



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 17 August 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 9.00am

1.2 MEMBERS PRESENT

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

1.3 LEAVE OF ABSENCE

Cr Don Barrett, Cr David de Vries and Cr Richard Miller

1.4 APOLOGIES FOR ABSENCE

Nil

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION:

MOVED Deputy Mayor Johnstone

That the Minutes of the Council meeting held on Tuesday 20 July 2021 at 9.00am, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Haebich

CARRIED 2018-22/530

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS

Nil

1.8 DEPUTATIONS

Nil

1.9 NOTICE OF MOTION

Nil

Cr Wiese-Smith left the meeting at 9.01am

Cr Wiese-Smith returned to the meeting at 9.02am

1.10 QUESTIONS WITH OR WITHOUT NOTICE**1.10.1****QUESTION ON NOTICE – COUNCILLOR SCHLLING - THE BIG PROJECT**

21/63177

MOVED Cr Schilling

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

SECONDED Cr Hurn

CARRIED 2018-22/531

PURPOSE

To consider a question on notice provided in accordance with the *Local Government Act 1999* by Cr Schilling at the 17 August 2021 meeting of Council.

QUESTION AND RESPONSE**Question**

Is the Nuriootpa Pool a part of The Big Project?

Response

The development of an Aquatic Strategy was part of The Big Project as outlined in the link at the Attachment. The original premise that a strategy was required was that unlike most regional councils, The Barossa Council has multiple aquatic facilities.

The Draft Aquatic Strategy was tabled on 2 separate occasions but was not adopted by Council and as a result the proposed broader consultation has never been undertaken.

Question

Mention was made at prior workshop of \$1.7M, is this in the long-term financial plan?

Response

When considering the Aquatic Strategy very preliminary modelling was done to ascertain the sort of funds that could be borrowed at no additional cost to ratepayers, should Council proceed with an alternative offering in the Barossa Valley such as a splash park in Tolley Reserve as a regional attraction and significant economic driver.

Given the success of the Barossa Adventure Station as a modern attraction this could continue to be an option in the long-term future. The \$1.7M was a simple exercise in calculations and never proceeded due to the changing nature of Council's decision making regarding the Draft Aquatic Strategy and Nuriootpa pool.

In short, no this is not in the long-term financial plan as the Draft Aquatic Strategy did not proceed through to engagement and consultation as other projects of The Big Project have.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 The Big Project Framework Diagram

Supporting references

Nil

2. MAYOR**2.1 MAYOR'S REPORT**

MOVED Cr Angas

That the Mayor's report be received.

SECONDED Cr Hurn

CARRIED 2018-22/532

Cr Boothby entered the meeting 9.02am

3. COUNCILLORS' REPORTS

Nil

4. CONSENSUS AGENDA**5. CONSENSUS AGENDA ADOPTION****5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA****5.2 RECEIPT OF CONSENSUS AGENDA**

MOVED Cr Angas

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

SECONDED Cr Hurn**CARRIED 2018-22/533****5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA**

Nil

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 31 JULY 2021****21/59625**

Author: Coordinator Financial Services

MOVED Deputy Mayor Johnstone

That Council receive and note the Monthly Finance Report as at 31 July 2021.

SECONDED Cr Troup**CARRIED 2018-22/534****PURPOSE**

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

REPORT*Discussion*

The Monthly Finance Report (as at 31 July 2021) is attached. The report has been prepared comparing actuals to the Original adopted budget 2021/22.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council July 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

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 2021, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.2.2

NURIOOTPA WAR MEMORIAL SWIMMING POOL - POOL SHELL TESTING AND PRE-SEASON REPAIR AND MAINTENANCE

21/61946

Author: Manager, Community Projects

MOVED Cr Angas

That Council:

- (1) Approve the scheduling of Destructive Testing to the shell structure of the Nuriootpa War Memorial Swimming Pool for \$8,000 ex GST with the aim of assessing its anticipated lifespan to be funded from the pool's operating budget and report the results to Council to assist in determining future funding allocation options.
- (2) Approve the scheduling of destructive testing to the shell structure of the Williamstown Swimming Pool for \$8,000 ex GST with the aim of assessing its anticipated lifespan to be funded from the pool's operating budget and report the results to Council to assist in determining future funding allocation options.
- (3) Notes Officer assessment and options for the funding of immediate essential maintenance and potential replacement items to enable the opening of the Nuriootpa War Memorial Swimming Pool for the 2021/22 season, maintaining current operational service levels.
- (4) Unless Council determines that the cost of the proposed option outweighs the community benefit, Officer recommendation is to approve implementation of Option 3 repairs for the Nuriootpa Pool subject to availability of filter pod replacements for completion as soon as practicable prior to the opening of the 2021/2022 pool season, with filter purchase and associated works up to a budget value of \$149,500 ex GST including contingency.
- (5) Approve a quarter one budget adjustment of \$149,500 to implement (3) above and fund the 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.
- (6) Notes and approves the methodology being adopted by Officers for the scoping and assessment of medium to longer term options provided as Attachment 3 (21/57529) to this report.

SECONDED Cr Haebich**CARRIED 2018-22/535****PURPOSE**

To provide Council with clarification of results contained with the Ground Penetration Radar (GPR) scan report, to present the Williamstown GPR Report, and to confirm recommended Nuriootpa War Memorial Swimming Pool (the Pool) essential pre-

season repair and maintenance items for current level of service, or upgrade items as presented.

REPORT

Background and Introduction

At its 17 November 2020 meeting, Council resolved that:

MOVED Cr Johnstone that Council amend part 2 of resolution 2018-22/248 to:

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.

Seconded Cr Wiese-Smith

MOVED Cr Johnstone that, pursuant to Regulation 14(b) of the Local Government (Procedures at Meetings) Regulations 2013 that the question be put.

Seconded Cr Miller

CARRIED 2018-22/281

The motion was carried and the question was put by the Mayor and

CARRIED 2018-22/282

Officers have continued to research required activity to continue the current Pool level of service, through testing and obtaining advice and quotes from various contractors. The development of a community engagement survey and supporting information is progressing, with the feasibility assessment work the remaining outstanding piece once costs are fully determined.

