



## **MINUTES OF THE MEETING OF THE BAROSSA COUNCIL**

held on Tuesday 21 December 2021 commencing at 9.00am  
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

### **1. THE BAROSSA COUNCIL**

#### **1.1 WELCOME**

Mayor Bim Lange declared the meeting open at 9.02am

#### **1.2 MEMBERS PRESENT**

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

#### **1.3 LEAVE OF ABSENCE**

Cr David Haebich

#### **1.4 APOLOGIES FOR ABSENCE**

Nil

#### **1.5 MINUTES OF PREVIOUS MEETINGS – FOR CONFIRMATION:**

**MOVED** Cr Wiese-Smith

That the Minutes of the Council meeting held on Tuesday 16 November 2021 at 9.00am, the Special Council meeting held on Wednesday 24 November 2021 at 5.30pm and the Special Council meeting held on Wednesday 1 December 2021 at 6.00pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

**SECONDED** Cr de Vries

**CARRIED 2018-22/611**

**1.6 MATTERS ARISING FROM PREVIOUS MINUTES****1.6.1****PROPOSED NEW ROAD ASSET - EXTENSION MIDDLETON ROAD COCKATOO VALLEY  
21/90727**

*Additional Information Middleton Road Matter 1.6 of Council Meeting of 21/12/2021*

*We have undertaken further research and made further important determinations.*

*At some point in the past the right of way was removed from the Christadelphian land.*

*The survey provided in the report whilst correct at a point in time has been usurped as demonstrated on the attached title. The attached title only provides an easement marked F for a short way and is for the benefit of a power network. The removal of the right of way would have been with the consent of those that previously enjoyed access to the right of way. The outcome is the property is now practically landlocked (as the two roads that access it are unmade).*

*There now is a parcel of land that due to the passage of time does not adequately connected with actual road access. There are really only two resolutions:*

- 1. Seek to get the right of way back and assist the landowner with this – it cannot be compelled through Council powers it has to be voluntary. Such a process could take significant time and is entirely in the hands of the landowner.*
- 2. Provide road access.*

**MOVED** Cr de Vries

That Council:

- (1) Approve the construction of approximately 360 metres of new 6-metre-wide compacted rubble rural road asset on Middleton Road, Cockatoo Valley, for the purpose of providing access to 614B Balmoral Road, Cockatoo Valley, with drainage crossings.

With reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the service level classifications of the extension to Middleton Road is to have the following asset assessment rating scores:

1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
  2. Social Priority – Score 2 (Low Social Importance, < 5 dwellings)
  3. Freight Priority – Score 0 (No commercial vehicles)
  4. Tourist Priority – Score 0 (No tourist potential)
  5. Economic Priority – Score 0 (No development potential)
  6. Accident History – Score 0 (No accident history)
- (2) Requires Nicole Minge's contribution of \$21,000 be made prior to works commencing and approve a budget transfer of \$20,000 from the unallocated road resal budget 601260 to fund the total rubble road construction costs for a 6.0m wide road estimated at between \$30,000 to \$40,000

**SECONDED** Deputy Mayor Johnstone

**CARRIED 2018-22/612**

<b>PURPOSE</b>
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A request has been received from Nicole Minge for the construction of a new road asset on an un-made section of Middleton Road, Cockatoo Valley, to provide a more convenient access to her property with the address 614B Balmoral Road, Cockatoo Valley. Refer attached email.

<b>REPORT</b>
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Background and Introduction

An email, dated 8 October 2021, has been received from Nicole Minge (attached), owner of 614B Balmoral Road, Cockatoo Valley, requesting permission to construct a new road asset on a section of the unmade Middleton Road, near to her property, from the existing sealed road to her driveway crossover, a distance of nominal 360 metres. The purpose of the new road is to provide a more convenient access to her property from Middleton Road, rather than from the existing Balmoral Road access location.

The request was accompanied by a notional quotation for a 4-metre-wide driveway link to a "track" level of service (rather than a 6-metre-wide two-way "road" level of service), with small size drainage crossings, costing \$21,000 ex. GST.

Discussion

With reference to the attached general locality plan:

- The only direct road frontage access to the Minge property is via Sandland Road. An internal unmade driveway exists on the property from Sandland Road to the existing dwelling. Sandland Road is a 3.5-metre-wide unsealed rural track providing access to two existing residential properties. Further development in Sandland Road is not appropriate due to the narrow nature of the road and the restricted sight distance at the crest / bend near Woodlands Road.
- The Minge property street address is 614B Balmoral Road. There is a registered free and unrestricted "Right of Way" in favour of the Minge property through 614A (616) Balmoral Road - the Hebron Camp property – to ensure on-going safe and convenient access to 614B Balmoral Road from Balmoral Road. Refer attached confirmation of registration notice.
- The Minge property does not have street frontage to Middleton Road, however, there is a registered free and unrestricted "Right of Way" in favour of the Minge property through the adjacent 46 Middleton Road property to allow access to Middleton Road. Refer attached registration confirmation notice.
- Planning approval for the residence development on the allotment in 2000 was granted on the basis that the "Right of Way" access was in place for access to Balmoral Road.
- The Nicole Minge email states a "concern that at any point this [Right of Way] arrangement could be rescinded". The confirmation of registration notice confirms that the free and unrestricted "Right of Way" has been applied to the title and is therefore required to be provided at all times and is not able to be removed or restricted (ie. by gates etc.).

With reference to the proposed road upgrade, the following points are made:

- The proposed new road asset on Middleton Road will provide unintended formal rear access to 614A (616) Balmoral Road – the Hebron Camp property. Council would not be able to restrict access to this or any other adjacent property once the road asset is constructed.
- An unsealed driveway link may create unintended dust and traffic nuisance issues to neighbouring properties.
- A 4.0m wide driveway link “track” is not considered appropriate for access to more than one property access. Any further development in the area would require construction of a two-way, minimum 6.0m wide, “road” level of service. If a “track” is constructed, all future upgrade to a “road” level of service risks being the responsibility of Council to fund and construct.

If a road asset is to be created, Council is required to allocate an appropriate Level of Service to the road in accordance with Council's Infrastructure Asset Management Plan (IAMP).

The Level of Service appropriate for the proposed upgraded section of Middleton Road would be the lowest classification for a rural road in Council's IAMP:

1. Function Priority - Score 2 (Class 5: Local Access, < 5 dwellings)
2. Social Priority – Score 2 (Low Social Importance, < 5 dwellings)
3. Freight Priority – Score 0 (No commercial vehicles)
4. Tourist Priority – Score 0 (No tourist potential)
5. Economic Priority – Score 0 (No development potential)
6. Accident History – Score 0 (No accident history)

#### Summary and Conclusion

Safe legal access to the Minge property at 614B Balmoral Road is shown to be provided with the necessary Rights of Way appearing to be in place.

The proposal presented by Nicole Minge for a 4-metre-wide track does not provide the required level of service of two-way road access and novates a possible future risk for upgrade to a 6-metre-wide road level of service by Council if there is further development in the locality.

Any proposed upgrade of the unmade section of Middleton Road for an additional accessway, if approved, is required to provide a safe and convenient level of service for all weather public access to adjacent properties. The lowest level Council road asset level of service requires a two-way unsealed rural road – with compacted rubble road pavement 6 metres wide, including road side drainage swales and minimum 375 diameter culvert RRJ concrete pipe crossings at natural low points to Council satisfaction and approval.

A new road asset will incur increased on-going operational grading and maintenance costs in accordance with Council's Infrastructure Asset Management Plan (IAMP). The frequency of road grading is expected to be as required, subject to inspection and would not be more than once per year.

The cost of construction of the proposed road is estimated to be approximately \$30,000 to \$40,000, depending on the scope of the ancillary works.

The affected section of unmade Middleton Road is currently rented to the southern adjacent property owners, Danielle and Jodie Scott (RRENT/256). If a new road is approved, this unmade public road permit would be required to be rescinded prior to the road being upgraded.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Register Search

#### 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

- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

#### Advocacy Plan

Nil

#### Legislative Requirements

Nil

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

#### Financial

The budget cost estimate for the construction of the proposed section of road upgrade is expected to be in the order of \$30,000 to \$40,000. To be funded with a \$21,000 contribution from the applicant and a budget transfer from the unallocated road reseal budget

Any increase to the levels of service associated with the unmade section of Middleton Road will require a commensurate increase in the necessary capital road upgrade and operational road maintenance budgets.

The operations maintenance budget would be required to be increased to accommodate the costs of approximately one grade per year along the length of the new road.

<b>Financial Considerations</b>
Councils Policy for meeting reports requesting additional expenditure, notes that during the year new requests
The quarter 1 revised budget adopted for the 2021/22 financial year Key Performance Indicators forecast:
<ul style="list-style-type: none"> <li>Operating Deficit of (\$1173k) Operating Deficit Ratio of (2.9%)</li> <li>Net Financial Liabilities (NFL) of \$23,114k NFL ratio of 44.3%</li> <li>Asset Funding Renewal Ratio of 130%</li> </ul>
Financial assessment
A Due Diligence Level One Report has not been completed, report to Council outlines the matters involved.
Nil
The Budget adopted for the 2021/22 year and amounts and indicators are used as the base for this financial assessment.

<b>Item for Budget inclusion:</b>	<b>Middleton Road</b>	
<b>Net operating costs - (incl depreciation)</b>	\$0	
<b>Additional project cost (ex GST)</b>	\$20,000	
<b>Grant Income reduced (ex GST)</b>	\$0	
<b>Allocations from Reserve &amp; Developer Contributions</b>	\$0	\$0
<b>Other allocation required</b>	-\$21,000	
<b>DDR provided</b>	No DDR	
<b>This projects BAT score</b>	No DDR	
<b>ELT reviewed and recommended</b>	Not considered	
<b>If approved – a BAR or NI will be included in the:</b>	2021/22 Budget Update as at 31 December	
<b>Assessment of Key Performance Indicators (KPI) for all changes council has approved and the reports in Council</b>		
<b>KPI</b>	<b>Revised forecast</b>	<b>Overall Change since*</b>
<b>Operating Surplus / (Deficit)</b> <i>(Target: break even position over a five year period)</i>	\$-1152k	Decrease in deficit \$21k
<b>Operating Surplus Ratio</b> <i>(Target: -2% to 10%)</i>	-2.8%	Decrease in OSR 0.1%
<b>Net Financial Liabilities (NFL) \$</b>	\$18219k	No change
<b>Net Financial Liabilities Ratio</b>	44.3%	No change
<b>Asset Funding Renewal Ratio</b>	129%	Decrease in AFR ration 1%

Will be funding from existing road allocation plus funds received there will no cash impact overall on the budget.

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%. The deficit is artificially high due to the impact of \$843K advance payment of grants into the 2020/21 financial year by the Commonwealth. The adjusted operating position for the impact of this prepayment is a deficit of \$309K and operating surplus ratio of -0.8%.

This item will not impact Council cash position for 2021/22.

Assumption is above estimates are based on all proposals for funding in the December 2021 meeting being approved.

## COMMUNITY ENGAGEMENT

The IAMP has previously been presented for community review.

## Attachment 1 as tabled at the meeting



Product Register Search (CT 5897/233)  
 DateTime 08/12/2021 04:06PM  
 Customer Reference 09-002032  
 Order ID 20211208008301

REAL PROPERTY ACT, 1996



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



## Certificate of Title - Volume 5897 Folio 233

Parent Title(s) CT 5838/839  
 Creating Dealing(s) TG 9555959  
 Title Issued 25/06/2003 Edition 1 Edition Issued 25/06/2003

### Estate Type

FEE SIMPLE

### Registered Proprietor

CHRISTADELPHIAN BIBLE CAMP INC.  
 OF 85 SUFFOLK ROAD HAWTHORNDENE SA 5051

### Description of Land

ALLOTMENT 201 DEPOSITED PLAN 45942  
 IN THE AREA NAMED COCKATOO VALLEY  
 HUNDRED OF BAROSSA

### Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED E TO THE MINISTER FOR INFRASTRUCTURE (T 2119081)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED F TO DISTRIBUTION LESSOR CORPORATION (SUBJECT TO LEASE 8890000) (TG 9012161)

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED Q (TG 9555959)

### Schedule of Dealings

Dealing Number	Description
8045488	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.

### Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

### Registrar-General's Notes

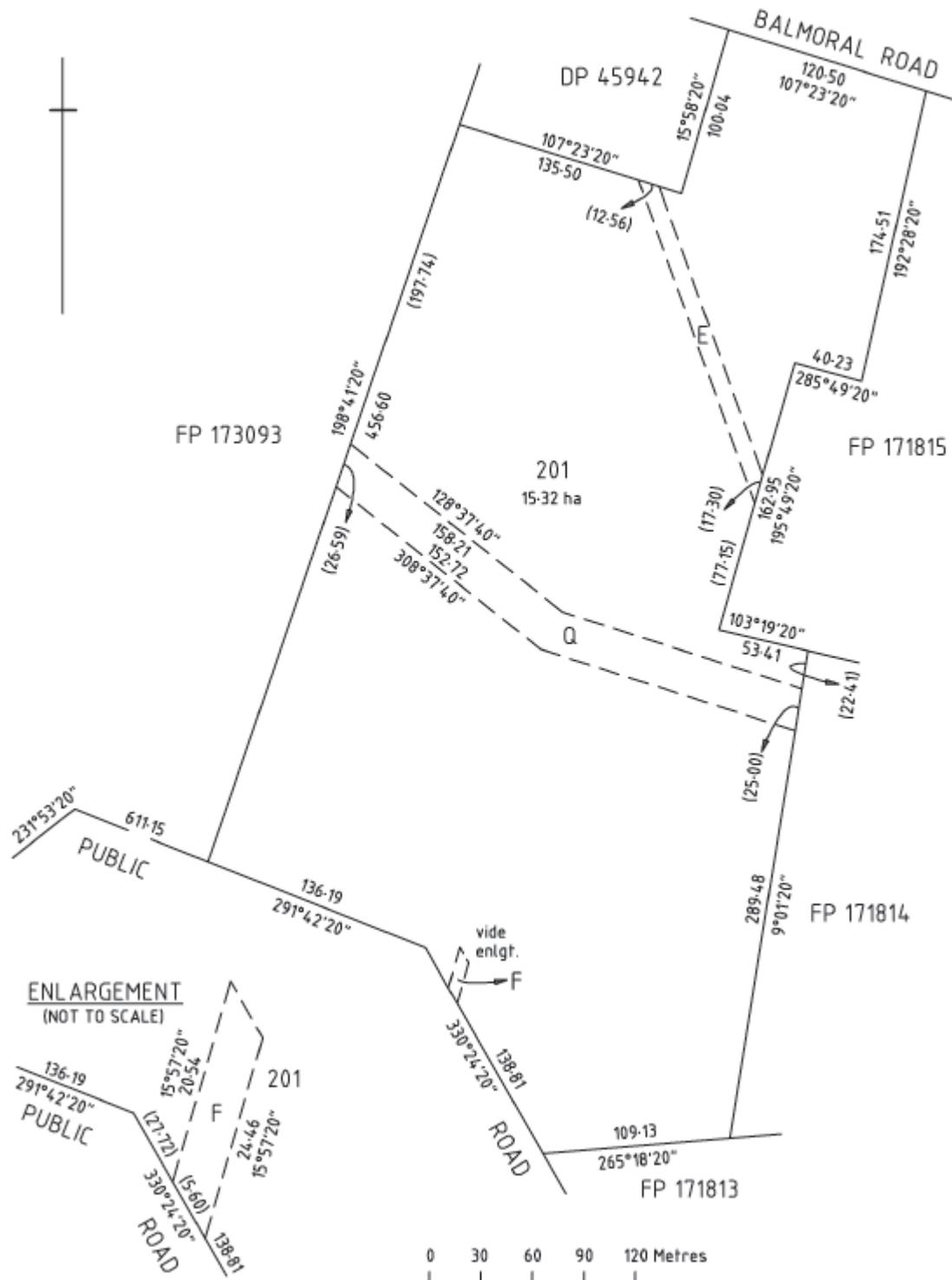
APPROVED FX40522

Administrative Interests NIL



Product  
 Date/Time  
 Customer Reference  
 Order ID

Register Search (CT 5897/233)  
 08/12/2021 04:06PM  
 09-002032  
 20211208008301



## 1.7 PETITIONS

Nil

## 1.8 DEPUTATIONS

Mayor Lange welcomed Wendy Harvey, Chair of the Mt Pleasant Progress Association Inc., to present regarding Council Charges for Community Dinners at Mount Pleasant to the meeting.

