



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL held on Tuesday 20 July 2021 commencing at 9.00am in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

1. THE BAROSSA COUNCIL

1.1 WELCOME

Mayor Bim Lange declared the meeting open at 9.02am

1.2 MEMBERS PRESENT

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

1.3 LEAVE OF ABSENCE

Cr Richard Miller

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION:

MOVED Cr Haebich

That the Minutes of the Council meeting held on Tuesday 15 June 2021 at 9.00am and the Special Council meeting held on Wednesday 7 July 2021 at 6.00pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr de Vries

CARRIED 2018-22/496

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

1.7.1

BAROSSA TRAIL - REQUEST FOR DISTANCE MARKERS

21/52103

MOVED Cr de Vries

That:

- (1) The petition be received and the Director – Works and Engineering Services provide an appropriate response to the author of the petition.
- (2) Council staff include the request for distance markers along the Barossa Trail for consideration in the New Initiative process for the FY 22-23 Annual Budget and Business Plan.

SECONDED Cr Haebich

CARRIED 2018-22/497

PURPOSE

To consider a petition containing 48 signatories regarding the Barossa Trail requesting Council install distance markers along the section between St Hallett Road and Rowland Flat.

REPORT

The petition requests Council install distance markers along the Barossa Trail at each kilometre on the section of trail between St Hallett Road and Rowland Flat.

The author expresses concern for this section, where the trail follows the river, should there be a requirement to identify the location of trail users during an emergency.

Distance markers are common advisory signs on shared paths. If they are considered along a localised section of the Barossa Trail, as requested, this might be extended to include the length of the bike path from Kalbeeba to Nuriootpa. The section of path from Nuriootpa to Angaston already has distance markers in place.

Council staff suggest that the installation of distance markers on the Barossa Trail be considered as part of the New Initiative process in the FY 22-23 Annual Budget and Business Plan.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Petition - Kilometre markers on cycle and walking trails - 24 June 2021

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan

Infrastructure

Goal

8. To have a connected and safe transport network that meets the needs of our community

Strategies

- 8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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The distance markers currently in place on the Barossa Trail were funded by an Open Space/Places for People Grant during construction in 2011.

The installation of distance markers along the remainder of the Barossa Trail is currently unfunded and not budgeted. The project can be considered as part of the New Initiative process in the FY 22-23 Annual Budget and Business Plan.

COMMUNITY ENGAGEMENT

Nil

1.8 DEPUTATIONS

Nil

1.9 NOTICE OF MOTION

Nil

1.10 QUESTIONS WITH OR WITHOUT NOTICE

1.10.1

QUESTION ON NOTICE – COUNCILLOR WIESE-SMITH - TOWN ENTRY SIGNS STAKEHOLDER ENGAGEMENT CLARIFICATION

21/54119

MOVED Cr Wiese-Smith

That Council receive and note the response and that the question and response be placed in the minutes.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/498

PURPOSE

To consider a question on notice provided in accordance with the *Local Government Act 1999* by Cr Wiese-Smith at the 15 June 2021 meeting of Council.

QUESTION AND RESPONSE

Question

Cr Wiese-Smith asked for confirmation regarding what stakeholder groups were consulted.

Response

Further information has been provided by the consultant, who was engaged to run the initial stakeholder and then community workshops for the project.

Confirmation has been provided by the consultant that the stakeholder email list (used for ongoing updates on the project) was compiled from the main representatives present at the initial overarching workshop which occurred in May 2019.

This list comprised 25 email addresses of individuals and groups representing townships as follows:

- Angaston (2)
- Eden Valley (3)
- Lyndoch (2)
- Moculta (3)
- Mount Pleasant (2)
- Nuriootpa (4)
- Rowland Flat (1)
- Southern Barossa (1)
- Springton (1)
- Stockwell (1)
- Tanunda (2)
- Williamstown (3)

Further names were not collected, by the Consultant, during the individual/community township workshops. The understanding had been established that the original representative stakeholders (from the overarching workshop) would confer with their township groups and contacts, pass on information and be the central contact point for feedback going forward.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

2. MAYOR2.1 MAYOR'S REPORT*Cr Boothby left the meeting at 9:09am*

MOVED Cr de Vries	
That the Mayor's report be received.	
SECONDED Deputy Mayor Johnstone	CARRIED 2018-22/499

*Cr Boothby returned to the meeting at 9:10am*3. COUNCILLORS' REPORTS

Nil

4. CONSENSUS AGENDA5. CONSENSUS AGENDA ADOPTION5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA

Cr Johnstone requested that item 4.2.1 - Legatus Minutes of meeting held 11 June 2021 be excluded from the Consensus Agenda.

Cr Weise-Smith requested that item 4.7.5 - Planning Portal Activity Data Report be excluded from the Consensus Agenda.

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Deputy Mayor Johnstone	
That the information items contained in the Consensus Agenda excluding Items 4.2.1 and 4.7.5 be received and that any recommendations contained therein be adopted.	
SECONDED Cr Angas	CARRIED 2018-22/500

5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA5.1 OFFICE OF THE MAYOR AND CEO

4.2.1

LEGATUS MINUTES OF MEETING HELD 11 JUNE 2021

21/47749

Deputy Mayor Johnstone raised concern as to the Legatus CEO salary increase and sought the CEO to write to the Board on this matter.

MOVED Deputy Mayor Johnstone

That the report item 4.2.1 be received and noted.

SECONDED Cr Angas

CARRIED 2018-22/501

5.2 DEVELOPMENT AND ENVIRONMENTAL SERVICES

4.7.5

PLANNING PORTAL ACTIVITY DATA REPORT

21/50968

Cr Weise-Smith explored the application and understanding of the new planning portal data.

Mr Mavrinc, Director, Development and Environmental Services provided explanation of the data and will explore overtime additional reporting as the understanding of the system and its reporting progresses.

MOVED Cr Wiese-Smith

That the report item 4.7.5 be received and noted.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/502

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

Nil

6.2 ADJOURNMENT OF COUNCIL MEETING

Nil

7. DEBATE AGENDA

7.1 MAYOR

Nil

7.2 OFFICE OF THE MAYOR AND CEO

7.2.1

MONTHLY FINANCE REPORT AS AT 30 JUNE 2021

21/47757

MOVED Cr Boothby

That Council receive and note the Monthly Finance Report as at 30 June 2021.

PURPOSE

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

REPORT

Discussion

The Monthly Finance Report (as at 30 June 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 and March.

Work will continue on the finalisation of these figures, until the completion of the external audit process, scheduled for September, after which the full financial statements will be presented to Council. Further updates will also be presented to Council including analysis, material variances and a final report on financial results.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council June 2021

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Financial

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

COMMUNITY ENGAGEMENT

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

7.2.2

CONSIDERATION AND ADOPTION OF AUDIT COMMITTEE RESOLUTIONS

21/48684

<p>MOVED Cr de Vries</p> <p>That Council:</p> <p>(1) Having reviewed the Minutes of the Audit Committee ordinary meeting held 31 March 2021, adopt the Resolutions contained therein;</p> <p>(2) Having reviewed the Minutes of the Audit Committee confidential meeting held 31 March 2021, adopt the Resolutions contained therein;</p> <p>(3) Having reviewed the Minutes of the Audit Committee ordinary meeting held 16 June 2021, adopt the Resolutions contained therein</p> <p>SECONDED Cr Boothby</p>	<p>CARRIED 2018-22/504</p>
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PURPOSE

Council to consider the Minutes of the following Audit Committee meetings:

- Ordinary meeting held 31 March 2021
- Confidential meeting held 31 March 2021
- Ordinary meeting held 16 June 2021

REPORT

Discussion

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

The Minutes of the Audit Committee meetings held in March and June 2021 are presented for the consideration and adoption of Council. (Note: Minutes of the 31 March 2021 confidential meeting were out of confidence at the end of the meeting.)

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Minutes - Audit Committee Meeting - 31 March 2021
 Attachment 2 Confidential Minutes - Audit Committee meeting - 31 March 2021 -
 OUT OF CONFIDENCE
 Attachment 3 Minutes - Audit Committee meeting 16 June 2021

Supporting references

Audit Committee Terms of Reference

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY ENGAGEMENT

Not required under legislation or Council's Public Consultation Policy. Audit Committee Meetings are open to the public to attend and Agendas and Minutes are provided on Council's website.

7.2.3

ANGASTON BOWLING CLUB - LOAN SUPPORT

21/51020

MOVED Cr Angas

That Council:

- (1) Support the Angaston Bowling Club to access a Local Government Finance Authority Community Loan of up to \$300,000 over a maximum of 10 years subject to the Manager Financial Services and Chief Executive Officer being satisfied that the financial business case is sustainable and the club enter into a loan agreement with Council.

(2) Authorise the Mayor and Chief Executive Officer to sign seal and execute any relevant documentation to give effect to part 1 of this resolution.

SECONDED Cr Hurn

CARRIED 2018-22/505

PURPOSE

To consider advancing access to a community loan through the Local Government Funding Authority to support the redevelopment of the Angaston Bowling Club.

REPORT

Background

The Angaston Bowling Club has been working towards a relocation and new development of their facility for many years to address the growth of the game, the very limited area they had and capitalise on land purchased by the club.

Discussion

The Angaston Bowling Club has written to Council seeking to access a community grant of up to \$300,000, see Attachment 1.

The club has previously held a community loan with no repayment issues.

The club has secured a grant, sale proceeds and other cash reserve of \$1.66M, has received planning approval for the site and is near to completing the final project plan and business case.

In order to support the club achieve its ultimate outcomes and be ready, this report is provided to review their request and provide authority for the Chief Executive Officer and Mayor to proceed once a final business case has been presented and indicates the financial assessment is sustainable.

Further Council is alerted that community borrowings are in essence access to our sectors borrowing capacity but should they not be paid by the club the liability falls to Council. In terms of Councils financial indicators, the borrowing costs and repayments in terms of principle and interest are neutral. They are neutral as the interest and principle owed is reimbursed to Council over the life of the loan, and in terms of the balance sheet the loan (being a liability) is offset by a debt owed to Council (an asset) and these values balance off to zero.

There are two further steps that the club needs to take to access the loan:

1. Satisfy Council they have the financial capacity to meet the loan;
2. Enter into a loan agreement with Council.

Further Council is alerted that a Treasury Management Policy review is being undertaken to consider placing limits on the amount of community loan funding that may be accessed, to manage risk. However, at present the Policy does not limit the extent and therefore assessment of support needs to be made on community benefit versus financial risk. The current Policy link is provided in the supporting references below.

Summary and Conclusion

The club is looking for support to complete a long-term project that has community benefit. Subject to meeting financial risk expectations it is recommended to support the Angaston Bowling Club request.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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Attachment 1 Angaston Bowling Club Loan Application

Supporting references

[policy-treasury-management.pdf \(barossa.sa.gov.au\)](https://www.barossa.sa.gov.au/policy-treasury-management.pdf)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan

Community and Culture



Infrastructure

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.
7. Community infrastructure planning is aligned to both current and the future needs of the community

Strategies

- 4.1. Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.
- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act, Chapter 8

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Financial and risk considerations outlined in the body of the report.

There are no resourcing impacts not already budgeted for.

Current community borrowing commitments made are \$706,413.41 this loan (and also the second community loan report in this agenda) will increase the commitments to \$1,206,413.41. Please note this does not include interest payments, this is the loan amount currently outstanding.

COMMUNITY ENGAGEMENT

Nil

7.2.4

NURIOOTPA FUTURES ASSOCIATION - LOAN SUPPORT

21/54020

Pursuant to Section 75 of the *Local Government Act 1999*, Cr Schilling disclosed a Conflict of Interest in the matter Item number 7.2.4 – Nuriootpa Futures Association – Loan Support as she is on the Board of Management.

Cr Schilling left the meeting at 9:17am

MOVED Cr Hurn

That Council:

- (1) Support the Nuriootpa Future Association to access a Local Government Finance Authority Community Loan of up to \$100,000 over a maximum term of 10 years subject to entering into a loan agreement with Council.
- (2) Authorise the Mayor and Chief Executive Officer to sign seal and execute any relevant documentation to give effect to part 1 of this resolution.

SECONDED Cr Wiese-Smith

CARRIED 2018-22/506

Cr Schilling returned to the meeting at 9:18am

PURPOSE

To consider advancing access to a community loan through the Local Government Funding Authority to support updates to Coulthard House and achieve a leasable property.

REPORT

Background

The Nuriootpa Futures Association (NFA) has been caring for and managing the historic Coulthard House and surrounds for decades. As a not for profit group they have also been trying to activate the area and house.

Discussion

The NFA has written to Council seeking to access a community Local Government Finance Authority grant of up to \$100,000, see Attachment 1.

Importantly the NFA have been able to negotiate a commercial lease. The loan is to undertake the necessary upgrades to achieve the lease which will provide significant and ongoing funding to the group. Further the lease will activate the street and house. Coupled with prior years of work on the adjacent open area and buildings for community use the NFA continues to drive the precinct further.

The NFA wants to be in the space of community and event support and development but the house itself requires significant annual funds that consume the capacity of the NFA's financial and volunteer resources and therefore it is difficult for them to reach their strategic goals.

The lease arrangement will assist in removing the financial burden, over a 10 year period. A financial model has been undertaken and is also at Attachment 1. The estimates, whilst paying the loan back over the 10 year period are:

1. Estimated fees and revenue related to the lease of \$399,929;
2. Estimates costs associated with the lease of \$218,086;
3. A cash and operating profit of \$181,842 after paying the principle and loan payments.