At the 20 July 2021 Council meeting, it was

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. 2021/596 The Barossa Council 21/56956 Minutes of Ordinary Council Meeting held on Tuesday 20 July 2021

(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

Discussion

The GPR Report was provided at the 20 July 2021 Council meeting and is included again at Attachment 1 for ease of reference.

Officers sought clarification on a number of questions raised from the report presented in Attachment 2. Clarification is provided in the attachment on the following items:

- Confirmation of interpretation of results
- Concern regarding potential impact of corrosion identified
- Thickness of concrete layer above reinforcing
- Destructive testing
- Results being a predictor of longevity of the pool

A quote has now been received for Destructive Testing of \$8,000 ex GST (each for both Nuriootpa and Williamstown pools). This fee will include concrete coring, testing and reporting. The time to complete this work and receive the report is likely to be 5 weeks once scheduled. Even though the testing is called "destructive", all cores taken are patched and repaired to ensure no future leaks at these points.

While waiting for the quotation and methodology, Officers have continued to develop various option scenarios for defining required and desirable repairs, maintenance and upgrade for the Pool, dependent upon the as yet unknown results of the Destructive Testing. The assessment is provided at Attachment 3.

Categories of works have been allocated into the following;

- Must do to open in 2021/2022 at current level of service,
- Work required if Destructive Testing predicts pool shell life of 0-4 years,
- Work required if Destructive Testing predicts pool shell life of 5-10 years,
- Work required if Destructive Testing predicts pool shell life of 11+ years.

The detailed definition and costing of works required in 5-10 years and 11+ years is still work in progress as there are multiple dependencies depending on the outcome of the Destructive Testing and will be the subject of a further Council Report.

The high-level costs of required and desirable works as identified in previous and current condition reports, and community requests, have as far as is possible, been documented as well as an assessment of Outputs (high level cost v quantitative benefit) and Outcomes (high level costs v qualitative benefits). This is provided as an attempt at exploring the impact of community benefit from each of the options to assist Council in determining if / when the costs outweigh the community benefit as per the current resolution (17 November 2020).

Attachment 3 is presented for indicative purposes (NB: INFORMATION IS INCOMPLETE) to reassure Council and the community that considerable work is being done to scope the medium to longer term costs for the pool and guide Officers that the adopted approach and methodology is acceptable to Council. If so this table will continue to be populated to be presented once again when the outcome of Destructive Testing is known.

As previously reported the current filtration system is continuing to degrade and the ability to maintain the water quality is becoming more difficult. Council is aware that to improve the water quality, filter media or full filter replacement is required. Resolution of this matter (whether interim or permanent) is considered a mandatory requirement in order to commence the 2021/2022 season.

The NWMSPWG have previously reported that their advice from local contractors is that the sand could be replaced with the filters in-situ. To complete research and options into the replacement of the filter media, as well as the information provided and collated via consultants FMG, Officers contacted two additional contractors. Hydrilla (previously called Statewide Pool Services) have worked extensively on all Council's pools, and Nutrien Ag Solutions, who have recently been liaising with the Nuriootpa War Memorial Swimming Pool Working Group. Conversations with both contractors have been met with some caution and reservation as to the risks and potential success rate of media replacement within the existing filters. The risks as defined in the table below were strongly noted by both contractors. Officers met with Nutrien Ag Solutions at a further site meeting to explore any concerns and work through the methodology to provide the best opportunity for this approach to be successful.

Filter and/or Media Replacement – Options and Risks – High level budget estimates

The following estimates for 3 different options have been provided

1. Sand replacement by manually clearing and then flushing out old sand (undertake initial test on broken filter to test methodology and void damage to other pods/laterals).
2. Sand replacement and plan for automatic lateral replacement
3. Avoid risks of 1 and 2 and impact on time by moving straight to filter replacement based on revised pod numbers and configuration

The options are subject to a number of assumptions; pool volume, flow rate and turnover rate, contractor acceptance of associated WHS related risks. As well as the high-level budget estimate that was provided in the initial 2021 FMG Pool Condition Report, two other budget estimates (local contractor as well as usual maintenance contractor) have been obtained. Should Option 3 be supported by Council, a formal validation of pool volume and pump performance details to substantiate the detailed quote will be completed.

All figures ex GST	Option 1	Option 2	Option 3
	Sand replacement	Sand and lateral replacement	Replace filters
Indicative Costs	Hydrilla - \$10,000 - \$15,000 **Nutrien - \$7,000 for one filter media and indicative estimate of \$6,000 for each additional filter pod, totalling \$37,000.	Hydrilla - \$13,000 - \$18,000 **Nutrien – additional unknown but likely costs for laterals, bolts and other unknown issues	FMG - \$120,000 Nutrien - \$75,000 (does not include demolition) Hydrilla – new filters (18 week lead time) - \$100,000 ***In-stock filters (only 2 available) - \$12,000 saving. Includes (New strainer, New pump, New pipework) but excludes (Chemical dosing system any Solar changes, existing plant demolition)
			Plant Room reconfiguration and demolition costs - \$10,000
Total Upper Cost	\$37,000	\$37,000 plus estimated	FMG - \$130,000 Nutrien - \$85,000

		additional cost (no quote available) of \$1k per pod x 6 \$6,000 Totals \$43,000	(does not include demolition) Hydrilla - \$100,000
Contingency (15%)	\$5,550	\$6,450	\$19,500
Total estimated cost	\$42,550	\$49,450	\$149,500 (FMG estimate)
RISKS Considered			
	Laterals are already broken		Electrical capacity (initial assessment shows that capacity should be OK for pump replacement (largely like for like power draw), as required)
	Process of removing sand will likely break laterals		
	Broken laterals means filter pod inoperable		
	Brittle fibreglass hutch lids may break when removed (potential to order in replacements in advance to mitigate)		
	Contractor duty of care to workers in accessing pod internals (confined spaces) and working around the current plant room configuration of pipework etc already identified as a risk item.		
	Ultimately may need to remove roof		
	Concern that if sand replacement methodology does not succeed the lead in times for replacement pods (if 2 currently available are not secured) will prevent the opening of the pool. Proposed to test methodology on pod that is already inoperable/failed as a test in the first instance.		

