when the prior Director Corporate and Community Services resigned which resulted favourably for the organisation and the community. Additionally, after initial consultation, the Manager Executive Services is willing to step up for the initial 6 month period and is highly competent to undertake this position.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Temporary Reform Plan – 28 April 2021

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

All themes and all strategies.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

It is estimated to cost \$19,148 for the 6 months change which is minimal and can be included in the budget through a budget adjustment.

COMMUNITY ENGAGEMENT

Community consultation is not required as the document is an administrative assessment of capacity to meet current service levels, strategic direction and policies of Council. Further, the financial matters will be included in the annual budget and business plan engagement.

2.1.3

ANGASTON HOTEL DEVELOPMENT

21/37335

MOVED Cr Boothby

That Council:

- (1) Approves for the Chief Executive Officer to negotiate a licence primarily in the form of that at Attachment 2 in support of parking requirements for the Angaston Hotel development application 960/9/2021.
- (2) Authorise the Chief Executive Officer to enter into a licence, or if the document must be seal authorise the Mayor and Chief Executive Officer to sign and seal the said licence, as described under resolution 1 above.

SECONDED Cr Hurn**CARRIED 2018-22/442****PURPOSE**

To support redevelopment and parking requirements associated with the Angaston Hotel Development.

REPORTBackground

In 2008 the Angaston Hotel owners applied to development and expand the establishment. As part of support for the development Council supported the utilisation of land under an agreement, see Attachment 1, to assist with parking requirement of the Development Act. This agreement was never executed as the development did not proceed to full approval. This year the owners have lodged new plans for assessment.

Discussion

Whilst planning assessment is underway and car parking requirements are being determined it is prudent to consider the request of the owner to reinstate the prior support. The subject land is now owned by Council as part of the Barossa Adventure Station. The land is excluded as community land under the Local Government Act and therefore Council can consider supporting of this nature. Obviously, the location serves the station development. The utilisation of parking for the Angaston Hotel, if required, I believe would be only in rare exceptional circumstances and like not to impinge on normal operating hours of the railway area. Additionally, within a reasonable distance of the hotel there is significant on street parking.

The land as it is Council owned and utilised for public purposes a licence can be provided to assist the development not a lease as the use needs to be dual purpose.

A draft licence has been provided at Attachment 2.

At Attachment 3 is a map of the location.

The developer has been asked to assess parking requirements and they are undertaking this work. So as to support a speedy resolution if parking is required this

licencing arrangement will allow assessment to progress, and if the parking is not required then there will be no reason to enter into the licence, this can be determined once development assessment has been completed.

Summary

There is sound reason to support the hotel development through a licence for parking support if required and can be appropriately managed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Prior Arrangement
Attachment 2 Draft Licence
Attachment 3 Map

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.

Strategies

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

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Any costs and risk are minimal and within normal operations of Council.

COMMUNITY ENGAGEMENT

Community consultation is not required as the land is not community land under the Local Government Act and the proposal is not restricting any current use of the land.

2.1.4

KRIEG PARK DEVELOPMENT

21/37304

MOVED Cr de Vries

That Council:

- (1) Approves in principle the design of the proposal open space development in lieu of cash payment on the following conditions:
 - (a) That at the conclusion of the development the developer provides certified evidence that the costs to achieve the various open space treatments are of or greater than the required open space payment;
 - (b) That the developer includes a BMX dirt track in the final designs in partner with Council for its construction and that Council will contribute up to \$15,000 in funds to support its construction in the 21/22 financial year;
 - (c) That the developer partners with Council to engage with the local community around the development to assist with the BMX track development and other features that could be achievable in the open space development overtime.
- (2) Require the developer to enter into an agreement with Council for the purposes outlined in their submission and this report and that the area can be utilised for drainage purposes which can be managed appropriately to achieve sound a community open space outcome and stormwater management.

SECONDED Cr Schilling**CARRIED 2018-22/443****PURPOSE**

To support land development, drainage management and upgrade to community facilities around the Krieg Park development Nuriootpa.

REPORTBackground

The Krieg Park development is a well-known site in Nuriootpa. The site has been rehabilitated and a small stage one development completed with rapid uptake of the allotments.

The development has approach Council to achieve both a high yield of land development and upgraded open space area in the general area. Their correspondence and design is at Attachment 1.

Discussion

Whilst planning assessment is underway the proposal is for the developers to develop the open space instead of a cash contribution and deliver an upgraded area.

The area is generally enjoyed by the community as open space but currently is an undeveloped resource and has some informal BMX/dirt bike tracks.

The land as outlined in Attachment 2 is to the west of the development and will link well into the residential development which includes preservation of as many trees in the heart of the development as possible. The area can be upgraded to meet drainage needs with softly slopping banks. Planting of species will support the upgrade. It also presents an opportunity for Council to formalise the BMX/dirt tracks.

The subject land is owned by Council as Community Land under the Local Government Act. The land is identified under the Community Land Management Plan as Undeveloped Reserves and Gardens, see Attachment 3. The proposals is consistent with this management plan.

It is suggested that, like we have done for playground upgrade at Williamstown, the local community be engaged through the development process, within the bounds of budget to have input into the final design especially of the BMX track.

The alternative is the developer can develop the current site and manage water on that site, with less yield which is a less optimal outcome for the liveability of current and future years and would, perhaps, at some stage in the future result in requests to upgrade the relevant area for its community use and amenity.

Our planning and engineering areas have reviewed the proposal and are comfortable it is sound in principle as it relates to the engineering assessment and appropriate under the development assessment requirements.

