



MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 19 September 2023 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome

Cr Preece left the meeting at 5:30 pm.

Acknowledgement of country by Deputy Mayor de Vries who declared the meeting open at 5.30pm.

1. ATTENDANCE RECORD

1.1 Members Present

Deputy Mayor David de Vries, Crs John Angas, Don Barrett, Tony Hurn, Kathryn Schilling, Jane Evans, Bruce Preece, Jess Greatwich and Heidi Thompson

Apologies

Mayor Bim Lange, Rick Lane and Cathy Troup

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Cr Angas

That the Minutes of the Council meeting held on Tuesday 15 August 2023 at 5.30pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Hurn

CARRIED 2022-26/235

2.2 Matters arising from previous minutes

Nil

3. PROCEDURAL ITEMS

3.1 Petitions

Nil

Cr Preece returned to the meeting at 5:32 pm

3.2 Deputations/Visitors to the meeting

Deputy Mayor de Vries welcomed Josh Norton and Ashley Poland as representatives of the Nuriootpa Rover Football Club to present a deputation.

Josh Norton spoke to Council about their plans for an oval lighting proposal and highlighted they would be seeking future Council support and were able to answer questions from the Chamber.

3.3 Notice of Motion

Nil

3.4 Questions with Notice

Nil

4. MAYOR

4.1 Mayor's Report

MOVED Cr Angas

That the Mayor's report be received and re-presented for questions at the next Ordinary Meeting of Council.

SECONDED Cr Greatwich

CARRIED 2022-26/236

5. COUNCILLORS' REPORTS

Nil

6. MATTERS FOR INFORMATION

- 6.1 Key Outcomes Summary from the Gawler River Floodplain Management Authority (GRFMA) Board Meeting
- 6.2 Williamstown, Lyndoch Landcare Group Inc
- 6.3 Trees for Life - Bush for Life Report
- 6.4 The Fathers Farm Inc - Progress Report
- 6.5 Federal Governments cardboard and paper export bans (July 2024 proposed regulations)
- 6.6 Nuriootpa Centennial Park Authority - Board Minutes July & August 2023 .
- 6.7 Barossa Water Allocation Plan amendment

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1 ANNUAL CLOSURES OF COUNCIL OFFICES, LIBRARIES, BAROSSA VISITOR CENTRE AND DEPOTS OVER CHRISTMAS AND NEW YEAR PERIODS 2023/24 **23/72484**

MOVED Cr Angus

That Council:

- (1) Endorses the operations of Council in accordance with the table provided at Attachment 1 over the 2023/24 Christmas/New Year period noting that the relevant services will be closed during the outlined periods but that arrangements for urgent, emergency and other after-hours support will be in place and that all services shall reopen with normal operating hours on Tuesday 2 January 2024, and;
- (2) Instructs the Chief Executive Officer to publish the amended operating hours in the local papers, relevant Council Facebook sites and on the website.

SECONDED Cr Hurn

CARRIED 2022-26/237

PURPOSE

Each year Council endorses a limited closure period and skeleton service provision for the Nuriootpa Office, Nuriootpa Library and Branch Office/Libraries, Barossa Visitor Centre and Council Depots over the Christmas/New year period.

REPORT

In accordance with Council's historical policy position, Council operates basic services between Christmas and New Year, with staff taking accrued leave during this period. The table at [Attachment 1](#) outlines the management of services during the holiday period.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Proposed Council Operations Christmas 2023 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

Corporate Plan

CS9 - Customers - Provision of customer services walk in (front counter and Library, Barossa Visitor Centre, Branches, Barossa Regional Gallery) mail, phone, web, email including managing enquiries, payments, bookings, retail sales and election support. Customers of Council have a positive experience, where contact is convenient, they are attended to promptly, staff are courteous and requests are correctly recorded and actioned.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resource

Resources will be maintained to ensure continuity of services for Council's Barossa Visitor Centre, Libraries and Council Depot services. The resources required for the existing service levels during the Christmas to New Year period are within the adopted budget. Any significant events that Council needs to respond to and provide support, resources and rectify any assets, will be reported to Council as per previous incidents/events.

Risk Management

Council provides services on standby as required for essential services, ensuring any risk issues are considered as appropriate for each service provided.

COMMUNITY ENGAGEMENT

Appropriate notices will be published in the local papers advising of the closures together with notices on Council's website, d'Vine advertisement, eNewsletter, social media platforms, messages on hold and Council noticeboards and offices.

7.2 Corporate Services and Business Innovation

7.2.1 VARIATION TO DELEGATIONS REGISTER - UPDATES TO LEGISLATION 23/44826

MOVED Cr Barrett

That Council:

- (1) In exercise of the power contained in section 44 of the *Local Government Act 1999*, the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 1 of the report entitled "Variations to Delegations Register – Updates to Legislation" are hereby delegated from 19 September 2023, to the position of Chief Executive Officer except where otherwise indicated in the Attachment, subject to the conditions and limitations specified in each proposed Instrument of Delegation:

- a. *Road Traffic Act 1961*
- b. *Local Government Act 1999*
- c. *Instrument B of the Planning Development and Infrastructure Act 2016*
- d. *Instrument A of the Planning Development and Infrastructure Act 2016*
- e. *Expiation of Offences Act 1996*
- f. *Burial and Cremation Act 2013*

SECONDED Cr Thompson

CARRIED 2022-26/238

PURPOSE

To provide Council with an opportunity to consider updated and new provisions identified through legislative amendments for delegation to the Chief Executive Officer under various legislation.

REPORT

Background

Council has powers and functions that must be performed under a range of legislation. In most cases, the relevant Acts grant these powers and functions directly to Council. The ways in which Council may exercise its powers and functions are:

- when the Council itself exercises the power or function at a formally constituted meeting; and
- where the legislation enables it, a power or function may be delegated to a Council employee, in most cases being the Chief Executive Officer.

Delegations enable Council to apportion its powers and functions to the Chief Executive Officer (CEO) who in turn may sub-delegate to Council staff who have the relevant expertise and experience to improve the efficiency and timeliness of carrying out Council's decisions.

From time to time, legislation upon which Council's delegations are based change, requiring Council to review its relevant delegations on a periodic basis. Council may review its delegations at any time.

Introduction

In early 2020, the Local Government Association (LGA) advised councils it was undertaking a comprehensive review of the delegations' templates and revised its approach to the service offered to councils. The resulting framework established a simpler and contemporary approach that will improve ease of use, reduce legal risk, and enhance flexibility for Council.

Each power and function now consist of a short description only, replacing the historic approach which substantially replicated the text of the legislation. This framework also expands the number of delegable provisions across Acts that were not previously included as part of the delegations.

Discussion

The statutory power of delegation under section 44 of the *Local Government Act 1999* enables the delegation of the statutory powers and functions vested or conferred on a council. Other statutory delegation powers permit the delegation of powers or functions vested in a council in a particular capacity (eg as a relevant authority under the *Safe Drinking Water Act 2011* or an enforcement agency under the *Food Act 2001*). A column providing for the capacity in which the Council is acting is included in the tables of delegable statutory powers and functions. This is to assist Governance Officers to identify the powers and functions which are relevant to the Council and which the Council wants to delegate. It will also assist Council in ensuring the correct powers of delegation are referenced in the instrument of delegation.