Notes

- Filters could be installed external (but enclosed) to the plant room.
- Demolition of existing pool plant could require the removal of the plant shed roof. The methodology for demolition has not been fully scoped.

- **After attending the pool plant room on 6 August 2021, Nutrien have provided a quote and an assessment of additional risks in completing media replacement works after obtaining advice from the filter manufacturer. This quote and assessment of risk is included at Attachment 4.
- ***Two existing filter pods in stock only (Hydrilla) have been used in another outdoor pool for 4 seasons only and come with full as-new warranty. While the 2 new filters (larger capacity than existing) will provide the required filtration and water turnover rate, an additional filter may still be required to ensure redundancy in the system. Filters available at Hydrilla may be allocated at any point. They are not currently reserved to The Barossa Council. Lead time on new filters is approximately 14-18 weeks and highly dependent on shipping times during COVID.

With regard to routine pre-season maintenance, the following tasks will be completed and funding is already included in the base budget for 2021/22:

- Start-up service of all pool plant equipment
- Start-up pool plant at least 2 weeks out from opening date
- Start-up solar water heating system 1 week out from opening date
- Roof debris clean (close to open week)
- Professional pre-season clean of kiosk and change rooms
- Painting of kiosk and both change room eaves
- Check of shower curtains, toilets and consumables in change rooms
- Stocking of kiosk
- Update and review signage and membership paperwork
- Other operational matters

The GPR report for Williamstown Pool is presented at Attachment 5. The results indicate that the floor and walls are in reasonable condition with two layers of reinforcing mesh. There are some areas of concern with the walls and the recommendation of completing Destructive Testing on the walls (similar to the Nuriootpa Pool) forms part of this report.

Summary and Conclusion

The quote for Destructive Testing has been received and the coring, testing and reporting is ready to be scheduled.

Research into the options for the replacement of filter media has resulted in Officer's assessment that the risks from a WHS and potential outcome perspective outweigh the benefit of the smaller financial investment of only changing the media and full replacement of the filter system is recommended. Notwithstanding that a test / pilot of the already defunct pod could be carried out in the first instance.

The 3 Options are provided to Council to determine its preferred approach.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES	
Attachment 1	Nuriootpa Soldiers Memorial Pool Ground Penetration Radar Scan Report - FMG Engineering
Attachment 2	Nuriootpa Pool - Ground Penetrating Radar Report - Clarification Notes - FMG Engineering 13 July 2021 - PDF
Attachment 3	Nuriootpa War Memorial Pool - repair maintenance upgrade scenario planning template - July 2021 V1

- Attachment 4 Nuriootpa Pool - Pool filter Quote - media replacement and like for like filter pod replacement - Nurtien Ag Solutions - PDF
- Attachment 5 Williamstown Pool - Ground Penetration Radar Assessment 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

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

Advocacy Plan

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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 Council has previously considered this operation, this request is an additional capital expenditure of \$149,500.

The financial assessment revised forecast include year to date approved additions the Tanunda Recreation Park oval widening additional costs for \$492k, Mount Pleasant Caravan Park Upgrade project \$26k, footpath upgrade of the Kalimna Creek Reserve footpath \$40k, along with this report item (if approved) a net \$149.50k a total of \$708k, 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:	Nuriootpa War Memorial Swimming Pool - replacement of filters	
Net operating costs - (incl depreciation)	\$0	
Additional project cost (ex GST)	\$149,500	
Grant Income reduced (ex GST)	\$0	
Allocations from Reserve & Developer Contributions	\$0	\$0
Other allocation required	\$149,500	
DDR provided	No report provided	
This projects BAT score	No report provided	
ELT reviewed and recommended	Not considered	
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) <i>(Target: break even position over a five year period)</i>	\$-847k	No change
Operating Surplus Ratio <i>(Target: -2% to 10%)</i>	-2.1%	No change
Net Financial Liabilities (NFL) \$	\$23802k	Increase in NFL \$708k
Net Financial Liabilities Ratio <i>(Target: >0 to <100%)</i>	58.5%	Increase to liabilities ratio 1.7%
Asset Funding Renewal Ratio <i>(Target: >80% to <110%)</i>	101%	Increase in renewal spend 2%

Noting that after the addition of this and previously approved projects for 2021/22 - all KPI's are within the target range set by Council.

Funding for this project will:

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

This item is a decrease to the Councils cash position for 2021/22 of \$149.5k.

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 Councils 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.

COMMUNITY ENGAGEMENT

Community engagement on the future of the Nuriootpa War Memorial Swimming Pool has been drafted and awaiting the completion of feasibility assessments once costs for the medium to long term scenarios are determined at the conclusion of the recommended Destructive Testing process.

7.2.3

BUSINESS CASE FOR SUSTAINABLE RESOURCING MODEL (PHASE 2)

21/63201

Author: Chief Executive Officer

MOVED Deputy Mayor Johnstone

That Council approves the Business Case for Sustainable Resourcing Model (Phase 2) and instructs the Chief Executive Officer to:

- (1) Implement the Phase 1 Business Case for Sustainable Resourcing as amended by the Phase 2 Business Case as presented in this report.
- (2) Implement the Phase 2 Business Case for Sustainable Resourcing as presented in this report.
- (3) Make any necessary administrative and minor structural changes consistent with the two Business Cases's on condition the long-term financial plan estimates and budgets are not exceeded without seeking further approval of Council.

SECONDED Cr Troup**CARRIED 2018-22/536****PURPOSE**

To update Council on Phase 1 Business Case activities and present the Phase 2 Business Case as foreshadowed at the 5 May 2021 meeting of Council.

REPORT

The Council has considered through reports at the 5 May 2021, Special Meeting various organisational amendments for the short and long term. The Mayor was required, through resolution to report back on temporary changes to the Corporate Services model within 12 months. The new model has been validated via further reviews, benchmarking against other Councils, and a long-term resourcing structure identified. It has been determined, through engagement with the Mayor to seek formal endorsement of the revised structure with a view to facilitate immediate implementation (Attachment 1).

