



The Barossa Council

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 21 September 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 9.01 am.

1.2 MEMBERS PRESENT

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

1.3 LEAVE OF ABSENCE

Nil

1.4 APOLOGIES FOR ABSENCE

Cr Leonie Boothby

MOVED Cr de Vries

That the Council receive and accept Cr Boothby's apology.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/545

1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION:

MOVED Cr Hurn

That the Minutes of the Council meeting held on Tuesday 17 August 2021 at 9.00am, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Haebich

CARRIED 2018-22/546

1.6 MATTERS ARISING FROM PREVIOUS MINUTES

Nil

1.7 PETITIONS**1.7.1****PETITION - BAROSSA TRAIL - REQUEST TO COMPLETE**

21/68418

MOVED Cr de Vries

That Council receive and note the petition.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/547

PURPOSE

A petition containing 56 signatories has been received regarding the completion of the Barossa Trail through to Gawler.

REPORT

The petition seeks Council continue the Barossa Trail through to Gawler.

The extension of the Barossa Trail, is a joint project between The Barossa Council and Town of Gawler as the lead linking the Barossa Trail to the Stuart O'Grady Cycleway via the rail corridor. This project has been supported with funding from the Regional Growth Fund as part of the Greater Adelaide Cycleway: Barossa, Light and Lower North Cycle Tourism Project.

The project to complete the remaining 2km of the planned Barossa Trail from Ann Milroy Lane to Sunnydale Avenue has a 2021/2022 budget allocation of \$800,000, including a PIRSA grant contribution of \$336,264 and is currently out seeking construction tender responses.

It is expected that the award of the tender will be made in late October or early November with construction estimated to be completed by April 2022.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Petition - Barossa Trail - request to complete

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

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

Barossa Trail extension to Gawler – part grant funded \$336,264 – PIRSA Regional Growth Fund in conjunction with Town of Gawler – total 2021/2022 budget allocation \$800,000

COMMUNITY ENGAGEMENT

The community will be advised when construction is scheduled to commence.

1.8 DEPUTATIONS

Nil

1.9 NOTICE OF MOTION

Nil

1.10 QUESTIONS WITH OR WITHOUT NOTICE

Nil

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

MOVED Cr de Vries

That the Mayor's report be received.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/548

3. COUNCILLORS' REPORTS

Nil

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

Nil

5.2 RECEIPT OF CONSENSUS AGENDA

MOVED Cr Miller

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

SECONDED Cr Hurn

CARRIED 2018-22/549

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

Cr Wiese-Smith left the meeting at 9:06 am.

7.2 OFFICE OF THE MAYOR AND CEO**7.2.1****2020 - 2021 DRAFT ANNUAL FINANCIAL STATEMENTS - COUNCIL CERTIFICATE**

21/65846

MOVED Deputy Mayor Johnstone

That Council authorise the Mayor and Chief Executive Officer to sign the Certification of Financial Statements for the 2020/2021 Financial Year.

SECONDED Cr Hurn

CARRIED 2018-22/550

PURPOSE

Prior to presentation of the draft financial statements to the External Auditors, Council is required to authorise the Chief Executive Officer and Principal Member (Mayor) to certify the statements.

REPORTIntroduction

Regulation 14 of the Local Government (Financial Management) Regulations 2011 requires that a certification statement (in the prescribed form) be included in the Annual Financial Statements and be signed by the Chief Executive Officer and Principal Member of the Council.

Discussion

The certification statement indicates that:

- Council's Annual Financial Statements have complied with the Local Government Act 1999, Local Government (Financial Management) Regulations 2011 and Australian Accounting Standards;
- the Financial Statements present a true and fair view of Council's financial position as at 30 June 2021 and the results of its operations and cash flows for the financial year;
- internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year; and
- the Financial Statements accurately reflect the Council's accounting and other records.

The certifiers will be required to sign the certificate prior to the final presentation of the accounts to the External Auditors. Upon completion of the audit and presentation to the Audit Committee in October, final statements will be tabled at Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

2021 Model Financial Statements: LGA website

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

How We Work - Good Governance

Corporate Plan

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

- 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 14

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations.

COMMUNITY ENGAGEMENT

Not required for this report. Following the adoption of the Council's Financial Statements a copy will be placed on the Council's website.

7.2.2

MONTHLY FINANCE REPORT AS AT 31 AUGUST 2021

21/66295

MOVED Cr de Vries

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

SECONDED Cr Haebich

CARRIED 2018-22/551

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 August 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 August 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

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.

Cr Wiese-Smith returned to the meeting at 9:07 am.

7.2.3

REQUEST FOR FUNDING SUPPORT - BAROSSA CONTEMPORARY: FESTIVAL FOR THE CURIOUS 21/70961

MOVED Cr Angas

That Council:

- 1) Receive the sponsorship application made by Release Creative Pty Ltd on behalf of Barossa Festival Pty Ltd as at **Attachment 1**.
- 2) Allocate sponsorship support to the value of \$5,000 plus additional in-kind support to the estimated value of \$2,000 to Release Creative Pty Ltd on behalf of Barossa

Festival Pty Ltd for the Barossa Contemporary: Festival of the Curious scheduled for Friday 8 and Saturday 9 October 2021.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/552

PURPOSE

To provide Council with details of the Barossa Contemporary: Festival for the Curious being held on 8 & 9 October 2021 and subsequent sponsorship request.