The framework is not intended to provide a compliance manual for delegates exercising statutory functions and powers. Providing guidance as to the legal requirements for the valid exercise of that delegated power or function is not the purpose of an instrument of delegation or sub-delegation. The purpose is to record formally the delegation of statutory functions or powers. The delegate or sub-delegate is responsible for exercising the delegated power or function lawfully. This requires compliance with:

- any conditions or limitations on the delegation;
- any statutory requirements which apply to the exercise of the power or function; and
- relevant principles of administrative law.

Updates

Periodic updates to legislation are facilitated by the LGA and their legal partners at Norman Waterhouse Lawyers.

In this periodic update of delegations there have been changes to five pieces of legislation being:

Road Traffic Act 1961

- Powers on receipt of statutory declarations regarding liability of vehicle owners and expiation of certain offences.

Local Government Act 1999

- Minor reference amendments to two provisions that have previously been delegated to the CEO.

Planning Development and Infrastructure Act 2016

- Development authorisation variation.
- Water supply and sewerage connections to proposed allotments.
- Compliance documentation for Certificates of occupancy.

Expiation of Offences Act 1996

- Assessment of documentation provided by and alleged offender.

Burial and Cremation Act 2013

- Comply with internment obligations.

Summary and Conclusion

Council is now asked to review and endorse the delegations as at Attachment 1.

The delegations within this report do not detail the entirety of the delegation framework, only those provisions that have been identified as additional powers and functions not previously recognised as delegable or updates have been made to the wording of the delegation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Variation to Delegations Register - Periodic Update 

Supporting references

No further supporting references.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 - Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Under Section 44(1) of the *Local Government Act 1999* a council may delegate a power or function vested or conferred under this or another Act, and it may be made to an employee of the council, a council committee, or an authorised person.

Council's Delegations Register is available on Council's website.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Risk mitigation is provided through the effective management of the delegation's processes and ensuring the CEO is aware of their responsibilities.

The risk of having ineffective or invalid delegations is minimised as the delegations being considered have been recommended by the LGA, who have engaged lawyers to ensure they are correctly set out with appropriate terminology. 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; and
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

It is Council's decision as to whether it delegates any specific power, or not, under any legislation, except where otherwise directed. Section 44(3) of the *Local Government Act 1999* also specifies Council decisions that cannot be delegated.

COMMUNITY ENGAGEMENT

Employees are informed through established internal procedures of any variation to instruments of delegations that affect their position.

Council's Register of Delegations is made available to the public via Council's website www.barossa.sa.gov.au as required by the *Local Government Act 1999*.

7.2.2 2022/2023 DRAFT ANNUAL FINANCIAL STATEMENTS - COUNCIL CERTIFICATE 23/71031

MOVED Cr Preece

That Council authorises the Mayor and Chief Executive Officer to sign the Certification of Financial Statements for the 2022/2023 Financial Year.

SECONDED Cr Schilling

CARRIED 2022-26/239

PURPOSE

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

REPORT

Introduction

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

Discussion

The certification statement indicates that:

- Council's Annual Financial Statements have complied with the *Local Government Act 1999*, *Local Government (Financial Management) Regulations 2011* and Australian Accounting Standards;
- the Financial Statements present a true and fair view of Council's financial position as at 30 June 2023, and the results of its operations and cash flows for the financial year;
- internal controls implemented by the Council provide a reasonable assurance that the Council's financial records are complete, accurate and reliable and were effective throughout the financial year; and
- the Financial Statements accurately reflect the Council's accounting and other records.

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

Summary and Conclusion

Council authorisation is sought for the Chief Executive Officer and Mayor to sign the Certification of Financial Statements for 2022/2023 in accordance with Local Government regulations.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting

Legislative Requirements

Local Government (Financial Management) Regulations 2011, Regulation 14

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no financial, resource or risk management considerations.

COMMUNITY ENGAGEMENT

Community Engagement is not required for this report. Following the adoption of Council's Financial Statements, a copy will be placed on the Council website.

7.2.3 MONTHLY FINANCE REPORT AS AT 31 AUGUST 2023 23/71757

MOVED Cr Preece

That Council receive and note the Monthly Finance Report as at 31 August 2023, Attachment 1.

SECONDED Cr Evans

CARRIED 2022-26/240

PURPOSE

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

REPORT

The Monthly Finance Report (as at 31 August 2023) is Attached. The report has been prepared comparing actuals to the original adopted budget 2023/24.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council August 2023 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY ENGAGEMENT

Community Consultation was part of the original budget adoption process in June/July 2023, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.2.4 NURIOOTPA BOWLING CLUB - LOAN SUPPORT **23/72594**

MOVED Cr Preece

That Council:

- (1) Approves the Nuriootpa Bowling Club application to access a Local Government Finance Authority Community Loan of up to \$70,000 over a maximum of 10 years subject to:
 - a. the Chief Executive Officer being satisfied that the Strategic Business Plan and required financial information is sustainable for the Club to enter into a loan agreement with Council, and
 - b. the Club receiving grant funding from the State Government, 2023 Community Recreation and Sport Facilities program.
- (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.
- (3) Approves the Nuriootpa Bowling Club's request for a general rates rebate for 2023-24.

SECONDED Cr Hurn

Cr Preece called for a **DIVISION**

The motion was set aside.

The division was taken with:

FOR the motion - Cr Hurn, Cr Preece

AGAINST the motion - Cr Angas, Cr Barrett, Cr Schilling, Cr Evans, Cr Greatwich, Cr Thompson

The Mayor declared the motion **LOST**

Cr Preece called a Point of Order against Cr Greatwich stating that the CEO had already made an explanation to the item but did not cite which part of the Act or regulations the alleged breach was referring to. Deputy Mayor de Vries ruled the point of order has no effect.

MOVED Cr Angas

That Council:

- (1) Approves the Nuriootpa Bowling Club application to access a Local Government Finance Authority Community Loan of up to \$70,000 over a maximum of 10 years subject to:
 - a. the Chief Executive Officer being satisfied that the Strategic Business Plan and required financial information is sustainable for the Club to enter into a loan agreement with Council, and
 - b. the Club receiving grant funding from the State Government, 2023 Community Recreation and Sport Facilities program.
- (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.
- (3) Declines the Nuriootpa Bowling Club's request for a general rates rebate for 2023-24.

SECONDED Cr Hurn

CARRIED 2022-26/241

PURPOSE

To consider advancing access to a community loan through the Local Government Funding Authority to support the artificial turf project of the Nuriootpa Bowling Club (the Club).

REPORT

Background

The Nuriootpa Bowling Club Strategic Business Plan includes a commitment to working towards the implementation of new artificial greens to improve the facility for future growth of the game.

At the Club AGM on 5 September 2023, a motion was carried in support of this project.

Discussion

The Club received a quote on 17 August 2023 for the installation of an artificial green with the cost of construction estimated to be \$326,000 plus GST.