In addition to the revised structure, the Business Case – Phase 2 (Attachment 1) provides detailed analysis, costings and a risk assessment. Business Case – Phase 1 & 2, explore strategic and operational matters relevant to long term sustainable service delivery and resourcing to achieve agreed service levels.

A link has also been provided to the 5 May 2021 Business Case - Phase 1 for reference.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Business Case - Phase 2

Supporting references

Agenda of 5 May 2021 link – page 3 to 126 - [THE BAROSSA COUNCIL](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

How We Work - Good Governance

Corporate Plan

- 6.16. Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.
- 6.12. Ensure that our people (workers including employees, volunteers and contractors) have the skills, resources and understanding of organisational processes to do their job.
- 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.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Outlined in the attached Business Case – Phase 2.

COMMUNITY ENGAGEMENT

Community consultation is not required as the document is an administrative assessment of capacity to meet current service levels and strategic directions and policies of Council.

7.3 CORPORATE SERVICES AND BUSINESS INNOVATION**7.3.1****DRAFT COMPLAINT HANDLING PROCESS AND REQUEST FOR SERVICE PROCESS****21/61060**

Author: Governance Advisor and Manager, Customer Experience

MOVED Cr Troup

That Council:

- (1) Receive and adopt the Complaint Handling Process at Attachment 1 to this report.
- (2) Receive and adopt the Request for Service Process at Attachment 2 to this report.

SECONDED Cr Haebich**CARRIED 2018-22/537**

PURPOSE

Council is asked to receive, consider and adopt the draft Complaint Handling Process and Request for Service Process, attached to this report.

REPORT

Background

Section 270 of the *Local Government Act 1999* (the "Act") requires councils to "develop and maintain policies, practices and procedures for dealing with –

- (a) Any reasonable request for the provision of a service by the council or for the improvement of a service provided by the council; and
- (b) Complaints about the actions of the council employees of the council or other persons acting on behalf of the council".

Introduction

At its meeting held on 16 April 2021, Council endorsed the Customer Service Policy. Other components of the Customer Service Framework include the Customer Service Charter, Complaint Handling Process and Request for Service Process.

Following the adoption of the Customer Service Policy, a review of the Complaint Handling and Request for Service Processes has been carried out.

Discussion

The Processes provide a framework for the management of requests for service and complaints, and inform Customers on what to expect should they make a complaint or request a service.

Both Processes have undergone extensive updates to align with Council's Customer Service Policy and Charter. The updates also reflect changes to align with current best practice. Notable updates include:

- Further guidance with respect to the scope and application of the Processes;
- New standards of practice for complaint handling;
- Further guidance on how to process and manage requests for service;
- Further guidance with respect to complaint handling and transferring complaints to align with current best practice.

The draft Processes are presented for the Elected Body's consideration at **Attachment 1** and **2** to this report, respectively.

Summary and Conclusion

Council is asked to receive and adopt the Complaint Handling Process and Request for Service Process at **Attachment 1** and **2** of this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Complaint Handling Process
Attachment 2 Draft Request For Service Process

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

None are anticipated as the draft Processes replace Council's existing Processes.

COMMUNITY ENGAGEMENT

Community consultation is not legislatively required.

7.3.2

PRINCIPAL OFFICE CLOSURE DELEGATIONS

21/61151

Author: Governance Advisor

MOVED Cr Angas

That Council:

- (1) In exercise of the power contained in Section 44 of the *Local Government Act 1999* (the "Act"), that Council hereby delegates to the person occupying the office of Chief Executive Officer of the Council the powers and functions under the Act, the operation of which has been varied under the *Public Access and Public Consultation Notice (No 2) 2020*, and set out below subject to the conditions and/or limitations, if any, specified herein:
- a. the power pursuant to Section 45(2) of the Act to, if the delegate is satisfied it is reasonably necessary as a result of the public health emergency, to:
 - i. close the principal office of the Council; or
 - ii. vary the transaction of business hours at the principal office of the Council;
 - b. The power pursuant to Section 45(3) of the Act if the Council closes its principal office or varies the transaction of business hours in accordance with Section 45(2) of the Act, to, as soon as reasonably practicable, take reasonable steps to:
 - i. Make alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the principal office of the Council;

- ii. Inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements to access those services;
- c. The power pursuant to Section 45(4)(b) of the Act to satisfy any obligation under the Act to make a document available for inspection at the principal office of the Council by making the document available for inspection at an alternative place or by an alternative means as determined by the delegate;
- d. The power pursuant to Section 45(5) of the Act, if the Council or Chief Executive Officer makes a document available for inspection in accordance with Section 45(4) of the Act, to, as soon as reasonably practicable, take reasonable steps to inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangement for inspection of the document;
- e. The power pursuant to Section 45(10) of the Act if the Council makes copies of a document available in accordance with Sections 45(8) or (9) of the Act, to, as soon as reasonably practicable, take reasonable steps to inform the Council's local community (including by publishing the information on a website determined by the Chief Executive Officer) about the changes to the arrangements for provision of copies of the document;
- f. The power pursuant to Section 50(5a) of the Act to alter the Council's Public Consultation Policy or substitute a new policy without undertaking public consultation, even if the Council's existing Public Consultation Policy requires the Council to conduct public consultation;
- g. The power pursuant to Section 123(5) of the Act to ensure that copies of the draft annual business plan are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the council (including as provided for in section 45(4) and 45(9) of the Act) and on the website at least 21 days before the end of the period for providing written submissions;
- h. The power pursuant to Section 151(8) of the Act to ensure that copies of the report required under Section 151(5)(d) are available for inspection (without charge) and purchase (on payment of a fee fixed by the Council) at the principal office of the Council (including as provided for in Section 45(4) and 45(9) of the Act) at least 21 days before the end of the period for public consultation;
- i. The power pursuant to Section 156(14e) of the Act to ensure that copies of the report required under section 156(14a)(a) of the Act are available for inspection (without charge) and purchase (on payment of a fixed fee by the Council) at the principal office of the Council (including as provided for in Sections 45(4) and 45(9) of the Act) at least 21 days before the end of the period for public consultation.