Below is a letter to table with the Deputation.

Dear Councillor

Re Agenda item: Suggested Amendment to Event Management Policy

A sub group of the Mt Pleasant Progress Association Inc. has for several years held community dinners to enhance community connectedness and to raise funds to improve community facilities.

Below is a summary of how funds raised have been donated to Barossa Council assets, for the use of all who hire the facilities.

We, the Mt Pleasant Progress Association Inc., have received an account for outstanding fees of \$100 per occasion of the community dinners, three in 2020 and three in 2021.

Given the significant contributions, in excess of \$39,000, made thus far, it seems incongruous that a group dedicated to improvement of local (Council owned) amenities and assets should be charged at all.

An approach has been made to the CEO Martin McCarthy to seek a waiver of these fees, but we have been advised that he does not have the required delegation to do so.

Advice from the Mayor Mr Bim Lange was to seek an amendment to the Event Management Policy of Council which would prevent the community dinner group from incurring fees in the future.

A suggested amendment to that policy is

“Local community not for profit groups who contribute all of their funding to Council facilities or local amenities are entitled to a full 100% fee reduction for their use of Council facilities”

The Mt Pleasant Progress Association Inc. is also seeking a waiver of outstanding fees.

Our thanks for your consideration.

Wendy Harvey  
Chair, Mt Pleasant Progress Association Inc.

List of donations from the Mt Pleasant Progress Association to the Council assets at the Pavilion at Talunga Park and the caravan park

1. Contribution to Kitchen upgrade	\$28,875
2. Commercial Kitchen Oven	\$1,760
3. Retractable Blinds on Kitchen Window	\$3,300
4. Stainless steel trolley for oven	\$918
5. Glass door fridge	\$1,500
6. Chafing dish	\$240
7. Purchase of cabins for caravan park	\$2,500
Total	\$39,503

**1.9 NOTICE OF MOTION**

Nil

**1.10 QUESTIONS WITH OR WITHOUT NOTICE**

Nil

*Cr Wiese-Smith left the meeting at 9:19am*

*Cr Wiese-Smith returned to the meeting at 9:20am*

**2. MAYOR**

**2.1 MAYOR'S REPORT**

**MOVED** Cr de Vries

That the Mayor's report be received.

**SECONDED** Cr Miller

**CARRIED 2018-22/613**

**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** Deputy Mayor Johnstone

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

**SECONDED** Cr Boothby

**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****REVIEW OF CONFIDENTIAL ORDERS - DECEMBER 2021  
21/83412**

Pursuant to Section 120(1) of the *Local Government Act 1999*, Mr McCarthy as Chief Executive Officer, disclosed a Conflict of Interest in the matter as it relates to his performance review and contract of employment.

*Mr McCarthy left the meeting at 9.20am*

**MOVED** Deputy Mayor Johnstone

That Council in compliance with Section 91(9)(a) of the *Local Government Act 1999* and having reviewed the confidentiality orders of the follow matters:

- 16 July 2013 – Performance Review of the Chief Executive Officer;
- 24 June 2014 – Performance Review of the Chief Executive Officer;
- 17 February 2015 – Mid Year CEO Performance Target Report;
- 21 July 2015 – Performance Review of the Chief Executive Officer;
- 16 August 2016 – Chief Executive Officer's 2015/16 Performance Review and New Contract Negotiation;
- 18 July 2017 – Chief Executive Officer's 2016/17 Performance Review, and,
- 17 July 2018 – Chief Executive Officer's 2017/18 Performance and Conditions of Contract Review;
- 16 July 2019 - Chief Executive Officer's 2018/19 Performance and Conditions of Contract Review;
- 21 July 2020 – Chief Executive Officer's 2019/20 Performance and Remuneration Review;
- 15 June 2021- CEO Performance Review Outcomes;

And made in accordance with Section 90(3)(a) of the *Local Government Act 1999* resolve that the CEO performance documents, agenda, reports and relevant minutes shall continue to remain Confidential and that Council review the said orders prior to 21 December 2022.

**SECONDED** Cr Troup

**CARRIED 2018-22/614**

## PURPOSE

To review the confidential items due for review and ascertain whether items should be released from confidential status and made available for public access or remain confidential due to the ongoing nature of the project or issue.

Any order made by Council that operates for a period of more than 12 months must be reviewed at least once in every year – thus, these orders pursuant to Section 91(9) *Local Government Act 1999* are due for review.

## REPORT

### Background

Council utilises the confidential provisions within the *Local Government Act 1999* when it believes the information being discussed is of a confidential nature and meets one of the provisions in Section 90(3) of the Act.

This review considers the nature of confidential orders and its compliance with the Act. Sections 90 and 91 of the *Local Government Act 1999* outline the requirements for Council to consider items in confidence and under what conditions they may be retained in confidence.

Documents held in confidence are reviewed each year to determine whether an item is to remain in confidence or be released to the public.

### Discussion

The confidential orders are reviewed annually. This report provides Council the opportunity to review the items due and decide to either release items to the public or to maintain ongoing matters in confidence.

The listed confidential orders were reviewed on 28 January 2020 and determined that the circumstances for which Council considered the original matters in confidence and subsequent reviews continues to meet the personal affairs test under Section 90(3)(a) of the *Local Government Act 1999* and thereby all relevant documents remained in confidence. There has been not change to these circumstances and it is recommended through this review the documents as at **Attachment 1**, remain in confidence.

Further the annual review conducted for the 2019/20 financial year on 21 July 2020 and 15 December 2020 was completed with an order to retain documentation in confidence. Again there has been no change to these personal circumstances and it is recommended through this review the documents remain in confidence.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 List of Confidential Orders - December 2021

### Supporting references

Nil

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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Community Plan



How We Work - Good Governance

Corporate Plan

- 6.1. Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

Advocacy Plan

Nil

Legislative Requirements

Section 91(9)(a) of the Local Government Act 1999

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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Nil

<b>COMMUNITY ENGAGEMENT</b>
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Nil

*Mr McCarthy returned to the meeting at 9.20am*

**7.2.2**

**MONTHLY FINANCE REPORT AS AT 30 NOVEMBER 2021**

**21/86478**

**MOVED** Cr de Vries

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

**SECONDED** Cr Barrett

**CARRIED 2018-22/615**

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

<b>REPORT</b>
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Discussion

The Monthly Finance Report (as at 30 November 2021) is attached. The report has been prepared comparing actuals to the Original adopted budget 2021/22 incorporating the Revised Budget for September.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council November 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.

## 7.2.3

**FUNDING AGREEMENT BETWEEN TOURISM BAROSSA INCORPORATED AND THE BAROSSA COUNCIL**  
**21/92018**

Pursuant to Section 73 of the *Local Government Act 1999*, Cr Boothby disclosed an actual Conflict of Interest in the matter Item number 7.23 – Funding Agreement between Tourism Barossa Incorporated and The Barossa Council as she is a board member for Tourism Barossa Incorporated.

*Cr Boothby left the meeting at 9:22 am*

**MOVED** Cr de Vries

That Council:

- (1) Approve the Funding Agreement between Tourism Barossa Incorporated and The Barossa Council, authorising the Chief Executive Officer to make any minor final amendments, as presented at the Attachment.
- (2) Authorise the Mayor and Chief Executive Officer to affix the Council seal and enter into the Funding Agreement between Tourism Barossa Incorporated and The Barossa Council, as amended and presented at the Attachment

**.SECONDED** Deputy Mayor Johnstone

**CARRIED 2018-22/616**

**PURPOSE**

To seek endorsement of the final draft Funding Agreement between Tourism Barossa Incorporated and The Barossa Council and provide authority to enter into the agreement with delegation to deal with any minor variations.

**REPORT**

Background and Introduction

Council has been a long term funder of Tourism including Tourism Barossa. The prior agreement was cast to be a 3 year agreement but on a one year agreement at that time in 2020 due to the conversations regarding Barossa Australia.

Discussion

Barossa Australia as a merger of industry bodies will occur in the 2022 financial year. As outlined above the prior agreement was predicated on a possible merger, but that was not achieved until half way through the 21/22 financial year. In order to adequately document and bring the agreement up to date and in readiness for transition provisions the agreement has been redrafted.

The processes for merger will happen over 2022 and thereafter from 2022/23 it is envisaged Council will contract with Barossa Australia.

The current financial year is 6 months old and it is proper at this time to complete the agreement and continue the support budgeted for in the 2021/22 financial year. Transition processes with Barossa Australia will occur in the first half of 2022.

The key changes in the document, a marked-up version is provided at the Attachment, are:

- Firming up of undocumented goodwill arrangements between Tourism Barossa staff and Councils Tourism team including communication, and the ongoing delivery of key visitor services resources such as Barossa.com, Barossa Touring Map and the Barossa Regional Guide.
- Formalising regular communication and consultation with Councils Tourism Services Manager with flow of communication of industry insights, data, intel, and opportunities and challenges to the Visitor economy.
- Membership capability and development; Destination and Product development; and Destination Marketing deliverables in line with TBIs current corporate plan.

### Summary and Conclusion

The agreement is now at a level of maturity it can be considered formally by Council and has been endorsed through the Chair of Tourism Barossa.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Funding Agreement

### Supporting references

Nil

## **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

### Community Plan



### Business and Employment

#### Goal

12. We are a visitor destination of choice.

#### Strategies

- 12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
- 12.2. Support economic development and destination awareness through events, festivals, creative enterprise and attractions.
- 12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.

#### Advocacy Plan

Nil

#### Legislative Requirements

Nil

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

All considerations are within existing budget and risk profiles for the organisation.

## COMMUNITY ENGAGEMENT

Consultation and engagement at officer level has taken place to develop the new agreement, there is no requirement for public consultation.

*Cr Boothby returned to the meeting at 9:27am*

### 7.2.4

#### **ANGASTON FOOTBALL CLUB - LOAN SUPPORT**

**21/92022**

**MOVED** Cr de Vries

That Council having reviewed the financial model and position of the Angaston Football Club:

- (1) Approve a Local Government Finance Authority Community Loan of \$350,000 over a maximum period of 15 years.
- (2) Authorise the Mayor and Chief Executive Officer to sign seal and execute any relevant documentation to give effect to part 1 of this resolution.

**SECONDED** Cr Angas

**CARRIED 2018-22/617**

## PURPOSE

To consider advancing access to a community loan through the Local Government Funding Authority to support the redevelopment of the Angas Recreation Park.

## REPORT

### Background

The Angaston Football Club has worked extensive with Council in achieving the high prior phase 1 projects under The Big Project. Indeed their commitment to assisting fund the projects was a key benefit in seeking governance support.

### Discussion

The Angaston Football Club has written to Council seeking to access a community grant of up to \$350,000, see Attachment 1 which also includes a resolution of the committee.

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

The proposal is consistent with The Big Project financial estimates and budget settings.

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

There is one further step that the club needs to take to access the loan in accordance with Policy and that is to enter into a loan agreement with Council. The club has provided its financial statements and information for the past two financial years. An estimated financial model has been prepared from their financial statements to provide an estimate of the loan impact.

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

#### Summary and Conclusion

The club is strongly supporting Council and the community with The Big Project and the long-term benefits that brings the club and community. Subject to meeting financial risk expectations it is recommended to support the Angaston Football request.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1	Angaston Football Club Loan Application
Attachment 2	Angaston Football Club - Audited Financial Statements
Attachment 3	Financial Model

#### Supporting references

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

#### **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

#### Community Plan



Community and Culture



Infrastructure

#### Goal

4. The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.

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

#### Strategies

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

#### Advocacy Plan

Nil

#### Legislative Requirements

Local Government Act, Chapter 8

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The assessment of the financial model and position of the Angaston Football Club indicates:

1. Sufficient cash capacity over the life of the loan to make the necessary repayments based on average revenue and expenses over the past three years and the current budgeted year.
2. Significant net assets to ensure the loan facility is manageable.
3. Sufficient cash balances to management the loan facility.

There are no resourcing impacts not already budgeted for.

Current community borrowing commitments are \$782,281.

Please note this does not include interest payments, this is the loan amount currently outstanding.

Commitments agreed but not yet completed are \$300,000 for Angaston Bowling Club and this loan of \$350,000 taking total actual and committed loans to \$1,432,281.

### **COMMUNITY ENGAGEMENT**

Nil

## 7.2.5

**APPOINTMENTS TO THE NURIOOTPA CENTENNIAL PARK AUTHORITY BOARD OF MANAGEMENT**

21/92341

**MOVED** Deputy Mayor Johnstone

That Council endorse the appointments to the Nuriootpa Centennially Park Authority Board of Management as follows:

- (1) Steven Bell from 15 September 2021 to 14 September 2023;
- (2) Sara Na Lauze from 15 September 2021 to 14 September 2023; and
- (3) Robin Phillips from 17 November 2021 to 16 November 2023.