The Club will apply for a 2023-24 grant from the Office of Recreation and Sport's Community Recreation and Sport Grant program for \$244,500 plus GST, has received donations of \$4,000 towards the project from its members and the community, and the Club will provide \$14,300 support to the project using its cash reserves and in-kind works.

Community Loan Application

In accordance with Council's Treasury Management Policy, the Club has submitted a Community Loan Application to Council seeking to access a community loan of \$65,200 (see Attachment 1). As the work will most likely be delayed until after the 2023/24 playing season at which time an updated quote for the works will need to be sought to accommodate any market fluctuations, Council staff suggest the loan is approved for an amount of up to \$70,000.

The club has not previously held a community loan.

Planning approval is not required for this work.

To support the Club to achieve its ultimate outcomes and meet grant application submission dates, this report has been prepared for Council to consider the application for community loan funding. If the loan arrangement is approved by Council and the Club is successful with their grant application, this report also provides authority for the Chief Executive Officer and Mayor to sign the loan documents.

In support of their Community Loan Application, the club has provided 3 years of financial reports with actual results and a 2023/24 financial forecast along with their strategic business plan which includes reference to this project. Council Officers have completed an internal review of these documents and the information as provided satisfies a financial assessment for sustainability for the Club.

All other information required to meet Council's Treasury Management Policy and its associated Community Loans/Guarantor Application Package has been satisfactorily provided.

It should be noted that community borrowings in essence provide access to our sector's borrowing capacity, but should borrowings not be paid by the Club the liability falls to Council. In terms of Council's financial indicators, the borrowing costs and repayments in terms of principal and interest are neutral. They are neutral as the interest and principal owed is reimbursed to Council over the life of the loan, and in terms of the balance sheet, the loan (being a liability) is offset by a debt owed to Council (an asset) and these values balance off to zero.

Should Council approve the Community Loan Application, this approval would be contingent upon the following:

1. A Successful grant application by the Club from the Community Recreation and Sport Grant program;
2. Entry into a loan agreement with Council.

In accordance with Chapter 8 of the *Local Government Act 1999*, Council is to assess and determine approved levels of support based on community benefit versus financial risk. The current Policy link is provided in the supporting references below.

General Rates 2023-24 Waiver

The Club has also made an application for a waiver on their generate rates (see Attachment 2). As per the *Local Government Act 1999*, section 166, Council could consider a discretionary rebate as a Community Benefit/Service. However, Council would need to consider how this decision may influence or set a precedent for other

like clubs in the district and future potential applications for a Council general rates waiver, for a discretionary rebate.

Summary and Conclusion

The Club is seeking Council support to complete this long-term project. It is recommended to support the Nuriootpa Bowling Club request for a Council loan through the Local Government Finance Authority.

It is recommended that Council does not support the Club's application for a rebate on their 2023-24 generate rates.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Nuriootpa Bowling Club - Community Loan Application redacted - 2023 
- Attachment 2 Nuriootpa Bowling Club - General Rates Waiver - 2023 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure

Corporate Plan

- CS20 - Sport and Recreation - Provide a broad range of sporting, recreational and leisure facilities/ services/programs at a range of facilities, parks and open space areas
- BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting

Legislative Requirements

Local Government Act 1999, Chapter 8

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

There are no resourcing impacts not already budgeted for.

Council's Treasury Management Policy requires:

3.2.2.7 The Council community loans/loan guarantees portfolio should be maintained below 7.5% of Councils General Rate Revenue at any one time to ensure the financial sustainability of Council's overall financial position. This

ensures that Council's loan capacity is not inhibited and that it does not significantly affect financial performance indicators.

The Current community borrowing commitments as at 30 June 2023, were \$1,258,968 and an additional loan of \$70,000 will increase the commitments to \$1,328,968. Please note this does not include interest payments, this is the loan or principal amount currently outstanding. The 23/24 general rate revenue (GRR) is \$31,333,427, as such the total current community loan principle including this loan is 4.24% of the GRR.

3.2.2.8.7 The community group will provide a minimum contribution generally more than 25% of the loan amount, ie. \$50k contribution for a Loan of \$200k. This contribution can be supported with the provision of in-kind support in the delivery of the project.

The Club is contributing cash and in-kind works valued at \$18,300, which represents 26% of a loan of \$70,000.

COMMUNITY ENGAGEMENT

Consultation is not required under the Act or Policy.

7.3 Infrastructure and Environment Services

7.3.1 PROPOSED ROAD CLOSURE - 2024 SANTOS TOUR DOWN UNDER - ZIPTRAK MEN'S STAGE 1 - TANUNDA TO TANUNDA **23/52026**

MOVED Cr Hurn

That Council advise the Commissioner of Police that The Barossa Council endorses the closure of:

- Murray Street, Tanunda from Fiedler Street to Bridge Street, and
- Elizabeth Street, Tanunda from Bilyara Road to William Street, and
- Bilyara Road, Tanunda between Murray Street and Park Street, and
- Basedow Road, Tanunda between Murray Street and MacDonnell Street, and
- John Street, Tanunda between Murray Street and William Street, and
- Julius Street, Tanunda between Murray Street and William Street, and
- Bushman Street, Tanunda between Murray Street and Edward Street, and
- Mill Street, Tanunda between Murray Street and Edward Street

on Tuesday 16 January 2024 from 5.00am to 6.30pm to stage to 2024 SANTOS Tour Down Under ZIPTRAK Men's Stage 1 event.

SECONDED Cr Greatwich

CARRIED 2022-26/242

PURPOSE

The ZIPTRAK Men's Stage 1 of the 2024 SANTOS Tour Down Under is being held on Tuesday 16 January 2024, and will start and finish in Tanunda. Road closures and parking restrictions are required for the safety of all participants and the public.

REPORT

Background

The SANTOS Tour Down Under (TDU) was first staged in South Australia in 1999 and has grown to become the biggest cycling race in the Southern Hemisphere.

The TDU is held in January every year, making it the first event on the international cycling calendar and attracts many interstate and international visitors to the Barossa region.

Introduction

The SANTOS TDU provides a significant contribution to the state's tourism industry and showcases the attractions of South Australia to the world through global television coverage.

Discussion

A request has been received from the organisers seeking The Barossa Council's authorisation to close roads and implement parking and speed restrictions on the ZIPTRAK Men's Stage One race day on Tuesday 16 January 2024 and on the Men's Stage Three Tea Tree Gully to Campbelltown route when it passes through Lyndoch, Mount Pleasant and Williamstown on Thursday 18 January 2024. Road Closures are required for the 16 January event, but not the 18 January event.

The Barossa Council has supported this event for many years by organising and implementing the required traffic management.

Organisers will also make application to SAPOL for 25km/h speed restrictions at several locations and for the removal of traffic infrastructure.

Summary and Conclusion

Council continues to support the community and work together to host a successful event in the Barossa.

The requested closure and restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the public.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Health and Wellbeing



Business and Employment

Goal

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

Strategies

- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.
- 12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
- 12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -

The in-kind cost and implementation of the road closure is to be funded via Council's Road Closure Support/Tour Down Under budget.