REPORT

Background

Council was invited by Barossa Grape & Wine Association to attend a presentation by Release Creative Pty Ltd aimed at potential key stakeholders from the region on 20 April 2021.

At the Council Workshop held on 15 June, an update on the Barossa Biennale and future event was provided to Council.

Further, on 4 August 2021, Release Creative Pty Ltd contacted Council direct to officially announce their event and to seek sponsorship from Council for its first iteration 'Preview' event and for future support of the full festival in 2022.

On Tuesday 14 September, Release Creative Pty Ltd provided the Event Overview and formal request for sponsorship as at **Attachment 1**.

Discussion

Release Creative Pty Ltd have created an Event Overview as at Attachment 1 which provides full details of the events and their request to Council; being a \$30,000 cash investment and additional in-kind support as agreed between Festival and Council for the October preview event. For example, signage, use of council staff where appropriate and reasonable, use of Council run Waste Management Services, access/help to facilitate traffic management.

Light Regional Council at its Strategy Committee meeting held on 8 September; and through the Event Sponsorship Program, endorsed Barossa Festival P/L be allocated in-kind support to the estimated value of \$2,000 for the Barossa Contemporary – Festival of the Curious scheduled for Friday 8 and Saturday 9 October 2021. It was noted that In-kind support may include provision and collection of general and food waste and recycling bins and installation of community event and speed reduction signage.

Summary and Conclusion

On the basis of the above and in recognition of the funding requested, the allocation of \$5,000 cash plus additional \$2,000 of in-kind support be recommended to sponsor and support the 2021 event, and to encourage the organisers to come back to Council for a further sponsorship request, along with continued engagement with the local creative community and local tourism providers for future support of the first full festival proposed for late September/early October 2022.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Festival Overview 2021-2022 with financials

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

Goal

5. We are a strong community that is welcoming, safe and enjoys a quality lifestyle that celebrates our local identities, diversities, cultures and histories including our Aboriginal heritage.

Strategies

- 5.1. Support the development of activities that celebrate the history, art and culture of the Barossa and its people.

Corporate Plan

- 2.6. Provide, promote and support community arts and cultural events, programs, attractions and services.

Advocacy Plan

Nil

Legislative Requirements

The current funding proposal includes provision of complimentary tickets and exclusive access, under Schedule 2A of the Local Government (General) regulations 2013 – Code of Conduct for employees, an employee must not seek out or receive a gift or benefit similarly there is a corresponding provision relating to Elected Members in the Code of Conduct for Council Members. The funding proposal will need to be revised in consideration of this legislative requirement. This perhaps might be an opportunity to further support the local creative community in lieu of tickets.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Councils Policy for meeting reports requesting additional expenditure, notes that during the year new requests and/or amended services should be approached with caution undertaking thorough checks that changes to the approved AB&BP are a result of responding in a timely manner to opportunities, emergencies and/or other events unforeseen at the time of setting the budget. The Council report 'Financial Considerations' section must include an assessment of Councils Financial Sustainability to fund this project.

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 operating expenditure at \$30k and in kind support not calculated or included in this assessment.

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, Nuriootpa War Memorial Swimming Pool - replacement of filters \$149.5k, included in the September Council meeting agenda - Angas Rec Park Project \$209k, along with this report item (if approved) a net \$30k a total of \$946k, 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:	Barossa Contemporary - Festival for the Curious	
Net operating costs - (incl depreciation)	\$30,000	
Additional project cost (ex GST)	\$30,000	
Grant Income reduced (ex GST)	\$0	
Allocations from Reserve & Developer Contributions	\$0	\$0
Other allocation required	\$30,000	
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)	\$-877k	Increase in deficit \$30k
Operating Surplus Ratio (Target: -2% to 10%)	-2.2%	Increase in OSR 0.1%
Net Financial Liabilities (NFL) \$	\$24060.4k	Increase in NFL \$946k
Net Financial Liabilities Ratio (Target: >0 to <100%)	59.1%	Increase to liabilities ratio 2.3%
Asset Funding Renewal Ratio (Target: >80% to <110%)	101%	Increase in renewal spend 2%

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.

Noting that after the addition of this and previously approved projects for 2021/22 - all but one KPI's are within the target range set by Council, the exception is the Operating surplus ratio where Councils target range is between -2% to 10%.

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 \$30k.

COMMUNITY ENGAGEMENT

No community engagement is required for this request.

7.3 CORPORATE SERVICES AND BUSINESS INNOVATION

7.3.1

LOCAL GOVERNMENT REFORM - FEEDBACK TO THE LGA

21/66677

MOVED Deputy Mayor Johnstone

That Council:

- (1) Receive and endorse Council's feedback to the LGA as at **Attachment 1**, on the Local Government reform items relating to the commencement of the Member Behaviour Framework and the Casual Vacancy countback method;
- (2) Receive the officer feedback provided to the LGA on 11 August 2021, as at **Attachment 2**.

SECONDED Cr Haebich

CARRIED 2018-22/553

PURPOSE

Council is asked to receive and endorse the draft feedback to be provided to the LGA on the Local Government reform items pertaining to:

- The commencement of the Member Behaviour Framework; and
- The Casual Vacancy countback method

REPORT

Background

Amendments have been made to the *Local Government Act 1999* by the *Statute Amendment (Local Government Review) Act 2021*.

Introduction

The Local Government Association (the "LGA") is seeking feedback on various items relating to the reform. The LGA have indicated that they will provide the sector's feedback to the Office for Local Government to feed into the development of associated Regulations and commencement dates.