Summary

The approach is sound and considered a win win. The site is going to be developed regardless this strategy will support economic development and community outcomes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Correspondence
Attachment 2	Design
Attachment 3	Map
Attachment 4	Community Land Management Plan Extract

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



Business and Employment

Goal

4. The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.
8. To have a connected and safe transport network that meets the needs of our community
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.

Strategies

- 4.3. Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces and active recreation.
- 8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.
- 11.2. Support proactive population growth that is incremental, well managed and is backed up by local planning and development opportunities.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Any costs and risk are minimal and within normal operations of Council. \$15,000 in the 21/22 financial year to support development which will over time be recouped through rating of the land development.

COMMUNITY ENGAGEMENT

Community consultation is not required as the proposal is consistent with the management plan, however as outlined in the report a local engagement process will take place.

2.1.5
HARD WASTE VOUCHER UPDATE
21/37230

MOVED Cr de Vries

That Council:

- (1) Support the transfer of \$37,500 from the Refuse Reserve to allow for an additional 500 hard and green waste vouchers to be available for residential rate payers until the 30 June 2021; and
- (2) Authorise the Chief Executive Officer or his delegate to open Springton Transfer Station for an extra Saturday on an on needs basis

SECONDED Cr Barrett

CARRIED 2018-22/444

PURPOSE

To provide an update on the hard waste voucher uptake, and allocate additional funding to extend the level of service.

REPORT

Background

At its meeting on 15 December 2020, Council moved to implement a Hard and Green Waste voucher system for the remainder of the 2020-21 financial year.

MOVED Cr Haebich that Council:

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

Seconded Cr Schilling

CARRIED 2018-22/337

The voucher provides a \$75 subsidy for rate payers to dispose of hard and green waste with participating vendors. Budget allowed for 500 vouchers to be provided to residential ratepayers. 1 voucher is available per property and are being disbursed on a first come first serve basis.

Introduction

The voucher system was launched on 21 April 2021 with information on Council's website and advertisements via social media. Advertisements were also placed in local papers on 28 April 2021.

Discussion

On average, 30 vouchers are being issued each day. If this level of interest continues the allocation will be exhausted with 16 days.

Springton Transfer Station is the best option for rate payers to get better value from the voucher. Some ratepayers collecting a voucher have commented on the limited opening hours of Springton and the short timeframe for the voucher to be used.

Summary and Conclusion

Additional budget could be taken from reserve to allow for an additional 500-1000 vouchers to be available.

The volume of traffic through Springton Transfer Station and the redemption of vouchers in May 2021 can be monitored and if use of Springton increases, there is opportunity to open Springton for an extra Saturday during June.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Health and Wellbeing

Goal

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

Strategies

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

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

Environment Protection Act 1993

Green Industries SA Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Refuse Reserve balance as of February 2021 is \$169,016. An additional 500 vouchers would require \$37,500.

The Refuse Reserve could be used to cover the operating costs for the additional day at the Springton Transfer Station.

COMMUNITY ENGAGEMENT

Nil

3. CONFIDENTIAL AGENDA

3.1 EXECUTIVE SERVICES

3.1.1

LOCAL ECONOMIC DEVELOPMENT PLAN

21/37344

The matter of the agenda item being tenders for the supply of goods, the provision of services or the carrying out of works; pursuant to Section 90(3)(k) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure would unreasonably expose the sensitive interests of a third party..

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

MOVED Deputy Mayor 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, and the Minute Secretary, in order to consider in confidence a report relating to 3.1.1 Local Economic Development Plan being information that must be considered in confidence pursuant to:

Section 90(3)(k) of the *Local Government Act 1999*:

tenders for the supply of goods, the provision of services or the carrying out of works; and

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure would unreasonably expose the sensitive interests of a third party..

SECONDED Cr Hurn

CARRIED 2018-22/445

MOVED Deputy Mayor Johnstone

That Council:

- (1) Council Resolution
 (2) Council Resolution
 (3) Having considered this matter in confidence under Section 90(2) and 90(3)(k) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the all documents, attachments and report relating to this confidentiality order of the Confidential Special Council Meeting held on 5 May 2021 in relation to item 3.1.1 Local Economic Development Plan – Tender T0158/2021 be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Angas

CARRIED CO2018-22/446

The meeting moved into confidence at 7.48pm

Resumption of open council meeting at 8.09pm

3.1.2

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) – BAROSSA PERSPECTIVE
21/37367

The matter of the agenda item being legal advice; pursuant to Section 90(3)(h) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

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

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

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

MOVED Cr de Vries

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to 3.1.2 Gawler River Floodplain Management Authority (GRFMA) – Barossa Perspective being information that must be considered in confidence pursuant to:

Section 90(3)(h) of the *Local Government Act 1999*:

legal advice; and

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are in order to maintain legal professional privilege..

SECONDED Cr Hurn

CARRIED 2018-22/447

MOVED Cr de Vries

That Council:

- (1) Note and receive the report.
- (2) Council Resolution.
- (3) Having considered this matter in confidence under Sections 90(2) and 90(3)(h) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 5 May 2021 in relation to item 3.1.2 Gawler River Floodplain Management Authority (GRFMA) – Barossa Perspective be kept confidential and not available for public inspection until 3 May 2022 and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Deputy Mayor Johnstone

CARRIED CO2018-22/448

The meeting moved into confidence at 8.10pm

Resumption of open council meeting at 8.39pm

4. NEXT MEETING

Tuesday 18 May 2021 at 9.00am

5. CLOSURE

Mayor Lange declared the meeting closed at 8.39pm

Confirmed at Council Meeting on 18 May 2021

Date:.....

Mayor:.....