- (2) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Act as the Chief Executive Officer sees fit.
- (3) These delegations:
- a. operate and have effect for the period the *Public Access and Public Consultation Notice (No 2) 2020* has effect;
 - b. do not have the effect of revoking or altering any previous delegations made by the Council to the person occupying the office of the Chief Executive Officer of the Council;
 - c. for the period the *Public Access and Public Consultation Notice (No 2) 2020* has effect, take precedence in the event of any inconsistency between these delegations and any previous delegation made by the Council to the person occupying the office of Chief Executive Officer of the Council prior to the date of the making of these delegations.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/538

PURPOSE

Council is asked to delegate to the Chief Executive Officer, the power to close the principal office of Council or vary the transaction hours of business of the principal office of Council, and associated powers, should it be reasonably necessary due to the COVID-19 public health emergency.

REPORT

Background

At its meeting held on 19 May 2020, Council received the *Public Access and Public Consultation Notice (No 2) 2020* and made alterations to Council's Public Consultation Policy in line with the requirements of the Notice:

MOVED Cr Johnstone that Council:

(1) receive and note the Notice Pursuant to Section 302B of the Local Government Act 1999 – Public Health Emergency – Public Access and Public Consultation (No 2) by the Minister for Transport, Infrastructure and Local Government in the South Australian Government Gazette on Wednesday, 8 April 2020 (the "Notice No 2") attached to this report at Attachment 1;

(2) pursuant to section 50(5a) of the Local Government Act 1999, inserted under the Notice No 2, the Council receives, considers and adopts the altered draft Public Consultation Policy at Attachment 2.

Seconded Cr Boothby

CARRIED 2018-22/128

The *Public Access and Public Consultation Notice (No 2) 2020* is attached at **Attachment 1** for the Elected Body's information.

Introduction

The effect of Notice No 2 is to vary and suspend parts of the *Local Government Act 1999* in order to:

- i. suspend public consultation requirements that require public meetings;
- ii. allow the Council to close its principal office or vary hours without public consultation;
- iii. allow the Council to provide alternative means to access documents.

At the time of the Council decision referred above, Council only considered item (i) listed above. Officers noted that it was not necessary, at that time, for Council to consider items (ii) and (iii) listed above. Council did not consider whether it was appropriate to delegate the powers under items (ii) and (iii) to the Chief Executive Officer.

Discussion

Due to the recent tightening of restrictions in response to the changing COVID-19 public health emergency, the LGA Local Government Functional Support Group have recently reiterated the need for councils to consider whether it is appropriate to delegate the powers associated with closure of Council's principal office, to the Chief Executive Officer i.e. items (ii) and (iii) listed above.

The effect of the delegation will be to remove the need for a Council resolution prior to the closure of Council's principal office as required during a public health emergency, and allow the person acting in the role of the Chief Executive Officer to make this decision under delegation as well as determine alternative arrangements for access to information that would normally be accessible via the principal office.

For completeness, the LGA template (developed by Norman Waterhouse Lawyers) recommends that powers associated with public consultation associated with annual business plan and rating processes, as stipulated in Notice No 2 also be delegated to the Chief Executive Officer. This ensures that the entire suite of powers contained in Notice 2 may be utilised by the delegate, should they be required, and that inconsistencies are reduced. Further, due to the emergency nature in which these delegations are likely to be used, delegation of the complete suite of powers is recommended out of an abundance of caution.

Summary and Conclusion

Council is asked to consider and delegate the powers under the *Local Government Act*, associated with closure of the principal office, to the Chief Executive Officer.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Public Access and Public Consultation Notice (No 2)

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.
- 6.5. Implement compliant and contemporary risk management initiatives.
- 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, Sections 44 and 45

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are administrative efficiencies achieved by delegating the powers outlined in the Report to the Chief Executive Officer. Elected Members should note that the delegations are limited for use during a public health emergency, and that the closure of the principal office in the past during the public health emergency has been as necessary in order to comply with SA Government directions.

Risk is mitigated by utilising recommendations as provided by the Local Government Association, and created by Norman Waterhouse.

COMMUNITY ENGAGEMENT

None required.

7.4 COMMUNITY SERVICES

7.4.1

APPOINTMENT OF COMMITTEE MEMBER - BAROSSA REGIONAL GALLERY COMMITTEE AND COMMUNITY ASSISTANCE SCHEME COMMITTEE **21/61281**

Author: Governance Advisor

MOVED Cr Angas

That Council:

- (1) Receive and note Cr Troup's resignation as a member of the Barossa Regional Gallery Committee and the Community Assistance Scheme Committee.
- (2) Appoint Cr Schilling to the Barossa Regional Gallery Committee for the life of this Council (or until further reviewed); and
- (3) Appoint Cr Haebich to the Community Assistance Scheme Committee for the life of this Council (or until further reviewed).

SECONDED Cr Hurn

CARRIED 2018-22/539

PURPOSE

Council is asked to appoint new members for:

- Barossa Regional Gallery Committee; and
- Community Assistance Scheme Committee

REPORT

Background

At its meeting held on 26 November 2018, Council appointed members to the Barossa Regional Gallery and resolved as follows:

MOVED Cr Boothby that Council:

(1) Appoint Cr Troup to the Barossa Regional Gallery Committee (Committee) for the life of this Council (or until further reviewed and changed);

(2) Adopt the existing Terms of Reference for the Barossa Regional Gallery Committee.

Seconded Cr Wiese-Smith

CARRIED 2018-22/30

At the same meeting, Council further resolved:

MOVED Cr Angas that Council:

(1) Appoint the Mayor, Deputy Mayor, Cr Schilling and Cr Wiese-Smith to the Community Assistance Scheme Committee for the life of this Council (or until further reviewed and changed);

(2) Adopt the existing Terms of Reference for the Community Assistance Scheme Committee.