Discussion

The LGA has sought feedback on the following:

- Council feedback on:
 - The commencement of the Member Behaviour Framework; and
 - The Casual Vacancy countback method.
 Draft feedback has been compiled by officers and is presented for endorsement by the Elected Body at **Attachment 1** to this report.
- Officer feedback on amendments to the *Local Government (General) Regulations*. The amendments are administrative in nature and not controversial. On this basis, and due to accelerated timeframes, feedback was sought from officers only, and provided to the LGA on 11 August 2021. It is now presented at **Attachment 2** for the Elected Body's information.

Summary and Conclusion

Council is asked to receive and endorse the draft feedback to be provided to the LGA on Local Government reform items, and receive the officer feedback provided to the LGA on 11 August 2021.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Feedback to the LGA - Local Government Reform - Member Behaviour Framework and Casual Vacancy Elections
Attachment 2	Local Government Reform - Regulations - Feedback provided to the LGA

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

Statute Amendment (Local Government Review) Act 2021

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The extent of financial and resource impacts of the reform are to be determined, and where these legislative changes are mandatory, compliance will be necessary. Where required, these considerations will be presented to the Elected Body as reform items are implemented.

Risk is mitigated by following the LGA's advice with respect to implementation.

COMMUNITY ENGAGEMENT

Community engagement is not required with respect to the feedback provided, but it is noted that community engagement may be required during implementation of certain reform items.

7.3.2

UPDATED BUSINESS CONTINUITY PLAN

21/68169

MOVED Cr Angas

That Council receive and endorse the Business Continuity Plan as at **Attachment 1** to this report.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/554

PURPOSE

Council is asked to receive, consider and endorse the updated Business Continuity Plan attached to this report.

REPORT

Background

At its meeting on 26 March 2020, Council approved the overarching Business Continuity Plan.

Introduction

Following a full year in operation and working with the tools within the Plan during the Pandemic, this document has now been reviewed and refined to ensure ease of use by the reader and accuracy of content based on the current operational environment.

Discussion

The Business Continuity Plan contains guidance on roles and responsibilities, the declaration process and administrative tools for the management of a declared business interruption event.

The Business Continuity Sub Plans which support the Business Continuity Plan are the documents which provide operational details and arrangements to continue the provision of critical services that may be affected by a business interruption event. Council's suite of Business Continuity Sub Plans are being reviewed/developed in line with the services, outputs and activities contained in the Corporate Plan.

While there is still some work to be done on the Sub Plans, the Business Continuity Plan provides an overview of roles and responsibilities and the framework for making administrative/management decisions should a business interruption event arise.

Summary and Conclusion

Council is asked to receive and endorse the Business Continuity Plan at Attachment 1 of this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 The Barossa Council - Business Continuity Plan - Public

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community 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.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act
Work Health Safety Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Business Continuity Plan and supporting sub plans are oriented towards managing the highest risks faced when an event impacts Council's ability to provide services assessed as critical for the ongoing safety and wellbeing of the community. This does not mean we won't provide further services when triggering the business continuity plan, but rather we will service these areas as a priority.

COMMUNITY ENGAGEMENT

There is no requirement to undertake consultation.

7.3.3

PRINCIPAL OFFICE AND OTHER OFFICES - LATE OPENING 7 OCTOBER 2021

21/69769

MOVED Cr Haebich

That Council:

- (1) Pursuant to Section 45(2) of the *Local Government Act 1999*, approves the Principal Office and Other Offices of the Council to open at 10am on 7 October 2021.
- (2) Makes the following 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:
 Email: barossa@barossa.sa.gov.au
 After Hours Service: Answering Adelaide 8563 8444
 Website (Online Services and Make a Payment): barossa.sa.gov.au

SECONDED Cr Troup

CARRIED 2018-22/555

PURPOSE

To consider and adopt a proposal for Council workplaces providing direct service to the public to open at 10am on Thursday 7 October 2021, to facilitate all staff access and inclusion in an organisation-wide professional development event.

REPORT

An all-staff professional development event was scheduled (and closure approved by Council) for Thursday 29 July 2021, from 8am to 9.45am, however due to the State wide closure in response to the COVID-19 pandemic the event was cancelled. The event has been rescheduled for 7 October 2021, pending Council approval for the proposed delayed opening of the principal office for 60 minutes.

This event has been designed to promote knowledge sharing, recognition of achievements reached and projects completed, and the connection of staff from various departments under the newly established organisational structure. It also provides an opportunity for staff to learn more about what various teams do and the positive impacts that Council makes within our community.

This event supports Council's ongoing commitment to the implementation of modern people and culture strategies and the development and retention of staff,

To allow as many staff to attend and return to the workplace, the timing of the event will commence at 8am, before normal working hours, and will run to approximately 9:45am. To facilitate this timeframe, support is being sought to allow Council workplaces providing direct services to the public to open 60 minutes later than normal at 10am, allowing staff to attend the event in its entirety.

Whilst face to face service delivery will be impacted for one hour due to the delayed opening of Council workplaces, online services will continue to be available, along with email enquiries and council's after hours telephone contact service.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance

Corporate Plan

6.10. Embed a culture of continuous improvement across Council, with tools, processes and systems being used to achieve business efficiencies and customer service improvements.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial costs associated with after-hours phone service for the 60 minute duration that the event runs into standard opening hours' will be absorbed within the existing operational budget.