Further Council is alerted that community borrowings are in essence access to our sectors borrowing capacity but should they not be paid by the group/club the liability falls to Council. In terms of Councils financial indicators, the borrowing costs and repayments in terms of principle and interest are neutral. They are neutral as the interest and principle owed is reimbursed to Council over the life of the loan, and in terms of the balance sheet the loan (being a liability) is offset by a debt owed to Council (an asset) and these values balance off to zero.

Should Council approve the loan NFA will be required to enter into a loan agreement with Council.

Further Council is alerted that a Treasury Management Policy review is being undertaken to consider placing limits on the amount of community loan funding that may be accessed, to manage risk. However, at present the Policy does not limit the extent and therefore assessment of support needs to be made on community benefit versus financial risk. The current Policy link is provided in the supporting references below.

Summary and Conclusion

The NFA is looking for support to undertake necessary upgrades to achieve a commercial lease of Coulthard House and based on the estimated financial model there is sufficient capacity to meet the loan commitments.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Nuriootpa Futures Association - Loan Request

Supporting references

[policy-treasury-management.pdf \(barossa.sa.gov.au\)](https://www.barossa.sa.gov.au/policy-treasury-management.pdf)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



Natural Environment and Built Heritage

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.
7. Community infrastructure planning is aligned to both current and the future needs of the community
2. The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

Strategies

- 4.1. Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.
- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
- 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.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act, Chapter 8

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and risk considerations outlined in the body of the report.

There are no resourcing impacts not already budgeted for.

Current community borrowing commitments made are \$706,413.41 this loan (and also the second community loan report in this agenda) will increase the commitments to \$1,206,413.41. Please note this does not include interest payments, this is the loan amount currently outstanding.

COMMUNITY ENGAGEMENT

Nil

7.2.5

LEGATUS - NOMINATIONS FOR OFFICE

21/54059

MOVED Cr de Vries

That Council receive and note the invitation and decline to nominate Mayor Lange to an office holder position.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/507

PURPOSE

Legatus is seeking nominations for office holders in accordance with its Charter.

REPORT

Correspondence from the Legatus Chief Executive Officer has been provided to Council seeking nomination to either the position of Chair or two positions of Deputy Chair of the Legatus Group. Nominations must come from Board members which under the Charter is Mayor Lange. Nominations must be received by one week prior to the Annual General Meeting which is set for 3 September 2021.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act Section 43

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

7.2.6

AUTONOMOUS TRANSPORT VEHICLE RESEARCH REPORT

21/54706

MOVED Cr Wiese-Smith

That Council:

- (1) Note the research findings and not proceed with a full business case.
- (2) Continue to periodically engage with stakeholders in future to ascertain a likely time that new funding support, technology improvements and/or commercialisation outcomes can achieve the desired outcome of the Autonomous Transport Vehicle project.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/508

PURPOSE

To consider the research report undertaken on the Autonomous Transport Vehicle Project and determine if Council will proceed with the project in context of the report's findings.

REPORTBackground

As part of the (then) Department for Transport, Planning and Infrastructure call for proposal to utilise the Barossa Railway corridor Council and partners made a submission to the Department.

The submission was not supported. Council were invited to consider developing a business case for an autonomous vehicle concept.

Introduction

In order to develop a business case, a proposal was put to Council to engage a consultant to undertake the business case development. Quotes were sought and presented to Council on 27 January 2021.

Council at that time elected to engage a consultant to undertake a research review of autonomous vehicles trials before considering it should proceed to a full business case, in essence undertaking preliminary due diligence.

The contract was let in April 2021 and the report is now completed and provided at the Attachment 1.

Discussion

The report has conducted local and international trial reviews, assessed relevant learnings from them, engagement with Councils partner SAGE and assessed the economic maturity of autonomous vehicles as the technology currently stands.

The findings are fully presented and summarised in the report, the following are critical to Council decision making:

- Funding for trials has diminished and the industry has experienced a slump.
- Barossa rail corridor would be an appropriate location, regardless chaperones are still required to be present.
- The path to commercialisation remains unclear.
- People have demonstrated a willingness to use automated vehicles (but not pay for them) the cost to operate the service and an unwillingness from the market to deliver commercial income streams from the technology make project difficult to deliver at this stage.
- There may be a future role for Local Government to support implementation of automated vehicles when they can deliver safety, transport and economic benefits at a rate that is commercially viable.

The Council has rightfully said at the commencement of work on this initiative that it is not a provider of public or tourism transport services. Equally trying to find a solution and advocate is part of a role for Council.

Based on the report it is clear that any autonomous vehicle would require Council, State or other government, industry or partner funding as the research indicates they cannot achieve a commercial outcome at this stage.

Summary and Conclusion

The role of Council in this case is not as a direct funder but rather an advocate. It is recommended should future funding streams become available from other parties to assist with the concept the business case be developed at that time not at this time where it is likely to need Council funding to achieve the desired outcome which is not consistent with Councils role.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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Attachment 1 Autonomous Transport Vehicle Research Report
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Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan

Infrastructure



Business and Employment

Goal

8. To have a connected and safe transport network that meets the needs of our community
12. We are a visitor destination of choice.

Strategies

- 8.1. Support opportunities to increase community transport and access to services and facilities.
- 12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
- 12.2. Support economic development and destination awareness through events, festivals, creative enterprise and attractions.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

No further analysis has taken place based on the report's findings. Should Council wish to undertake further work on a detailed business case the financial and risk assessment will be undertaken at that time.

In terms of the risk profile, the technology presents challenges as outlined in the report as a requiring further development and an inability to commercialise at this time. The costs to support a project until it is commercially sound is not known adding further risk to the project.

COMMUNITY ENGAGEMENT

Nil

7.2.7

REQUEST FOR COUNCIL REPRESENTATIVE - BOARD OF SOUTH AUSTRALIAN RECREATION TRAILS INC (SARTI) - INCORPORATING THE LAVENDER TRAIL
21/55179

MOVED Cr Angas

That Council:

- (1) Note the request of the South Australian Recreation Trails Inc. (SARTI) President to select a Council Representative to its Board.
- (2) Appoints Cr Barret as its nominated representative noting that the role has no decision making authority.
- (3) Provides written notification to SARTI of the outcome of its request.

SECONDED Cr Wiese-Smith

CARRIED 2018-22/509

PURPOSE

To consider a request received from the President of the South Australian Recreation Trails Inc (SARTI) for a Council Representative (Elected Member) to sit on the SARTI Board

REPORT

Background

SARTI Inc has been building walking trails since 1999. The major project of the volunteer group has been the establishment of the Lavender Federation Trail. The Lavender Federation Trail encompasses 5 Local Government Authorities including The Barossa Council. The policy of SARTI has been to work closely with the relevant councils and to have representation on its Board from the councils as well as representatives from the walking community.

In previous years, former Councillor Michael Seager was The Barossa Council's longstanding informal representative.

Introduction

A request dated 1 July 2021 has now been received from the President of SARTI, Chris Bushell for a new Council Representative. Refer Attachment 1.

Discussion

It is understood that Cr Barrett has attended some previous SARTI meetings in a non-representative capacity and may have an interest in this matter.

SARTI also extends its interest to cycling trails and is in the process of development of components of the existing trail being designated the Lavender Cycling Trail. They are supportive of and advocates for the development of the Adelaide Wine Capital Cycle Trail that forms part of Council's Big Project planning.

Meetings are monthly and held at various venues through the 5 council areas.

Elected Members are invited to nominate for this role. If there is more than one nomination a secret ballot will be held to select the representative.

Summary and Conclusion

Council has been invited to provide a formal representative to sit on the SARTI Board.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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Attachment 1 email from South Australian Recreation Trails Incorporated requesting Council representative on Board - July 2021

Supporting references

Refer to www.lavenderfederationtrail.org.au for further information

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan



Infrastructure



How We Work - Good Governance

Goal

8. To have a connected and safe transport network that meets the needs of our community

Strategies

- 8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

Corporate Plan

- 3.1. Provide regional and local walking and cycling connection between open spaces.
- 3.5. Advocate for efficient use of community resources through shared infrastructure and innovative solutions.
- 3.6. Maintain and improve transport infrastructure to support economic, social and tourism activity within available resources and acceptable levels of service.
- 3.8. Ensure Council owned roads, bridges, footpaths, tracks and car parking are accessible, safe and maintained to an agreed level of service.
- 6.8. Provide opportunities for the community to contribute to the ongoing care, **improvement and use of Council's community facilities.**
- 6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Not applicable

COMMUNITY ENGAGEMENT

Not required under legislation or Council Policy.

7.2.8

REVIEW OF POLICY DOCUMENTS

21/55394

MOVED Cr de Vries

That Council:

(1) Having reviewed and noted the revision by officers of the various Policies and documents as detailed in this report and as presented in the Attachments, agree that the following Policies and documents are reviewed and their next review date be stated as outlined in Attachment 1:

- Community Assistance Scheme Policy
- Copyright Management Policy
- Knowledge Management Policy
- Legacy Policy
- Media and Communications Policy
- Order Making Policy – noting that the amendment made is of only minor significance i.e. being rollover of the date of review, and accordingly, pursuant to section 259(5) of the *Local Government Act 1999*, Council is satisfied that the public notification requirements set out in section 259 is not required for this reason.
- Property Identification Policy
- Social Media Policy
- Supplementary Hardship for Residential Water Service Customers Policy
- Treasury Management Policy
- Volunteer Code of Conduct

(2) Repeal the following policies as they are no longer relevant:

- Development Fee Exemptions for Community Organisations Policy – noting this policy shall be replaced by a new document.
- COVID-19 Recovery – Business Support Grant Program Policy and Rules
- COVID-19 Recovery – Community Assistance Grant Program Policy and Rules

(3) Note the processes and policies under redraft and target timeframes for presentation to Council including the one identified new policy requirement.

SECONDED Cr Schilling

CARRIED 2018-22/510

PURPOSE

To review various policies and process documents.

REPORT

Background

Council Policy Framework is extensive and overtime requires review of documents to ensure they are adequate, updated for legislative, experience in their use, risk, fitness for purpose and improvements identified.

Discussion

Officers have undertaken a high-level review of various outstanding documents to ascertain their need for further review and update based on the above factors.

Based on the review of documents the summary of findings is attached for members' reference.

Whilst some structure and titles of the organisation have changed an administrative interpretation policy has been drafted to assist with interpretation of policies and processes be they Council or Administrative in nature for these factors. For instance, a change of Director position title or the Corporate Management Team now being the Executive Leadership Team, such changes like these have no impact the substance of the framework documents.

In assessing the documents, they have been assessed into four categories:

1. Those framework documents that meet the requirements and are fit for purpose and adequately address known risks and can be rolled forward in their review dates. Please note this does not mean that further reviews will not happen earlier depending on changing circumstances.
2. Documents that are no longer relevant and can be repealed.
3. Documents that are outstanding in their reviews, there current redrafting status is outlined and new targets dates for presentation to Council provided.
4. Any areas identified for new policy.

The relevant policy documents for resolution under resolution one are at Attachment 2.

Should Council support the resolution the policy document review dates will be updated for category 1. Category 2 above will be removed. Category 3 will be presented by the target date as will category 4.

Summary and Conclusion

A desk top review of the Council framework documents of those requiring review by 2 July 2021 has been undertaken and recommendations made to address their review as outlined in this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Summary of Policy Documents
Attachment 2 Policy Documents

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

How We Work - Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act
 State Records Act
 Copyright Act
 Development Act
 Water Industry Act
 Work Health and Safety Act
 Public Interest Disclosure Act
 Volunteer Disclosure Act
 ICAC Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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No there is no financial and resource impact not already budgeted.
 Risk have been considered in undertaking the high-level review.

COMMUNITY ENGAGEMENT

Nil

7.3 CORPORATE SERVICES AND BUSINESS INNOVATION

7.3.1

HUMAN RESOURCE AND EXPENDITURE APPROVALS FOR CHIEF EXECUTIVE OFFICER
21/49746

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 7.3.1 - Human Resource and Expenditure Approvals for Chief Executive Officer as the item relates to administrative practice for any human resource management requirements and expenditure reimbursements of my employment.

CEO Martin McCarthy left the meeting at 9:26am

MOVED Cr de Vries

That Council:

- | |
|---|
| (1) Authorise the person occupying the office of Director, Corporate Services and Business Innovation to approve relevant human resource expenditure requests submitted by the Chief Executive Officer; |
|---|

- (2) Revoke the previous authorisation to the Director, Corporate and Community Services;
- (3) That the Delegations Register reflect that the Director, Corporate Services and Business Innovation has authority to expend budgeted funds from the Office of the Mayor and CEO budget for this purpose.

SECONDED Cr Wiese-Smith

CARRIED 2018-22/511

CEO Martin McCarthy returned to the meeting at 9:27am

PURPOSE

As a result of the changes to Council's organisational structure, Council asked to review the authorisations for administrative oversight of human resource expenditure approvals for the Chief Executive Officer (CEO).

REPORT

Background

At its meeting held on 17 July 2018, Council resolved as follows:

MOVED Cr de Vries that Council, as of 1 July 2018, authorise the Director Corporate and Community Services to approve relevant human resource and expenditure requests submitted by the Chief Executive Officer and that the Delegations Register reflect that the Director, Corporate and Community Services has authority to expend budgeted funds on the Executive Services budget for these purposes.

Seconded Cr Milne

CARRIED 2014-18/1461

Introduction

Following the establishment of the new Corporate Services and Business Innovation Directorate, it is now appropriate for authority to approve human resource and expenditure requests submitted by the CEO to move to the Director, Corporate and Business Innovation.

Discussion

The human resource and expenditure documents submitted by the CEO include the CEO's leave applications and minor expenditure reimbursement or costs associated with the CEO's employment, such as professional membership of the Australian Society of Certified Practising Accountants.

Elected Members should note that, administratively, Council's policy is that the Mayor also approves the CEO's annual leave applications up to 5 days and Council approves leave over 5 days.