**SECONDED** Cr Hurn**CARRIED 2018-22/618****PURPOSE**

To confirm appointments to the Nuriootpa Centennial Park Authority Board of Management (NCPA).

**REPORT**

The NCPA has written to the Mayor seeking endorsement of returning (2) and one new member of the Board of Management.

Documentation provided support the nominations and they have been endorsed by the Board. The appointments are for:

- Steven Bell, continuing member, from 15 September 2021 to 14 September 2023;
- Sara Na Lauze, continuing member, from 15 September 2021 to 14 September 2023; and
- Robin Phillips, new member, from 17 November 2021 to 16 November 2023.

The correspondence is at the Attachment.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Board Correspondence and Nominations

Supporting references

Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**Community Plan

How We Work - Good Governance

Corporate Plan

- 6.1. Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act Section 43

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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Nil

<b>COMMUNITY ENGAGEMENT</b>
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Nil

**7.2.6**

**WILLIAMSTOWN RSL AND SENIOR CITIZENS HALL - CONSULTATION RESULTS AND FINALISATION OF LEASE AGREEMENT**  
**21/92374**

**MOVED** Cr de Vries

That Council, having considered community submissions, pursuant to *Section 202(1) of the Local Government Act 1999* approve the execution of the Lease Agreement with Wirraminna Care Incorporated, as presented at **Attachment 1** of this report, and approve the Chief Executive Officer to sign the Lease Agreement under delegation.

**SECONDED** Cr Wiese-Smith

**CARRIED 2018-22/619**

<b>PURPOSE</b>
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To consider responses to public consultation to enter into a lease with Wirraminna Care for the management of the Williamstown RSL and Senior Citizen Hall (the Hall) and approval to enter into the lease arrangements.

<b>REPORT</b>
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Background

Council considered a report at the June 2021 ordinary meeting to transfer the Hall to Wirraminna Care. Council resolved as follows:

*That Council:*

- (1) *Receive and note the correspondence from Wirraminna Care concerning the Williamstown RSL and Senior Citizen Hall as Attachment 1;*

- (2) Authorise the Chief Executive Officer, on condition Wirraminna Care shall pay out of pocket costs of Council, to commence necessary engagement processes related to the leasing of the Williamstown RSL and Senior Citizen Hall to Wirraminna Care, being option 1 outlined in the report and bring back to Council the outcomes of the engagement.

At the November meeting of Council it authorised undertaking of consultation pursuant to Section 2020 of the Local Government Act.

The engagement process endorsed, outlined below, has been carried out.

1. Notice in the papers, The Leader and Bunyip;
2. Social media notice;
3. Provision of summary report and lease via Councils website and engagement platform, along with hardcopies in Nurioopta, Lyndoch and Williamstown through the provision at Wirraminna Care office.

Submissions closed at 5pm on 14 December 2021.

#### Discussion

This matter is well known to Council and is primarily regarding the management in a long-term arrangement with the community of the Williamstown RSL and Senior Citizens Hall.

At the closing of submissions there were 2 received as provided at Attachment 2.

The matters raised are:

- a. Endorsement of proposal.  
No analysis required.
- b. Preservation of artefacts like the cannon, memorials and building.

In regard to this matter the leasable area requires the maintenance of all assets, and there is no intent to do otherwise than what is requested in the submission. Future upgrades would be assessed as required under the PDI Act. Wirraminna will be made aware of the desire to maintain relevant build and memorial form.

#### Summary and Conclusion

The approach by Wirraminna Care to consider an alternative community governance model for the Hall and alignment of purpose are achieved through the proposal long term lease arrangement. Council with this strategy also ensure the asset would be return to community ownership of Council if in the future Wirraminna Care ceased operations.

<b>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</b>
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- |              |   |
|--------------|---|
| Attachment 1 | Draft Lease Agreement - Wirraminna Care Inc |
| Attachment 2 | Consultation Submission                     |

Supporting references

Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

Community Plan



Community and Culture

Goal

4. The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.

Strategies

- 4.1. Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.

Advocacy Plan

Nil

Legislative Requirements

Section 202 of the Local Government Act

Section 50 of the Local Government Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The proposal is cost neutral to Council and risks are managed within the requirements of the lease agreement.

**COMMUNITY ENGAGEMENT**

Undertaken pursuant to Section 202 of the Local Government Act and summarised in the body of the report.

**7.3 CORPORATE SERVICES AND BUSINESS INNOVATION****7.3.1****PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT DELEGATIONS - UPDATES TO INSTRUMENTS A, B, C AND D****21/90409****MOVED** Cr de Vries

That Council:

- (1) In exercise of the powers contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the Strategic Planning and Development Policy Committee the amended powers and functions under the clause 7(1) of the State Planning Commission Practice Direction 2 pursuant to the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder, contained in the extracts of the Instrument of Delegation at **Attachment 1** (where indicated), subject to the conditions and/or limitations, if any, specified in the proposed Instrument attached.
- (2) In exercise of the power contained in Section 44 of the *Local Government Act 1999*, Council hereby delegates to the person occupying or acting in the office of Chief Executive Officer of the Council, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the extract of the Instrument of Delegation as **Attachment 1**, subject to the conditions and/or limitations, if any, specified in the extract of the proposed Instrument of Delegation.
- (3) In exercise of the power contained in Section 100 of the *Planning, Development and Infrastructure Act 2016*, Council hereby delegates to the person occupying or acting in the office of Chief Executive Officer of the Council, the powers and functions under the *Planning, Development and Infrastructure Act 2016* and statutory instruments made thereunder contained in the extract of the Instrument of Delegation as **Attachment 2**, subject to the conditions and/or limitations, if any, specified in the proposed Instrument of Delegation.
- (4) Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the *Local Government Act 1999*, and section 100(2)(c) of the *Planning, Development and Infrastructure Act 2016*, respectively, as the Chief Executive Officer sees fit, unless otherwise indicated in the extract of the proposed Instrument of Delegation.
- (5) That Council receive and note the updated and new powers under Instrument C – Power of the Barossa Assessment Panel as a Relevant Authority (**Attachment 3**); and Instrument D – Power of the Assessment Manager as a Relevant Authority (**Attachment 4**), noting that the powers contained in Instruments C and D are subject to delegation by the Barossa Assessment Panel and the Assessment Manager, respectively.

**SECONDED** Cr Hurn**CARRIED 2018-22/620**

<b>PURPOSE</b>
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Council is asked to:

- Delegate to the Strategic Planning and Development Policy Committee, the amended powers under clause 7(1) of the State Planning Commission Practice Direction 2 contained in Instrument A of the *Planning, Development and Infrastructure Act 2016 – Power of a Council as a Council, Designated Authority and Designated Entity*, as specified in [Attachment 1](#);
- Delegate to the CEO, the amended and new powers under Instrument A of the *Planning, Development and Infrastructure Act 2016 – Power of a Council as a Council, Designated Authority and Designated Entity*, as specified in [Attachment 1](#); and under Instrument B of the *Planning Development and Infrastructure Act 2016 – Power of a Council as a Relevant Authority* ([Attachment 2](#));
- Receive and note the updated and new powers for delegation under Instrument C – Powers of the Barossa Assessment Panel as a Relevant Authority ([Attachment 3](#)); and Instrument D – Powers of the Assessment Manager as a Relevant Authority ([Attachment 4](#)), noting that the powers contained in these instruments will be delegated by the Barossa Assessment Panel and Assessment Manager, respectively.

<b>REPORT</b>
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### Background

The *Planning, Development and Infrastructure Act 2016* ("PDI Act") confers powers directly on:

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

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

### Introduction

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

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

These instruments have been updated from time to time since their adoption.

Council's Delegation Register and instruments are based on LGA templates. The LGA has recently issued an update to its template delegation instruments under the PDI Act, amending Instruments A, B, C and D.

Discussion

The proposed extracts of the instruments of delegation specifying the updated powers, are described below and are attached to this report at Attachments 1, 2, 3 and 4.

*Instrument A – Power of Council as a Council, Designated Entity and Designated Authority*

Council may delegate its powers to the Chief Executive Officer under Section 44 of the LG Act, and, unless otherwise indicated, the Chief Executive Officer may further sub-delegate these powers under Sections 44 and 101 of the LG Act. An extract of the instrument of delegations containing the updated powers and functions is presented at Attachment 1, noting that the proposed sub-delegations are subject to sub-delegation by the Chief Executive Officer, upon Council delegating these powers accordingly.

In addition to those powers delegated to the CEO under Instrument A, the update affects powers delegated by Council to the Strategic Planning and Development Policy Committee ("SPDP Committee"), established under section 41 of the *Local Government Act 1999* ("LG Act").

*Instrument B – Power of Council as a Relevant Authority*

Instrument B contains powers conferred to Council in its capacity as a Relevant Authority under the PDI Act. Council may delegate these powers to the Chief Executive Officer under section 100 of the PDI Act. An extract of the instrument of delegations containing the updated powers and functions is presented at Attachment 2, noting that the Chief Executive Officer will be required to further sub-delegate these powers to officers to carry out their roles and duties. A list of proposed sub-delegations is included in the attachment.

*Instruments C and D*

Attachments 3 and 4 contain extracts of Instrument C and D under the PDI Act showing the updated powers and functions, and are provided for the Elected Body's information, noting that these Instruments contain powers conferred to the Barossa Assessment Panel and Assessment Manager respectively, and therefore are subject to delegation by those parties. Instrument C will be presented for consideration at the Barossa Assessment Panel's next available meeting.

Summary and Conclusion

Council is asked to receive, consider and delegate to the CEO and SPDP Committee, the updated powers under Instrument A under the PDI Act at Attachment 1; delegate to the CEO the updated powers under Instrument B at Attachment 2; and receive and note Instruments C and D, at Attachments 3 and 4.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES	
Attachment 1	Updates - Instrument A - Instrument of Delegation under the Planning Development and Infrastructure Act 2016
Attachment 2	Updates - Instrument B - Instrument of Delegation under the Planning Development and Infrastructure Act 2016
Attachment 3	Updates - Instrument C - Instrument of Delegation under the Planning Development and Infrastructure Act 2016

Attachment 4 Updates - Instrument D - Instrument of Delegation under the Planning Development and Infrastructure Act 2016

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.
- 6.12. Ensure that our people (workers including employees, volunteers and contractors) have the skills, resources and understanding of organisational processes to do their job.

Advocacy Plan

Nil

Legislative Requirements

*Planning, Development and Infrastructure Act 2016 and associated legislative instruments*

*Local Government Act 1999*

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Financial

There are no financial considerations.

Resource

Facilitation of these delegations to the Chief Executive Officer (or Assessment Manager where relevant) will be undertaken as part of officers' existing duties.

Risk

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by Norman Waterhouse Lawyers (which prepared the Instruments for the LGA).

It is imperative that delegations are validly made as consequences of ineffective or invalid delegations include:

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council
- where the unlawful exercise of the power has caused loss or damage, the Council may be liable for such loss or damage.

## COMMUNITY ENGAGEMENT

There is no legislative requirement to consult the community in this situation, nor, in officers' opinions, do the particular circumstances require it as the delegations themselves are based on prescribed LGA templates where there is no option for amendment through community feedback.

For transparency, the community has access to the delegations register on Council's website so is made aware of the powers of the Chief Executive Officer as delegated by the Council, and also the powers of officers as sub-delegated by the Chief Executive Officer. Further, Instrument C and D, as they relate to the Barossa Assessment Panel and Assessment Manager (including those delegations and sub-delegations made by these Relevant Authorities) will be published on Council's website upon approval.

### 7.3.2

#### **THE BAROSSA COUNCIL PERFORMANCE & ACTIVITY REPORT - FULL YEAR 2020/21** **21/91400**

**MOVED** Cr Troup

That Council receives and notes The Barossa Council Performance and Activity Report – 2020/21 - Full Year Report.

**SECONDED** Deputy Mayor Johnstone

**CARRIED 2018-22/621**

## PURPOSE

To provide Council's 2020/21 Full Year Performance & Activity Report on measures adopted within the Barossa Council Corporate Plan.

## REPORT

### Background

Since November 2016, Council has been presented with Quarterly Performance Reports on measures adopted within the Corporate Plan. Due to the implementation of upgrades to key configuration within our corporate application Pathway, and subsequent impacts on downstream systems for collating and analysing data, quarterly results were not produced for the first three quarters of the 2020/21 financial year.

### Introduction

The Barossa Council 2020/21 Full Year Performance & Activity Report provides performance results against Corporate Plan measures as at 30 June 2021. The report also includes a suite of activity measures, providing a snapshot of activity undertaken over the fourth quarter or full financial year in the delivery of key internal and external Council services under each Community Plan Theme.

Discussion

The 2020/21 Full Year report includes both quarterly and annual measures consistent with previous years and in alignment with strategies and performance measures contained within Council's inaugural Corporate Plan.

As Council continues to facilitate a full re-write of the Corporate Plan, officers will develop a new suite of performance measures in accordance with new Corporate Plan goals and strategies set. When the new measures are introduced the report will include a disclaimer regarding the nature of any changes implemented and their impact on the data presented.

As per previous advice, where justification exists, performance targets may be amended for existing measures to reflect a more realistic figure. Where this is the case, the report will include an explanation of the nature of and justification for any changes implemented and its impact on the data.

Summary and Conclusion

The Barossa Council Performance & Activity Report – 2020/21 – Full Year Report is presented for Council consideration.

<b>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</b>
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Attachment 1    The Barossa Council Performance & Activity Report - 2020-21 - Full Year Report
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Supporting references

Nil

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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Corporate Plan

6.3.        Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.

Advocacy Plan

Nil

Legislative Requirements

Nil

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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Current resources are sufficient to provide ongoing performance and activity reporting.

<b>COMMUNITY ENGAGEMENT</b>
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Community consultation is not required under the Act or Council's Public Consultation Policy.

**7.4 COMMUNITY SERVICES****7.4.1****MOUNT PLEASANT PROGRESS ASSOCIATION REQUEST FOR WAIVER OF LICENCE AGREEMENT FEES****21/83688**

Pursuant to Section 73 of the *Local Government Act 1999*, Cr Barrett disclosed an Material Conflict of Interest in the matter Item number 7.4.1 - Mount Pleasant Progress Association request for waiver of licence agreement fees as both he and his wife both attend the Community Dinners in Mount Pleasant that the Mount Pleasant Progress Association are seeking a waiver of fees. Even though the existing policy applies across all of Council and any loss or benefit is potentially enjoyed by all, at these dinners the attendees are almost exclusively residents of the Mount Pleasant district and not Council wide. Accordingly, using an abundance of caution I declare a Material conflict of interest.