COMMUNITY ENGAGEMENT

No consultation required given the amendment is minor in nature, although promotion and awareness to the community of the late opening will occur via social media, public notices and signage at relevant sites.

7.3.4

DRAFT COMMUNICATIONS STRATEGY FRAMEWORK 2021-2025

21/69927

MOVED Cr Wiese-Smith

That Council approve the Communications Strategy 2021-2025 as at **Attachment 1** and the initiatives contained therein.

SECONDED Cr de Vries

CARRIED 2018-22/556

PURPOSE

To ensure the organisation's Communications vision, objectives and activity is well understood and articulated, and supported by a framework for implementation.

REPORT

Background

The Strategy has been developed to provide a clear framework for how we deliver communications to and with the community and within our organisation. It supersedes the previous Communications, Media and Branding Strategy.

Introduction

The Communications Strategy provides a framework for delivering internal and external communications over the next four years. It is underpinned by an internal Action Plan which will be activated at operational level to provide a coordinated approach to implementation of communications activity.

The Strategy and Action Plan have in-principle support from the Executive Leadership Team (ELT).

Discussion

The Strategy sets out our intention to optimise the way we deliver messaging both through community engagement and internal communications.

Key objectives of the Strategy are to foster meaningful connection with community; improve visibility and recognition Council as partner to community; and maximise opportunities for employee advocacy to influence positive perception of Council.

The Strategy is informed by a rapidly changing digital landscape and a growing focus on the role of internal communications as a mechanism to engage and motivate our workforce.

The supporting Communications Action Plan will help inform development of the corporate plan as it relates to communications.

Summary and Conclusion

The Communications Strategy 2021-2025 sets a clear direction for intentional and contemporary communications activity to elevate our service delivery and positively guide the community dialogue.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Communications Strategy Framework

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

How We Work - Good Governance

Corporate Plan

6.9. Provide access to Council's plans, policies and processes and communicate with the community in plain English.

Advocacy Plan

Nil

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Unbudgeted initiatives will periodically be presented to the Executive Leadership Team for funding consideration in line with strategic organisational objectives and as internal resourcing and prioritisation permits.

COMMUNITY ENGAGEMENT

There is no legislative requirement for community engagement. Internal engagement has been undertaken with key business units and with reference to Council's leadership framework.

7.4 COMMUNITY SERVICES

Nil

7.5 THE BIG PROJECT**7.5.1**

ANGAS RECREATION PARK - CHANGE ROOM AND CLUB ROOM UPGRADE - SECOND OVAL CONSTRUCTION - BUDGET REVIEW
21/69367

MOVED Cr Angas

That Council:

- (1) Notes the background and detail relating to the additional costs incurred for completion of the Angas Recreation Park Multi Use Change Room and Clubroom Extension and Upgrade Project.
- (2) Notes the background and detail relating to the additional costs incurred for completion of the Angas Recreation Park Junior Oval Construction Project.

- (3) Approve the allocation of \$14,000 ex GST from the Angas Recreation Park Committee Reserve Funds towards the tree replanting program associated with the project works.
- (4) In addition to (3) above, approve a quarter one budget adjustment of \$194,915 ex GST to fund the completion of the project works and fund the costs from the existing cash and investments until such time as the final cash surplus position from the 2020/21 Financial Year is finalised.

SECONDED Cr de Vries

CARRIED 2018-22/557

PURPOSE

Due to a variety of constraints detailed in the report, an increased budget is sought for the completion of the Angas Recreation Park Change Room / Club Room and Junior Oval construction works.

REPORT

Background

At its Confidential Council Meeting on the 16 March 2021, Council resolved to award the contract for the construction of the Angas Recreation Park Multi Use Change Room and Clubroom Extension and Upgrades to Draig Desert Rose Pty Ltd (Bishop Building) in the sum of \$1,836,780 ex GST.

At the same meeting, Council also resolved to award the contract for the construction of the Angas Recreation Park Junior Oval Construction to Draig Desert Rose Pty Ltd (Bishop Building) in the sum of \$712,650 ex GST.

In addition Project contingencies of 11% were allowed to provide for the remainder of professional fees and charges as well as construction variations. The project budget was set based on prevailing rates and cost estimates provided initially for the prioritisation of Big Project works (Priority 1 projects) in August 2019 and updated for the subsequent state grant application to the Office Recreation Sport and Racing in January 2021.

Introduction

Construction works on both projects commenced in April 2021.

In relation to the Change Room / Club Room works. Allowances were made in the original budget for the complexities of refurbishing and extending the existing and outdated clubroom and changing rooms and it was anticipated that the contingencies available would be sufficient to cover the known latent conditions in the older components of the infrastructure as identified in the last available Building Condition Assessment (2015/16) and investigations by project consultants ie: electrical upgrades, asbestos removal, eave and gutter works, insulation, heating and cooling into the existing building to align with the new build specifications, plumbing upgrades to meet code, new carpets and ceilings to match new build etc. In addition there was identified risk in the extent of rock breaking required to enable the new change rooms to be cut into the constrained space available on site.

In addition, steps were also taken at the earliest possible opportunity once contracts were executed to pre order materials to both try and address long lead in times arising

from the significant spike in construction activities in response to the various COVID stimulus measures and the well documented and rapidly rising cost of items such as wood and steel.