Summary and Conclusion

Council is asked to authorise the Director, Corporate Services and Business Innovation to approve human resource and expenditure documents submitted by the CEO, and revoke the previous authorisation to the Director, Corporate and Community Services.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

- 6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.16. Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999, section 44

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Within existing resources and risk understanding.

COMMUNITY ENGAGEMENT

No community consultation is legislatively required nor needed by way of best practice, as transparency is ensured through the update of Delegations Register on Council's website.

7.3.2

ANNUAL REPORT ON THE INTERNAL REVIEW OF COUNCIL DECISIONS 2020/2021

21/49751

MOVED Cr Wiese-Smith

That Council receives and approves the annual report on the Internal Review of Council Decision applications received in the 2020/21 financial year, as required under Section 270(8) of the *Local Government Act 1999*.

SECONDED Cr Boothby

CARRIED 2018-22/512

PURPOSE

Council is asked to receive and approve the annual report on the Internal Review of Council decision applications for the financial year as is required under the Local Government Act 1999.

REPORT

Background

Section 271(1) of the *Local Government Act 1999* (the "Act") requires a Council to establish procedures for the review of decisions of:

- (a) the council;
- (b) employees of the council;
- (c) other persons acting on behalf of the council.

Section 279(8) of the Act further states:

"A Council must, on an annual basis, initiate and consider a report that relates to –

- (a) the number of applications for review made under this section; and*
- (b) the kinds of matters to which the applications relate; and*
- (c) the outcome of applications under this section; and*
- (d) such other matters as may be prescribed by the regulations."*

Additionally, Council's *Internal Review of Council Decisions Process* (the "Process") requires this report to Council in July each year to include an attached Statement of Resources and a summary of how the outcomes have been used to improve Council's customer service, policies and processes.

Introduction

No applications for Internal Review under Section 270 were received between 1 July 2020 and 30 June 2021.

Discussion

Since there were no applications made in the 2020/21 financial year, a Statement of Resources associated with the reviews, as required by the Process is not attached.

Summary and Conclusion

Council is asked to receive and approve the annual report on the internal review of Council decisions 2020/21.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
--

Community Plan

How We Work - Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999, section 270

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Nil

COMMUNITY ENGAGEMENT

Not required under legislation and Council's Public Consultation Policy. Transparency is ensured by providing an annual report on the Internal Review applications made under section 270 of the Act and Summary of Resources, in accordance with the requirements of the Act and Process.

7.3.3

DRAFT REGISTER OF INTERESTS POLICY

21/53874

MOVED Cr Wiese-Smith

That Council:

- (1) Receive, consider and adopt the attached draft Register of Interests Policy at Attachment 1.
- (2) Receive and note the Registering of Elected Member Interests Process (Attachment 2) and Registering of Officer Interests Process (Attachment 3), noting that these are subject to approval by the Chief Executive Officer.

SECONDED Cr Angas

CARRIED 2018-22/513

PURPOSE

Council is asked to receive, consider and adopt the attached draft Register of Interests Policy at Attachment 1.

REPORT

Background

Pursuant to Chapter 5, Part 4 Division 2 and Chapter 7, Part 4, Division 2 of the *Local Government Act 1999* (the "Act"), Elected Members and those officers declared as Prescribed Officers are required to register their interests by way of Primary and Ordinary Returns.

Introduction

On 17 September 2019, following a periodic review, Council adopted the Register of Interests Policy, and the CEO subsequently approved supporting Processes soon thereafter. While the Policy and Processes are not currently due for periodic review, the establishment of Council's new Leadership Framework has created a need for the Policy and supporting Processes to be reviewed.

Discussion

The proposed changes to the Policy are presented in Attachment 1 by way of track changes, and are summarised below:

- Removal of references to the previous leadership groups, Corporate Management Group and Organisational Management Group, which no longer exist under the current Leadership Framework;
- Replacing the above references with the position types that were captured in the previous leadership groups;
- Removal of the Human Resource Advisor in the list of Prescribed Officers, as policies and processes which affect human resource management of Employees are ultimately decided by the Chief Executive Officer and Directors;
- Minor corrections and updates.

The Processes have also undergone a brief review to align with these changes, and minor process updates incorporated where relevant (Attachments 2 and 3).

Most notably, the Processes change the Delegate responsible for co-ordinating the Returns to be the Executive and Project Support Officer, Office of the Mayor and CEO. This change is as a result of restructure to directorates, separating the Community Services and Corporate Services directorates, and creating the Office of Mayor and CEO directorate.

Elected Members should note that the intent of this update is not to formally review the Policy and Processes, as they were quite recently reviewed. However, the intent is to ensure that officers who were classed as Prescribed Officers continue to register their interests, notwithstanding the change to the Leadership Framework.

Summary and Conclusion

Council is asked to approve the updates to the Register of Interests Policy and note the updates to the supporting Processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Draft Register of Interests Policy
Attachment 2	Draft Registering of Elected Member Interests Process
Attachment 3	Draft Registering of Officer Interests Process

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan



How We Work - Good Governance

Corporate Plan

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

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

Local Government (General) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
--

There are no further financial or resource considerations as the updates to the draft Policy and supporting Process allow those officers who are currently registering their interests to continue doing so.

Risk is reduced by the transparency and accountability provisions of the *Local Government Act 1999*.

COMMUNITY ENGAGEMENT

No community consultation is required for this Policy as the content is mandated by legislation and facilitated according to internal processes.

7.4 THE BIG PROJECT

7.5.1

TANUNDA RECREATION PARK - MASTER PLAN IMPLEMENTATION - OVAL WIDENING - COST OF WORK UPDATE

21/53953

MOVED Cr Haebich

That Council:

- (1) Notes the current assessment of the cost of works for the oval widening component of the Tanunda Recreation Park approved Accelerated Works program and associated landscaping and civil works costs of \$695,550 ex GST and the current shortfall of \$491,619 ex GST.
- (2) Approves the allocation of Developer Contributions (associated with Tanunda infrastructure) in the sum of \$64,682 ex GST to the project to mitigate the shortfall

and a Quarter 1 Budget Adjustment in the 2021/22 financial year to bring these funds into the Budget.

- (3) Approves the allocation of reserve funding associated with the Kiel Trust designated to the Tanunda Recreation Park for landscaping improvements in the sum of \$53,142 ex GST to the project to further mitigate the shortfall and a Quarter 1 Budget Adjustment in the 2021/22 financial year to bring these funds into the Budget.
- (4) Notes that allocation of potential grant funding opportunities such as the 2021/22 Local Roads and Community Infrastructure funding or Office Recreation Sport and Racing grant will result in further delays in the implementation of the project as any successful application will not be determined until December 2021 or January 2022 and does not pursue this option for funding.
- (5) Noting item (4) above, approves the allocation of \$373,795 ex GST from existing cash and investments until such time as the projected cash surplus from the 2020/21 budget is determined and (if the level of surplus funds allows) is subsequently allocated from the cash surplus.
- (6) Requires Officers to complete a further Quarter 1 Budget Adjustment in the 2021/22 financial year as per item (5) to bring these funds into the Budget and the overall final allocation to be reported in the Budget Update as at 30 September 2021.
- (7) Notes that The Big Project Prudential Management assessment is in the process of being updated.

SECONDED Cr de Vries

CARRIED 2018-22/514

PURPOSE

To provide Council with an update on the costs associated with the approved widening of the Tanunda Recreation Park (the Park) main oval and seek additional budget allocation.

REPORT

Background

Following consideration of The Big Project Business and Financial Analysis Report – Acceleration of Components of Tanunda Recreation Park Masterplan 17/102168 on the 19 December 2017, Council resolved that:

MOVED Cr Lange

- 1) *Notes the Conclusions of The Big Project Business and Financial Analysis Report – Acceleration of Components of Tanunda Recreation Park Masterplan – December 2017.*
- 2) *Noting the risk and resource constraints, proceed with – Acceleration of Components of Tanunda Recreation Park Masterplan – December 2017 being:*
 - a) *Stage 1 – Extension to Oval with future consideration given to urgent landscaping work (the subject of a future Council report) whilst the extension is undertaken to ensure the most efficient use of resources;*

- b) Stage 2 – Electrical Works and Lighting Upgrades;
 c) Stage 3 – Show Hall Upgrades.
Seconded Cr Miller CARRIED 17/102168
 (extract of full resolution)

The oval widening works together with the other 2 Accelerated Works items were subsequently put on hold pending the outcome of the Regional Growth Fund Application for the whole of the Big Project in mid 2018, the subsequent caretaker period for the 2018 Council elections, consideration of Prudential Management legislative requirements and the reprioritisation of Big Project works in August 2019.

At the 20 August 2019 Council Meeting, it was resolved that:

MOVED Cr Johnstone

- 1) *That Council having considered, reviewed and analysed The Big Project masterplans, community needs and benefits as gathered through the master planning and community engagement processes over the past 33 months, opportunities, third party and grant funding alignment, endorse the "Target Next Phase Priorities and Associated Analysis – August 2019" document as presented at the Attachment.*
- 2) *That Council noting that current 2019-20 financial year program being the Angaston Railway Station masterplan implementation, Tanunda Recreational Park acceleration works, Nuriootpa Centennial Park multi-use change rooms and Old Talunga Recreation Park tennis/netball upgrades are approved projects that are below the thresholds of the Prudential Management Policy under Section 48(aa1) of the Local Government Act for a full independent prudential report, proceed as budgeted.*

Seconded Cr Angas

CARRIED 2018-22/281

(extract of full resolution)

During that intervening period, Officers worked on an ad hoc basis (due to the other competing and prioritised Big Project work requirements detailed above and in particular projects with grant acquittal timeframes) with representatives of the Park Committee and landscape consultants as part of a Landscaping sub committee, to develop a more detailed approach to the landscaping and civil works associated with the oval widening project.

The Accelerated Works at the Park proceeded during 2019/20 with the work on the Show Hall and Lighting/Electrics. Due to the timeframe of works it had been possible to secure an Office Recreation Sport and Racing (ORSR) grant for the lighting and electrical capacity upgrade works. Other Accelerated Works have not been predicated on achieving grant funding.

The Works and Engineering Capital budget includes a carried forward residual sum of \$161,600 ex GST for the irrigation upgrade required for the full main oval, which has been on hold pending resolution of the oval widening design component.

The \$89,000 ex GST sum originally allocated to the oval widening works, has also been carried forward in successive budgets and after design and project management support costs are taken into account, a residual carried forward sum of \$42,331 ex GST remains to allocate to the implementation.

Also since this planning work commenced, ORSR funding has been secured for the construction of the 2nd/junior oval, cricket nets and new entrance at the park as well as Open Space Funding for the new playground.

Introduction

The detailed design work on the oval widening including the proposed landscaping treatments around the oval has now been completed and indicative costs, including contingencies secured. The costs are based on a mixture of quotations for the irrigation component of the full oval upgrade plus the area to be widened (including escalations); high level costs from contractors that Council has used for comparative works and unit rates in relation to asphalt sub base and 40mm seal from panel contractors.

Gap assessments to ensure a coordinated and comprehensive approach between all the related phases of this project are important and ongoing. Refer *Attachment 1* for an indicative overview. This is now a complex and extensive program of work that will result in the transformation of the eastern half of the Tanunda Recreation Park and as envisaged in the Master Plan.

Discussion

The landscaping proposed for the Park includes:

- Removal of remaining trees immediately surrounding the oval
- Replacement of trees with a new internal ring of trees around the oval with a further second ring of trees to the other side of the internal road around the oval to form a graded canopy leading into the remaining and taller existing pines. It is also, as far as is practicable, intended to reflect those species in avenues of trees leading down to both sets of heritage gates (adjusted for the interface with the new playground and oval works).
- Formed kerbs, irrigated tree pits (with root barriers), parking spaces and interspersed grassed seated sections around the oval; with space for walking around the perimeter avoiding cars.

The internal roads in the Park and in particular, the eastern half of the park are in a degraded condition. Refer images provided in *Attachment 2*. Given the extent of upgrade works taking place with the new oval, oval widening, playground and new entrance, leaving sections of the internal roads that connect these areas of the park would provide an unsatisfactory outcome and level of service that will adversely detract from the overall significant level of investment that is being made in the Park. It will not provide a fit for purpose/future proofed long term outcome ie meet the overall strategic objectives of The Big Project.

It is therefore, the recommendation of Officers that the further, significant additional investment is allocated to the oval widening component of works to complete the landscaping and roadworks

Refer to Financial Management Considerations section below for more detailed financial breakdown and impact assessment.

In summary the financial considerations of the proposed works are as follows:

- Proposed cost of main oval widening works including contingency = \$695,550
- Funds already carried forward in 2021/22 Budget (adopted 7.7.21) = \$203,931
- Shortfall in current allocated funding = \$491,619

(all ex GST)

In addition to the funds already allocated the following reserve funds are held by Council are also relevant to the Park and could be applied to offset the cost of proposed works:

- \$64,681.61 ex GST cash backed Developer Contributions related to Tanunda open/recreational space.
- \$53,142.45 ex GST residual Kiel Family Trust reserve specifically dedicated to landscaping upgrades to the Park.

Total = \$117,824.06 ex GST

If these funds were to be allocated, the shortfall in funding reduces to \$373,794.94 ex GST

Shortfall funding Options:

Officers provided a briefing to Elected Members in relation to this matter at the Workshop on the 8 July 2021 and referenced the following potential funding options:

1. Allocating the residual shortfall from the anticipated 2020/21 budget surplus
2. Allocating the residual shortfall from a combination of 2020/21 budget surplus and a proposed amount of \$196,650 from the next confirmed round of Federal government Local Roads and Community Infrastructure (LRCI) grant. The \$196,650 represents 40% of the required amount – the basis on which other grant funding is predicated for Big Project works)
3. Not to fund the works
4. Reduce the scope of works
5. Consider inclusion in the current round of ORSR funding with the Tanunda Change Room and Club Room redevelopment project.
6. Allocating additional funds in the 2021/22 Budget.