Risk management –

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

COMMUNITY ENGAGEMENT

The wider Barossa community will be advised of the proposal by public advertisements to be placed in The Advertiser by Events SA and via placement of the SAPOL Section 33 Notice on Council's website.

7.4 Development and Community Services

7.4.1 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS

23/62872

MOVED Cr Greatwich

That Council having reviewed the minutes of the Barossa Bushgardens D41 Committee meeting held 9 August 2023, adopt the resolutions contained therein.

SECONDED Cr Thompson

CARRIED 2022-26/243

PURPOSE

The minutes of Council Section 41 Committee – Barossa Bushgardens Committee are presented here for consideration and adoption by Council.

REPORT

Discussion

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

The relevant minutes received in the past month are therefore presented for Council adoption.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minutes - Barossa Bushgardens Committee Meeting - 9 August 2023



Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture

Corporate Plan

BS7 - Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Local Government Act and Regulations

Landscape South Australia Act 2019 and Landscapes South Australia (General)

Regulations 2020

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY ENGAGEMENT

Not required by Council.

7.4.2 SIGNAGE POLICY - POST CONSULTATION
23/72307
MOVED Cr Greatwich

That Council endorse the Signage Policy and Location Guidelines as presented at Attachment 1.

SECONDED Cr Preece

CARRIED 2022-26/244
PURPOSE

To present feedback from public consultation in respect to the draft Signage Policy, and to seek final endorsement of the draft Signage Policy and Location Guidelines, as amended post consultation.

REPORTBackground

Council endorsed a phase of public consultation in relation to the draft Signage Policy at the Ordinary Council meeting on 20 June 2023.

Discussion

Public consultation took place between 12 July and 2 August 2023, in accordance with the Signage Policy Communications Plan endorsed by Council. The following consultation methods were implemented for the consultation period:

- Letter to key stakeholders including the RDA, Barossa Australia and key township groups;
- Media Release in The Leader and Bunyip;
- Advertisement in The Leader, Courier and Bunyip;
- Your Say Barossa platform
- Facebook messaging;
- Communications within The Mark;
- Internal staff communications and briefing to Elected Members.

Five community responses were received and five internal staff responses during the three week consultation period. Table 1 below contains the comments received in respect to each submission as well as the corresponding response to each comment.

Community Responses

Submission	Comments	Response
1 – Anonymous	- You do not uphold the policy; - Numerous examples of signs erected in Angaston and Eden Valley which do not comply with the Policy	- This is a new policy, presented for consultation. Compliance provisions are contained within the draft Policy and Authorised Officers of Council will have powers to undertake compliance in respect to non-compliant signs. - The submission raises concern in respect to a number of existing signs in the main street of Angaston and within the Eden Valley environs. Signs referred to in the submission are subject to a separate compliance process and staff will investigate each case on its merits, pursuant to the Signage Policy, if adopted.
2 - Anonymous	- The fluoro banners advertising Barossa Helicopters on Lyndoch Valley Road are a blight on the Barossa and should be removed.	- Inspection of the locality has identified three fluoro banners advertising Barossa Helicopters, near the edge of the Lyndoch Valley Road. It is unclear if these signs are located on private land or are within the road reserve. If the banners are located within the road reserve, they will be subject to, and will be non-compliant with the Signage Policy. Staff will investigate this matter, pursuant to the Signage Policy, if adopted.
3 – F van Emden	- The Lyndoch community would like to get a mural up but have encountered difficulties with Council.	- It is understood the mural requested/proposed in Lyndoch is proposed in relation to private land. The draft Signage Policy does not apply to private land. Clause 2.3.3 of the draft Signage Policy addresses a mural or artwork and

		advises that a mural is not subject to the Policy, provided the mural is approved and does not depict messaging, graphics or communications that are in the nature of advertising.
4 – J Zander	- Outdated signs should be removed where businesses no longer operate (ie. B&Bs. Signage to businesses should be restricted to tourism attractions only such as accommodation and wineries. - A recent sign established by Department of Infrastructure (DIT) and Transport was installed on Eden Valley Road indicating right turn onto Flaxman Valley Road. This sign is considered to be a blight on the landscape, noting there is an existing smaller sign installed at the junction. - Dog registration signs and CFS fire danger season signs litter the landscape and are intrusive.	- Clause 3.66.3 of the draft Policy provides capacity for a sign or signs to be removed where the facility to which the sign relates ceases to operate. - DIT has authority to erect signs on roads under its authority. The draft Signage Policy does not (and cannot) implement policy that overrides the authority of DIT to authorise road traffic and safety signage on roads under its control. - Emergency Services, Public Safety and Hazard Warning Signs are proposed to be permitted under Clause 3.33 of the draft Policy. This clause anticipates freestanding signs containing information dedicated to CFS and dog and cat management. Such signs are considered to constitute essential community messaging and such signs are common in occurrence in Councils across South Australia. The location and size of such signs is a matter that shall be determined by The Barossa Council in accordance with the Policy. Noting that such signs are generally limited by their number and size, they are not considered to be detrimental to the landscape.

5 – B Tait, Tait Wines	- Proposed Clause 3.66 of the draft Policy is too broad and is unfair to an existing business such as Tait Wines that has an existing longstanding sign. This clause should be amended to include provision for consultation with the existing sign owner, prior to any action being taken in relation to the sign.	- Proposed Clause 3.66 acknowledges the existence of existing signs that pre-date the Signage Policy. While it is important that existing signs are acknowledged, Council may have a legitimate need to remove a sign or signs for one of the reasons expressed in Clause 3.66. Notwithstanding, it is agreed there should be appropriate opportunity for consultation with the owner of a sign impacted under Clause 3.66, prior to a decision being made under this clause. In this regard, a new Clause 3.67 is proposed.
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Internal Staff Responses

Submission	Comments	Response
6 – D Henwood, Community Development	- Clause 2.3.3 applies to a mural or artwork. Clarification is sought with respect to who will approve the design of art work.	- A reference to 'Approval' of the artwork within Clause 2.3.3 is proposed to ensure that Council has given an authorisation for such artwork. It is considered that 'approval' would refer to that of Council or an authorised Delegate. Clause 2.3.3 is proposed to be amended to make this reference clearer.
7 – R Sloane, Gallery and Creative Industries	- What are the implications of the draft Signage Policy in respect to public art. We would like to ensure there is no confusion in respect to these outcomes and that the language is supportive of future public art outcomes.	- Clause 2.3.3 of the draft Signage Policy addresses a mural or artwork and advises that artwork is not subject to the Policy, provided the artwork is approved. Clause 2.3.3 is proposed to be amended by inserting "that are in nature of advertising" at conclusion of "communications".
8 – H Helbig, Media and Communications	- How would management of street banners fit in to the draft Signage Policy. The intent was to remove red tape by developing service standards for community and event use (not commercial use), and	- Clauses 3.50 – 3.53 of the draft Policy relate to Town Banners promoting community and temporary events. The initial establishment of town banners may require a Development Authorisation