Seconded Cr Johnstone

CARRIED 2018-22/29

A further resolution regarding membership of the Community Assistance Scheme Committee was made by Council at its meeting held on 18 December 2018:

MOVED Cr Angas that Council:

(1) Having reviewed the Minutes of the Community Assistance Scheme Committee meeting held 4 December 2018 adopt the Resolutions contained therein;

(2) Appoint Cr Barrett and Cr Troup to the Community Assistance Scheme Committee for the life of this Council (or until further reviewed).

Seconded Cr Boothby

CARRIED 2018-22/68

Introduction

Cr Troup, has been appointed by Council as a member on both the Barossa Regional Gallery Committee and the Community Assistance Scheme Committee (CASC). She

has recently notified the Mayor of her resignation from both of these Committees due to work commitments. Therefore, there are now vacancies for Elected Member representatives on both of these Committees that need to be filled.

Discussion

Barossa Regional Gallery Committee

The Barossa Regional Gallery Committee Terms of Reference requires its membership to be comprised of no less than six and no more than nine independent members appointed by Council and one Elected Member nominated by Council. Accordingly, it is now necessary for Council to nominate an Elected Member to fill the vacancy of the Elected Member representative of the Committee.

Meetings of the Barossa Regional Gallery Committee are held bi-monthly or as determined by the Committee. Minutes of previous meetings are available on Council's website. The Terms of Reference for the Barossa Regional Gallery are presented at **Attachment 1** for the Elected Body's information.

Community Assistance Scheme Committee (CASC)

The CASC Terms of Reference requires its membership to be comprised of:

1. The Mayor;
2. The Deputy Mayor; and
3. A minimum of 3 Elected Members nominated by the Council.

Accordingly, it is now necessary for Council to nominate an Elected Member to fill the vacancy of the Elected Member representative of the Committee.

Meetings of CASC are held quarterly and attended by Officers to provide advice and administrative support. Minutes and Agendas of previous meetings are available on Council's website. The Terms of Reference for CASC are presented at **Attachment 2** for the Elected Body's information.

Summary and Conclusion

Council is now asked to appoint Elected Member representatives for the Barossa Regional Gallery Committee and CASC, to fill the vacancies resulting from Cr Troup's resignation from the Committees.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Terms of Reference - Barossa Regional Gallery
Attachment 2 Terms of Reference - Community Assistance Scheme Committee

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 41

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations.

COMMUNITY ENGAGEMENT

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

7.5 THE BIG PROJECT

Nil

7.6 WORKS AND ENGINEERING

7.6.1

2021 AGI SPORT ADELAIDE HILLS RALLY - PROPOSED ROAD CLOSURE 21/59902

Author: Manager, Engineering Services

MOVED Deputy Mayor Johnstone

That Council endorse:

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

Starkey Road, Mount Crawford, between Glen Devon Road and Cricks Mill Road between 7.00am and 1.00pm, and

Elliots Boundary Road, Mount Pleasant, between 7.00am and 1.00pm

On Sunday 24 October 2021 to stage the 2021 AGI Sport Adelaide Hills Rally.

SECONDED Cr Wiese-Smith

CARRIED 2018-22/540

PURPOSE

Ultimate Motorsport Events Pty Ltd has applied to The Barossa Council for support as they plan the 2021 AGI Sport Adelaide Hills Rally.

REPORT

Background

The 2021 AGI Sport Adelaide Hills Rally will be based at the National Motor Museum in Birdwood on Saturday 23 and Sunday 24 October 2021. Council has supported this event by approving road closures in previous years.

Introduction

The 2021 Adelaide Hills Rally will bring 2 days of National Rally Competition to the region and host Round 5 of the Australian Rally Championship (ARC), Round 2 of the FIA Asia-Pacific Rally Championship and the final round of the 2021 South Australian Rally Championship. This event will determine the 2021 South Australian Rally Champion.

Discussion

The Rally will require road closures on Starkey Road and Elliot's Boundary Road on race day and organisers have engaged a traffic management company to implement and monitor the closures.

Summary and Conclusion

Council has supported this event by approving road closures in previous years. Council officers deem the closures necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 2021 AGI Sport Adelaide Hills Rally - route maps - Starkey Road and Elliots Boundary Road

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Health and Wellbeing



Business and Employment

Goal

10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.
12. We are a visitor destination of choice.

Strategies

- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.
- 12.2. Support economic development and destination awareness through events, festivals, creative enterprise and attractions.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The cost and implementation of the road closures and associated advertising is to be met by the organisers.

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

COMMUNITY ENGAGEMENT

Affected and adjoining property owners will be notified in writing at least 2 months beforehand by organisers.

Advice signs will be placed along all roads 4 weeks before the event to forewarn road users of the upcoming closures.

The wider community will be advised of the proposal by public advertisement to be placed in print media by SAPOL and also via placement of the SAPOL Section 33 Notice on Councils website.

7.6.2

FOOTPATH - ADDITION TO 21/22 PROGRAM

21/60813

Author: Manager, Engineering Services

MOVED Cr Hurn

That Council approves an additional budget allocation of up to \$40,000 excluding GST, to the capital footpath upgrade of the Kalimna Creek Reserve footpath, Nuriootpa, from Old Kapunda Road to Kindler Avenue, and fund the 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.

SECONDED Cr Haebich

CARRIED 2018-22/541

PURPOSE

To consider additional capital budget funding for the upgrade of the Kalimna Creek Reserve footpath, Nuriootpa, in the 2021/2022 Financial Year budget.

REPORT

Background

The Barossa Council have a footpath upgrade register where both planned strategic connection upgrades and also customer requested upgrades are included for annual budget consideration.

The annual footpath priority list is determined annually with consideration to priority across the region and available budget and in accordance with Council's

Infrastructure Asset Management Plan (IAMP) and the assigned Level of Service (LoS) to be provided.

Footpath capital upgrade works completed in the Nuriootpa Township in the most recent 2020/2021 financial year include those in Old Kapunda Road, Corella Street, Below Street, Keuper Street, Kaesler Drive, Penrice Road, Scholz Avenue, Angaston Road and Murray Street.