In relation to option 2. above. Since the Workshop discussion, it is now evident that the next LRCI grant can only be applied for and will only be available for projects commencing post January 2022. This will further delay implementation of this component of works and also potentially prevent cost savings/economies of scale being achieved with combining the works with the tendering for the second oval and playground works.

This same constraint applies to option 5. ie ORSR funding. The determination of the current round of grants will not be done until December 2021 for works commencing between January and July 2022.

This means that if Council does want to fund the full scope of works, the funds will need to be allocated from any 2020/21 budget surplus or as an addition to the 2021/22 adopted Budget with the associated impacts set out in the Financial Management Considerations section of this report (below).

Summary and Conclusion

The Tanunda Recreation Park Oval widening works are part of the approved Accelerated Works package at the Park already approved by Council as a priority. However, due to reasons set out in the report, this element of the accelerated works has been subject to delay.

Planning work has progressed to a stage where the work is ready to be tendered but there is now a considerable shortfall in allocated budget based on current projected project costs.

The Park internal roads associated with the oval widening are in a highly degraded condition and do not support the establishment of a regional level facility. A large amount of funding has already been allocated to the Park. However, in the opinion of Officers, there is a high risk that not completing the full scope of works could result in piecemeal outcomes for the overall level of service that will be experienced by users of the facility and to support the level of use the Park receives as Tanunda's primary recreational and open space area.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Tanunda Recreation Park - staging Plan pdf 2021

Attachment 2 Images - Tanunda Recreation Park internal road condition - July 2021

Supporting references

Council Workshop presentation on the 7 July 2021.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure



How We Work - Good Governance

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.
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

Strategies

- 4.3. Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces and active recreation.
- 6.2. Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.
- 7.1. Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.
- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

Corporate Plan

- 2.1. Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
- 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.
- 6.8. Provide opportunities for the community to contribute to the ongoing care, improvement and use of Council's community facilities.

Advocacy Plan

Nil

Legislative Requirements

The Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Detailed financial assessment of the Tanunda Recreation Masterplan works have been undertaken in successive documents approved by Council namely: The Big Project Business and Financial Analysis Report – Acceleration of Completion of Tanunda Recreation Park Masterplan 17/102168 and the Target Next Phase Priorities and Associated Analysis – August 2019.

On the basis of this background review and analysis, an updated Due Diligence Report as detailed in the Budget and Business Plan Review and Prudential Management Policies and Processes has not been undertaken for the purposes of this report but financial models are in the process of being updated and will be factored into a further review of the overall Prudential Management Report of The Big Project. This is **consistent with Council's strategy of a rolling review of the prudential management of The Big Project** being made when appropriate to ensure Council meets its legislated financial management obligations.

The projected costs (ex GST) are as follows:

Description	\$
Prelims & Project Management	50,000
Tree & stump removal	40,300
Demo, excavation, new trees & root barriers	81,000
Irrigation	184,000
Topsoil / grass extension	75,500
Kerb gutter to oval surround, subbase, asphalt, regrading	204,750
Contingency	60,000
Total	695,550
Funds already in budget	203,931
Current shortfall	491,619
Potential allocation of Developer Contributions pertaining to Tanunda	64,682
Potential allocation of Kiel Trust funds dedicated to landscaping of Tanunda Recreation Park	53,142
Potential residual shortfall	373,795

Assessment of budget impacts if the shortfall is met from 2020/21 budget surplus or additional 2021/22 budget allocation is provided below.

Financial Considerations

The Budget adopted as at 30 June 2021 for the 2021/22 financial year Key Performance Indicators forecast:

- Operating Deficit of (\$847k) Operating Deficit Ratio of (2.1%)
- Net Financial Liabilities (NFL) of \$23,114k NFL ratio of 56.8%
- Asset Funding Renewal Ratio of 99%

Financial assessment

A Due Diligence Level One Report has not been completed as noted in the report, this requests is an addition to capital expenditure at \$492k.

The Budget adopted for the 2021/22 year and amounts and indicators are used as the base for this financial assessment.

The Report on Financial Results 2020/21 will include the actual closing cash position and surplus funds held updating the opening cash position for 2021/22; additional expenditure for this report will be funded by - any surplus cash or

Council's loan portfolio will be increased. But until the opening cash position is verified it is proposed this item will be funded from the existing cash and investments and the actual allocation reported in the Budget Update as at 30 September 2021.

Note: Councils cash budget totals all cash and investments held, including developer contributions and reserve funds which are unspent programs and service areas. Allocations from the Reserves and Developer Contributions, reduce any future expenditure requirements from those areas.

COMMUNITY ENGAGEMENT

The Masterplan for the Tanunda Recreation Park was the subject of comprehensive community consultation as part of its development and adoption by Council in 2017/18. Ongoing design and development in relation to components of the master plan have been undertaken with reference to the Tanunda Recreation Park Committee and in some cases, dedicated working sub groups that have included community representation (ie Landscaping Group, Tanunda Playground project).

7.5.2

MOUNT PLEASANT CARAVAN PARK UPGRADE - ADDITIONAL CABINS

21/54009

MOVED Cr Wiese-Smith

That Council:

- (1) Notes the additional cost of purchasing 4 surplus cabins from the Nuriootpa Centennial Park Authority at a cost of \$43,600 ex GST including quoted transport from Nuriootpa to Mount Pleasant as an additional component of the Talunga Caravan Park upgrade project.

- (2) Notes the requested reprioritisation of the \$20,000 ex GST funding allocation by Mount Pleasant Progress Association Incorporated (MPInc) from the cancellation of the Talunga Park Hybrid Power upgrade Research Project (New Initiative (NI) carried forward into the 2021/22 adopted budget but not yet commenced) to the purchase of the cabins.
- (3) Notes the contribution commitment of a total of \$5,000 to the cabin purchase by MPInc.
- (4) Notes the additional, associated costs of service connections and contingency related to the cabin purchase of \$14,260 ex GST
- (5) Approves the allocation of \$18,117 ex GST from the residual Talunga Park reserve to the cabin purchase and a corresponding Quarter 1 budget adjustment to bring these funds into the 2021/22 Budget.
- (6) Approves the reallocation of NI funding for the Talunga Park Hybrid Power upgrade Research Project to the cabin purchase and Talunga Caravan Park upgrade project.
- (7) Approves the allocation of the \$14,743 shortfall in revised project costs from the existing cash and investments until such time as the final cash surplus position from the 2020/21 Financial Year is finalised and a corresponding Quarter 1 budget adjustment to bring these funds into the 2021/22 Budget.
- (8) Notes that in the event that there is sufficient cash surplus from the 2020/21 financial year the \$14,260 ex GST can be funded via this mechanism.
- (9) Requires the actual allocation of funding sources to be reported in the Budget Update as at 30 September 2021.
- (10) Authorises the CEO to conclude the purchase arrangements with the Nuriootpa Centennial Park Authority.

SECONDED Cr Barrett

CARRIED 2018-22/515

PURPOSE

To request Council's approval of use of Talunga Park Reserve Fund to purchase surplus cabins from Barossa Tourist Park to complement the Mount Pleasant Caravan Park Upgrade project.

REPORT

Background and Introduction

Council was successful in securing an \$817,286 ex GST grant through the Local Government Infrastructure Partnership Program to upgrade the Mount Pleasant Caravan Park at Talunga Park. At the same time, the Barossa Tourist Park, managed by the Nuriootpa Centennial Park Authority (NCPA) are completing an 'ensuite site project' which means that four of its current cabins are available for sale and could provide a cost effective, additional revenue stream and service level improvement for the Talunga Park project in line with the original draft master plan for the site

Discussion

The Barossa Tourist Park has four cabins available for sale as they are clearing this part of the site for more contemporary 'ensuite sites' for caravan use. The four cabins were constructed in circa 1980 however are in good basic condition.



Officers and Representatives from Mount Pleasant Progress Association Inc (MPPA) have inspected the cabins and they are interested in securing them in addition to the existing scope of the Mount Pleasant Caravan Park upgrade project. As part of the grant funding approval, Council will be delivering two new 2 bedroom cabins and this proposal is in addition to those already committed in the project.

The sale price of the cabins is \$9,000 ex GST each, excluding transport and dismantle of verandas, ramps and internal fitout where required. NCPA have confirmed that they have budgeted for the disconnection of services to the cabins. A preliminary quote for loading, transport and unloading of four cabins (based on 2 x flat tops, franna and rigger) has been received for \$7,600 ex GST.

In the original draft master plan for the facility up to 4 cabins were included. The number was value managed down to 2 for the grant application following cost estimates that indicated that there was insufficient project budget to support more cabin infrastructure.

A review of the Talunga Park Reserve Fund has resulted in an available balance of \$18,117 ex GST. This will enable the purchase of two of the available cabins and increase the outcome to the Mount Pleasant Caravan Park project to four cabins, rather than only two. The application of any reserve fund to a purpose requires the approval of Council in order that the monies can be brought into the prevailing budget. MPInc have also indicated their support for use of the remaining balance for this purpose. The remaining amount of

MPInc have also indicated that the preference would be to secure all four cabins if they are available. While the cabins are of an older design and style, they do include shower/toilet facilities and the representatives of MPInc are of the opinion that they will be very suited to the demand from equestrian users of the park attending events who are looking for cost effective and basic accommodation options. They will complement the higher specification options available from the 2 new cabins.

The Officer recommendation is that two cabins can be funded from the Reserve Fund with the allocation of a further \$7,483 from either cash surplus from the 2020/21 Financial Year (when these are determined) or allocation of existing cash and investments. The financial impact of this approach is set out in the Financial Considerations section of this report. However Council may wish to contribute additional funds to take advantage of purchasing all four cabins. MPInc are also investigating if they can contribute funds to that purpose. An update on that will be available to verbally brief Elected Members at the Council meeting on 20 July 2021. A Due Diligence report in accordance with Council's Budget and Business Plan Review policy and process is provided at [Attachment 1](#) and results in a BAT score of 55.

Construction of the project is aiming to commence in September 2021 and is required to be complete by September 2023.

Summary and Conclusion

An opportunity to purchase additional cabins is proposed for the Mount Pleasant Caravan Park. Two additional cabins can be purchased and funded from a combination of transfers from existing Reserve Fund and allocation of existing cash / investments or possible 2020/21 cash surplus.

Purchase of more than 2 cabins will require additional funding through Council or potentially Mount Pleasant Progress Association Inc.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Due Diligence Report - Level 1 - Mount Pleasant Caravan Park Upgrade Project - Additional Cabins

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure



Business and Employment

Goal

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
12. We are a visitor destination of choice.

Strategies

- 6.1. Advocate for and identify funding opportunities that support the development of community, cultural, health and other facilities and infrastructure to meet personal and commercial needs of residents and businesses.
- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
- 12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
- 12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.

Corporate Plan

- 3.3. Ensure Council's sporting, recreational and leisure building facilities and associated programs meet the current need of the community to an agreed level of service.
- 3.5. Advocate for efficient use of community resources through shared infrastructure and innovative solutions.
- 5.5. Contribute to tourism industry capacity building through the facilitation of tourism infrastructure development, including eco and recreational tourism.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Reserve Funds are not cash backed however as an outcome to the Redefining Community Committees project (2015), there is a strategy to utilise and reduce the reserve funds over time. The Caravan Park upgrade project is an appropriate use of this fund.

In accordance with Council's Budget and Business Plan Review and Prudential Management policies and processes, a Due Diligence Report Level 1 is provided for

Council's consideration together with an assessment of the impact of the recommendation on Council's adopted budget settings.

Financial Considerations

The Budget adopted for the 2021/22 financial year Key Performance Indicators forecast:

- Operating Deficit of (\$847k) Operating Deficit Ratio of (2.1%)
- Net Financial Liabilities (NFL) of \$23,114k NFL ratio of 56.8%
- Asset Funding Renewal Ratio of 99%

Financial assessment

A Due Diligence Level One Report has not been completed as noted in the report, this requests is an addition to capital expenditure at \$26k.

The financial assessment revised forecast include year to date approved additions the Tanunda Recreation Park oval widening additional costs for \$492k along with this report item (if approved) a net \$26k a total of \$518k, these will be included in the next Budget Update.

The Budget adopted for the 2021/22 year and amounts and indicators are used as the base for this financial assessment.

Item for Budget inclusion:	Mount Pleasant Caravan Park Upgrade project, addition of 2 cabins	
Net operating costs - (incl depreciation)	\$0	
Additional project cost (ex GST)	\$25,600	
Grant Income reduced (ex GST)	\$0	
Allocations from Reserve & Developer Contributions	\$18,117	\$0
Other allocation required	\$7,483	
DDR provided		
This projects BAT score		
ELT reviewed and recommended		
If approved – a BAR or NI will be included in the:	2021/22 Budget Update as at 30 September 2021	
Assessment of Key Performance Indicators (KPI) for all changes council has approved and the reports in Council meeting(s) agenda since the Budget adoption 2021/22*.		
KPI	Revised forecast	Overall Change since*
Operating Surplus/(Deficit) (Target: break even position over a five year period)	-\$847k	No change
Operating Surplus Ratio (Target: -2% to 10%)	-2.1%	No change
Net Financial Liabilities (NFL) \$	\$23632k	Increase in NFL \$518k
Net Financial Liabilities Ratio (Target: >0 to <100%)	58.1%	Increase to liabilities ratio 1.3%
Asset Funding Renewal Ratio (Target: >80% to <110%)	99%	No change to asset renewal spends

The Report on Financial Results 2020/21 will include the actual closing cash position and surplus funds held updating the opening cash position for 2021/22; additional expenditure for this report will be funded by the surplus cash from 2020/21 or Council's loan portfolio will be increased. But until the opening cash position is verified it is proposed this item will be funded from the existing cash and investments and the actual allocation reported in the Budget Update as at 30 September 2021.