In relation to the Oval works. Allowances were made to compensate for the significant stormwater drainage traversing the available site, relocation of the bore pump and the anticipated calculations for the extent of cut and fill required to accommodate the oval as a green, open space with an alignment that complimented both the bowl shape of the remaining parkland and ensured that the respective levels between the junior and main ovals allowed for safe ease of access between the two areas.

Again it was anticipated that the allocated contingencies would compensate for any additional costs of rock breaking for removal of known but unquantified foundations to the old properties at the rear of the site/park (Radford Road/Gramp Avenue corner) as well as any other latent conditions that were not revealed from the soil testing and bore holes undertaken as part of the site assessment works.

Discussion

As construction has progressed the following issues have arisen that cannot be accommodated within the original contingencies:

Change Rooms / Club Rooms:

- New roof to the old change rooms.
- Upgrade to old roof purlin bracing / nail plates as a result of delamination (high risk – potential for failure bringing plant down directly into the high traffic clubroom social areas).
- Underpinning of the front of the clubrooms due to inadequate foundations (slab on ground with no footings) that would be wholly insufficient to support the new build components (additions and canopy).
- Significant upgrades to external water services to bring up to code – undocumented “spaghetti” of pipework to ancillary buildings (public toilets, show hall) presenting high future risk for adequate maintenance and servicing. Not in original scope but could not be left.
- Significant upgrades to external power connections (again some undocumented) to ancillary buildings (such as public toilets, feeds to oval lights etc) that were not within original scope but could not be left.
- Some additional below bench line rock breaking over and above contingency estimation. However, should be noted that the contractor has done much of this work at significantly discounted and in kind rate as a contribution to the project.
- Upgrade to hot water service over and above original specification to provision for Club’s future kitchen upgrade (out of project scope).
- Latent slab conditions in the existing change rooms resulting in additional demolition costs and time impacts (ie one slab laid on top of another)

It should also be noted that the contractor is providing some additional elements of work outside of project scope to the associated clubs as in kind / sponsorship at no additional cost to Council as part of their “increased local value” commitment in the tender (ie extra fitout works within the extended bar / servery).

In addition to this savings have accrued from:

Junior Oval:

- Addressing historic stormwater run-off issues originating from the catchment leading from Gramp Avenue, which were just left to run off directly into the back of the recreation park at 2 separate entry points.
- Adjustment to oval design to improve final levels to maximise the integration into the surrounding parklands. This has been achieved by additional cut and associated batters into the southern end (Radford Road/Gramp Avenue aspect) and has resulted in some additional sub surface drainage alignment.
- Higher than budgeted tree removal costs.
- Prolongation costs arising from the particularly wet weather conditions that prevented excavation machinery getting onto the site have resulted in lost time delays of 5 weeks.

It should also be noted that the critical tree replacement program remains within the scope of the updated figures presented in this report. This will be done in a 2 phased process. Phase 1: which is ready to implement will be planting of 37 trees in locations through the park already identified jointly between the Angas Recreation Park Committee and Council Works team. Phase 2: for implementation once the oval work is completed for a further 20 trees at locations around the oval space (to be determined). The Angas Recreation Park Committee is asking for \$14,000 ex GST to be allocated to the budget from its reserve funds to contribute towards the associated costs.

Taking into account the works identified above, the additional budget required to finalise the project works is:

Project / Elements / Items:	Cost ex GST:
Change Room / Club Rooms	\$74,282
Oval	\$57,154
Remaining resourcing costs including prolongation	\$24,260
Tree replacement / landscaping costs (net of the \$14,000 ex GST Angas Recreation Park Committee reserve allocation)	\$21,500
10% contingency	\$17,719
Total	\$194,915 ex GST

Summary and Conclusion

Due to a range of issues including: extensive building and site latent conditions over and above documented information available during project scoping; weather and some material cost escalations; the original contingency allocated to the Angas Recreation Park Change Room and Club Room Project and Junior Oval Project is insufficient to complete required works.

A further \$194,915 ex GST is sought to complete identified necessary works.

In addition to delivering the increased capacity identified as a priority for the Angas Recreation Park user groups and community, finalising these works will also address previously unidentified maintenance and risk shortcomings with the original buildings and the integrity of the stormwater management of the southern section of the facility.

It has always been a premise of The Big Project that Council will achieve outcomes of future proofing existing infrastructure as well as providing additional new build.

A site visit for Elected Members to view the current status and extent of work was organised for Wednesday, 15 September 2021.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Health and Wellbeing



How We Work - Good Governance



Community and Culture

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

Strategies

- 6.2. Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.
- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
- 10.1. Children and young people are supported to feel safe and to engage, thrive and feel empowered within the community.

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.

- 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.
- 3.10. Ensure Council owned stormwater infrastructure are accessible, safe and maintained to an agreed level of service.
- 4.6. Support the growth and sustainability of sporting, recreational and community clubs and organisations through provision of shared infrastructure, grants and opportunities to shape future use and development.
- 6.4. Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 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.
- 2.3. Support and promote community involvement and networks and provide opportunities for participation in local decision making.
- 2.9. Collaborate, initiate, develop and/or support activities and facilities for youth in our community.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Due Diligence reporting in relation to the prioritised elements of The Big Project and required under the Local Government Act and Council's Budget and Business Planning Review Process has been undertaken and continues to be updated on a rolling basis with updates provided to Council in periodic reports including quarterly Budget updates. This includes periodic review of the independent Prudential Management Report on the Project. Updated data in respect of The Angas Recreation Park project will be included in the overall modelling and separate due diligence assessment has not been undertaken as part of this report.