Introduction

The Kalimna Creek Reserve footpath, from Old Kapunda Road to Kindler Avenue – a distance of 270 metres - has recently received numerous customer requests for maintenance work to repair the uneven surface. A pedestrian trip accident in April 2021, without injury, highlighted deficiencies in the level of service provided by the path.

Discussion

Council inspection of the footpath noted that the section of concern is beyond practical operational maintenance repair and will require replacement upgrade, along with approved capital budget funding.

Upgrade of the 270 metre section with a new "like for like" 1.5 metre wide bituminous Hotmix surface footpath will cost approximately \$40,000, excluding GST.

The section of footpath was planned for upgrade within a future financial year, but, due to safety concerns and the community requests for upgrade being received, it is considered appropriate to consider bringing this upgrade work forward to this financial year.

The only other alternative interventions for the footpath in its current condition are to close the footpath until upgrade measures are undertaken, or remove the footpath asset altogether. These interventions are considered extreme in nature and would not align with community expectations.

The southern section of the Kalimna Creek Reserve footpath, from Kindler Avenue to Greenock Road, is considered to be in adequate condition to be considered for upgrade within a future financial year.

The overall footpath link is a well-used recreational and community connectivity asset, connecting southern Nuriootpa to the adjacent Kalimna Creek reserve, Old Kapunda Road and Foodworks supermarket.

Summary and Conclusion

Upgrade of the Kalimna Creek Reserve footpath, from Old Kapunda Road to Kindler Avenue, is warranted to provide the appropriate level of safe and convenient pedestrian access in accordance with Councils Infrastructure Asset Management Plan.

The proposed work will require a footpath capital upgrade of \$40,000, excluding GST.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Location Map - Proposed footpath upgrade - Kalimna Creek Reserve - Old Kapunda Road to Kindler Avenue

Supporting references

The Barossa Council - Infrastructure Asset Management Plan (IAMP)

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

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

The footpath section of concern requires upgrade works to provide the appropriate level of safe and convenient pedestrian access in accordance with Councils Infrastructure Asset Management Plan.

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 \$40k.

The financial assessment revised forecast include year to date approved additions the Tanunda Recreation Park oval widening additional costs for \$492k, Mount Pleasant Caravan Park Upgrade project \$26k along with this report item (if approved) a net \$40k a total of \$558k, 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.

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 Councils 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.

Item for Budget inclusion:	Kalimna Creek Reserve footpath, Nuriootpa	
Net operating costs - (incl depreciation)	\$0	
Additional project cost (ex GST)	\$40,000	
Grant Income reduced (ex GST)	\$0	
Allocations from Reserve & Developer Contributions	\$0	\$0
Other allocation required	\$40,000	
DDR provided	No report provided	
This projects BAT score	No report provided	
ELT reviewed and recommended	Not considered	
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) \$	\$23672k	Increase in NFL \$558k
Net Financial Liabilities Ratio (Target: >0 to <100%)	58.2%	Increase to liabilities ratio 1.4%
Asset Funding Renewal Ratio (Target: >80% to <110%)	99%	No change to asset renewal spends

COMMUNITY ENGAGEMENT

No formal community consultation on this specific footpath upgrade project has taken place, notwithstanding, numerous community comments requesting the proposed works have been received through Council's Customer Request Management system.

7.7 DEVELOPMENT AND ENVIRONMENTAL SERVICES**7.7.1****JUTLAND WATER RESERVE MANAGEMENT****21/59001**

Author: Senior Environmental Officer

MOVED Cr Wiese-Smith

That Council:

- (1) Endorse Councils on-going Management Actions and resources necessary to improve, protect and enhance Jutland Water Reserve, Eden Valley.
- (2) Endorse the progression of an application for a Heritage Agreement and development of a Management Plan.

SECONDED Deputy Mayor Johnstone**CARRIED 2018-22/542****PURPOSE**

To provide detail and opportunities for ongoing management of the Jutland Water Reserve on cessation of the Memorandum of Understanding (MOU) between Council and Goolwa to Wellington Local Action Planning Association (GWLAP) in December 2021.

REPORTBackground

Jutland Water Reserve, Section 699 Jutland Road, Eden Valley (Figure 1) forms part of the Marne River catchment and covers an area of 3.3 Ha. The Reserve is classified as Community Land as per Section 193 of the *Local Government Act 1999*.

At present there is a Memorandum of Understanding between The Barossa Council and the Goolwa to Wellington Local Action Planning Association (GWLAP) to manage the site. This Management Agreement is in order to offset clearance of red gums for roadworks at the Bald Hills Interchange in Mount Barker, as part of a Native Vegetation Council Significant Environmental Benefit Grant.

Prior to GWLAP's involvement, Eastern Hills and Murray Plains Catchment Group (EHMP) managed the site and co-ordinated the maintenance in accordance with the Jutland Water Reserve Management Plan (2015-2020). Former Councillor Seager was Council representative on that group.

In March 2020, Council authorised the Director, Development and Environmental Services to negotiate ongoing site management of the Jutland Water Reserve, with a further report to Council, prior to the conclusion of the term of site management by the GWLAP.

The agreement is due to expire on 31 December 2021 and the on-going management of this site will be returned to Council.

Progressing the development of a Management Plan and application for Heritage Agreement over this site will provide Council with greater opportunities to seek grants for key management actions to protect and enhance Jutland Water Reserve.



Figure 1 – Jutland Reserve

Introduction

The Reserve has historical significance with a plaque in memory of the families of the soldier settlement blocks who utilised this site as a water source and stock route. Annually on Anzac Day, descendants of those soldiers honour their service by visiting the site.

In addition to the significant vegetation (species and vegetation association), the Jutland Water Reserve (waterhole) has been part of a long standing monitoring programme in the Marne Saunders Catchment, collecting datasets about water quality and native fish studies (Attachment 1).

Discussion

The remnant vegetation recorded from the Reserve is representative of a *Eucalyptus camaldulensis* (River Red Gum) woodland ± *E.leucoxyton* (SA Blue Gum) low open woodland. Over 55+ species have been recorded at the site, including more than 15 species of native grass. Seven species with Regional ratings and one with State conservation rating. Worth noting, however, no flora datasets have been uploaded into the Biological Database of South Australia (BDBSA). This would be an important outcome should the Heritage Agreement status of the Reserve progress.