Note: Councils cash budget totals all cash and investments held, including developer contributions and reserve funds which are unspent programs and service areas. Allocations from the Reserves and Developer Contributions, reduce any future expenditure requirements from those areas. In this instance there are no associated Developer Contributions in the Mount Pleasant area.

All the project cabins, including these proposed structures from NCPA will require Development Approval prior to installation and this will need to be progressed as soon as possible once a determination is made by Council and this is therefore a project constraint / risk. CWMS connections can be accommodated within project budgets.

A detailed condition assessment of the cabins has not been undertaken, however, they are assessed by Officers as being in reasonable, serviceable and fit for purpose condition. There is always a risk associated with transporting facilities of this nature. There is operating budget available in the Tanunda Recreation Park budget to address any minor wear and tear arising from the movement of the cabins.

COMMUNITY ENGAGEMENT

The Mount Pleasant Progress Association has been consulted on the purchase of the cabins and the use of the Talunga Park Reserve to fund the purchase.

The Caravan Park upgrade is part of the Talunga Park Masterplan that has been subject to significant community consultation during the planning phase of The Big Project.

No further consultation is required under the Act or Council policy.

7.5.3

GRANT DEED - LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM - TALUNGA PARK CARAVAN PARK AND TOURISM FACILITY UPGRADE PROJECT
21/37467

MOVED Deputy Mayor Johnstone

That Council authorise the Mayor and Chief Executive Officer to execute the Grant Deed and any subsequent Grant Deeds or Variations between The Treasurer and The Barossa Council, under the Local Government Infrastructure Partnership Program, for \$817,286 ex GST towards the Talunga Park Caravan Park and Tourism Facility Upgrade project, by signing and affixing the Common Seal to the Deed.

SECONDED Cr Troup

CARRIED 2018-22/516

PURPOSE

The Treasurer of South Australia has provided a Grant Deed under the Local Government Infrastructure Partnership Program for the Talunga Park Caravan Park and Tourism Facility Upgrade project, which requires the Common Seal to be affixed.

REPORT

Background

Council, at its meeting held 17 April 2018, endorsed the Draft Master Plan for Talunga Park and Old Talunga Park. At its meeting held 20 August 2019, Council endorsed the Talunga Park - Old Talunga Park Feasibility Report as a sub-set of The Big Project Feasibility Report.

Discussion

In January 2021, Officers submitted a Grant Application under the Local Government Infrastructure Partnership Program, seeking \$817,286 towards the \$2.043 million Talunga Park Caravan Park and Tourism Facility Upgrade project.

In March 2021, Council was advised that the grant application was successful. A Grant Deed has been received which requires signing under Council Seal (Attachment 1).

Summary and Conclusion

Approval is required for the Mayor and Chief Executive Officer to execute the Grant Deed under Council Seal.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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Attachment 1 Mount Pleasant Caravan Park Upgrade - LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM - Grant Deed for Signing

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan



Infrastructure



Business and Employment

Goal

12. We are a visitor destination of choice.

Strategies

12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.

Corporate Plan

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

- 3.4. Ensure Council's sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 5.5. Contribute to tourism industry capacity building through the facilitation of tourism infrastructure development, including eco and recreational tourism.
- 3.11. Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

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

Resource Considerations

Officers and Council continue to monitor the resource impacts and requirements of The Big Project. Resource costs are adequately incorporated into capital budgets.

Risk Management Considerations

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

COMMUNITY ENGAGEMENT

Community consultation undertaken as part of the development of the Master Plan for Talunga Park and Old Talunga Park.

7.5.4

NURIOOTPA SOLDIERS MEMORIAL POOL - GROUND PENETRATION RADAR SCAN REPORT
21/54331

MOVED Cr Angas

That Council:

- (1) Notes the results of the Ground Penetration Radar Scan of the Nuriootpa Soldiers Memorial Pool and that the Chief Executive Officer will complete follow up clarification with pool consultants FMG Engineering and present an urgent report back to Council once responses have been received.
- (2) Notes that the subsequent urgent report will include reference to requirements and associated indicative costs to maintain the current levels of service for the 2021/22 season.

- (3) Notes that the Ground Penetration Radar Scan of the Williamstown Pool has been completed but the associated report has yet to be received and will be the subject of a separate, future report to Council.

SECONDED Cr de Vries

CARRIED 2018-22/517

PURPOSE

The Ground Penetration Radar scan (GPR scan) report in relation to the Nuriootpa Soldiers Memorial Pool has been received (11 July 2021) and is presented to Council to inform the continued understanding of the condition of the Pool. The report is tabled conditional on various follow up questions.

The GPR scan report in relation to the Williamstown Pool is still awaited at the time of compiling the July 2021 Council Agenda.

REPORT

Background

At its 20 April 2021 meeting it was resolved that:

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

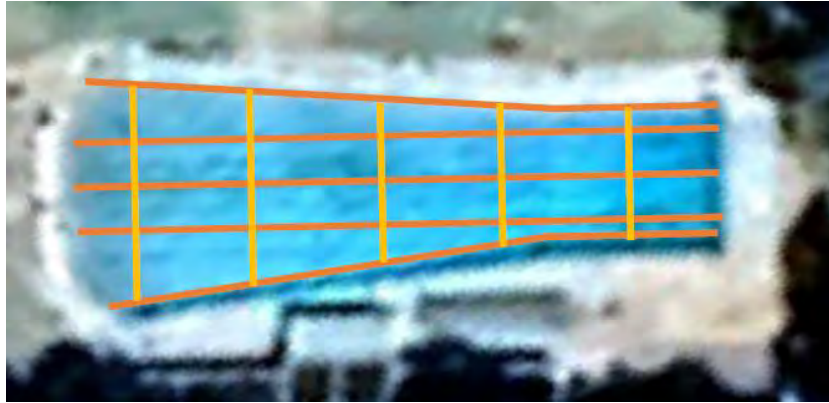
CARRIED 2018-22/428

Introduction

The GPR scan report has been received on 11 July 2021 and is included at Attachment 1.

Discussion

The report describes the process undertaken to complete the GPR Scan and a mapping of longitudinal and lateral scans (five of each), and additional deep end wall scan.



The floor scans were successfully completed and the report documents that the floor is of concrete construction with reinforcing in both directions spaced at about 200 to 250 mm spacing. The spacing of the reinforcing is slightly further apart than expected for a new pool design, however not of significant concern.

The cover of the reinforcing (i.e. the distance of concrete between the surface and the reinforcing) for a new pool is in the order of 40 – 50 mm. This provides the reinforcing with a sufficient barrier to provide a design life of approximately 50 years or more. Where the cover is less than this, it impacts the life of the structure. The scanning on the Nuriootpa Pool has shown that the cover for the floor of the pool is generally between 70 – 100 mm.

The scanning indicated that one area of the floor showed possible corrosion. This was at approximately 42.5 m from the shallow end. There is not a known crack at this location.

The wall scanning did not provide conclusive results. Regularly no distinct reinforcement was visible. However, if this were truly the case, the wall would be severely dilapidated. It is possible that air voids and water scatter of the imagery may have contributed to the poor results. The concrete in pool floors is generally better compacted than the pool walls, which is likely why the floor's scans provided better results.

Whilst the GPR scan report gives no specific recommendations for further action, FMG suggest that further destructive testing of the walls may be required to determine the extent of corrosion, cover and concrete depth of the wall. The destructive testing is done by coring the walls / floors and the core samples are sent for analysis to determine whether chlorides have infiltrated deep enough through the concrete to corrode the reinforcing. Although the testing is destructive, the core holes are filled and does not impact on the continued use of the pool.

Officers note the consultant's suggestion that this destructive testing be completed to obtain the most accurate advice on the condition of the wall structure and close this avenue of investigation. Especially where the intrusion leaks have already been experienced in recent years. Given that the pool is still empty, if this additional investigative work is going to be done it should be done straight away so that the pool can be refilled as soon as practicable.

However, further to receipt of the report, the lack of definitive recommendations and inconclusive nature of some of the results, Officers are raising a number of further considerations for clarification via an online meeting with the FMG consultant

on 13 July 2021 and with any further follow up to occur as soon as possible thereafter. These additional questions are set out below:

Officer question/point of clarification
1. There is reinforcement across the pool, including in the sides and the assessment only identified one clear area of corrosion?
2. When the issue of corrosion was discussed at the Council workshop in April 2021, the consultant indicated that if a pool has been subject to historic leaks and this has started to have a corrosive impact it could trigger "catastrophic" failures at some point. Is the fact that it appears there is corrosion something Council should be concerned about? Is it the potential precursor of something more concerning than indicated in the GPR scan report? (the thin end of the wedge?)
3. If the concrete layer on top of the reinforcement is potentially twice the thickness indicated in a contemporary pool, is this a positive situation or does it provide any other complications?
4. What is the cost of the destructive testing? How quickly can it be done? How quickly can the results be reported on and definitive recommendations made?
5. Where would FMG recommend we test if we carry out the destructive testing process? What will the results of the testing contain / how will they be presented?
6. We know the pool has leaked on a semi regular basis before and in the last 5 to 10 years. Can we draw any conclusions from that in terms of the testing done so far and would we target those known areas with any destructive testing?
7. Based on the results provided from the GPR Scan to date, can FMG provide any considered professional level of comfort for Council that the pool shell has some degree of longevity (ie 5 to 10 years) to assist with cost / benefit assessment and Whole of Life Cost analysis?
8. If the reinforcement to the floor is as clear / sound as indicated is it wrong to assume that the sides would have been constructed in the same manner but that the prevailing weather conditions on the day impacted that assessment?

Officers had hoped that if a more definitive position on the condition of the concrete was obtained via the GPR Scan report it would guide further decision making on the cost / benefit of further investment as per prevailing Council resolutions, ie if the pool was deemed structurally sound or not.

In the absence of a conclusive or definitive steer in this regard, Officers are aware that Council is looking for some indication of the minimum required upgrades to enable the current level of service to be maintained for the 2021/22 season and to allow time for any approved works to be undertaken before the season commences.

As part of the urgent report detailed in this report recommendation, once these follow up questions are answered, a report including responses from FMG and suggested minimum treatments to maintain existing service levels with reasonable management of risk, estimated costs and whole of life costing proposal will be presented to Council as soon as practicable.

Summary and Conclusion

The report on the results of the Ground Penetration Radar scan of the Nuriootpa Soldiers Memorial Pool has been received and provided for Council's information. An option to further investigate the wall structures with a destructive testing process has been suggested.

At the time of writing this update report, Officers are seeking additional clarification from the pool consultant to provide more guidance for Council's decision making and will provide a further, urgent update report as soon as practicable.

The subsequent report will also provide details and recommendation on minimum works to maintain current service levels during the 2021/22 season.

A report on the GPR Scan for the Williamstown Pool has not yet been received and will be the subject of a further, separate report to Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Nuriootpa Soldiers Memorial Pool Ground Penetration Radar Scan Report - FMG Engineering

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

Goal

7. Community infrastructure planning is aligned to both current and the future needs of the community

Strategies

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

Corporate Plan

- 3.4. Ensure Council's sporting, recreational and leisure grounds and playing arena and associated programs meet the current need of the community to an agreed level of service.
- 3.5. Advocate for efficient use of community resources through shared infrastructure and innovative solutions.
- 3.9. Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Further information will be provided in the urgent follow up report.

COMMUNITY ENGAGEMENT

Nil

7.5.5

REQUEST TO MAKE FUNDING SUBMISSION - NURIOOTPA POOL

21/55478

MOVED Cr de Vries

That Council endorse its current Policy positions on the Nuriootpa Soldiers War Memorial Pool to complete the latest engineering assessment on the current condition of the facility and undertake community engagement, and not proceed with any grant submissions or service level upgrades at this time, noting current service levels still need to be addressed.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/518

PURPOSE

To consider an urgent request to change current Council infrastructure project priorities and make a submission for grant funding for unplanned upgrades to the Nuriootpa Pool.

REPORT

Background and Introduction

The Nuriootpa Pool is one of five pools (seven if you add toddler pools so as to align to representations made to Council) managed by Council.

Council's current position is to close the pool once its costs exceed community benefit, providing existing services for as long as possible. Further Council has undertaken significant investigation into the condition of the pool (the latest report on the condition of the pool shell and associated reinforcement being the subject of a further report in this July 2021 Council Agenda) and then committed to consult with the whole community.

Council's Current Policy Position

Council policy position is to maintain, at the request of the working group current services. The proposal and request being put to Council by the representatives is to undertake upgrades and is therefore not aligned to Council current policy position, nor budgeted or prioritised.

Original Motion of September 2020

That Council:

1. Note the draft Aquatic Strategy 2020-70 and the information provided.

2. Recognising that the Nuriootpa War Memorial Swimming Pool as an asset is at the end of its useful life and is located in a flood zone, permanently closes the pool at the end of the 2020/21 season and:
 - a) Decommissions the pool with an appropriate budget allocation;
 - b) Converts the open space area to a public park.

3. Recognising the currently high subsidy per visit for the Williamstown Pool, over the next two years, Council will explore potential opportunities to generate new revenue streams (in line with opportunities identified in the Williamstown Queen Victoria Jubilee Park Master Plan) that may assist in increasing usage and revenue for the pool and therefore reducing the subsidy per visit

Amendment to Part 2 of the Above Motion of November 2020

That Council undertake further consultation on future aquatic needs in Nuriootpa as informed by further community engagement, noting the Nuriootpa War Memorial Swimming Pool shall permanently close when costs outweigh the community benefits as determined by Council at a future time. At the time the pool is closed Council shall:

- a) Decommission the pool with an appropriate budget allocation;
- b) Convert the open space area to a public space including community engagement on design option.