Cr Barrett will leave the meeting room such that I cannot view or hear any discussion or vote at the meeting, and will stay out of the meeting room while the matter is discussed and voted on.

*Cr Barrett left the meeting at 9:42am*

**RECOMMENDATION**

That Council:

- (1) Acknowledge the previous contributions made by the Association and commend their efforts towards the improvements of the Facility.
- (2) Decline the request for a waiver of fees on the following basis;
  - a. That the Association has already received approximately 4 years' worth of Facility usage without charge.
  - b. In order to provide a fair and equitable approach to usage fees across Council's facilities.
- (3) That the request to amend any Policy be postponed pending further officer investigation noting that a full review of the Lease and Licence Policy is required.
- (4) Recommends officers develop a formal policy and process to document donations from the community to Council which is to be presented to Council at a future meeting.

**MOVED** Cr Hurn

That Council decline the request for waiver of fees and remove any further fee requirements for the Mount Pleasant Progress Association for the provision of Community Dinners.

Motion lapsed for want of a seconder.

**MOVED** Cr Angas

That the item number 7.4.1 - Mount Pleasant Progress Association request for waiver of license agreement fees lie on the table.

**SECONDED** Cr Wiese-Smith

**CARRIED 2018-22/622**

## PURPOSE

A request for the waiver of Licence Agreement fees for use of the Talunga Park Pavilion ('the Facility') has been requested from the Mount Pleasant Progress Association ('the Association') which requires Council's determination.

## REPORT

### Background

The Association has written to Council (*Attachment 1*) requesting a waiver to their Licence Agreement Fees. Their Licence Agreement (*Attachment 2*) was finalised on 17 September 2020 and the first term invoice 16339 (*Attachment 3*) was issued on 23 September 2021. A corresponding credit note 500815 (*Attachment 4*) was issued to the Association on 4 March 2021 after Council were advised they had to reduce their usage of the Facility due to the COVID-19 pandemic. The second term invoice 17946 (*Attachment 5*) was issued to the Association on 21 September 2021. A further credit note 500853 (*Attachment 6*) was issued to the Association on 29 September 2021 after Council were advised that they had to further reduce their usage of the Facility to a quarterly arrangement.

The Association is requesting a waiver of fees on the basis that they have made previous contributions to the Facility, specifically during the kitchen upgrade in 2016.

The following is a brief overview on the Talunga Park Pavilion Kitchen Upgrade Project;

- New Initiative application (*Attachment 7*) along with supporting letter (*Attachment 8*) from the Talunga Park Committee for the upgrade of the Facility pavilion kitchen was received in June 2015 with a breakdown of proposed funding support being;
  - \$35,000 from Facility reserve funds
  - Undetermined amount from Mount Pleasant Community Association
  - \$5,000 from Torrens Valley Football Club
  - \$5,000 from Mount Pleasant Netball Association
  - \$500 'donation' from Scout Car Rally
  - Undetermined amount from Mount Pleasant Show Society
  - Undetermined amount from Mount Pleasant Men's Shed (although it is noted that this groups contribution could have been made with 'in kind' labour time rather than monetary funds)
- A project feasibility study is prepared by Council staff in response to the New Initiative request (*Attachment 9*).
- Community Contributions in the sum of \$35,160.45 receipted into Council from the following groups;
  - Mount Pleasant Progress Association - \$21,000.00 (12 August 2016)
  - Mount Pleasant Farmers Market - \$229.99 (inc GST) for Invoice 7857
  - Mount Pleasant Farmers Market - \$321.96 (inc GST) for Invoice 7856

- Mount Pleasant Farmers Market - \$4,590.00 (inc GST) for Invoice 7830
  - Mount Pleasant Progress Association - \$4,158.50 (27 February 2017)
  - Mount Pleasant Progress Association - \$4,860.00 (14 July 2017)
- Quote from GE Hughes Construction Co. to the value of \$70,658.50 (inc GST) accepted and Contract signed (*Attachment 10*).
  - Request from the Association for balance of outstanding contribution funds to be funded from the Facility Reserve Funds received and Report to Council presented at the 18 July 2017 Council meeting (*Attachment 11*). Council resolved (resolution 2014-18/1129) to support this request with a further \$2,140.00 (inc GST) to come from Facility reserve funds.
  - No record of funding contributions from Torrens Valley Football Club, Mount Pleasant Netball Club, Scout Car Rally or Mount Pleasant Show Society can be found on Council's accounting systems.

### Introduction

Council is to consider whether it is a fair and equitable approach to waive licence agreement fees in this instance in lieu of a historical financial contribution to a Council facility. It should be taken into consideration that the outcome of this decision could set a precedent amongst other community groups which currently pay a fee for use of a Council facility. The potential financial impact of this has not been investigated at this stage but would be recommended so as to understand the full impact on facility budget lines that to take into consideration facility usage fees.

It is also best to consider how Council manage and record donations or contributions going forward noting that there is not currently a formal policy or process on this and it therefore makes it difficult to provide a fair and equitable approach across all groups who make donations or contributions. The value of a donation or contribution needs to be formalised and more closely monitored by Council to provide further equity, for example a donation of a new crockery set to a facility kitchen from one group cannot be compared to a monetary contribution like the one the Association made to the Talunga Pavilion kitchen upgrade.

### Discussion

Council has already provided credits to the Association for the times they did not utilise the Facility. There was also a clear understanding at the time of signing the licence agreement that a usage fee would apply and this was not flagged as an issue with Council. It is also noted that the Association was not charged for their usage prior to the signing of the licence agreement which equates to approximately 4 years of usage fees (since conclusion of the kitchen upgrade and signing of the agreement). During these years their usage would have been on a more frequent basis as this was prior to the COVID pandemic.

### Summary and Conclusion

Whilst Council commends and appreciates the contributions Community groups make towards Council facilities, these contributions should not negate the requirement for usage fees for such facilities especially when such fees for such groups are assessed on a 'community group' basis and therefore already at a discounted rate.

Any amendments to the Lease and Licence Policy should be done in conjunction with the full policy review which has been recommended to the Elected Member body at a recent Council workshop. This will provide for a more efficient review process, a full review of which is required, rather than just addressing a single point.

It would be prudent to develop a formal process around the acceptance of donations or contributions, be it financial or of material items, which provides a clear paper trail to not only Council, but the group making the donation or contribution and the community.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1	Email from Association to Mayor Lange requesting waiver of fees
Attachment 2	Mount Pleasant Progress Association Inc. - signed Licence Agreement for Talunga Park - expires 30 June 2022
Attachment 3	Annual Licence Fee Invoice 16339 for period 1 July 2020 to 30 June 2021
Attachment 4	Credit Note 500815 for 6 months of 2020/2021 licence agreement fees - 3 March 2021
Attachment 5	Annual Licence Fee Invoice 17946 for period 1 July 2021 to 30 June 2022
Attachment 6	Credit Note 500853 - 24 September 2021
Attachment 7	New Initiative Application for Talunga Pavilion Kitchen Renovation - 2015
Attachment 8	Letter to Barossa Council attaching New Initiative Application for Talunga Pavilion Kitchen Renovation proposal
Attachment 9	Talunga Pavilion Kitchen Renovation Project Feasibility Report 2015 - PDF version
Attachment 10	Signed Contract with GE Hughes for Talunga Park Pavilion Kitchen Upgrade
Attachment 11	Report - Council meeting of 18 July 2017

#### 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.
- 6.4. 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

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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Lease and Licence Policy

<b>COMMUNITY ENGAGEMENT</b>
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Nil

*Cr Barrett returned to the meeting at 9:48am*

#### **7.4.2**

#### **RESOURCING FOR ARTS AND CULTURE (CREATIVE INDUSTRIES)**

**21/85274**

**MOVED** Cr Angas

That Council bring forward funds of forty-three thousand dollars (\$43,000) from the 2023-2024 Long Term Financial Plan to help resource creative industry service delivery.

**SECONDED** Cr Troup

**CARRIED 2018-22/623**

<b>PURPOSE</b>
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To consider necessary resourcing for current levels of service and demand growth.

<b>REPORT</b>
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#### Background

Service delivery in the Creative Industries portfolio has been historically provided through the Manager, Community and Culture with targeted outputs through the Barossa Regional Gallery (the Gallery). Increasing pressures from the sector and the arts community, along with changes internally to the staffing structure have made it increasingly difficult to meet these demands. Currently there is a Full Time Equivalent (FTE) One (1), split between two officers at the Gallery and a further Art Coordination being provided part time by one of these officers at the Gallery.

#### Introduction

Earlier this year a business case was presented to Council on the resourcing for the Community and Culture business unit. Whilst developing this business case it was decided not to include the creative industries or arts and culture in the proposed changes due to the work that was occurring around the Creative Industries Centre and the application for funding through the Building Better Regions fund. The most recent application for funding of the Centre was not successful and whilst further considerations are made on this project it is timely that further consideration into the current staffing structure within the Creative Industries section and particularly within the Barossa Regional Gallery staffing footprint be explored.

Discussion

A recommendation is being sought to provide further human resourcing within the Gallery to provide support on the day to day running of the Gallery and all that encompasses, specifically further resourcing will help the shop function effectively and provide the support required to tighten up the administration burden of Exhibitions, Workshops and volunteer needs.

The following is proposed, that funds be brought forward from the long-term financial plan of the 2023/2024 where funds have been allocated for the purposes of staffing in the creative industry field.

## Current resourcing

Gallery Project Officer – resourced at 24 hours a week

Creative Industries Coordinator – resourced until July 2022 at FTE 1

## Gaps:

- Financial responsibilities within the Retail space.
- Building artist representation within the retail space.
- Regular audit of stock within the retail space.
- Increasing online presence for the retail space within a competitive market.
- Proactive marketing for exhibitions, events and workshops.
- Building programs around youth engagement and proactive scheduling of programs for Schools within the region.
- Providing advice and support for festivals and events within the Region that align with Councils Corporate and Community Plans.
- Activation of other Facilities across the broader Council region with links to artist workshops and art exhibitions.
- Support and advice to new and increasing capacity arts festivals in the region.

## The proposed changes will allow:

- The Creative Industries Coordinator to develop further programs within the creative industry sector and build further connections within this sector. These responsibilities had, until recently, been the responsibility of the Manager of Community and Culture. With the changes in Directorate, Kirsty Hage became the Director of Community Services and has been unable to provide the agreed service level delivery in this area or for that matter grow this service delivery space.
- Future proofing of Councils Creative offering and also providing clear examples of how Council is achieving this can happen even without bricks and mortar and it's becoming more and more important to provide evidence of this.
- The newly created creative industries coordinator, to be more active and connected in the arts community by:
  - Providing further staffing support within the gallery to take on the responsibilities around the retail side of the gallery and any Administration required for events exhibitions workshops and any financial requirements for their retail store.

- This will allow the Coordinator to be proactive within our arts community and provide the support that's been sought by those people in a timely manner and with the right connections into Council for a creative and vibrant community.

#### Summary and Conclusion

This proposal aligns with the recommended business case provided in terms of the Creative Industries Centre and allows building on the current resourcing footprint within the Barossa Regional Gallery whilst not impacting any part of the Business Case implementation if successful in the future for funding of the Creative Industry Centre.

It will also allow Council to show real-time evidence of the 'hub and spoke' model that is used in all applications for grants now and into the future. It will allow for implementation of clear strategic direction and planning in terms of SALA, high school engagements and input into an increasing number of events and festivals that are popping up in the Barossa and seeking input, advice and connection from Council.

### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

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

#### Corporate Plan

- 2.1. Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
- 2.5. Facilitate the provision of a community arts and culture space through the Barossa Regional Gallery.
- 2.6. Provide, promote and support community arts and cultural events, programs, attractions and services.

- 2.7. Provide library services and cultural spaces that are places for learning, participation, innovation, creativity and well-being for the community.
- 2.9. Collaborate, initiate, develop and/or support activities and facilities for youth in our community.

#### Legislative Requirements

Nil

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Business Modelling for the Creative Industry Centre staffing requirements has been included in the long term financial plan for Council. Service delivery pressures require that part of this staffing model be implemented in this financial year to meet expectations of community.

<b>Financial Considerations</b>				
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 quarter 1 revised budget adopted for the 2021/22 financial year Key Performance Indicators forecast:				
<ul style="list-style-type: none"> <li>• Operating Deficit of (\$1173k) Operating Deficit Ratio of (2.9%)</li> <li>• Net Financial Liabilities (NFL) of \$23,114k NFL ratio of 44.3%</li> <li>• Asset Funding Renewal Ratio of 130%</li> </ul>				
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 \$43k which is funded in the forward estimates.				
Nil				
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:	Funding Current Levels of Service - Creative Industries	
Net operating costs - (incl depreciation)	\$43,000	
Additional project cost (ex GST)	\$43,000	
Grant Income reduced (ex GST)	\$0	
Allocations from Reserve & Developer Contributions	\$0	\$0
Other allocation required	\$43,000	
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 31 December 2021	
<b>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*.</b>		
KPI	Revised forecast	Overall Change since*
Operating Surplus / (Deficit) (Target: break even position over a five year period)	-\$1100k	Increase in deficit \$43k
Operating Surplus Ratio (Target: -2% to 10%)	-2.7%	Increase in OSR 0.1%
Net Financial Liabilities (NFL) \$	\$18124k	Increase in NFL \$43k
Net Financial Liabilities Ratio (Target: >0 to <100%)	44.1%	Increase in NFLR 0.1%
Asset Funding Renewal Ratio (Target: >80% to <110%)	129%	No change

The Report on Financial Results 2021/22 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 position for 2021/22.

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%. The deficit is artificially high due to the impact of \$843K advance payment of grnts into the 2020/21 financial year. The adjusted operating position is a deficit of \$257K and operating surplus ratio of -0.6%.

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 \$43k.

Assumption is above estimates are based on all proposals for funding in the December 2021 meeting being approved.

## COMMUNITY ENGAGEMENT

No formal consultation has been undertaken or is required.

Anecdotal feedback continues to be provided by stakeholders and artists in the region both directly and indirectly on the frustrations of not being provided with certain areas of service delivery and connection in the Arts Community by Council officers.