	to make the process as streamlined as possible for our customers. - What is our position regarding LED signage for community use, noting the desire to avoid proliferation of ad-hoc signage on Council/public land.	pursuant to the Planning, Development and Infrastructure Act 2016, however, following approval, the ongoing management of content within the banners and the like would not require a subsequent development authorisation, nor an ongoing permit under the draft Signage Policy. Clause 3.53 contemplates the establishment of service standards to govern the duration of the display of the banners, authorise and regulate the content of the banners, establish a regime and costs associated with the installation and ongoing maintenance of banners or any other relevant requirements as determined by The Barossa Council. - It is proposed that a new Clause 3.65 be inserted under the draft Signage Policy to allow for variable messaging displays for community information purposes or a temporary event where approved by Council, subject to being located within a township and being for a temporary period of time.
9 – S Rigby, Community Safety	- Raises a number of matters of expression within the Policy, mostly of a minor nature. - Signs erected pursuant to a By-Law should be subject to the conditions of that By-Law.	- It is suggested that the majority of the recommended changes be adopted. - Agreed. New Clause 3.9 is proposed under the draft Signage Policy.
10 – Z Irwin, The Big Project	- Have signs containing sponsorship around public ovals been considered.	- This has not been considered and it is agreed that a new clause is necessary. It is proposed that a new clause 2.3.11 be inserted to exclude signs erected around the perimeter of a football, cricket oval or other similar

	- Is signage permitted on dog park fencing. - Are variable messaging displays contemplated for large events? - What is the process/information for installation of town banners. - What is the process for the community to display special event signage? Do they need to be approved? - Is there a maximum number of signs that can be displayed at the designated locations determined under the Location Guidelines? These areas are getting quite cluttered. A permanent purpose built structure would be a better solution instead of the present ad-hoc aggregation of corflute signs. - What is meant by "resume the land" under "Previous Signage Matters erected on Council Land" within Clause 3.66.5?	sporting pitch containing advertising. - It is considered that community information signs erected by The Barossa Council may be displayed at any Council owned site, including dog parks and the Council Chamber. A new clause 3.45 has been inserted to give effect to this. - It is proposed that a new Clause 3.65 be inserted under the draft Signage Policy to allow for variable messaging displays for community information purposes or a temporary event where approved by Council, subject to being located within a township and being for a temporary period of time. - This matter is addressed within Clause 3.53. - Temporary event signs are contemplated on approved town banners pursuant to Clauses 3.50 – 3.53 or where in accordance with "Location Guidelines" established pursuant to Clause 3.60. - The "Location Guidelines" under Clause 3.60 address matters in relation to clutter and cramping of signs. A permanent solution is considered to have merit but will require a specific resolution of Council to fund permanent sign displays in the locations that have been determined under the "Location Guidelines". - It is recommended that the words "use of" be inserted
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	- Under "Legislation and References", do you need to reference the election legislation contained earlier within the Signage Policy.	before "the land" within Clause 3.66.5. - Agreed.
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The extent of feedback has been reviewed following the conclusion of public consultation. The feedback received has not raised any substantive concerns in respect to the draft Signage Policy or the Location Guidelines. Feedback has identified some areas where the draft Signage Policy can be improved and consequential changes have been made to the draft Signage Policy, which are identified in track change within the document. Following extensive public consultation, it is considered that the Signage Policy and Location Guidelines are in a form that is suitable for Council endorsement, as contained within [Attachment 1](#).

Following adoption, it is proposed that communications takes place in accordance with the Communication Plan, previously endorsed by Council, to loop back in respect to the outcomes from the consultation process.

The draft Signage Policy does provide for a framework to enable town banners to be established within townships but does not address the funding of any signage infrastructure. It is noted that infrastructure associated with signage such as in the nature of town banners has been the subject of previous discussion by the Community Assistance Scheme Committee and within the Council Chamber. This matter will be the subject of a separate Council report, that is being administered through the Infrastructure and Environmental Services Directorate.

Summary and Conclusion

Following an extensive community consultation process, the draft Signage Policy and Location Guidelines are presented to Council for endorsement. In total, ten submissions were received, none of which raised a fundamental objection to the intent and objectives of the draft Policy. Feedback has identified some areas where improvements to the Signage Policy can be made and such feedback has been incorporated into the final version that is recommended for Council endorsement.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Signage Policy - Post Consultation 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

The Barossa maintains and develops infrastructure that meets the needs of the region and is efficient.

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

Legislative Requirements

Planning, Development and Infrastructure Act 2016

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The draft Signage Policy seeks to address risks arising from proliferation of signs as well as public safety concerns. The Policy provides an equitable and transparent framework for regulation of new signs on council land while also recognising previous signage matters.

There are no substantive financial implications from introduction of the Signage Policy. Fee settings are applicable for certain signage types, pursuant to Council's fees and charges register, or where otherwise not addressed within the Policy, to account for Council's reasonable costs in the design, supply, installation and maintenance of a sign or signs.

COMMUNITY ENGAGEMENT

Public consultation took place from 12 July to 2 August 2023, in accordance with the Signage Policy. In total, ten submissions were received, none of which raised a fundamental objection to the intent and objectives of the draft Policy.

7.4.3 GROWTH AND INFRASTRUCTURE INVESTMENT STRATEGY AND CHARACTER AREA REVIEW - CONSULTATION SUMMARY **23/72308**

MOVED Cr Greatwich

That Council endorses the Issues Paper Engagement Summary Report, Version 2, dated 1 September 2023 Attachment 1, for the Growth and Infrastructure Investment Strategy and Character Area Review consultation undertaken from 1 May – 30 June 2023 and authorises its public release.

SECONDED Cr Preece

CARRIED 2022-26/245

PURPOSE

To seek Council endorsement of the Issues Paper Engagement Summary Report, Version 2, dated 1 September 2023, prepared by URPS for the Growth and Infrastructure Investment Strategy and Character Area Review consultation undertaken from 1 May – 30 June 2023, for public release.

REPORT

Introduction

Council endorsed the Draft Barossa Growth and Infrastructure Investment Strategy Issues Paper, Draft Barossa Character Preservation District Review Strategic Directions Paper and Engagement Tactical Plan for the purpose of undertaking community engagement, at the Council Meeting on 18 April 2023.

Discussion

Following Council endorsement on 18 April 2023, consultation took place between 1 May and 30 June 2023. The consultation was implemented by Council's Development Services and Community Development teams, in accordance with the Engagement Tactical Plan.

Council had requested that early consultation take place prior to preparation of the draft Growth and Infrastructure Investment Strategy, resulting in preparation of an Issues Paper. In addition, Council's desire to consult in respect to the Character Area review culminated in the two projects being released for consultation concurrently.

A range of engagement tools were implemented as outlined within the Engagement Tactical Plan to ensure the community was actively engaged in the early consultation process. The following extensive engagement tools were applied:

- Your Say Consultation Page
- Online community survey
- Online Interactive Mapping Tool
- Community Listening Posts (7 in total)
- Community Forums (Williamstown and Nuriootpa)
- Receipt of written submissions
- Facebook communications

Council received overwhelming feedback during the consultation period and table 1 below summarises the extent of feedback received via the various engagement methods.