The Combined Policy Position

1. Note the draft Aquatic Strategy 2020-70 and the information provided.

2. Undertake further consultation on future aquatic needs in Nuriootpa as informed by further community engagement, noting the Nuriootpa War Memorial Swimming Pool shall permanently close when costs outweigh the community benefits as determined by Council at a future time. At the time the pool is closed Council shall:
 - a) Decommission the pool with an appropriate budget allocation;
 - b) Convert the open space area to a public space including community engagement on design option.

3. Recognising the currently high subsidy per visit for the Williamstown Pool, over the next two years, Council will explore potential opportunities to generate new revenue streams (in line with opportunities identified in the Williamstown Queen Victoria Jubilee Park Master Plan) that may assist in increasing usage and revenue for the pool and therefore reducing the subsidy per visit.

4. Noting the research results provided in the draft Aquatic Strategy regarding **opportunities to provide 'emerging'** aquatic facilities, that Council explore low capital and operational cost options for future consideration e.g. a Zero Depth Splash Zone at Tolley Reserve Nuriootpa.

Swimming Club Updated Policy Position

The policy position presented by the swimming club from the June 2021 workshop and the workshop held in July 2021 are at odds with each other. To assist, follow up has

taken place with the President of the club, in correspondence from the club they have explained:

1. By-laws have changed at Swimming SA allowing 6 lanes not 8 so it may be able to be used as a facility for events.
2. The grant program has opened; please note Council's current priorities are discussed below.

Further the written information provided includes an understanding the community engagement is a critical requirement, as quoted:

“We understand the results of the pool integrity survey is still to come but, again, we were seeking to present our thoughts to the council early”.

The club outlines it has had discussions with “some Elected Members” since the past workshop and the working group on the shortcomings of the Nuriootpa Pool for events. To be clear, such an investment is a change of service levels.

The information and clarification is presented so all Elected Members are informed of the change of their policy position formally.

No relevant staff have been approached to assist or be part of any conversations, assist with design, process, costing or engagement as has been done for all other Big Project strategies and masterplans.

The rationale continues to be the potential revenue streams from events, but unlike The Big Project work to date there is no arrangements in place with Swimming SA nor business case undertaken to ascertain what and how these benefits are backed.

The swimming club also outlined it wants a new 50m outdoor pool at some stage and greater lane access to The Rex, these matters have not altered.

Aquatics in The Big Project

Aquatics forms part of The Big Project and a draft aquatic strategy was developed but not consulted on or supported at this time.

Therefore, assessment of any proposal needs to be made against the current policy position of Council and its existing services levels. Further assessment of a proposal needs to also have regard to existing priorities, risk, capacity to deliver and master planning processes of all other projects.

On any of the above measures the proposal being placed before Council is premature. Nor has there been any assessment of the whole of life costs as required by Council's Prudential Management Policy through a full project feasibility assessment (see link provided).

Council's processes in relation to The Big Project projects is to undertake a clear and structured planning process, with some tailoring to each case. In summary the base processes applied are:

1. Project development in priority of Council;
2. Preliminary community masterplanning and design work;

3. Independent costing;
4. Full community engagement;
5. Refining of masterplans;
6. Re-costing;
7. Prioritisation of projects;
8. Inclusion of projects in Councils budget estimates;
9. Prudential management report.

The proposal before Council does not achieve any of these governance, good project management, community engagement and legal requirements.

The current service levels for aquatics are the other guiding principle. Presently the Council is maintaining the mix of aquatic assets as per budget and service level settings. The proposal is to increase some service levels. Also the proposal does not address underlying potential investment requirements just to maintain existing service levels.

Project Priorities

Council at the commencement of its term set the priorities for The Big Project based around the masterplanning, costing and engagement undertaken. For some projects those communities have been awaiting the rollout from masterplans undertaken some four years ago. Council has been highly successful in its pursuit of grants based on feedback because they are extensively master planned, consulted upon, costed, designed, prioritised, and most importantly shovel ready.

Presently Council has completed or in progress with the following priorities which are all been subject to prudential and budget policy assessment:

- Williamstown Oval access \$0.8M;
- Barossa Adventure Station and Angaston Railway Precinct \$2.6M;
- Tanunda Show Hall redevelopment \$1.7M;
- Tanunda Oval lighting and electrical capacity upgrade \$0.658M;
- Nuriootpa Centennial Park changeroom facilities \$1M;
- Nuriootpa Centennial Park cricket nets \$0.109M;
- Lyndoch Recreational Park oval upgrade, lighting, and cricket nets \$0.615M;
- Angas Recreation Park oval, change and club rooms, cricket nets \$3.353M;
- Nuriootpa Centennial Park soccer development \$4.1M;
- Talunga Park caravan park upgrade \$2.043M;
- Tanunda Recreational Park playground, oval widening, second junior oval and other works \$2.960M;
- Rugby redevelopment and relocation \$2.721M;
- Stockwell BMX and recreation facilities \$0.524M;
- Talunga court and light upgrades \$0.5M;
- Creative Industries Centre \$10.7M.

The next priorities for funding are:

- Tanunda change and club rooms, the masterplan were adopted in May 2017.
- Lyndoch change and club rooms, the concept plans (essentially masterplans) were adopted in April 2017.

Thereafter priorities from the above include minor upgrades to Eden Valley Oval, Stockwell reinstatement of second oval and equestrian investment at Talunga Park

along with the existing opportunities to activate the Williamstown oval and surrounds. There remains significant pipeline of investment to complete based on current priorities of projects and masterplan that have been through, and patiently await, The Big Project rollout.

The Proposal

The proposal provided at Attachment 1 outlines various activities summarised as heating and infrastructure changes to the length of the pool and movable blocks.

The proposal has not had any internal rigor placed around it as other projects have. It is therefore suggested should Council instruct officers to proceed to make an application as sought by the representors, the minimum be included in any project:

1. As with other projects in The Big Project the club contribute to costs;
2. A contingency for risk be made at least 50% of the estimated cost provided;
3. Provide instruction as to which sporting application should take precedence, this proposal or the Tanunda Recreation Park development given resourcing work to get the pool to some level of reasonable grant application that may be successful.

Two other matters to note are this proposal is not in The Big Project budget and has not been assessed under the legislated prudential management requirements. The report is currently being updated.

A preliminary assessment of power supply to the site indicates that neither of the two heating models presented can be accommodated with existing power supply. Existing experience with SAPN power supply upgrades indicates that it can take many months to established upgrade parameters and get the necessary contestable and especially non-contestable (as SAPN must do this work) works scheduled. This is further exacerbated as the calculations highlighted by the contractor indicate that other potential upgrade works (i.e. filtration separation, balance tanks) that require additional electrical draw/capacity may also trigger power upgrade requirements. This in essence is why a contingency of 50% is outlined above.

Summary and Conclusion

Considering the current policy positions, service levels, priorities of The Big Project there remains significant commitments made. Should Council wish to proceed with inserting and prioritising this proposal it is suggested that it be undertaken as a discrete piece of work in The Big Project and deferred until all the normal processes and activities have been undertaken so that it has a sound chance for funding and addressed the risk associated with the proposal at present. This will then allow the current policy positions of Council to be addressed (engineering and community engagement).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Pool submission from Swimming Club and Working Group

Supporting references

<https://cdn.barossa.sa.gov.au/downloads/policies/policy-prudential-management.pdf?mtime=20201116083450&focal=none>

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Infrastructure

Goal

7. Community infrastructure planning is aligned to both current and the future needs of the community

Strategies

- 7.1. Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act S48, 123

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Financial impacts are unknown, current capital estimates for the proposal are provided at \$405,000. This doesn't include any contingency, project management costs and design costs, development approval costs (if they are required which is another undetermined risk) and civil / structure allowances.

The project risk is fundamentally unknown and it is recommended should Council proceed with an application to make a significant allowance for this risk profile of at least 50% extra be provisioned. This would result in the project being in the order of \$607,500.

In terms of resourcing this is not an approved project at present, should Council instruct officers to proceed with an application it is considered achievable. As to the quality of that application again this is hard to advise Council at this time as relevant officers simply do not have sufficient understanding of the technical components to comment, however, like always officers if instructed, will do their best to represent Council's proposal in as professional and shovel ready as possible.

COMMUNITY ENGAGEMENT

Council has budgeted to undertake broader engagement on aquatics, this proposal has not been consulted upon, as outlined in the body of the report.

7.5 WORKS AND ENGINEERING

7.6.1

ROAD LOAD LIMIT - SALEYARDS ROAD NURIOOTPA

21/50568

MOVED Cr Hurn

That Council remove the Road Load Limit of 4.5 Tonnes on Saleyards Road, Nuriootpa.

SECONDED Cr Angas

CARRIED 2018-22/519

PURPOSE

A gazetted Road Load Limit intervention implemented on Saleyards Road, Nuriootpa, in 2012 is required to be removed to allow compliant legal access for trucks to adjacent properties.

REPORT

Background

At the February 2012 meeting of The Barossa Council, a report was tabled to consider measures to restrict some freight traffic using Saleyards Road, Nuriootpa, to reduce the amount of dust emanating from the road surface.

At this meeting, it was resolved that *“Pursuant to the provisions of Section 359 of the Local Government Act 1934, and pursuant to rule 104 of the Australian Road Rules 1999, Council resolves to implement a local load limit on Saleyards Road from Stockwell Road to Light Pass Road and Stockwell Road to Penrice Road to limit truck access.”*

Introduction

Concerns have since arisen in terms of compliant legal access for trucks to adjacent properties in Saleyards Road. In accordance with the Australian Road Rules, load limit restrictions are not allowed to be exceeded under any circumstances and therefore legal access for trucks with a gross mass of more than 4.5 tonnes is not currently provided on Saleyards Road.

The use of road load limits do not adequately achieve what was intended by the 2012 Council motion, being the restriction of heavy vehicles to mitigate dust.

Discussion

Saleyards Road property owner, Mr Kevin Burgemeister, requires compliant access of trucks greater than 4.5 tonnes for their farm industry operations. He has been made aware of the need to formally remove the 4.5 tonne road load limit to legally provide this. Refer traffic control plan attached.

Summary and Conclusion

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

The existing "Local Traffic Only" signs in place can be retained, although these are not enforceable for compliance by SAPOL. Council will monitor the road for truck movements.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Traffic Control Plan - Saleyards Road Nuriootpa

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

Goal

8. To have a connected and safe transport network that meets the needs of our community
7. Community infrastructure planning is aligned to both current and the future needs of the community

Strategies

- 8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.
- 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.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961 – Australian Road Rules

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The proposed recommendation will provide legal access for the current desirable truck movements on Saleyards Road, Nuriootpa.

COMMUNITY ENGAGEMENT

Nil

7.6 DEVELOPMENT AND ENVIRONMENTAL SERVICES

7.7.1

CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS

21/50840

MOVED Cr Hurn

That Council having reviewed the minutes of the Barossa Bushgardens S41 Committee meeting held 23 June 2021, adopt the Resolutions contained therein.

SECONDED Cr Wiese-Smith

CARRIED 2018-22/520

PURPOSE

The minutes of Council Section 41 Committees are presented here for consideration and adoption by Council.

REPORTDiscussion

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minutes - Barossa Bushgardens S41 Committee Meeting 23 June 2021
- for inclusion 20 July 2021 Council meeting

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Natural Environment and Built Heritage



Community and Culture

Corporate Plan

- 1.5. Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 1.8. Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.

- 2.4. Foster volunteering opportunities that are responsive to the needs of the Community.
- 2.6. Provide, promote and support community arts and cultural events, programs, attractions and services.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act and Regulations

Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY ENGAGEMENT

Not required by Council.

7.7.2

WASTE INITIATIVES - E-WASTE AND SOFT PLASTICS

21/51418

MOVED Cr Schilling

That Council:

- (1) Note and receive the Barossa Recycling Project Report, and the proposed recycling initiative.
- (2) Authorise the Director Development and Environmental Services and or his delegate to continue to support and work with Fathers Farm to delivery on the recycling initiative, in line with the approved \$10,000 budget for 2021-2022.

SECONDED Cr Haebich

CARRIED 2018-22/521

PURPOSE

Provide an update on recycling initiatives and recommendations for the continuation of the E-Waste and Soft Plastic programs.

REPORT

Background

Council has previously supported a number of community led recycling initiatives, targeting items that are not able to be placed in the kerbside recycling.

Introduction

This report provides an update on those initiatives and how Council can support the continuation and progression of the programs.

Discussion

Fathers Farm Recycling Programs

Father's Farm is a community-led charitable organisation, founded in 2006, providing support to disadvantaged students in the Barossa area. The organisation was set up to give opportunities for students to receive mentoring and training.

They have group of around 10 volunteers who are mostly retirees. The retirees work with students and show them how to use machinery and equipment. This mentoring work has led to many positive outcomes for students in the community.

Fathers Farm have been providing recycling opportunities for the community since 2018. This began with e-waste collection. The volunteers and students strip the e-waste down and maximise the separation of recyclable material to divert it from landfill.