However, the updated impact on Council's budget settings is provided below.

Officers strive to work within budget parameters at all times and assess appropriate risks in relation to the rationale for any additional expenditure. Refurbishment projects come with particular risks in respect of unknown latent conditions and the particular circumstances of each location. In consideration of this matter and to balance the overall performance of The Big Project, it is worth noting that whilst Officers are required to bring any additional budget requirements to Council for consideration, projects that are delivered within budget do not formally revert to Council.

Projects delivered within approved budget parameters to date include:

- Tanunda Recreation Park electrical capacity upgrade
- Tanunda Recreation Park Oval lighting upgrade
- Nuriootpa Centennial Park multi user Change Rooms
- Lyndoch Recreation Park upgrades (second phase) – pitch, lighting, cricket nets

- Stockwell Recreation Park upgrades (due for completion September/October 2021)
- Mount Pleasant / Old Talunga Park Court and lighting upgrade

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 \$209k.

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, Nuriootpa War Memorial Swimming Pool - replacement of filters \$149.5k along with this report item (if approved) a net \$209k a total of \$916k, these will be included in the next Budget Update.

The 2020/21 Reserves are to be balanced and reconciled, this project has an allocation of \$14,000 from the Angaston Recreation Park Reserve.

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:	Angas Rec Park Project	
Net operating costs - (incl depreciation)	\$0	
Additional project cost (ex GST)	\$208,915	
Grant Income reduced (ex GST)	\$0	
Allocations from Reserve & Developer Contributions	\$14,000	\$0
Other allocation required	\$194,915	
DDR provided	Part of TBP	
This projects BAT score	Part of TBP	
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) \$	\$24030.4k	Increase in NFL \$916k
Net Financial Liabilities Ratio (Target: >0 to <100%)	59.1%	Increase to liabilities ratio 2.3%
Asset Funding Renewal Ratio (Target: >80% to <110%)	101%	Increase in renewal spend 2%

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.

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 \$209k.

COMMUNITY ENGAGEMENT

Extensive community engagement and consultation has taken place throughout the master planning process for the Angas Recreation Park. Representatives of user groups and the community remain involved in an ongoing advisory capacity as part of the Project Working Group for these projects.

7.6 WORKS AND ENGINEERING

Nil

7.7 DEVELOPMENT AND ENVIRONMENTAL SERVICES**7.7.1****CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS****21/67838****MOVED** Cr Wiese-Smith

That Council having reviewed the Minutes of the Barossa Bushgardens S41 Committee Meeting held 11 August 2021 as at **Attachment 1**, adopt the Resolutions contained therein.

SECONDED Cr Troup**CARRIED 2018-22/558****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 11 August 2021

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

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

LOCAL DESIGN REVIEW CODE AMENDMENT

21/69287

MOVED Cr de Vries

That Council:

- (1) Receive and note the Local Design Review Code Amendment as at **Attachment 1**.
- (2) Authorise the Chief Executive Officer or his delegate to finalise a submission and for this to be submitted to the State Planning Commission by Monday 27 September 2021.

SECONDED Deputy Mayor Johnstone

CARRIED 2018-22/559

PURPOSE

To present and receive comments on the Local Design Review Code Amendment prepared by Plan SA.

REPORT

Background

The Local Design Review Scheme (originally presented to Council August 2020) was approved by the Minister for Planning and Local Government (Minister) in February this year, coming into effect on 1 July 2021. It enables a person who is considering undertaking development of a type specified by the Code to apply to a local design panel, established by the relevant participating council, for advice on design aspects of the proposed development.

Councils may participate in the Scheme on an 'opt-in' basis by registering in accordance with the Scheme. Any advice given by the local design panel is to be considered by the relevant authority (insofar as it is relevant to the development application being assessed).

Introduction

The Code Amendment (Attachment 1) effectively specifies what types of proposed development may be sent to the Local Design Review for consideration, should Council register to participate in the Scheme (Attachment 2).

Discussion

The Code Amendment, if adopted, will only impact on participating councils and registering to participate in the Scheme is entirely voluntary. Councils should consider, to the extent that they have not already done so, the potential benefits and associated resource implications of implementing the Scheme in their local area.

The content of the Code Amendment once adopted, and the suggested eligible classes of development impacted by the Code Amendment, should be considered by any Council seeking to participate in the Scheme. Council should bear in mind that, by participating in the Scheme, the relevant authority will be obliged to consider the results of an application for design review, although the weight given to this will

depend on its relevance to the development application and will remain a matter entirely within the discretion of the relevant authority.

The Code Amendment is proposing that the following forms of development are able to make use of the Local Design Review Scheme (should Council decide to opt in):

- (1) *Development within the ambit of subclause (2) is specified as a class of development for the purposes of section 121(1) of the Act.*
- (2) *Development that is—*
 - (a) *within the area of a council that has determined to make design review available in its area by participating in the scheme determined by the Minister for the purposes of section 121 of the Act; and*
 - (b) *a form of development that is—*
 - i. *either restricted development or performance assessed development that has been selected by the council as a class of development for the purposes of this clause; and*
 - ii. *specified by the Chief Executive by a notice published on the SA planning portal for the purposes of this clause.*

- (3) A council may from time to time vary the classes of development applying in its area under this clause by a further notice published by the Chief Executive on the SA planning portal at the request of the council.