Table 1 – Summary of Engagement Responses

Engagement	Details
Online Community Survey	175 responses were made to the survey available at yoursay.barossa.sa.gov.au (154 online responses and 21 written responses) (Appendix A)
Online Area Mapping tool	118 pins with comments were dropped on an interactive map at yoursay.barossa.sa.gov.au (Appendix A)
Written Submissions	Council received 20 written submissions (Appendix B). Note, 2 of these submissions were received late. A further 2 were confidential and have not been included in Appendix B.
Community Listening Posts	Tanunda – 26 May 2023 – Barossa Visitor Centre – 10am – 1pm Mount Pleasant – 27 May 2023 – Farmers Market – 8am – 12 noon Nuriootpa – 2 June 2023 – Barossa Co-Op Mall – 10am – 1pm Lyndoch – 16 June 2023 – Library / Post Office – 10am – 1pm Angaston – 18 June 2023 – Angaston Markets – 10am – 3pm Marananga – 24 June 2023 – Gnadenfrei Church – 10am – 1pm Williamstown – 27 June 2023 – Post Office – 10am – 1pm (Appendix C)
Community Forums	Nuriootpa 5 July 2023 Williamstown 28 June 2023 (Appendix D)
Facebook post and comments	Made to Council's Facebook page (Appendix E)

The Consultation Summary is contained in Attachment 1. At the conclusion of the Consultation Summary, all responses and feedback are consolidated into the Appendices A – E accompanying. In total, Council received 41 written responses, of which two were confidential and have been excluded from Appendix B but have separately been circulated to Elected Members for information.

The following questions were posed in respect to the Issues Paper and Strategic Planning Review Paper released for public consultation to stimulate community feedback and test preliminary observations with the community:

Growth and Infrastructure Investment Strategy – Issues Paper

- Where can/should growth be accommodated and why?
- What type of development (eg. Residential, health, education, industrial, rural value adding, retail) is required to support the existing and future population, including people / households in different stages of their life;
- What infrastructure is required to support growth?
- Other considerations to be aware of?

Character Area Review – Strategic Planning Review Paper

- How important do you feel the Barossa Character Preservation District is in assisting to preserve what is special about the Barossa?
- While land uses would you like to see permitted in the rural areas of the Barossa Character Preservation District?
- How important is controlling dwellings in rural areas of the Barossa Character Preservation District?
- How important is limiting land division to create residential allotments outside of towns and in rural areas of the Barossa Character Preservation District?

A high-level summary of the feedback is contained below:

Theme	Summary
Character Preservation District	- Most respondents against change in boundaries. - Some respondents would like to see policies strengthened.
Development	- Support for small scale tourist accommodation, cellar doors, wineries. - Little support for large scale commercial / residential development. - Support for higher density housing within the township boundaries. - Infill needs to align with the existing character. - Protecting heritage / repurposing heritage buildings in a sensitive manner. - Residential development to be focused in Concordia. - Lack of housing affordability is a concern.
Infrastructure	- Region needs improved road infrastructure. - Signage / safety infrastructure. - Pedestrian and cycling infrastructure. - Improved car parking provision. - Water harvesting and water re-use infrastructure.

Services	- Public transport – reinstating the tramline. - Health services. - More schools. - Better waste management – recycling. - Improve and increase sporting and social infrastructure to support a growing community.
Natural Environment	- Limit removal of native vegetation. - Protect health of waterways. - Improve biodiversity and promote green corridors. - Promote ecotourism while protecting our natural areas. - Manage bushfire, flooding and climate change impacts.
Economy and Tourism	- Maintain viticulture and agriculture. - Improve value add to primary produce. - Enhance diversity of jobs while retaining local character. - Support small local businesses. - Promote sensitive tourism. - Enhance entryways of towns to promote tourism.

The Consultation Summary provides an important record of the community's views in respect to growth and infrastructure and character preservation and will help inform the direction for the draft Strategy and Character Area review. Accordingly, it is recommended that Council endorses the Consultation Summary, for public release.

It is proposed that all persons who registered their contact information through the extensive consultation methods will be informed of the release of the Consultation Summary to ensure the feedback loop is closed. The Consultation Summary will also be released on Council's website and communicated through Council's Facebook channel.

Summary and Next Steps

Following endorsement of the Consultation Summary, Council's consultant, URPS, will be preparing the draft Growth and Infrastructure Investment Strategy and in doing so, will be preparing draft options which are planned to be presented to a future Council workshop, to be tested, prior to endorsement of the Draft Strategy for consultation.

In respect to the Character Area review, strong community feedback supports the strengthening of the Character Preservation District Overlay. Further engagement with the State Planning Commission and Planning and Land Use Services is proposed to initiate the Code Amendment process that will be subject to further consultation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Issues Paper Engagement Summary Report 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.

The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

Ensure land use planning and resource use protects the quality of the natural environment, the existing character of rural landscapes, historic significance and the high value of agricultural land.

Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Consultation Summary has been prepared by URPS, in accordance with the budget allocation adopted for the Growth and Infrastructure Investment Strategy.

COMMUNITY ENGAGEMENT

Discussed within body of report.

7.4.4 DRAFT BIOSECURITY BILL **23/72309**

MOVED Cr Greatwich

That Council endorses the Draft Submission as at Attachment 1 in respect to the draft Biosecurity Bill including the commensurate emergency response powers for phylloxera outbreak response and delegates to the Chief Executive Officer authority to submit the submission to the Department of Primary Industries and Regions (PIRSA).

SECONDED Cr Angas

CARRIED 2022-26/246

PURPOSE

To endorse a draft submission and authorise the Chief Executive Officer to submit feedback on behalf of Council in respect to the draft Biosecurity Bill proposed by the Department of Primary Industries and Regions South Australia (PIRSA).

REPORT

Background

Biosecurity is the management of risks to the economy, the environment and the community, of pests and diseases entering, emerging or spreading in an area, for example, a property, state or country.

The draft Biosecurity Bill proposes a new legislative framework that PIRSA advises will strengthen protection of the state's economy, terrestrial and aquatic environments and communities from the impacts of pests, diseases and other biosecurity matter.

Introduction

PIRSA is undertaking consultation on a new Biosecurity Bill for South Australia from 1 August 2023 to 26 September 2023. PIRSA advises the proposed Bill will:

- Provide South Australia a modern, flexible and responsive biosecurity framework;
- Support protection from pests and diseases that threaten our economy, terrestrial and aquatic environments or may affect public amenities, communities and infrastructure;
- Bring consistency to the management of biosecurity across industries by incorporating a number of biosecurity related Acts;
- Promote shared responsibility for biosecurity amongst government, industry and community.

A copy of the Overview of the draft Biosecurity Bill is contained in Attachment 2.

Discussion

The implications of this draft Bill upon local government appear to be somewhat unclear in scope. Staff have participated in the webinar process hosted by PIRSA and reviewed the draft Bill to ascertain what impact this Bill may have. Staff have also reached out to the Local Government Association who are making a submission on behalf of the Local Government sector.