In March 2018, Fathers Farm approached Council to support the depot operations due to changes in their revenue from the e-waste disposal. At the time, Council Administration was also looking for a site to support a pilot program to facilitate a soft plastics collection for the wine and agricultural industries. Council agreed to offset the depot operations and initiate the soft plastics pilot. At the Council meeting held 15 September 2020, Council supported the continuation of this program and the renegotiation of the service agreement (Attachment 1)

There have been challenges in renegotiating the soft plastics agreement and at this time, there is no agreement in place. Concerns were raised in the following areas:

- Increase to the pricing and transport costs for the bins
- Free disposal for industry but little benefit to residential population
- Council "floating" the program makes it unsustainable
- Space required to house soft plastics

Figure 1 below shows the recycling programs at Fathers Farm have diverted a total of 252.085 tonnes of material from landfill. Aside from the environmental advantages of diverting the material from landfill, there is an estimated \$24,455 savings to Council as the material may have been disposed of through the kerbside general waste service.

Figure 1 - Annual Tonnage Diverted From Landfill at Fathers Farm

	2018	2019	2020	2021*
Metal	10.38	30.953	46.677	22.01
E-Waste	30.12	35.282	39.486	21.617
Soft Plastics	0	9.52	6.04	0
Totals	40.5	75.755	92.203	43.627

* Figures include data up until April 2021

Barossa Recycling Project

Wine Industry Sustainable Packaging Alliance (WISPA) is an industry collective that was established in the Barossa region, working to implement innovative new sustainable packaging initiatives, including overcoming barriers and improving access to recycling in the Barossa and Eden Valley regions.

The group initially approached our regional waste management working group to explore opportunity to address recycling from the wine industry. After initial discussion and support from both Barossa and Light Regional Councils, the RDA applied for grant funding on behalf of the group.

This industry-led project to review wine industry recycling activities was supported and funded by Green Industries SA. The objective of the project was to investigate opportunities for supporting the Barossa Wine industry improve waste management practices.

The project highlighted that small to medium businesses that do not have storage space and services for regular collection of recyclables are not available. The result is that around 200 to 300 tonnes per year of recyclable plastic materials are being disposed in General Waste bins and going to landfill.

A forum was held with industry on May 27, 2021 to promote the outcome of the project, and determine the level of support for the report recommendations. Those in attendance were in general support of the initiative.

An online survey was completed by attendees and other interested parties that could not attend on the day. 92% of respondents unconditionally indicated the proposed facility was a good plan. 8% indicated that it may be a good plan. 92% of respondents were willing to pay \$30/m³ for disposal of materials.

A copy of the final report and supporting documentation is provided in Attachment 2.

Many of the wineries were utilising Fathers Farm when the pilot program was in operation. The recommendation from the Barossa Recycling Project Report is for Fathers Farm to continue the collection of soft plastics and create a sustainable model to support the continued success of the operations.

It is proposed to move to a fee for service model with users being charged on a pay as you go basis. The introduction of fee for service in conjunction with WISPA is supported by Fathers Farm.

WISPA is keen for both councils to continue to support the recycling initiative.

Fathers Farm are also keen to continue the collection of soft plastics incorporating changes to move to a sustainable model. Discussions have included ways to reduce operating costs such as purchasing a baler to better manage the soft plastics as outlined in Attachment 3 which will then reduce transport costs.

Regional Waste Management Strategy

The Legatus Group have been commissioned by the South Australian Regional Organisation of Councils (SAROC) to develop a regional waste management strategy to enable the coordination of waste and recycling infrastructure across the Legatus group of councils. Funding for this was made available by the Local Government Association (LGA) of SA and Green Industries SA (GISA) with in kind support from the Legatus Group.

The background data collected to help shape the strategy (Attachment 4) identifies common challenges for regional councils in managing waste and recycling which

include transport and processing costs, staff resources, managing secondary waste streams at transfer stations.

Legatus Group identify that many regional councils have challenges with secondary waste streams, often coming from agricultural sources which include treated timber posts, irrigation pipe and plastics when these materials do not have a processing option they can become a problem waste stream.

It was also identified that councils have common opportunities to improve the way waste and recycling is managed to reduce costs, increase diversion from landfill and meet community expectations.

The strategy is in the process of being developed, but initial thoughts around a 'spoke and wheel' approach for different waste streams has been raised. The notion that certain wastes are transported to a central hub to reduce individual transport costs to metropolitan Adelaide. In this context the Barossa Recycling Project with Fathers Farm could be one of the hubs.

Summary and Conclusion

Council can support the project by continuing to provide financial assistance for depot operations for Father Farm FY 2021/2022. This will allow the continuation of the youth program and also gives the opportunity for Fathers Farm to purchase a baler which will aid in the reduction of transport costs and the need for a bin to be onsite for the collection of soft plastics.

Covering shortfalls (costs of material recovery and transport minus the revenue from the user pays system) in the short term instead of covering transport and processing costs of soft plastics will also assist in creating a more sustainable model for the soft plastics without placing pressure on Fathers Farm to cover the potential shortfalls.

Actively promoting the services to the community will be an important component of Councils contribution and support of the recycling initiatives.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Council Meeting - Debate agenda - Waste Services - Soft Plastic Program - 15 September 2020
Attachment 2	Barossa Wine Industry Recycling Initiative - Final Report
Attachment 3	Advice from Fathers Farm - E-Waste and Soft Plastic Program - Operating Costs 2021
Attachment 4	South Australian Regional Organisation of Councils - Regional SA Waste and Resource Recovery Background Report

Supporting references

<https://www.greenindustries.sa.gov.au/resources/sa-waste-strategy-2020-2025>

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

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

- 1.9. Participate in initiatives, or advocate for, improvement to recycling, re-use, and minimisation education initiatives to reduce waste disposed to landfill.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

Environment Protection Act 1993

Green Industries SA Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
--

Budget (\$10,000) has already been allocated for the continuation of the E-waste program and depot operations for Fathers Farm. When details become available on the fee for service soft plastics model proposed as part of the Barossa Recycling Project, a further report will be put forward to Council.

COMMUNITY ENGAGEMENT

Nil

7.7.3

DRAFT BY-LAWS 2021

21/53592

MOVED Cr de Vries

That Council, after considering the report;

- (1) Endorse the following Draft By-laws as attached to this report for consultation in accordance with Section 249 of the *Local Government Act 1999* and Section 90 of the *Dog and Cat Management Act 1995*.

Draft By-Law 1 – Permits and Penalties;

Draft By-Law 2 – Movable Signs;

Draft By-Law 3 – Roads;

Draft By-Law 4 – Local Government Land;

Draft By-Law 5 – Dogs;

Draft By-Law 6 – Cats;

Draft By-Law 7 – Waste Management, and;

- (2) Authorises the Chief Executive Officer, or his sub-delegate, to prepare and submit a report to the Dog and Cat Management Board outlining the objectives of the proposed By-law 5 – Dogs and By-Law 6 – Cats; and;
- (3) Authorises the Chief Executive Officer, to enter a phase of community consultation, in accordance with the attached consultation plan, at the conclusion of 21 days from providing notification to the Dog and Cat Management Board, to be undertaken in accordance with Section 249 of the *Local Government Act 1999*.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/522

PURPOSE

To consider and endorse a suite of draft by-laws for public consultation.

REPORT

Background

At a previous workshop, Elected Members were provided a brief update on Council's By-laws. Council has had by-laws in place for many years. Council's current by-laws, which have a 7 year life span, are due for renewal.

By laws are subordinate legislation which provide a legal framework to assist in regulating matters at a local level.

Discussion

The *Local Government Act 1999* and the *Dog and Cat Management Act 1995* provide local government with the framework to make by-laws.

These Acts define the process and rules for making by-laws. To this end, a suite of Draft by-laws are presented to Council for consideration. These draft by-laws have been prepared in consultation with Lawyers and are based substantially upon legal templates and industry standards which provides a level of consistency across all councils.

The draft by-laws are provided as an attachment to this report, and are summarised briefly below.

Draft By-law 1 – Permits and Penalties

Provides the legal framework for council by-laws including a permit system, sets penalties for breaches of by-laws and matters of liability, evidence and related matters.

Draft By-law 2 – Movable Signs

Sets standards for movable signs, including regulating their placement to protect the visual amenity and provide for public safety on roads and footpaths. This by-law is used to regulate the use of movable signage including A-frames.

Officers have included provisions to allow the use of community banners in certain circumstance to promote and support local events within the Council area.

Draft By-law 3 – Roads

This by-law is used to manage certain activities on public roads, which are not captured in other legislation; including camping, use of motor vehicles, animals on roads and advertising.

Draft By-law 4 – Local Government Land

This by-law is used to manage certain activities on Local Government Land, which includes parks and reserves. To assist in preserving the appeal and amenity of these areas.

Draft By-law 5 – Dogs

This by-law is used to manage dog related matters including dog exercise areas, dog on leash areas, dog free areas and also provides limits on dog numbers on premises.

Officers have included provisions which will require a person to carry a bag (or suitable receptacle) for the purposes of picking up and lawfully disposing of faeces, when exercising a dog in a public place. This will provide a greater emphasis on owners picking up after their dogs.

Draft By-law 6 – Cats

This by-law is used to limit the number of cats that can be kept on a premises in certain circumstances.

The *Dog and Cat Management Act 1995* defines the responsibilities on owners to desex, microchip and register the cat's microchip on the Dogs and Cats Online Database at no cost.

The *Local Nuisance and Litter Control Act 2016* allows councils to address certain nuisances caused by animals, which includes nuisances caused by owned cats. Council officers receive very few complaints in relation to cats, with the majority being managed under the Local Nuisance provisions.

As a guide, for the 2020/21 financial year, 64 requests were related to cats (23 of those were owners reporting their cat lost). This compares to 567 dog-related requests.

Officers have not included any requirements in relation to a cat curfew, cat containment or a fee based registration scheme. It is understood that a review of the *Dog and Cat Management Act 1995* is imminent and is expected to commence during the course of 2022.

Draft By-law 7 – Waste Management

A new by-law is proposed for Council's consideration which relates to the collection of waste from premises. A range of issues have been encountered which could benefit from a by-law.

The by-law would set standards around the placement and removal of waste bins from the road or footpath. Officers have reported issues with bins not being returned to the premises after collection day which creates a nuisance, restricts access for pedestrians and road users and generally detracts from the amenity.

A brief summary of some of the issues encountered are provided below.

Scenario	Issue	Current Approach	By-law
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Bins being left out on the footpath.	Creates issues with access along public roads and footpaths for pedestrians and vehicles.	Letter sent to resident requesting action to comply with Council's Policy to avoid temporary suspension of service.	Bins to be placed out up to 24 hours prior to collection. Removed on the day of collection.
Bins being stored on public land.	Generally detracts from amenity.	Limited regulatory value.	
Contamination of waste streams.	Increased cost of disposal of contaminated waste. One example has caused damage to waste truck.	Letter sent to resident requesting action to comply with Council's Policy to avoid temporary suspension of service. Limited regulatory value.	Provides a definition of each waste stream. Greater responsibility on occupiers to use the appropriate bins.

Council has previously had a by-law relating to litter from building sites. As a result of the introduction of the *Local Nuisance and Litter Control Act 2016*, this by-law is no longer relevant or required.

Summary and Conclusion

Council's existing by-laws are due for renewal and revised suite of draft by-laws are presented for Council's consideration and endorsement for a phase of public consultation.

Importantly, whilst draft by-laws appear comprehensive. Officers are guided by Council's Enforcement Policy which sets the framework and supports and enables officers to employ a range of both a regulatory or non-regulatory approaches.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft By-laws 1 to 7

Attachment 2 Communication Plan - Council by-law update consultation - 2021

Supporting references

Enforcement Policy 2021

Waste Management Service Policy 2018

Public Consultation Policy 2020

Dog and Cat Management Board – Template By-laws

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance



Health and Wellbeing

Corporate Plan

- 6.2. Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 4.7. Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.

Advocacy Plan

Nil

Legislative Requirements

Section 90, Dog and Cat Management Act 1995

Chapter 12, Part 1 – Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Council have engaged a legal firm to assist with the review of the bylaws which occurred and was funded during the 2020/21 financial year.

Some additional financial resourcing for signage may be required, but will be managed via existing budget processes or presented to a future meeting of Council as identified and required.

The draft by-laws have taken into account existing resourcing and staffing levels. Based on a continued conciliatory approach it is not expected to impact on existing resources significantly.

Current resourcing does not account for an increased service level in relation to cat management. Should Council determine to investigate an alternative approach to cat management, appropriate resourcing and staffing will need to be allocated.

COMMUNITY ENGAGEMENT

The *Dog and Cat Management Act 1995* and The *Local Government Act 1999* prescribes various consultation requirements when proposing to make by-laws.

A report will be prepared and submitted to the Dog and Cat Management Board (the Board) advising of Council's intention to make a by-law in relation to dogs or cats, in accordance with the *Dog and Cat Management Act 1995*. Council must consider any submission or recommendations made by the Board.

At the expiry of 21 days from providing notification to the Board, Council will commence a phase of community consultation in accordance with the *Local Government Act 1999*.

This will include making copies of the proposed by-laws available for public inspection, without charge during the ordinary office hours at the Principal Office and on Council's website, and publish a notice in a local newspaper, informing the public of the availability of the proposed by-laws and inviting written submissions.

The legislation further states that Council must give reasonable consideration to a written (or other acceptable) submission made to the Council on any proposed by-

law. Comments or submissions resulting from the consultation will be collated, reviewed and presented to Council for consideration at a future meeting.

7.7.4

GAWLER RIVER FLOOD MANAGEMENT AUTHORITY - DRAFT STRATEGIC PLAN

21/53697

<p>MOVED Cr Hurn</p> <p>That Council:</p> <p>(1) Receive and note the Draft Strategic Plan and Summary.</p> <p>(2) Authorise the Chief Executive Officer or his delegate to finalise a submission on the draft plan based on the following matters:</p> <ol style="list-style-type: none"> a. General comfort with the structure / key themes. b. Scope of the Authority. c. Zoning/land use. d. Advocacy role of Council. e. Budget implication for Council. <p>SECONDED Deputy Mayor Johnstone</p> <p style="text-align: right;">CARRIED 2018-22/523</p>

PURPOSE

To present and receive comments on the draft strategic plan prepared for the Gawler River Floodplain Management Authority.