Should Council determine to opt in by forming its own Local Design Review Panel or a joint Local Design Review Panel with nearby Councils, the proposed code amendment above will allow enough flexibility for Council to nominate the types of development that it considers should be available for review by its Local Design Review Panel.

Summary and Conclusion

The Local Design Review Code Amendment further guides the Local Design Review Scheme without complexities that may limit its use.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Local Design Review Code Amendment - for consultation
Attachment 2	Agenda item 18 August 2020 - Local Design Review Scheme - Comments

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 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.

Advocacy Plan

Nil

Legislative Requirements

Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no relevant consideration at this point. Participation in design review would require a future budget allocation however that would require a separate decision once a Scheme is operational

COMMUNITY ENGAGEMENT

Consultation on the Local Design Review Code Amendment is being undertaken by the State Planning Commission.

7.7.3

BY-LAWS 2021

MOVED Cr Wiese-Smith

That Council:

- (1) Pursuant to section 246 of the *Local Government Act 1999*, having considered the by-laws, there being at least two-thirds of the members of the Council present, having satisfied the consultation requirements, considered all submissions and recommendations made on the By-laws and having regard to the reports prepared on the National Competition Policy; makes the following by-laws as at **Attachment 1** to this report in exercise of powers contained in the *Acts Interpretation Act 1915*, *Dog and Cat Management Act 1995* and *Local Government Act 1999*:

By-law 1 – Permits and Penalties 2021

By-law 2 – Movable Signs 2021

By-law 3 – Roads 2021

By-law 4 – Local Government Land 2021

By-law 6 – Cats 2021

By-law 7 – Waste Management 2021

- (2) That By-law 5 – Dogs 2021 and associated documents, remain unchanged and a further report on the By-law – Dogs 2021 be brought back to the 19 October Council Meeting for consideration.
- (3) Endorses the reports to the Legislative Review Committee for each By-law as at **Attachment 2**.
- (4) Endorses the reports prepared on the National Competition Policy for each By-law as at **Attachment 3**.
- (5) Authorises the Chief Executive Officer to:
- 5.1 Sign each by-law, as adopted by Council;
- 5.2 Sign the Legislative Review Committee Reports for each by law, as adopted by Council;
- 5.3 Arrange for the By-laws and all other necessary documentation to be provided to the Legislative Review Committee.
- 5.4 Publish a notice of the making of the By-laws in a newspaper circulating within the area, in accordance with Section 249(7) of the *Local Government Act 1999*;
- 5.5 Arrange for the By-laws to be published in the Government Gazette.
- (6) Pursuant to section 246(5) of the *Local Government Act 1999*, resolves to set the expiation fee for alleged offences against each by-law at \$187.50, being 25% of the maximum penalty defined in the *Local Government Act 1999*.

SECONDED Cr de Vries

CARRIED 2018-22/560

PURPOSE

To receive and consider written submissions received during the community consultation on the Draft By-laws and to endorse the by-laws.

REPORTBackground

At the July 2021 meeting of Council, a suite of draft by-laws were endorsed for a period of community consultation. Community consultation seeking feedback on the proposed by-laws has been undertaken.

Introduction

The Acts Interpretation Act 1915, The Local Government Act 1999 and the Dog and Cat Management Act 1995 provide local governments with the framework to make by-laws. Council is now asked to consider the submissions received during public consultation, consider associated reports on the by-laws and proceed to make the by-laws.

Discussion

Community consultation on the draft by-laws commenced on August 18th 2021 and concluded on September 8th 2021. Only two written submissions were received from the community and no recommendations were made by the Dog and Cat Management Board. As such, no amendments have been made to the previously endorsed draft by-laws. Council is asked to formally endorse the suite of by-laws and associated documents.

The Local Government Act 1999 states that in order to make a by-law, there must be at least two-thirds of the members of the Council present and the resolution must be supported by an absolute majority of the members of the Council.

Council has had similar by-laws in place for many years. By-laws can provide useful mechanism to regulate and resolve local matters which are not captured in primary legislation.

In order to satisfy the National Competition Policy, Council and must be satisfied that the benefits of the by-laws outweigh any potential restriction on competition. The by-laws, reports on the National Competition Policy and reports to the Legislative Review Committee have been prepared by Council's Solicitors with extensive experience in the preparation and making of by-laws.

Should Council endorse the recommendations, the by-laws will be forwarded to Council's solicitors for presentation to the Legislative Review Committee.

Legislation provides that the by-laws must be published in the Government Gazette, the by-laws will commence four months after the date on which they are published in the Gazette, unless disallowed by Parliament.

Summary and Conclusion

Following a community consultation period inviting written submissions from the community, Council is now asked to make the by-laws and for the by-laws and

associated documentation to be presented to the Legislative Review Committee and published in the Government Gazette.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	The Barossa Council - By laws 1 to 7 of 2021 - Certificates of Validity - For Council Adoption - September 2021
Attachment 2	Legislative Review Committee Reports - By laws 2021 - For Council adoption - September 2021
Attachment 3	National Competition Policy Reports - By laws 2021 - For Council adoption - September 2021
Attachment 4	Summary Report - Online Community Engagement - Draft Bylaws 2021
Attachment 5	Response from Dog and Cat Management Board - By-law Review 2021

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work - Good Governance



Community and Culture



Natural Environment and Built Heritage



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.
- 6.1. Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.
- 2.3. Support and promote community involvement and networks and provide opportunities for participation in local decision making.
- 1.9. Participate in initiatives, or advocate for, improvement to recycling, re-use, and minimisation education initiatives to reduce waste disposed to landfill.
- 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

Local Government Act 1999

Dog and Cat Management Act 1995

Acts Interpretation Act 1915

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

In accordance with the direction of Council, advertisements were placed in three newspapers at a cost of \$1834.69 (ex GST), which exceeded the allocated amount by \$834.69.