Some of the key implications of this Bill for Local Government from what we can understand at this point are:

- Significant grape diseases such as phylloxera will be regulated as prohibited matter under the draft Bill, noting that The *Phylloxera and Grape Industry Act 1995* is not proposed to be incorporated into the draft Bill. These provisions appear to maintain current arrangements under the *Plant Health Act 2009*.
- New provisions address stray livestock where they pose a biosecurity risk. The provisions allow for stray stock to be detained whilst efforts are made to identify and contact the owner of the stock. It is unclear what implication this has where stray stock are identified on Council land in its control and the owner is not able to be identified. It is also unclear if this applies to feral animals.
- A *Control Order* or long-term *Biosecurity Zone* may be established. The *Control Order* or *Biosecurity Zone* may seek prevention, elimination, control or management of a biosecurity risk over a timeframe or apply to a zone of any size and create ongoing measures to implement or prevent a biosecurity risk.

It is unclear how this power will impact Councils who are responsible for roads and road reserves.

- The Chief Executive can declare a *Biosecurity Emergency*, through the issuing of an *Emergency Order*, to enable the immediate undertaking of a rapid response. The *Emergency Order* may include an *Emergency Zone* and direct *Emergency Measures* to be followed.
- The draft Bill has provisions to enable a Dog Fence Board to levy contributions by councils toward funding the dog fence and maintenance of the dog fence, of up to 1% of rateable rural land and 0.25% of urban land.
- The Minister may appoint any suitable person as an Authorised Officer to administer the Act, and specifically includes Local Government employees.

Staff have prepared a draft submission, contained at Attachment 1, which seeks to convey the following key messages:

- Express concern regarding the provisions which allow the Dog Fence Board to levy contributions by councils to fund the dog fence.
- Seek clarification regarding the implications of the proposed provisions regarding stray stock and powers to make a *Control Order*, *Biosecurity Zone* and *Biosecurity Emergency*.
- The draft Bill should not result in powers being conferred upon Local Government in administering and managing biosecurity risks in South Australia.

It is recommended that Council endorse the draft submission, contained in Attachment 1.

Summary and Conclusion

Council is requested to endorse the draft submission at Attachment 1 in respect to the draft Biosecurity Bill and delegate to the Chief Executive Officer authority to submit the submission to PIRSA.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Draft Submission - Draft Biosecurity Bill 
- Attachment 2 Draft Biosecurity Bill Overview 

Supporting references

Draft Biosecurity Bill

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan Community Plan



Natural Environment and Built Heritage

The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.

Ensure land use planning and resource use protects the quality of the natural environment, the existing character of rural landscapes, historic significance and the high value of agricultural land.

Build on the conservation of the region's natural heritage including bush eco-systems, grassy woodlands, agricultural landscapes and recreational green spaces.

Legislative Requirements

Dog Fence Act 1946

Impounding Act 1920

Livestock Act 1997

Plant Health Act 2009

Fisheries Management Act 2007

Phylloxera and Grape Industry Act 1995

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The implications of this draft Bill upon local government appear to be somewhat unclear in scope. The draft Bill has potential financial implications for Council and the draft submission highlights concerns that should be addressed to mitigate the financial risk upon Local Government.

COMMUNITY ENGAGEMENT

PIRSA is undertaking consultation on a new Biosecurity Bill for South Australia from 1 August 2023 to 26 September 2023.

7.4.5 RESIDENTIAL HARD WASTE PROGRAM - PROPOSED FUTURE ARRANGEMENTS **23/72527**

MOVED Cr Preece

That Council:

- (1) Receives this report to note the outcomes from residential hard waste kerbside collection and hard waste voucher campaign undertaken between March and June 2023;
- (2) Endorses that;
 - a. Council deliver a residential hard waste campaign in October and November 2023 as a voucher only program. Hard waste kerbside collection will be excluded for this campaign. The number of vouchers made available, will be on a first come first serve basis, and shall be 500 vouchers, consistent with previous campaigns. Both township and rural residents will be eligible for a voucher.
 - b. Council deliver a further campaign in March and April 2024, that will provide for both 500 hard waste kerbside collections (townships) and 500 hard waste vouchers (all residents).

- c. Following previous campaigns that have piloted the hard waste program, the residential hard waste program shall be accepted as an ongoing business-as-usual offering, with campaign terms and conditions, budgeting and reporting to be aligned to financial year (subject to budget approval).

- (3) Note that a budget underspend is foreseeable for hard waste for the financial year 2023/2024 based on the proposed delivery plans as outlined within this report.

SECONDED Cr Barrett

CARRIED 2022-26/247

PURPOSE

To inform Council of results from the first residential hard waste kerbside collection and voucher campaign undertaken in 2023 and to seek endorsement of the delivery plans for subsequent residential hard waste kerbside collection and voucher campaigns for the financial year 2023/2024.

REPORT

Background

At its meeting held on 21 February 2023 (Council report 23/6518 carried 2022-26/108), Council resolved to support hard waste collection services to residents (excluding commercial properties) in the form of kerbside collection in townships and provision of hard waste vouchers for residents in rural areas, to begin in March 2023 and to conclude by June 2023.

Council's waste contractor, Solo, was responsible for coordinating registrations and undertaking the hard waste kerbside collection service, while Council was responsible for the issuing of vouchers for receipt of hard waste at the Springton Waste Transfer Station, or redeeming of the vouchers with Yard Clean Up Man Services, Eco Waste Solutions or Kand Do It.

Discussion

Campaign 1

During the months of March and April 2023, Council made 500 hard waste kerbside collections available to residents in townships. Then, during May and June 2023, Council provided 500 hard waste vouchers.

Eligible residents were entitled to either one (1) kerbside collection or one (1) hard waste voucher per property, noting that rural residents could only claim a voucher, because hard waste collection could not be facilitated by Solo in rural areas. There were no restrictions placed on vouchers with residents in both rural areas and townships eligible.

In both circumstances, residents were invited to subscribe on a first come first serve basis. Registrations for kerbside collections were completed in advance of collections that occurred 20 March – 16 April 2023, whereas voucher registrations were open all of May and June 2023 with vouchers redeemable any time prior to 30 June 2023.

Table 1 below summarises the budget allocation for hard waste kerbside collections and hard waste vouchers for the 2022/23 financial year measured against total expenses recorded against each budget allocation.

Table 1 – Campaign 1

Measures	Kerbside Collections Budget Allocation	Kerbside Collections Actual	Vouchers Budget Allocation	Vouchers Actual
Redemption rate	500 collections	500 scheduled collections 100% redeemed	500 vouchers	500 issued vouchers 59% redeemed (292 vouchers) 136 – Springton Transfer Station 77 – Eco Waste 41 – Yard Clean Up Man 38 – Kand Do It
Tonnes of material	150 tonnes	46.16 tonnes	n/a	Not recorded
Collection costs	\$14,145	\$14,145	\$5000	\$5000 Nominal amount - Springton opened 2 additional days
Disposal costs	\$42,900	\$10,911	\$37,500	\$12,654 \$7677 actual Springton, \$4977 nominal other approved providers.
Advertising	\$1800	\$1800 nominal	\$1800	\$1800 nominal
Budget versus total spend	\$58,845	\$25,056	\$44,300	\$19,454
Variance to Budget		\$33,789 saving		\$26,846 saving

Lessons from March – June 2023 Campaign

Significant savings were recorded because disposal costs were less than anticipated and not all vouchers allocated were redeemed. The budget allowed for 300 kg of material per kerbside collection, however the actual material received averaged much less at 92 kg per kerbside collection. Similarly, 41% of Vouchers issued were not redeemed and some of the vouchers redeemed at the Springton Transfer Station did not use the full value of the voucher. Accordingly, a key lesson learnt is that the assumed tonnes of material collected at kerbside should be adjusted down.