## 7.4.3

**BAROSSA LIBRARIES REVIEW - DRAFT FOR CONSULTATION**

21/92383

**MOVED** Cr Wiese-Smith

That Council:

- (1) Endorse the Draft Barossa Library Review (dated December 2021) as attached to this report for consultation.
- (2) Authorise the Chief Executive Officer or his delegate, to enter a phase of public consultation for the period 21 February 2022 to 1 March 2022, in accordance with the attached consultation plan and Council's Public Consultation Policy.

**SECONDED** Cr Troup**CARRIED 2018-22/624****PURPOSE**

To seek approval to undertake public and stakeholder consultation on the Draft Barossa Library Review.

**REPORT**Background

The Australian Library and Information Association recommends formal external reviews of public libraries are carried out every five to seven (5-7) years (and informal reviews carried out more frequently). A review of Barossa Council Public Library services has not been undertaken since 2008. The Library Services Review seeks to document current Barossa Library services, assess them against The Barossa Council's Community and Corporate Plans and contemporary Australian public library guidelines, and provide recommendations for service enrichment. Reviewing existing services in context with contemporary public library trends, industry benchmarks, and The Barossa Council Community themes enables identification of the strengths, weaknesses, opportunities and threats to the library, providing contemporary services to the region. The outcomes of the review will be a suite of strategic recommendations for improvement to library services.

Introduction

Preparation of the Library Services Review was undertaken internally in 2021. The review and subsequent recommendations seek to provide an overarching strategy for provision of contemporary library services by recommending service delivery enrichments, facilities improvement, and a social inclusion model that contributes to the well-being of the people in Barossa community.

Discussion

A literature review was undertaken to provide a framework for assessing library service and information on contemporary models of library service delivery. The review then documents existing library services and performance, community (via online and paper-based surveys) and staff consultation (via workshop and one-to-one interviews), community demographics and routinely collected data,

and recommendations for library management and strategy, and operations and services. The draft review was presented to Elected Members at the 3 November 2021 Council workshop. Following review and feedback, a revised draft of the review (Attachment 1) is now presented to Council to endorse to undertake consultation to gather stakeholder and community views on the draft recommendations to allow for its finalisation.

The keys task in this phase of the project are

- Council to promote Draft LEDP as per Communications Plan (Attachment 4).
- Preparation of a report summarising outputs of public consultation.

### Summary and Conclusion

The Draft Barossa Library Services Review is presented for Council's consideration and endorsement for public consultation.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1	Library Service Review - The Barossa Council - December - Final Version
Attachment 2	Draft Barossa Libraries Review - Appendix 4 Customer Service Quality at Barossa Library Service - June 2020
Attachment 3	Draft Barossa Libraries Review - Appendix 7 ALIA Standard KPI position Barossa 2018-2019
Attachment 4	Draft Barossa Libraries Review - Communications Plan

### Supporting references

Supporting references are contained within Attachment 1, 2 and 3

## **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

### Community Plan



Community and Culture



Health and Wellbeing

### Goal

4. The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.
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.
9. Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle
10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.

Strategies

- 4.1. Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.
- 5.1. Support the development of activities that celebrate the history, art and culture of the Barossa and its people.
- 5.3. Create vibrant public spaces that provide places for creative development, cultural interaction and social connections.
- 9.1. Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected.
- 10.1. Children and young people are supported to feel safe and to engage, thrive and feel empowered within the community.
- 10.2. Advocate for and encourage services that ensure equity and support inclusion and at risk members of the community.
- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

Corporate Plan

- 2.1. Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.
- 2.2. Collect, maintain and make accessible our Aboriginal heritage, and the history and heritage of our community.
- 2.7. Provide library services and cultural spaces that are places for learning, participation, innovation, creativity and well-being for the community.

Advocacy Plan

Nil

Legislative Requirements

Nil

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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Preparation of the Draft Library Services Review has been completed internally within the Library budget. Consultation and engagement processes will be undertaken by Council administration. This includes promotion of the Draft Review and consultation through various media.

<b>COMMUNITY ENGAGEMENT</b>
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Nil

**7.5 THE BIG PROJECT****7.5.1****PROPOSED POSTPONEMENT OF COMMUNITY CONSULTATION – NURIOTPA WAR MEMORIAL SWIMMING POOL****21/89921****MOVED** Cr de Vries

That Council:

- (1) Receives and notes the Nuriootpa War Memorial Swimming Pool Destructive Testing results report dated 3 November 2021 reference 21/82330.
- (2) Receives and notes the Williamstown Swimming Pool Destructive Testing results report dated 3 November 2021 reference 21/82332 and the pool's continued inclusion in the planning process for The Big Project Williamstown Queen Victoria Jubilee Park project with future updates to Council to address the future management strategy for this asset
- (3) Approves the engagement of a panel electrician to undertake a comprehensive electrical capacity assessment of the Nuriootpa pool to be funded from the 2021/22 operational budget.

**SECONDED** Cr Angas**CARRIED 2018-22/625****Subject to recommendation 1 being passed:****MOVED** Cr Angas

That Council:

- (1) Postpones Community Consultation on future aquatic services in the Council area on the basis that:
  - (1.1) the Draft Aquatic Strategy of 2020-2070 has not been formally adopted by Council to formalise an approach of providing a mix of: Traditional; Modern and Emerging aquatic facilities until such time as this position changes or an alternative strategy is drafted to be considered by Council for community consultation.
  - (1.2) Council has completed its commitment to further assess the condition of the Nuriootpa War Memorial Swimming Pool and has determined to maintain it at the current level of service until such time as the cost of doing so outweighs the community benefit as determined by Council at a future time.
- (2) Undertakes a comprehensive communication process to inform the community about the reasons for the postponement of the community consultation process during the remainder of the 2021/22 summer pool opening season.

**SECONDED** Deputy Mayor Johnstone**CARRIED 2018-22/626**

<b>PURPOSE</b>
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To provide Council with reports from both the Nuriootpa War Memorial Pool and Williamstown Pool destructive testing results, review community consultation approach and consider obtaining an electrical capacity assessment for the Nuriootpa Pool.

<b>REPORT</b>
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Background

At its 17 August 2021 Council meeting, Council approved the destructive testing (ie assessment process to analyse the condition of the concrete shell of the pool) of both the Nuriootpa War Memorial Swimming Pool (Nuriootpa Pool) and the Williamstown Swimming Pool (Williamstown Pool).

**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  
22/535

**CARRIED** 2018-

Introduction

FMG Engineering Services were engaged to facilitate the testing process. The reports documenting the results have now been received and are summarised below.

Nuriootpa War Memorial Swimming Pool (Attachment 1)

- Ground Penetrating Radar scanning was first conducted which identified areas where the reinforcing steel in the pool could be corroded.

- FMG recommended Destructive Testing to determine extent of chlorine infiltration into the concrete shell that could indicate weakness or potential failure points in the pool shell. This provides an indication of remaining life of the pool shell.
- 6 samples were taken, 4 from floor and 2 from walls.
- Other than 1 floor sample (returning a risk category of moderate) all other samples returned test results of low risk.
- Report conclusion indicates that the pool shell is in sound condition and risk of corrosion of steel reinforcing is low. FMG expects that the pool shell will be serviceable for a minimum of 15 years.

#### Williamstown Swimming Pool (Attachment 2)

- Ground Penetrating Radar scanning was first conducted, which identified areas where the reinforcing steel in the pool could be corroded.
- FMG recommended Destructive Testing to determine extent of chlorine infiltration into the concrete shell that could indicate weakness or potential failure points in the pool shell. This provides an indication of remaining life of the pool shell.
- 6 samples were taken, 2 from floor and 4 from walls.
- Whilst the wall results returned all low risk, both floor samples returned results ranging from High risk to Extremely High risk (northern deep end worse).
- Report conclusion indicates that the pool has reached the end of its serviceable life. The pool is not considered a risk to patrons, but the cost of repair will continue to rise overtime. FMG recommend Council investigate replacement sometime in the next 5 – 10 years.

#### Discussion

The Nuriootpa Pool results provide short term certainty that the pool shell is in sound condition and therefore provides a baseline position for planning, ongoing maintenance and potentially further investment in the facility.

Officers have previously provided a 'repair maintenance upgrade scenario planning' document (**Attachment 3**) that documented various options for required and discretionary maintenance and upgrade. The document aims to provide known requests for improvement, and a high level assessment of cost and quantitative and qualitative benefits. Now that the pool condition is better known, Officers recommend that the process of assessment of the electrical capacity of the pool and estimated potential electrical upgrade required for any future work is commenced, to provide an indication of whether current capacity can support future work that has an increased electrical capacity requirement ie inclusion of a heat pump, pool separation. Other items within Option 3 (predicted shell life of 11+ years) are continued to be provided as a guide to inform future maintenance and any future upgrades. There is capacity within the 2021/22 operational budget for the Nuriootpa pool to undertake this assessment.

Any other non-essential work will need to be considered by Council as part of future New Initiatives or draft Budget Development in accordance with policy and process.

With regard to the Williamstown Pool, the report raises separate concern over the condition of the pool shell. Officers and contracted facility managers will watch and monitor for degrading condition. Risk assessments will continue to be reviewed and updated. At this point the advice provided has been that there is no risk to patrons continuing to use the pool.

The provision of an outdoor pool at Williamstown Queen Victoria Jubilee Park (WQVJP) is documented with the Big Project master planning for the site and continues to fit with future plans for the site being an outdoor education & activity, eco-tourism and accommodation facility. The Williamstown Pool continues to have a place in the service provision for the community and tourists to the area. Future reports to Council will address this matter.

#### Summary and Conclusion – Pool Condition Assessment / Destructive Testing

The Destructive Testing Results reports have been received for both Nuriootpa War Memorial Swimming Pool and Williamstown Swimming Pool. The results for Nuriootpa Pool provide a condition baseline to assist with planning for future maintenance and potential upgrade for the next 15 years. A recommendation has been provided to commence the electrical capacity assessment process within current operational funding.

While the results for the Williamstown Pool indicate that the floor component of the pool shell is at end of life, the usage of the pool is advised to be very low risk and will be monitored and reviewed (during each closed season). The Williamstown Pool continues to form part of the masterplan for The Big Project at the Queen Victoria Jubilee Park.

#### Status of Community Consultation Process in light of Updated Condition Assessment

**Attachment 4** provides a summary of the resolutions Council has made in relation to community consultation on the Nuriootpa Pool. The planning for the original community consultation process has become protracted and complicated.

The original consultation approach was based on:

- Council's best understanding of the overall pool condition based on condition assessment information available at each stage.
- Protracted consideration of and ultimately no formal determination being made of the Draft Aquatic Strategy 2020-2070 (the Draft Strategy), which was drafted as a deliverable of The Big Project.
- Historic visitation and visit subsidy data provided by Officers.

The consultation approach reflected the premise of the Draft Strategy to achieve a position of mixed: traditional, modern and emerging aquatic facilities.

The current prevailing resolution of Council to maintain the Nuriootpa Pool (refer Attachment 4) until the cost of doing so is outweighed by the assessed community benefit combined by the recent evidence that the pool condition does not indicate that it is at the end of life, changes the premise of the current approved community consultation approach and indicates the preference of Council for the continuation of the current mix of traditional pool services.

Council may choose to have the Draft Strategy updated to reflect that approach at some time in the future with the potential for consultation with the community to be undertaken on a future draft document.

Given the efflux of time and evolution of the evidence on which the consultation process would be predicated, Council may also now choose to amend the resolution in respect of the community consultation process.

Whilst a material change to a resolution would ordinarily require a rescission motion to affect the redirection of Council, the postponement of consultation rather than its cancellation is considered to be a valid and enforceable strategy based on the governance assessment of the Chief Executive Officer.

On this basis a second and separate resolution is provided for Council's consideration to postpone community consultation on aquatic services until such time as determined by Council.

Given the community interest in this matter as well as the importance of keeping the community informed regarding the decisions of Council, it is proposed that a communication strategy to advise the public of the current status of this matter and the condition of the Nuriootpa and Williamstown Pools is put in place and implemented during the remainder of the current open pool 2021/22 season.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1	Nuriootpa War Memorial Swimming Pool - Destructive Testing Report - November 2021
Attachment 2	Williamstown Swimming Pool - Destructive Testing Report - November 2021
Attachment 3	Nuriootpa War Memorial Pool - repair maintenance upgrade scenario planning template - July 2021 V1
Attachment 4	Attachment 4 - Historic Council Resolutions - Nuriootpa War Memorial Swimming Pool

#### 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

- 3.3. 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.
- 3.9. Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

#### Advocacy Plan

Nil

#### Legislative Requirements

Nil

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

There is capacity in the current operating budget for Nuriootpa Pool to fund the detailed electrical capacity and upgrade assessment report and SAPN quotation.

Any additional upgrades will require additional funding and subject to the New Initiative process.

The process of conditional assessment, testing and reporting is to understand and manage the risk of potential degrading condition of Council's outdoor pools.

The postponement of the community consultation process detailed above will result in an operational saving of circa \$95,000 ex GST.

<b>Financial Considerations</b>				
Councils Policy for meeting reports requesting additional expenditure, notes that during the year new requests				
The quarter 1 revised budget adopted for the 2021/22 financial year Key Performance Indicators forecast:				
•	Operating Deficit of (\$1173k)	Operating Deficit Ratio of (2.9%)		
•	Net Financial Liabilities (NFL) of \$23,114k	NFL ratio of 44.3%		
•	Asset Funding Renewal Ratio of 130%			
Financial assessment				
Not applicable this report is recognising savings.				
Nil				
The Budget adopted for the 2021/22 year and amounts and indicators are used as the base for this financial assessment.				

<b>Item for Budget inclusion:</b>	<b>Nurioopta Swimming Pool - Consultation</b>		
<b>Net operating costs - (incl depreciation)</b>	-\$95,000		
<b>Additional project cost (ex GST)</b>	-\$95,000		
<b>Grant Income reduced (ex GST)</b>	\$0		
<b>Allocations from Reserve &amp; Developer Contributions</b>	\$0	\$0	
<b>Other allocation required</b>	-\$95,000		
<b>DDR provided</b>	Current part of 21/22 budget		
<b>This projects BAT score</b>	Current part of 21/22 budget		
<b>ELT reviewed and recommended</b>	Not considered		
<b>If approved – a BAR or NI will be included in the:</b>	2021/22 Budget Update as at 31 December		
<b>Assessment of Key Performance Indicators (KPI) for all changes council has approved and the reports in Council</b>			
<b>KPI</b>		<b>Revised forecast</b>	<b>Overall Change since*</b>
<b>Operating Surplus / (Deficit)</b> <i>(Target: break even position over a five year period)</i>		\$-1057k	Decrease in deficit \$95k
<b>Operating Surplus Ratio</b> <i>(Target: -2% to 10%)</i>		-2.6%	Decrease in OSR 0.2%
<b>Net Financial Liabilities (NFL) \$</b>		\$18081k	Decrease in NFL \$95k
<b>Net Financial Liabilities Ratio</b>		44.0%	Decrease in NFLR 0.3%
<b>Asset Funding Renewal Ratio</b>		129%	No change
The report is for savings. 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%. The deficit is artificially high due to the impact of \$843K advance payment of grants into the 2020/21 financial year by the Commonwealth. The adjusted operating position for the impact of this prepayment is a deficit of \$214K and operating surplus ratio of -0.5%.			
This item is a increase to the Councils cash position for 2021/22 of \$95k.			
Assumption is above estimates are based on all proposals for funding in the December 2021 meeting being approved.			