Furthermore, this site provides critical habitat for native fish, including Obscure Galaxias (*Galaxias oliros*), several species of amphibians, the State listed Rare Diamond fire-tail finch (*Stagonopleura guttata*), Rainbow Bee-eater (*Merops ornatus*) and the Brown tree-creeper (*Climacteris picumnus picumnus*) and several other species (Attachment 2).

Obscure Galaxias is a flow specialist, so key habitat requirements in the upper reaches are flowing riffles interspersed with deeper refuge pools. Submerged plants and intact riparian vegetation also add to the habitat necessary to support the species. Whilst flows across the Marne River Catchment have declined over the past 20 years, conservation actions that support this habitat are very important.

In 2021, the Murraylands and Riverland Landscape SA Board commissioned Peramangk woman, Issobelle Campbell to undertake an Aboriginal Waterways Assessment, the details of which have yet to be shared.

In order for Council to manage the Jutland Water Reserve to further enhance the conservation and biodiversity value, the following is required:

Threat/Issue	Action	Timing	Cost
Weeds (perennial Veldt grass, Tree Lucerne, Horehound, Fennel, Rose briar, Oxalis sp., Daffodils, wild gladiolas)	Timely slashing of thick veldt grass prior to spraying; Targeted and specialist bush-care weed control using cut and swab and careful spot spraying.	Spring and Summer	2-4 days per annum (\$2k-\$4k)

To initiate Heritage Agreement status over the Reserve, a Native Vegetation Management Plan (NVMP) will need to be prepared, which would include collation of the known and current natural features, current management actions and be endorsed by Council (refer Attachment 3).

Summary and Conclusion

This report seeks to demonstrate the conservation significance of Jutland Water Reserve, and the priorities for Council on how to progress management of the site, following the cessation of the agreement with the GWLAP in December 2021.

In addition, applying for a Heritage Agreement will add to Council's two other Heritage Agreement sites (Tanunda and Altona), and demonstrate our commitment to the environment and on-going protection of this important site.

Heritage Agreement status will also allow Council to apply for funding under the current opportunities (Revitalising Private Land Conservation Program).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Marne waterbug bioblitz summary
 Attachment 2 Fauna species list extracted BDBSA_Jutland Water Reserve
 Attachment 3 Heritage-Agreement-frequently asked questions

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Natural Environment and Built Heritage

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.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The scope of the proposed costs to Council to manage the Jutland Water Reserve is between \$2,000 and \$4,000 annually. This work could be undertaken by qualified Council Depot staff or contracted to a specialist contractor.

In addition, gaining a Heritage Agreement over the Reserve will enable future grant applications to the Revitalising Private Land Conservation Program, funded by Department of Environment and being delivered by Nature Foundation:

<https://www.naturefoundation.org.au/what-we-do/conservation-programs/revitalising-private-conservation#:~:text=The%20Revitalising%20Private%20Conservation%20in,private%20land%20in%20South%20Australia.&text=Round%203%20Grants%20of%20up,EXTENDED%20to%2023%20August%202021.>

The proposed management of the site will reduce the risk of the Reserve becoming unmanaged and assist in retaining safe public access to the community land, and protect the threatened flora and fauna known to be on the site, and control declared pests.

COMMUNITY ENGAGEMENT

Nil

The meeting moved into confidence at 9.26 am

8. CONFIDENTIAL AGENDA

8.1 COMMUNITY SERVICES

8.1.1

ANGASTON RAILWAY STATION BUILDING - LEASE

21/62613

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 report contains the business plan of the proposed tenant.

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

MOVED Deputy Mayor Johnstone

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Community Services, Director Development and Environmental Services, Director Works and Engineering Services, Manager Community Projects, ICT Application Officer and the Minute Secretary, in order to consider in confidence a report relating to 8.1.1 Angaston Railway Station Building - Lease 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 report contains the business plan of the proposed tenant.

SECONDED Cr Wiese-Smith

CARRIED 2018-22/543

Pursuant to Section 75 of the *Local Government Act 1999*, Deputy Mayor Johnstone disclosed a perceived Conflict of Interest in the matter Item number 8.1.1 – Angaston Railway Station Building – Lease as he has a friend of the potential tenant.

Deputy Mayor Johnstone left the meeting at 9.26am

The meeting moved into confidence at 9.26am

MOVED Cr Angas

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 and agenda report attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 17 August 2021 in relation to item 8.1.1 Angaston Railway Station Building - Lease be kept confidential and not available for public inspection until termination of the lease and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Hurn

CARRIED CO2018-22/21

Deputy Mayor Johnstone returned to the meeting at 9.45am

Resumption of open council meeting at 9.45am

8.2 DEVELOPMENT AND ENVIRONMENTAL SERVICES

8.2.1

APPLICATION TO REGISTER CHARGE - 6 HELENE STREET NURIOOTPA 21/61745

The matter of the agenda item being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); pursuant to Section 90(3)(a) 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 Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

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

MOVED Deputy Mayor Johnstone

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, and the Minute Secretary, in order to consider in confidence a report relating to 8.2.1 Application to register charge - 6 Helene Street Nuriootpa being information that must be considered in confidence pursuant to:

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

information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

SECONDED Cr Boothby

CARRIED 2018-22/544

The meeting moved into confidence at 9.45am

MOVED Cr Boothby

That Council:

- (1) Council resolution
- (2) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) 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 17 August 2021 in relation to item 8.2.1 Application to register charge - 6 Helene Street Nuriootpa. be kept confidential and not available for public inspection until the next annual review of confidential items and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Deputy Mayor Johnstone

CARRIED CO2018-22/22

Resumption of open council meeting at 9.46am

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 21 September 2021 at 9.00am

11. CLOSURE

Mayor Lange declared the meeting closed at 9.46am

Confirmed at Council Meeting on 21 September 2021

Date:.....

Mayor:.....