REPORTBackground

Jeff Tate Consulting has been assisting the Gawler River Floodplain Management Authority (GRFMA) with the development of a Strategic Plan for 2021-2026.

The preparation of a Strategic Plan is a requirement of the management framework that has been set out in the new Charter adopted 18 January 2020. A Long-Term Financial Plan and Asset Management Plan are also part of the framework.

Introduction

The Board is seeking feedback from the Constituent Councils before proceeding further with any consultation.

To assist with the feedback process, Jeff Tate provided a briefing to Council at the July workshop.

A copy of the Strategic Plan and a Summary are provided in Attachment 1 and 2 respectively.

Discussion

The plan seeks to outline Authority's objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives.

The plan is structured to outline:

- Purpose
- Key Influences
- Strategic Directions
- Themes, Objectives, performance measures
- Priority Actions

At the July workshop, members discussed the following:

- General comfort with the structure of the draft plan and the key themes.
- discussion that the scope of the Authority should be broadened to address water security/recharge opportunities for the Barossa.
- Zoning/land use was raised as issues that should be address especially by the lower catchment councils.
- Advocacy role of Council – opportunity for Mayor and CEO to work collaboratively with the GRFMA building key relationships with other stakeholders associated with water resource management in the region, including the role of the Crown.
- Budget implication for Council for no perceived benefit.

There has been much debate as to the purpose. At a Special Council Meeting on 5 May 2021, Council received a report on the Barossa Council's perspective on the Authority.

In consideration of that report, the CEO wrote to the Chairperson on 14 May 2021 requesting that the GRFMA Board move to have the Charter restricted, with the focus of the Authority being on the management/maintenance of the Flood Mitigation Dam, its fundamental original purpose.

A copy of the letter and response is provided in Attachment 3 and 4 respectively.

At the Workshop, it was presented that the purpose of the Authority:

“In accordance with clause 3 of the GRFMA Charter, our primary purpose is to provide physical infrastructure for flood mitigation on the Gawler River. All other parts of clause 3 are subsidiary to that focus”.

This is a concise statement of the Charter, reflecting the outcome of the workshop held with Board members in developing the plan, noting that the Authority was unable to delivery on a range of water management outcomes.

The purpose statement, as with the content of the strategic plan provides a focus for the flood mitigation infrastructure and current key priorities of the Board, including the completion of the Gawler River Stormwater Management Plan and implementation of the outcomes of the Charter Review 2 which includes the review of the financial co-contributions by the Constituent Councils.

As stated at the Workshop, Council is prepared to play a stronger advocacy role rather than fund the various projects that are being pursued or are identified by Gawler River Stormwater Management Plan where there are no direct benefits to the Barossa community.

Summary and Conclusion

The GRFMA has prepared a draft Strategic Plan, and is seeking feedback from the Constituent Councils. Following receipt of feedback, the GRFMA will consider any changes before consulting with other bodies, and final endorsement of the strategic plan.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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Attachment 1	Gawler River Floodplain Management Authority GRFMA Strategic Plan - Draft July 2021
Attachment 2	Gawler River Floodplain Management Authority GRFMA Strategic Plan - Draft Summary - July 2021
Attachment 3	Letter to Ian Baldwin - Chair - Gawler River Floodplain Management Authority - request to reduce focus
Attachment 4	Letter to Barossa - Scope of Charter

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan

Natural Environment and Built Heritage

Goal

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

Strategies

- 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.

Corporate Plan

- 1.8. Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Nil

COMMUNITY ENGAGEMENT

Nil

7.7.5

ENVIRONMENT AND FOOD PRODUCTION AREA (EFPA) BOUNDARY REVIEW

21/53846

MOVED Cr Angas

That Council provide a submission to the State Planning Commission (as detailed within Attachment 3) within the context of matters raised within Council's previous submission on the review of the *Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012*.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/524

PURPOSE

To consider the Environment and Food Production Area (EFPA) Boundary Review and to endorse comments to be provided concerning the review.

REPORTBackground

Back in April 2021, Council received notification that the State Planning Commission would commence its inaugural review of the Environment and Food Production Areas (EFPA) - commencing eight weeks of public consultation from 4 June 2021 to 5.00 pm, 30 July 2021.

The review is a statutory requirement every five years under the *Planning, Development and Infrastructure Act 2016* (the Act).

Introduction

The Commission's Statement of Position paper (Attachment 1) provides details associated with the review, including the circumstances under which the EFPA boundaries may be varied.

Section 7(4) of the PDI Act also establishes a clear legal relationship between the EFPA and the Character Preservation District (CPD), which are governed under the *Character Preservation (Barossa Valley) Act 2012* and *Character Preservation (McLaren Vale) Act 2012* (the CP Acts). This relationship means any removal of land within a CPD will trigger the application of the EFPA over that land instead.

The CP Acts were introduced in January 2013. The State Government conducted a review of the CP Acts in 2017.

That review recommended that the Commission investigate the merits of amendment of the CPD for eight identified locations, in the context of Greater Adelaide's growth. The scope of the Commission's review of the EFPA boundaries included an assessment of those locations.

The Planning and Land Use Services department within the Attorney-General's Department (PLUS-AGD) completed a detailed land supply analysis of the Greater

Adelaide Area, which concluded that there is sufficient land supply in Greater Adelaide to support housing and employment growth over the next 15 years.

The Statement of Position paper concludes it is not necessary to remove any land from the Character Preservation Districts, therefore the Commission is not inviting further submissions regarding boundaries or other matters relating to CPD through this current EFPA boundary review process.

Members are reminded that changes to either Character Preservation District can only be achieved via a Bill through both houses of Parliament.

Discussion

A copy of Council's submission regarding the review of the CP Acts is provided for information ([Attachment 2](#)).

In Council's submission it requested the following map changes:

- Review inclusion of parts of the Adelaide Hills Council within the Barossa Valley district (i.e. Cromer, Forreston, Humbug Scrub, Kersbrook and Mount Crawford)
- Exclude industrial land at Angaston from the 'rural area' and either introduce a special 'designated area' as was done for rural living areas or include in a 'township'
- Include the identified area west of Nuriootpa within the Nuriootpa township. This area is within Light Regional Council and comprises the Neil Avenue residential enclave and the land between that street and Moppa Road to the east. That area has been identified for potential future residential development, a concept which The Barossa Council would not oppose.

In response to the review of the CP Acts, there were four main recommendations had been made:

- (1) Retain the legislation.
- (2) The State Planning Commission investigate the merit of requested boundary amendments in the context of Greater Adelaide's growth.
- (3) Introduce a statutory review process that provides for future boundary changes to follow the same process as reviews of Environment and Food Production Areas.
- (4) Provide for greater consistency and clarity of policy within the character preservation districts through the Planning and Design Code, in particular to provide further clarity on the envisaged/desired primary production value-adding and tourism activities in the character preservation districts.

The Review Outcomes Report of the CP Acts, detailed the following amendment to Nuriootpa.

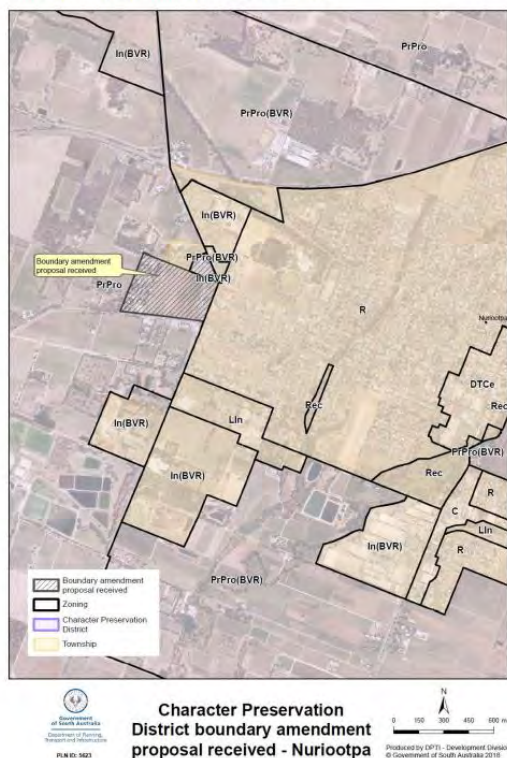
"A boundary amendment proposal was received for western Nuriootpa which demonstrates particular merit, based on the information provided. This area is within Light Regional Council and comprises the Neil Avenue residential enclave and the land between that street and Moppa Road South to the east (see Figure 5). Moppa Road South forms the local government boundary between Light Regional Council and The Barossa Council.

Neil Avenue properties are connected to The Barossa Council's Community Wastewater Management System and this area is an area that has been identified by Light Regional Council for potential future residential development. This concept is also supported by The Barossa Council and the registered proponent of the land.

The Neil Avenue properties are not within the township boundary and effectively land locks the primary production land in between residential development. Consequently, the current arrangements do not facilitate effective use of the land for primary industry purposes with day-to-day activities (such as spraying and harvesting) largely constrained by both the residential uses to the west and commercial uses to the south.

This non-inclusion of the Neil Avenue properties and adjacent land in the township boundary appears to have been overlooked in the original township mapping, due to the boundaries being based largely on zoning and the Neil Avenue properties being zoned Primary Production (see Figure 5). An opportunity exists to correct this, provided the proposal is properly investigated and the land is concurrently rezoned"

Figure 5: Boundary amendment proposal received, Nuriootpa



As stated above, the Commission had resolved not to remove any land from the CPD.

Summary and Conclusion

The State Planning Commission is seeking comments on the Environment and Food Production Area (EFPA) and Character Preservation District (CPD) Boundary Review.

Noting that the Commission likely to only consider variations of the EFPA boundary that are trivial in nature, it is still recommended that Council make a submission that reflects on the previous submission on the review of the CP Acts.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
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- | | |
|--------------|--|
| Attachment 1 | Environment and Food Production Areas Review 2021 - Statement of Position |
| Attachment 2 | The Barossa Council submission on 2017 Character Preservation legislation review |
| Attachment 3 | Draft Submission - State Planning Commission - EFPA Review |

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
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Community Plan



Natural Environment and Built Heritage

Goal

1. The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.
2. The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

Strategies

- 1.1. Ensure land use planning and resource use protects the quality of the natural environment, the existing character of rural landscapes, historic significance and the high value of agricultural land.
- 2.2. Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Corporate Plan

- 1.1. Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.3. Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.
- 1.6. Apply development policies to protect places of environmental value and significance.

Advocacy Plan

Legislative Requirements

Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS
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Nil

COMMUNITY ENGAGEMENT

Nil

8. CONFIDENTIAL AGENDA

8.1 COMMUNITY SERVICES

8.1.1

SANTOS TOUR DOWN UNDER 2022 - WOMEN'S RACE

21/54097

The matter of the agenda item being commercial information of a confidential nature (not being a trade secret) the disclosure of which-

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (ii) would, on balance, be contrary to the public interest; pursuant to Section 90(3)(d) 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 the matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted by Events South Australia.

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 Wiese-Smith

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 Services and Business Innovation, Director Community Services, Director Development and Environmental Services, Director Works and Engineering, ICT Technical Officer and the Minute Secretary, in order to consider in confidence a report relating to 8.1.1 Santos Tour Down Under 2022 - Women's Race being information that must be considered in confidence pursuant to:

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

commercial information of a confidential nature (not being a trade secret) the disclosure of which-

- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
- (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 in order that the matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted by Events South Australia.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/525

The meeting moved into confidence at 10.17 am

Resumption of open council meeting at 10.23 am

MOVED Cr Wiese-Smith

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Having considered this matter in confidence under Sections 90(2) and 90(3)(d) 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 20 July 2021 in relation to item 8.1.1 Santos Tour Down Under 2022 - Women's Race be kept confidential and not available for public inspection until such dates any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted by Events South Australia.

SECONDED Cr de Vries

CARRIED CO2018-22/526

8.2.1

LEGAL CLAIM

21/53393

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 the report contains legal advice that relates to litigation that Council believes on reasonable grounds will take place.

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 Services and Business Innovation, Director Community Services, Director Development and Environmental Services, Director Works and Engineering, Governance Advisor, ICT Technical Officer and the Minute Secretary, in order to consider in confidence a report relating to 8.2.1 Legal Claim 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 the report contains legal advice that relates to litigation that Council believes on reasonable grounds will take place.

SECONDED Cr Wiese-Smith

CARRIED CO2018-22/527

The meeting moved into confidence at 10.24am

Resumption of open council meeting at 10.25am

MOVED Cr Boothby

That Council:

- (1) Receive and note this report and attachments;
- (2) 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

20 July 2021 in relation to item 8.2.1 Legal Claim be kept confidential and not available for public inspection until Annual review and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Angas

CARRIED CO2018-22/528

9. URGENT OTHER BUSINESS

9.1 REQUEST - LEAVE OF ABSENCE

Pursuant to Section 73 of the *Local Government act 1999* Cr Barrett requests Leave of Absence - Cr Barrett as they are seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Cr Barrett left the meeting at 10:26am

MOVED Cr Haebich

That Cr Barrett be granted Leave of Absence from 29 July 2021 to 13 September 2021 inclusive.

SECONDED Cr Hurn

CARRIED 2018-22/529

Cr Barrett returned to the meeting at 10:26am

10. NEXT MEETING

Tuesday 17 August 2021 at 9.00am

11. CLOSURE

Mayor Lange declared the meeting closed at 10.26am

Confirmed at Council Meeting on 17 August 2021

Date:.....

Mayor:.....