Following formal endorsement of a by-law, Council must then publish the by-laws in the Government Gazette, in full. A quote for this requirement has been obtained at a cost of approximately \$8,800 plus GST.

This cost is higher than anticipated and budgeted. The cost will be met from within Council's existing legal fee budget. However, a budget adjustment may be required in the future to cover any other unexpected legal expenses.

The Local Government Act provide that a maximum penalty (if set before the courts) for a breach of a council by-law is \$750. Councils are permitted to set an expiation fee of up to 25% of the maximum fee. Council's expiation fee for breaching a by-law has been \$187.50 for many years and continuing this fee is recommended.

COMMUNITY ENGAGEMENT

A community engagement period commenced on August 18th 2021 and concluded on September 8th 2021.

Public notices advising the community of the proposed by-laws and inviting written submissions were placed in three local newspapers on Wednesday 18th August 2021, being The Leader, The Bunyip and The Courier.

Copies of the draft by-laws, together with a summary document was made available at all Council branch offices and online via yoursay.barossa.sa.gov.au.

The consultation was promoted on Council's website as well as two Facebook posts during the consultation period, which provided direct links to Council's online community engagement platform. As summary of the online engagement is provided as an Attachment.

Only two written submissions were received from the community. These two submissions are provided in the table below, together with officer comments.

Relevant Draft By-law	Clause	Community Submission	Officer comments	Changes or recommendations
Submission 1				

#6 Cats	All	"Cat By Law should give reference to the harmful impact cats have on native fauna. Cat By Law should include provisions for the compulsory registration of cats. Cat By Law should include provisions for compulsory cat confinement i.e. cats must be confined to the property and not permitted to roam." [Sic]	The Dog and Cat Management Board has not recommended any changes. As detailed previously, the Dog and Cat Management Act 1995 is expected to be reviewed during 2022 which may result in a greater focus on cat management on a state-wide level. Council receives very few requests in relation to cats. (64 cat related requests received, compared to 567 dog related requests for 2021/22). Due to the low number of requests received, the low response rate from the community and additional resourcing required to implement, increasing Council's involvement in cat management has not been recommended.	None recommended
Submission 2				
#7 Waste Management	5.5 Sealing of Container. An occupier of premises must ensure that the lid of each container is kept closed except when waste is being deposited in or removed from the container.	"What about when waste removal contractors throw bins down so hard that lid is left open - how can an occupier be responsible?" [Sic]	The intent is to reduce nuisances of odour and insects caused by waste bins being stored with lids open. An occupier cannot be held responsible for the actions of Council's contractor.	An Amendment not considered necessary.
	5.6 Damage. An occupier of premises must ensure that each container is maintained so that it is not damaged or worn to the extent that: 5.6.1 it is not robust or watertight; 5.6.2 it is unable to be moved on its wheels (if any) efficiently; 5.6.3 the lid does not seal on the container when closed; or 5.6.4 its efficiency or use is otherwise impaired;	"Fundamentally, the Council is placing responsibility on occupiers to do Council's job re maintenance, repair and replacement of bins. There should be a proviso that if any of these things occur the occupier should report it to Council to address the issue - and there should be a time limit for reporting and for Council to act" [sic]	A resident cannot be held responsible for the actions of Council's contractor. Council's existing Waste Management Policy and Waste Management Contract provides avenues for residents to report damages caused by Contractors to the Contractor, or Council. Council also has robust policy frameworks in place for requests for services and complaint handling. The existing Waste Management Contract contains provisions and timeframes for action from the contractor to repair damages. Residents would have various other legal protections, appeal and review rights.	An amendment is not considered necessary.

The Dog and Cat Management Board (DCMB) have a responsibility to oversee Council's administration and enforcement of the Act in relation to dogs and cats. In accordance with legislative requirements, the DCMB were provided notification of Council's proposed dog and cat by-laws, prior to the commencement of the community engagement period. The response from the DCMB is provided as an attachment, advising that the by-laws are broadly consistent with those of other councils and made no other comments or recommendations.

8. CONFIDENTIAL AGENDA

8.1 COMMUNITY SERVICES

8.1.1

SANTOS TOUR DOWN UNDER 2022 - POTENTIAL ALTERNATIVE EVENT

21/70115

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 2022 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 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 Acting Chief Executive Officer, Director Corporate Services and Business Innovation, Director Corporate and Community Services, Director Development and Environmental Services, Manager Community Projects and the Minute Secretary, in order to consider in confidence a report relating to 8.1.1 Santos Tour Down Under 2022 - Potential Alternative Event 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 2022 Santos Tour Down Under is lifted by Events South Australia..

SECONDED Cr Miller

CARRIED 2018-22/561

The meeting moved into confidence at 10.23am

Resumption of open council meeting at 10.24am

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 19 October 2021 at 9.00am

11. CLOSURE

Mayor Lange declared the meeting closed at 10.24am

Confirmed at Council Meeting on 19 October 2021

Date:.....

Mayor:.....