## COMMUNITY ENGAGEMENT

The status of the community consultation process is addressed above in the body of the report.

Officers continue to meet monthly with the Nurioopta War Memorial Swimming Pool Working Group (Working Group) who have been kept informed of progress and outcomes.

## **7.6 WORKS AND ENGINEERING**

### **7.6.1**

#### **PROPOSED ROAD CLOSURE - 2022 DECLARATION OF VINTAGE BARONS OF BAROSSA 21/83031**

**MOVED** Cr Wiese-Smith

That Council:

Advise the Commissioner of Police that The Barossa Council endorses the closure of the following roads on Sunday 20 February 2022:

- Murray Street, Tanunda, between Young Street and the northern arch (approx. 50m north of Elizabeth Street), and
- Bilyara Road, Tanunda, for a distance of approximately 25m from Murray Street, and
- Elizabeth Street, Tanunda, for a distance of approximately 25m from Murray Street

from 11.00am up to 1.00pm to stage the 2022 Barons of Barossa Declaration of Vintage event.

**SECONDED** Cr de Vries

**CARRIED 2018-22/627**

#### **PURPOSE**

The Barons of Barossa have made application to The Barossa Council requesting a road closure for the 2022 Declaration of Vintage Parade.

#### **REPORT**

##### Background

The Barons of Barossa were founded in 1975 and continue to proudly and enthusiastically support Barossa wine, viticulture, gastronomy, heritage and the arts. Membership of the Fraternity is by invitation and is offered to persons who have made an outstanding contribution to the Barossa.

New Barons are inducted into the Fraternity in a colourful public ceremony and membership is for life.

##### Introduction

Approval is sought to close Murray Street, Tanunda, between Young Street and the northern arch between 11.00am and 1.00pm on Sunday 20 February 2022. Other short sections of associated side road are also required to facilitate the event.

##### Summary and Conclusion

Council has previously supported this event as a risk mitigation strategy to maintain the safety of the participants and the general public.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

### Supporting references

Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Community and Culture



Health and Wellbeing

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

### Strategies

- 5.1. Support the development of activities that celebrate the history, art and culture of the Barossa and its people.
- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

### Advocacy Plan

Nil

### Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### **Financial and Resources**

The cost for implementation of the road closure is estimated to be approximately \$900.00, is to be met by Council via Council's Road Closure – Support Budget.

### **Risk Management**

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

## COMMUNITY ENGAGEMENT

The community will be advised of the proposal by public advertisement to be placed in The Leader and also by placement of the SAPOL Section 33 Notice on Council's website.

## 7.6.2

**REQUEST FOR PURCHASE UNMADE PUBLIC ROAD - LITTLE KAISERSTUHL ROAD  
21/87185****MOVED** Deputy Mayor Johnstone

That Council, having considered the request, decline to enter into a process to sell the unnamed and unmade public road reserve adjacent to 144 Little Kaiserstuhl Road, Flaxman Valley as Council considers the unmade public road reserve to be potentially necessary for future economic development and passive recreational opportunities in the area.

**SECONDED** Cr Boothby**CARRIED 2018-22/628****PURPOSE**

A request has been made by a landowner seeking to ascertain Councils interest in selling the unnamed and unmade public road reserve adjacent to their property.

**REPORT***Introduction*

Property owners David and Leanne Hutton have requested Council consider selling the unmade public road reserve adjacent to their property as per the information at Attachment 1.

*Discussion*

Conversations are underway with the Department of Environment and Water regarding a strategic opportunity for the Kaiserstuhl Conservation Park and passive recreational access in the future. Whilst this unmade public road reserve has not currently been specifically identified, depending on the structure of future conversations and how connectivity is to be achieved, the disposal of the unmade public road reserve is premature.

The relevant decision of Council was made on 20 August 2019, see below.

## 7.2.1.9

**REQUEST TO CLOSE ROADS AND GIFT TO DEPARTMENT OF ENVIRONMENT AND WATER (DEW) FOR EXPANSION OF KAISERSTUHL CONSERVATION PARK (the PROPOSAL)  
B9101****MOVED** Cr Wiese-Smith

*That Council having considered the request agree in principle to the proposal to commence a road closure process as outlined in the Attachments and authorise the Chief Executive Officer to authorise the preliminary plan on condition that the Department of Environment and Water;*

- (1) Pay all costs of the road closure process;*
- (2) That all submissions from consultation under the road closure process be provided to Council before authorisation of final road closure documentation;*

- (3) Pay any and all costs associated with the transfer of the land should the closure be approved including taxes and out of pockets costs incurred by Council are borne by the Department; and
- (4) The Department allow access to the area known as Granites Track to link Rifle Range Road and Goodchild Road to passive recreational pursuits including walking and bicycle uses is provided for the loss of the road reserve linkages.
- (5) Not proceed with any road closure process until potential matters of access and land locking of properties are resolved to the satisfaction of Council.

**Seconded** Cr Miller

**CARRIED 2018-22/283**

Based on this position, no detailed assessment of the Hutton's request has been undertaken. As explained, the decision of Council above is still being negotiated and access through other roads may be required.

If Council wishes to amend this policy position, a report outlining the necessary governance, legislative and market approaches will be prepared for the January 2022 meeting of Council.

#### Summary and Conclusion

The Council having a broad position on the unmade public road reserves generally in the area of the request should pursue the existing position before considering the sale of the unmade public road reserve.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

- Attachment 1 Application for purchase unmade public road reserve - Little Kaiserstuhl Road - Hutton
- Attachment 2 Little Kaiserstuhl Road - Unmade Public Road purchase request - location map

#### 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

- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

Advocacy Plan

Nil

Legislative Requirements

Local Government Act Section 49(1)

Roads (Opening and Closing) Act

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The financial costs, risk and resourcing commitments have not been developed as the request is at odds with Council current policy position for the general area and communications with the Department of Environment and Water.

**COMMUNITY ENGAGEMENT**

Not required at this time based on the current policy position.

**7.6.3****EXPRESSION OF INTEREST - NEW OR EXPANDED CWMS SCHEME - EDEN VALLEY AND SANDY CREEK****21/88482****MOVED** Cr Angas

That Council endorse Council's submission of an Expression of Interest for subsidy support for new CWMS Schemes for the townships of Eden Valley and Sandy Creek noting officers will bring a report back to Council if the EOI is successful

**SECONDED** Cr Barrett**CARRIED 2018-22/629****PURPOSE**

To endorse Council's Expression of Interest submission to The Local Government Association for subsidy support for new or expanded Community Wastewater Management Systems (CWMS) at Sandy Creek and Eden Valley.

**REPORT**Introduction

Approximately \$4 million each year is available through the LGA CWMS Program to subsidise the cost of installing new council CWMS infrastructure.

The Program is now in the 5th year of the current 10-year Agreement and has completed the schemes that were included in the first half of the Agreement. Funding for the current and next financial year is committed to existing projects. However, funding may be available to progress projects during FY21-22 and FY22-23.

As such, expressions of interest for Expanded or New CWMS Schemes were invited from interested councils.

Discussion

The CWMS Program provides subsidy funding for new, or expansions to existing CWMS in townships throughout South Australia. At this time the proposals are very high level and non-binding on both the Council and the LGA. There is no guarantee that projects will proceed to funding at this stage in the process.

Proposed projects will be evaluated and prioritised by the CWMS Management Committee (CMC), with membership consisting of representatives from the Environment Protection Authority, Department for Health and Wellbeing, Department for Environmental and Water, Office of Local Government and the local government sector. Assessment criteria includes the potential for public health risk, environmental harm, future economic benefit and potential for recycled water reuse.

Summary and Conclusion

An email sent to the Elected Members by the CEO on 24 November 2021 outlining the initiative, advised that the Director Works and Engineering Services had prepared two proposals, one for Sandy Creek and one for Eden Valley noting EOI were required to be lodged with the LGA prior to 26 November 2021. Following no significant concerns being raised, the EOI were lodged by email 25 November 2021.

Schemes that satisfy the application criteria will be included on the CWMS Priority list and may be eligible for subsidy funding in the second half of the funding term. The assessment process will be undertaken in December 2021 and councils will be advised of the outcome in early 2022. Council officers will be a report back to Council if our EOI is deemed to meet the application criteria.

<b>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</b>
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Nil

Supporting references

Nil

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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Community Plan

Infrastructure

Goal

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

Strategies

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

Advocacy Plan

Nil

Legislative Requirements

SA Health Legislation Codes and Standards, Water Industry Act 2012 and various EPA and SA Health Guidelines.

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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If successful the project would need to be considered as part of the Annual Budget and Business Planning including reviewing the Long-Term Financial Plan

<b>COMMUNITY ENGAGEMENT</b>
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Community consultation is not required at the time of application, however, should the CWMS Management Committee resolve to include the scheme/s on the Priority list, preliminary investigations, in the form of a Feasibility Study will be required.

If the offer of a Feasibility Study is accepted by Council, it is recommended that a public consultation plan is prepared.

**7.6.4****PROPOSED ACCELERATED RURAL SEAL PROJECT****21/89301****MOVED** Cr de Vries

That Council:

Having considered the technical weighted assessment, apportion the LRCI Phase 3 funding of \$1,130,216, submitting the work schedule and grant agreement, to upgrade and seal, with a two-coat spray seal, the following roads by the grant funding program deadline of 30 June 2023, total estimated cost of these three roads is \$1,056,263

- Yaldara Drive (part 1 and 2), Lyndoch from Barossa Valley Way to Fuss Road, and
- Goldfields Road, Cockatoo Valley from Balmoral Road to Green Gully Road, and
- Valley Road, Angaston west from Radford Road for a length of 70m

Also, consider the upgrade and sealing, with a two-coat spray seal, of Craneford Road, Craneford, from Seven Steps Road to High Eden Road and Kalbeeba Road, Kalbeeba from Barossa Valley Way to Balmoral Road in FY2023/2024, subject to the annual Budget and Business Plan approval process.

**SECONDED** Cr Wiese-Smith**CARRIED 2018-22/630**

<b>PURPOSE</b>
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For Council to consider and endorse the proposed Accelerated Rural Seal Upgrade Project prioritisation including assigning the Local Roads and Community Infrastructure Program (LRCI Program) full Phase 3 grant amount of \$1,130,216 to the first priority roads for construction in FY2022/23.

**REPORT**Background

At the Elected Member workshop held 4 August 2021, Mayor Bim Lange presented a paper titled "Proposed Accelerated Rural Seal Projects and Proposed Road Sections Quantity/Estimates" for the information of the Elected Members. It was agreed at that workshop that a report would be prepared to enable Council to understand the feasibility of actioning this proposed plan.

This report also follows the representation from Tait *et al* for the Development of the Southern Barossa Panoramic Drive – proposal to seal Yaldara Drive - at the September 2021 Council Workshop.

Introduction

The Mayor's Proposed Accelerated Rural Road Seal Projects paper outlined an opportunity for Council to consider allocating funds to prepare base formation work which would normally be undertaken as part of a re-sheeting process (when scheduled) and providing a bituminous two coat spray seal wearing surface treatment for the proposed road sections as listed in Table 1.

In summary;

- Preliminary budget estimates were based on unit rates for re-sheeting and two coat spray seal treatments.
- All costs were estimated and indicative.
- Possible opportunity for Council's civil team to undertake the work, re-establishing in-house skills, subject to available resources at the time of construction.
- It assumed typical cross sections for each road section determined by centreline survey with minimal external design required to verify relative offsets, subject to onsite adjustments once the preferred alignment is pegged and final road width determined.
- The purpose of the paper was to determine potential funding allocations to undertake the work, noting that if the strategy is adopted by Council, it will provide Capital investment to rural areas that have been impacted by the state-wide rating index re-valuation.
- Most roads listed in the paper have been the subject of petitions and/or presentations to Council.
- Adopting an accelerated program will demonstrate to our rural community capital opportunities and improved service levels beyond township zones.

The total preliminary estimated costs for the proposed road sections are as indicated in Table 1

Table 1 – Preliminary Cost Estimates

Road Name	Base Course Estimate \$	Seal Estimate \$	+ 10% contingencies	Total Estimate \$
Yaldara Drive (part 1)	\$135,000	\$108,000	\$24,300	\$267,300
Yaldara Drive (part 2)	\$85,000	\$68,000	\$15,300	\$168,300
Neldner Road	\$100,000	\$80,000	\$18,000	\$198,000
Meadow Road	\$39,000	\$31,200	\$7,020	\$77,220
Goldfields Road (including drainage)	\$140,000	\$112,000	\$25,200	\$277,200
Keyneton Road*	\$572,000	\$457,600	\$102,960	\$1,132,560
Craneford Road	\$240,000	\$192,000	\$43,200	\$475,200
Rifle Range Road	\$250,000	\$200,000	\$45,000	\$495,000
Hill Climb Road	\$70,000	\$56,000	\$12,600	\$138,600
Valley Road (West)	\$20,800	\$18,200	\$3,900	\$42,900
<b>Estimated Total</b>	<b>\$1,651,800</b>	<b>\$1,323,000</b>	<b>\$297,480</b>	<b>\$3,272,280</b>

\*The Keyneton Road sealing proposal will require discussions with Mid-Murray Council as there remains a 1 km section in their Council area remaining unsealed. Further opportunity for Special Local Roads funding could be pursued as a joint Council application.

#### Discussion

Mayor Lange's paper suggested that the currently unallocated \$1.1m Australian Government Grant under the Local Roads and Community Infrastructure (LRCI) Program Phase 3, together with any remaining funds from re-sheeting budget and possible budget surplus, be allocated to this proposal.

The LRCI Program was announced on 22 May 2020. Through the 2020-21 Budget, the Australian Government announced an extension of the LRCI Program, now referred to as LRCI Program Phase 2.