While the hard waste kerbside collection campaign was fully subscribed, the registration period was extended in order to achieve full take up. It is therefore considered appropriate that the future allocation of 500 for kerbside collections be retained. Similarly, hard waste vouchers were not fully subscribed until towards the end of the campaign, thereby indicating that 500 vouchers was adequate.

It was written into the Council report 23/6518, carried 2022-26/108 21 February 2023 that vouchers would be for rural residents only. Due to the kerbside collection service taking place prior to the voucher program, residents in townships were able to redeem a voucher. The Terms and Conditions communicated however did not preclude residents in townships from accessing a voucher. It is proposed that future campaigns continue to make vouchers available to both rural and town residents.

A key learning from this campaign was that the customer experience could be improved by having a single point of contact for residents to register for both the kerbside waste collection and voucher program concurrently. While Council staff were able to implement the campaign successfully, there was some confusion experienced by residents which could have been resolved by having Solo as the single point of contact for both kerbside collections and the voucher service. This would mean that Solo would coordinate the registration of vouchers, however, arrangements could allow for residents to collect vouchers from the Council office.

Future campaigns

It is proposed to deliver a second hard waste campaign for the 2023 calendar year as intended within the Council report 23/6518 carried 2022-26/108 21 February 2023, but excluding a hard waste collection service. Kerbside collections will not be offered as part of this campaign because:

- Experience from the earlier campaign was that staff would need in order of 4 months to complete a combined campaign for hard waste kerbside collection and hard waste vouchers. There is insufficient time to complete within the remainder of 2023, noting that the voucher program cannot be implemented during the high bushfire danger season and that hard waste kerbside collections should be avoided during the festive season.
- Should a kerbside collection only campaign be implemented instead of the voucher program, this would preclude rural residents from accessing any level of service for the remainder of 2023. Instead, the voucher program can accommodate service for both rural residents and residents in townships.
- Due to staff changes within Development and Community Services, the implementation of the second campaign was delayed and this has resulted in the limited window of time to complete this campaign as intended when Council endorsed the budget allocation for financial year 2023/2024.
- Staff are exploring opportunity to implement a combined program with Solo, but there is a risk given the time constraints that this new initiative may be unable to be executed appropriately to achieve the desired optimal customer experience.

The budget available supports allocation of 500 hard waste vouchers for residents to be redeemed during October and November 2023. Both townships and rural residents will be eligible for a hard waste voucher on a first come first serve basis again. Should Council wish to increase the number of hard waste vouchers made available for this period, it can do so, noting the budget position, however, previous experience is that there may not be full take up of the total number of vouchers.

It is proposed that the Springton Transfer Station be opened for two (2) additional days across October and November 2023 to provide additional capacity to facilitate the vouchers. This is provided for in the budget and supported by Council's Manager, Infrastructure and Environmental Services. The value of the vouchers will remain at \$75 including GST with total budget for this campaign estimated at \$42,500 excluding GST. Finance for this campaign will be funded from the 2023/2024 financial year budget, where \$206,290 is provided for residential hard waste service.

Following the voucher service in October and November 2023, a concurrent hard waste kerbside collection and voucher campaign is proposed to be implemented during March and April 2024, subject to agreement by Solo to be the single point of contact for resident registrations. Solo would be responsible for registration of all vouchers in addition to the hard waste kerbside collections but arrangements would be in place to enable residents to collect vouchers from the Council office. Council staff could also place a registration with Solo on residents behalf.

There will be ample budget allocation available to implement the proposed concurrent service by Solo in the first half of 2024, noting that Refuse Reserve funds are not required this time. It would be proposed to again coordinate for two additional opening days of the Springton waste transfer station during this period.

It is noted that the Terms and Conditions communicated in previous campaigns were aligned to financial year which means that residents who participated in the first campaign (ie. March – June 2023) will be eligible to participate again in the voucher campaign in October & November 2023. However, residents who participate in this voucher campaign will not be eligible to participate in the future campaign proposed in March and April 2024.

Moving forward, it is recommended that the hard waste program is accepted as an ongoing business and usual offering and the terms and conditions for the future hard waste program be aligned with the financial year, rather than calendar year, to ensure that service allocation is aligned with the budget allocation and reporting.

With the Council endorsing the proposed arrangements as outlined in this report, there will be a budget underspend for the hard waste allocation for 2023/24. For future budgets beyond this financial year, it is proposed that the budget allocation be determined according to previous actual costs for the level of service offered, unless Council determines that it wishes to increase or decrease the level of service.

Summary and Conclusion

The hard waste campaign delivered March – June 2023 was successfully delivered and received by residents. There was a significant budget saving due to variances in disposal costs, that will be addressed in future budgets by adjusting material tonnage assumptions. The service level delivered by the last campaign is considered appropriate with some opportunities identified to further improve the customer experience in future campaigns.

While a voucher only program (500 vouchers) will be offered in October and November 2023, Council will deliver a concurrent campaign of 500 hard waste kerbside collections and 500 hard waste vouchers in March and April 2024. A budget underspend is foreseeable for hard waste for the financial year 2023/2024 based on the current service level proposed.

It is proposed that the residential hard waste program is accepted as an ongoing business-as-usual offering, with campaign terms and conditions, budgeting and reporting aligned to financial year.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

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

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

Corporate Plan

CS23 – Waste and Resource Recovery - Management of waste contract to ensure appropriate waste collection and disposal and operation of waste transfer station

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The budget for the hard waste program for 2023/2024 is \$206,290. There is no need to access Refuse Reserve funds this financial year.

Delivery timeframes support a voucher only campaign to be facilitated October – November 2023 with a concurrent program to run in March - April 2024.

There is no legislation that requires Council to provide a hard waste program. Notwithstanding, given that Council has successfully delivered this service to the community in some form since the 2020/21 financial year, and that the service has been well received by residents, it is recommended that the service continue as a business-as-usual offering.

COMMUNITY ENGAGEMENT

No consultation is required. Hard Waste campaigns will be delivered to meet community expectations with communications proposed at time of coordinating for registration of residents for hard waste collections and vouchers.

8. CONFIDENTIAL REPORTS

Nil

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 17 October 2023 at 5.30pm

11. CLOSURE

Deputy Mayor de Vries declared the meeting closed at 6.56pm.

Confirmed at Council Meeting on 17 October 2023

Date:.....

Mayor:.....