On 11 May 2021, as part of the 2021-22 Budget, the Australian Government announced a further \$1 billion for the continuation of the LRCI Program Phase 3.

The purpose of the LRCI Program is to support local Councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies, helping communities bounce back from the COVID-19 pandemic.

Eligible Local Road Projects are projects that involve the construction or maintenance of roads managed by local governments. Local governments are encouraged to consider works that support improved road safety outcomes.

As an economic stimulus measure, the intent is that Eligible Funding Recipients undertake infrastructure projects which are additional to projects that they had planned to undertake using either their own funds or funds already available to the Eligible Funding Recipients by another opportunity. The funding is not intended to

replace existing expenditure commitments, but rather to enable further additional expenditure as economic stimulus.

As an Eligible Funding Recipient, Council are required to submit their draft Work Schedule when they return their signed Grant Agreement. Work Schedules can be submitted between 20 October 2021 and 30 June 2022.

In order for Council to receive their full Phase 3 Nominal Funding Allocation, draft Work Schedules need to be submitted by 30 June 2022 and Project Nominations approved by the Department are required to be physically completed by 30 June 2023.

#### Technical assessment

Each of the proposed roads were assessed against a technical weighted criteria designed to assist with making a decision around sealing unsealed roads, see Table 2.

The technical criteria are functions that directly contribute to road safety, including deterioration of the road surface (vehicle numbers, terrain) the role of the road in the rural network (local access, tourist movements, freight) and also the influences of an unsealed road on road users and local residents/development (dust, density of development).

The following criteria was used in this assessment;

- Average Daily Traffic volumes  
High numbers of vehicles will increase the frequency of maintenance interventions such as grading, patching and renewal programs (road re-sheeting).
- Development density  
Increased development leads to more traffic movements with clustered development creating more frequent traffic movements.
- Function of the road within the road network  
There may be roads in the region that, through new Agri business, new or expanded tourism or residential development growth, play an increased role in the convenient movement of commercial and social traffic throughout the region. As part of this assessment consideration is given to the extent of a positive impact to the overall road network. Consideration equally needs to be given to not encouraging inappropriate 'short cuts', or 'rat runs', on low volume roads that may have poor alignment or shape, with resulting reduced road safety.
- Environmental considerations – road gradient  
Steep unsealed road terrain by the nature of the incline/decline and acceleration/deceleration vehicle activity, have a greater propensity for loose surface material on the road with additional maintenance required.
- Demand for unscheduled maintenance  
This is an approximate measure of documented customer request history and additional maintenance activities.
- Road safety considerations, including crash history.  
A measure of crash history that has been sourced from the South Australian Traffic Accident Reporting System (TARS) database courtesy of the University of Adelaide Centre for Automotive Safety Research database. An important criteria that demonstrates support for improved road safety as a target program outcome as per the funding guidelines.

Table 2- Technical weighted criteria

Sealing unsealed roads evaluation criteria							
Technical Weighted Assessment	Weighting	Score					
		0	1	2	3	4	5
Average Daily Traffic Volumes (vehicles per day)	30%	<25	25-49	50-74	75-94	95-150	>150
Development density of dwellings serviced by the road (lots/km)	25%	0	<10	10-20	20-30	30-40	>50
Function of the road within the road network. Extent of positive impact on road network (safety, servicing growth, facilitating new development and tourism, strategically important connector route) - link to 2030 regional transport plan	25%	No overall positive improvement to network function	Positive upgrade that recognises a higher asset performance appropriate to service the road	Positive upgrade that recognises a higher asset performance to local business, tourist operators, direct	Positive upgrade to serve development and acknowledges a route that could ultimately be recognised in	Positive upgrade to serve major residential and/or major commercial or tourism development that ultimately	Major network upgrade driven by both local and State objectives and recognised in the Legatus regional transport plan
Environmental consideration -Road Gradient	5%	<1%	1%-3%	3%-5%	5%-7%	7%-10%	>10%
Demand for unscheduled maintenance (customer request history)	5%	Nil	Nil	Low	Medium	High	Extreme
Road Safety considerations including crash history	10%	Nil	Minor perceived risk associated with the road being unsealed	Perceived risk with the road being unsealed, makes a direct connection to a collector or sub arterial	Evidence of vehicle crash - Property Damage Only (PDO) and or casualty	>2 casualty accidents	Fatality due to road being an unsealed surface
Total - Technical Weighted Assessment	100%						

Each of the proposed roads were assessed against the weighted criteria in Table 2 and are summarised in Table 3:

Table 3 - Technical assessment

Road Name	Craneford Road	Goldfields Road	Hill Climb Road	Kalbeeba Road	Keyneton Road	Meadow Road	Mount Road	Neldner Road	Rifle Range Road	Valley Road (west)	Yaldara Drive - Part 1 and Part 2
Locality	Craneford	Cockatoo Valley	Mount McKenzie	Kalbeeba	Moculta	Kalbeeba	Mount Crawford	Tanunda	Krondorf	Angaston	Lyndoch
From	Seven Steps Road	Balmoral Road	Eden Valley Road	Barossa Valley Way	Truro Road	Lucks Road	Springton Road	Magnolia Road	Barossa Valley Way	Radford Road	Barossa Valley Way
To	High Eden Road	Green Gully Road	Hill Climb entrance	Balmoral Road	Council boundary	Devon Road	Warren Road	Basedow Road	Nicolai Road	70 metres	Fuss Road
	5	5	2	4	4	1	5	3	5	2	5
	1	2	1	2	2	3	1	1	1	2	0
	3	2	1	4	4	1	2	2	1	1	4
	1	5	2	2	2	4	3	1	4	4	4
	5	5	2	2	4	2	3	3	3	3	2
	3	3	3	2	4	0	3	0	4	3	4
Total	31	33	16	31	34	16	28.5	18.5	27.5	20	32

A desktop review of the roads has been completed (attached) and the costs to seal each road has been estimated to be:

**Table 4 - Estimated Construction Costs**

Road Name, Location	Total Estimated Cost (\$)
Craneford Road, Craneford	\$600,371
Goldfields Road, Cockatoo Valley	\$410,124
Hill Climb Road, Mount McKenzie	\$189,788
Kalbeeba Road, Kalbeeba	\$151,115
Keyneton Road, Moculta	\$1,291,936
Meadow Road, Kalbeeba	\$139,997
Mount Road, Mount Crawford	\$1,353,286
Neldner Road, Tanunda	\$271,766
Rifle Range Road, Krondorf	\$450,089
Valley Road (west), Angaston	\$74,952
Yaldara Drive (part 1 and 2), Lyndoch	\$571,187
Est. Total	\$5,504,615

Council could consider prioritising roads with a technical weighted score of equal to or greater than 30, see Table 5:

**Table 5 - Roads with Technical Weighted Score of 30 or more**

Road Name, Location	Total Estimated Cost (\$)
Craneford Road, Craneford	\$600,371
Goldfields Road, Cockatoo Valley	\$410,124
Kalbeeba Road, Kalbeeba	\$151,115
Keyneton Road, Moculta*	\$1,291,936
Yaldara Drive (part 1 and 2), Lyndoch	\$571,187
Est. Total Cost	\$3,024,733

\*Of these roads, Keyneton Road sealing will require regional collaboration with Mid-Murray Council as there remains a 1km section in their district remaining unsealed. It could also be submitted for consideration for a future Special Local Roads Projects (SLRP) funding, so its recommended to consider this road in a future budget.

Valley Road, Angaston west of Radford Road does not meet the minimum technical assessment score of 30 or more but given its relative short segment length and its immediate close proximity to residential development, consideration should also be given to completing this road as a first priority.

#### Summary and Conclusion

The recommended approach is to apportion the LRCI phase 3 funding of \$1,130,216 to upgrade and seal the following roads by the grant funding program deadline of 30 June 2023, total estimated cost of these three roads is \$1,056,263. The staged approach is recommended as Council's civil team have limited capacity to deliver the works in a single financial year and an early start in January 2022 is not possible due to existing capital works commitments.

- Yaldara Drive, Lyndoch (Part 1 and Part 2)
- Goldfields Road, Cockatoo Valley
- Valley Road, Angaston (west of Radford Road)

It is also recommended to upgrade and seal Craneford Road and Kalbeeba Road in FY2023/2024, subject to the annual Budget and Business Plan approval process, with Keyneton Road pending the outcome of regional collaboration and Special Local Road Funding, again subject to approval of Council.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Unsealed Road Upgrade - Accelerated Rural Seal Project - Works Program - Concept Cost Estimates

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

Further financial modelling will be completed as part of the Annual Budget and Business Plan Process including reviewing the Long-Term Financial Plan

The cost estimates have been developed noting the following qualifications;

- Only 150mm thick PM2/20QG Quarry Rubble pavement overlay assumed over existing unsealed road pavement.
- No allowance for full road reconstruction, pavement rehabilitation, treatment of weak pavements or road widening works.
- No allowance for horizontal road realignment or vertical road realignment changes other than basic 150mm pavement overlay on existing.
- No allowance for land acquisition.
- No allowance for utility service relocations or protection works. No allowance for road lighting works.
- No allowance for upgrading or new major drainage crossings or structures. Only a nominal allowance has been made for upgrading small drainage road crossings.
- No allowance for upgrading or new bridge structures, retaining walls or other structures.
- No allowance for upgrading existing bridge barriers. Only a nominal allowance has been made for new w-beam guardrail on some roads.
- Standard 14/7mm C170 double spray seal assumed. No allowance for asphalt surfacing or higher performance Polymer Modified Binder spray seals.
- No allowance for Native Vegetation Removal Offset payments to Native Vegetation Council. No allowance for any environmental or heritage assessment or approval costs. No allowance for landscaping or new tree planting.
- Assumed 7.0m seal width for all roads except Keyneton Road assumed 8.0m seal width due to heavy vehicle freight route.
- Assumed design and project management by internal Council resources. No allowance for design or project management by engineering firms or other external service providers.
- No detailed project or construction cost risk analysis has been undertaken. Only 10% contingency has been applied to the concept cost estimates - which is lower than State or Federal Govt Estimating Guidelines advise for cost estimates undertaken for projects at the planning stage.

## COMMUNITY ENGAGEMENT

No consultation with the community has been undertaken, customer requests and representations to Council have been considered, in part, in the technical weighted assessment for each road. Consultation will be undertaken as part of the Annual Budget and Business Plan process.

## 7.6.5

**PROPOSED ROAD CLOSURE - 2022 MSS SAFETY RALLY BAROSSA  
21/89905****MOVED** Cr de Vries

That Council advise the Commissioner of Police that Council endorses the road closure of:

Peggy Hill Road, between Sawpit Gully Road and Hearls Road;  
Hearls Road, between Peggy Hill Road and Burkes Hill Road;  
Burkes Hill Road, between Hearls Road and Eden Valley Road;  
Eden Valley Road, between Burkes Hill Road and Cranes Range Road;  
Cranes Range Road, between Eden Valley Road and Craneford Road,

**for the Buddys Stage of the 2022 MSS Safety Rally Barossa which will be run on Sunday 18 September 2022 from 7.30am to 11.30am, and**

R Seeliger Road, between Seven Steps Road and C Rogers Road;  
C Rogers Road, between Wynns Road and Brownes Road;  
Brownes Road, between C Rogers Road and Corryton Park Road;  
Corryton Park Road, between Brownes Road and High Eden Road;  
High Eden Road, between Corryton Park Road and Springton Road,

**for the Corryton Park and Corryton Park Reverse Stages of the 2022 MSS Safety Rally Barossa which will be run on Sunday 18 September 2022 from 7.45am to 11.15am, and 12.45pm to 4.00pm, and**

Wirra Wirra Road, between Blockers Road and Trial Hill Road;  
Trial Hill Road, between Wirra Wirra Road and Steingarten Road;  
Steingarten Road, between Trial Hill Road and Barossa Valley Way,

**for the Trial Hill Long and Trail Hill Long Reverse Stages of the 2022 MSS Safety Rally Barossa which will be run on Sunday 18 September 2022 from 8.30am to 11.45am (south to north) and 12.15pm to 4.00pm (north to south), and**

Steingarten Road, between Barossa Valley Way and Trial Hill Road;  
Trial Hill Road between Steingarten Road and a point 2km east of the junction of Trial Hill Road and Barossa Valley Way,

**for the Trial Hill Short and Trial Hill Short Reverse Stages of the 2022 MSS Safety Rally Barossa which will run on Sunday 18 September 2021 from 10.00am to 1.00pm (clockwise direction) and 2.15pm to 5.15pm (anti clockwise direction), and**

Woodlands Road, between 260 Woodlands Road and Goldfields Road;  
Goldfields Road between Woodlands Road and Green Gully Road;  
Green Gully Road between Goldfields Road and Para Wirra Road;  
Para Wirra Road between Green Gully Road and Goldfields Road;  
Allendale Road between Goldfields Road and Balmoral Road,

**for the Goldfields Stage of the 2022 MSS Safety Rally Barossa which will be run on Sunday 18 September 2022 from 10.30am to 1.30pm and from 2.00pm to 5.00pm, and**

Lindsay Park Road, between Stott Highway and Lamb Tail Corner Road;  
 Lamb Tail Corner Road, between Lindsay Park Road and Hutton Vale Road;  
 Hutton Vale Road, between Lamb Tail Corner Road and Stone Jar Road;  
 Stone Jar Road, between Hutton Vale Road Road and Boundary Road;  
 Boundary Road, between Stone Jar Road and Geisters Road;  
 Geisters Road, between Boundary Road and Gnadenberg Road;  
 Gnadenberg Road, between Geisters Road and Keyneton Road,

**for the Lamb Tail Stage of the 2022 MSS Safety Rally Barossa which will be run on Sunday 18 September 2022 from 7.00am to 11.00am.**

**SECONDED** Cr Miller

**CARRIED 2018-22/631**

## **PURPOSE**

Ivar Stanelis, on behalf of Rally One, has written to The Barossa Council requesting road closures for the 2022 MSS Safety Rally Barossa, which will be held on Sunday 18 September 2022.

## **REPORT**

### Introduction

The Motorsport Australia SA Rally Panel has announced details of the MRF SA Rally Championship for 2022. The championship is to be contested over 4 rounds.

The Championship season includes Round 1 in June 2022 at Burra with the "AGL Rally SA – Rally of the Heartland", Round 2 on 13 August in and around Eudunda with the "Copyworld Walky 100", Round 3 on Sunday 18 September, as a new event for 2022, to be held in and around the hills of the Barossa Valley, with the "MSS Safety Rally Barossa" and Round 4 on 22 & 23 October with the "AGI Sport Adelaide Hills Rally".

This championship event was cancelled in 2020 and 2021 due to Covid19 restrictions.

### Summary and Conclusion

The MSS Safety Rally Barossa is a one-day gravel road rally event which builds on the previous successful Rally SA events in the Barossa Region as a round of the South Australian Rally Championship.

Taking place on some of the most iconic Barossa roads traversed in previous SA Rally events, the new MSS Safety Rally Barossa event will see crews tackle 112 competitive kilometres across nine stages, with entries limited to 45 cars.

The event will include categories such as Classic, Invitational, Clubman, Intro and Regularity, meaning a variety of competitors with different skills will be able to enter the new event.

The event will provide increased investment and enthusiasm for the sport and will deliver significant economic and tourism benefits to the Barossa Region with some 500 to 750 motor sport fans expected to visit the region.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

### Supporting references

Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



### Health and Wellbeing

### Goal

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

### Strategies

- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

### Advocacy Plan

Nil

### Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The cost of the road closures is to be met by event organisers.

There are no unforeseen risk management considerations. Council officers, together with MSS Safety Rally Barossa staff, inspect the roads involved prior to the event and if required again after the event to ascertain any dilapidation due to the event.

## COMMUNITY ENGAGEMENT

MSS Safety Rally Barossa will be actively promoting the event on their social media platforms using the phrase "The Barossa Valley – a brilliant blend – and a great place to host the MSS Safety Rally Barossa".

Organisers will personally correspond with local property owners regarding the event, and advisory advance notice signage will be erected approximately three weeks before the event. The event and associated road closures will be promoted and advertised by organisers in local newspapers and The Advertiser.

Council will support notification of the closures via placement of the SAPOL Section 33 Notice on Council's website.

## **7.7 DEVELOPMENT AND ENVIRONMENTAL SERVICES**

### **7.7.1**

#### **BAROSSA LOCAL ECONOMIC DEVELOPMENT PLAN - DRAFT FOR CONSULTATION**

**21/88125**

**MOVED** Deputy Mayor Johnstone

That Council:

- (1) Endorse the Draft Barossa Local Economic Development Plan (dated December 2021) as attached to this report for consultation.
- (2) Authorise the Chief Executive Officer or his delegate, to enter a phase of public consultation for the period 10 January 2022 to 18 February 2022, in accordance with the attached consultation plan and Council's Public Consultation Policy.

**SECONDED** Cr de Vries

**CARRIED 2018-22/632**

#### **PURPOSE**

To seek approval to undertake public and stakeholder consultation on the Draft Barossa Local Economic Development Plan.

#### **REPORT**

##### Background

Council had set a performance target to develop a Local Economic Development Plan as a critical piece of medium-term policy direction for the development of the community.

##### Introduction

Preparation of the Local Economic Development Plan (LEDP) was awarded to SGS Economics and Planning Pty Ltd in conjunction with Adelaide based firm URPS.

The creation of an overarching economic development strategy aims provide a coherent framework within which Council's business support services might be delivered.

SGS Economics and Planning and URPS had undertaken a co-design approach to developing the plan, working collaboratively with key stakeholders.

##### Discussion

Initial input to the LEDP development had been a community online survey as a means of raising challenges and opportunities. It also provided a thread to the themes to help inform the workshops with senior officers and Elected Members.

Following the initial workshops, the consultants prepared a Co-Design Briefing Paper which was circulated to participants prior to the Co-Design Workshop in August.

Further input from senior officers on the Draft LEDP was provided at a second workshop, prior to being presented to Elected Members at the 3 November 2021 Council workshop.

Following review and feedback, a revised draft of the LEDP (Attachment 1) is now presented to Council to endorse to undertake consultation to gather stakeholder and community views on the draft strategies and actions to allow for its finalisation.

The keys task in this phase of the project is

- Online survey to gather community views (Attachment 2).
- Council to promote Draft LEDP as per Communications Plan (Attachment 3).
- Preparation of engagement report summarising outputs of public consultation.

### Summary and Conclusion

The Draft Barossa Local Economic Development Plan prepared by SGS Economics and Planning is presented for Council's consideration and endorsement for public consultation.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1	Barossa Local Economic Development Plan - Draft for Consultation - December 2021
Attachment 2	211214 v2 - Online survey content for draft Barossa Local Economic Development Plan
Attachment 3	Barossa Local Economic Development Plan - Communications Plan

### Supporting references

Nil

## **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

### Community Plan



### Business and Employment

#### Goal

11. The Barossa has a strong local economy that adapts, innovates and thrives on change and strives for a diverse industry base that provides a sustainable range of business and job opportunities for people.
12. We are a visitor destination of choice.
13. The Barossa is competitive and in a strong position to attract both private and public investment in the development of new and existing businesses, services and industry.

#### Strategies

- 11.3. Promote the Barossa as a place for business's to thrive, invest, innovate, take measured risks and prosper.
- 12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
- 12.2. Support economic development and destination awareness through events, festivals, creative enterprise and attractions.
- 12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.

- 13.1. Foster small business and industry confidence and growth that translates into innovation and strong employment figures.
- 13.2. Attract investment for new and innovative industries, and facilitate business growth by supporting local industry and their capacity to compete for government contracts.

Advocacy Plan

Nil

Legislative Requirements

Nil

**FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Preparation of the Draft LEDP has been in accordance with the allocated consultancy budget.

This includes preparation of an online survey and subsequent engagement report on the survey results. All other engagement processes have been undertaken by Council administration. This includes promotion of the Draft LEDP through various media.

**COMMUNITY ENGAGEMENT**

Council will commence a phase of community consultation in accordance with Council's Public Consultation policy to gather community views on the Draft LEDP to allow for finalisation.

Council must provide interested persons to make submissions within a set period (which must be at least 21 days). Consultation is proposed to commence on 10 January 2022 to avoid the Christmas/New Year period and extend through to 18 February 2022 to ensure Council can capture community members that are returning from holidays.

The attached Consultation Plan outlines the proposed extent of communicating the Draft LEDP to key stakeholders and the community in general.

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

Following consultation, the final phase of the project will be to deliver the Final LEDP considering the submissions received, if any. The consultant team is to work with Council to make amendments to the LEDP, where appropriate.

## 7.7.2

**BATTERY STEWARDSHIP SCHEME**

21/90707

**MOVED** Deputy Mayor Johnstone

That Council:

- (1) Commit to becoming a Battery Steward (government agencies category) under the B-cycle scheme.
- (2) Authorise the CEO or his delegate to:
  - a. complete and submit the battery scheme commitment form **Attachment 1**; and
  - b. investigate the opportunity to become a community drop off location as part of the B-cycle scheme and report back to Council on the benefits, costs, partners, location etc. associated with a community drop off.

**SECONDED** Cr Troup**CARRIED 2018-22/633****PURPOSE**

To highlight the Battery Stewardship Scheme and provide detail of how Council can be involved.

**REPORT**Background

Stewardship refers to responsible management of a product, at different stages in their production, use and disposal. For batteries, it is helpful to look at the entire supply chain and consider how this might apply depending on who is taking part in the process.

The journey to establishing a battery stewardship scheme gained momentum in 2018 with a clear direction and the design of a draft scheme. In 2020 the Battery Stewardship Council was successful in its application for Authorisation of the Battery Stewardship Scheme by the Australian Competition and Consumer Commission.

In 2021 the B-cycle brand was launched. Unlike existing battery recycling services, B-cycle is a stewardship initiative that provides robust accreditation for everyone in the battery value chain, including battery brands, retailers, drop off points and the whole recycling network.

B-cycle is backed by the Battery Stewardship Council, supported by the Commonwealth and all State and Territory Governments, and authorised by the Australian Competition and Consumer Commission.

Introduction

B-Cycle offers rebates that reward recyclers, and clear accreditation that helps consumers choose participating brands. B-cycle encourages everyone to do their bit

to tap into the economic opportunities of recovering high-value resources, and assist in creating a circular economy and preserving natural resources.

B-cycle was developed in collaboration with industry, to deliver the best outcomes for businesses and the environment. Clear accreditation helps consumers choose participating brands. Together with recycling rebates, this rewards industry for doing the right thing. B-cycle is now onboarding participants ahead of a national public launch in early 2022.

### Discussion

Government bodies are encouraged to support the B-cycle scheme and make a commitment to the general obligations of the scheme as outlined in *Attachment 1*. Councils also have the opportunity to seek accreditation as a community drop-off location, collector, sorter or recycler.

As a government agency, Council would commit to:

- give purchase and/or supply preference to other accredited B-cycle participants.
- Ensure that all used batteries are provided to B-cycle accredited recyclers for environmentally sound disposal.
- Give priority to the purchase of batteries manufactured using recycled content where appropriate.
- Promote the Scheme to the community, other businesses and organisations; and use B-cycle approved Scheme branding and logo as appropriate and adhere to the conditions that apply to that use.
- Comply with legal and other requirements, including B-cycle standards and procedures for quality, traceability, environment, and Work, Health and Safety.
- Cooperate with random or risk-based audits as instigated by the BSC and with surveys undertaken from time to time.
- Retain and make accessible to the BSC records to demonstrate these obligations and related B-cycle procedures and guidance are being met.
- Give appropriate access to relevant records for audit purposes as appropriate.
- Ensure that used batteries generated through our own operations are disposed of through accredited battery stewards.

While Council isn't currently in a position to gain accreditation as a collector, sorter or recycler, the opportunity to become a community drop off location should be further investigated taking into consideration resourcing requirements, risk analysis of battery storage, engaging with accredited collectors and recyclers and costs involved in the setup and ongoing participation as a drop off location.

When considering resourcing requirements, multiple departments will be consulted and recommendations can then be put forward as to if Council could facilitate a single drop off point or if multiple locations (i.e.- libraries, the Barossa Bushgardens, Springton Transfer Station) could be created.

### Summary and Conclusion

Council can meet the general obligations for all battery stewards and should look to participate in the B-cycle battery scheme as a government agency in the first instance.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Battery Stewardship - B-cycle Scheme - Commitment Form

### Supporting references

Battery Stewardship Council website - <https://bsc.org.au/>

B-cycle website - <https://bcycle.com.au/>

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Natural Environment and Built Heritage



Health and Wellbeing

### Goal

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

### Strategies

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

### Corporate Plan

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

### Advocacy Plan

Nil

### Legislative Requirements

Nil

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The B-cycle scheme is backed by a \$1 million Federal Government Grant and matching industry funding, given to the Battery Stewardship Council (BSC) to fast-track a circular economy for batteries.

There are no fees in becoming accredited under the scheme.

Participation in the scheme will help to increase material volumes through the drop-off network avoiding additional waste to land fill, and contribute to the circular economy for batteries.

Resourcing will be required to create a process for the disposal of used batteries generated through our own operations to ensure they are disposed of through accredited battery stewards. This can be achieved through current staffing levels (i.e. Waste Management Officer)

## **COMMUNITY ENGAGEMENT**

Should Council opt to participate, the scheme will be promoted via Council's website and social media as well as the local print press.

### **8. CONFIDENTIAL AGENDA**

#### **8.1 OFFICE OF THE MAYOR AND CEO**

##### **8.1.1**

#### **SMART REGIONS PROPOSAL - APPROACH TO MARKET AND BUSINESS ENGAGEMENT 21/92039**

The matter of the agenda item being information the disclosure of which-

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
- (ii) would, on balance, be contrary to the public interest; and tenders for the supply of goods, the provision of services or the carrying out of works; pursuant to Section 90(3)(b) and (k) of the Local Government Act 1999 ("the Act") being information that must be considered in confidence.

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that it contains commercial information and preparation of an approach to market and a quotation for consultancy support services.

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

**MOVED** Cr de Vries

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Community Services, Director Development and Environmental Services, Director Works and Engineering, Project Director The Big Project, Minute and the Secretary Livestreaming support officer., in order to consider in confidence a report relating to 8.1.1 Smart Regions Proposal - Approach to Market and Business Engagement being information that must be considered in confidence pursuant to:

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

information the disclosure of which-

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and  
(ii) would, on balance, be contrary to the public interest; and

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

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

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that it contains commercial information and preparation of an approach to market and a quotation for consultancy support services.

**SECONDED** Cr Wiese-Smith

**CARRIED 2018-22/634**

*The meeting moved into confidence at 10.25am*

**MOVED** Cr de Vries

That Council:

- (1) Council resolution  
(2) Council resolution  
(3) Council resolution  
(4) Having considered this matter in confidence under Sections 90(2) and 90(3)(b) and (k) 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 21 December 2021 in relation to item 8.1.1 Smart Regions Proposal - Approach to Market and Business Engagement be kept confidential and not available for

public inspection and authorise the Chief Executive Officer to review and revoke the order as part of the annual review of confidential orders.

**SECONDED** Cr Troup

**CARRIED CO2018-22/31**

*Resumption of open council meeting at 10.59am*

## **8.2 THE BIG PROJECT**

### **8.2.1**

#### **TANUNDA RECREATION PARK PLAYGROUND - TENDER EVALUATION AND BUDGET REVIEW** **21/92025**

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

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process and the Council report, attachments and associated document; and the disclosure would give an unfair advantage to a person with whom Council proposes to do business.

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 Hurn

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, Project Director The Big Project, Minute Secretary and the Livestreaming support officer, in order to consider in confidence a report relating to 8.2.1 Tanunda Recreation Park Playground - Tender Evaluation and Budget Review being information that must be considered in confidence pursuant to:

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

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

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process and the Council report, attachments and associated document; and the disclosure would give an unfair advantage to a person with whom Council proposes to do business.

**SECONDED** Cr Wiese-Smith

**CARRIED 2018-22/635**

*The meeting moved into confidence at 10.59am*

**MOVED** Cr Hurn

That Council:

- (1) Council resolution
- (2) Council resolution
- (3) Council resolution
- (4) Having considered this matter in confidence under Sections 90(2) and 90(3)(k) 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 21 December 2021 in relation to item 8.2.1 Tanunda Recreation Park Playground - Tender Evaluation and Budget Review be kept confidential and not available for public inspection until expiration of the contract and authorise the Chief Executive Officer to review and revoke the order.

**SECONDED** Cr Miller

**CARRIED CO2018-22/32**

*Resumption of open council meeting at 11.02am*

## **9. URGENT OTHER BUSINESS**

Nil

## **10. NEXT MEETING**

Tuesday 25 January 2022 at 9.00am

## **11. CLOSURE**

Mayor Lange declared the meeting closed at 11.02am

Confirmed at Council Meeting on 25 January 2022

Date:.....

Mayor:.....