



NOTICE OF SPECIAL COUNCIL MEETING
Wednesday 4 October 2023
In the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 7.45 pm.

Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL

1.1 Welcome

By Mayor Lange – meeting declared open

1.2 Members Present

1.3 Leave of Absence

Nil

1.4 Apologies for Absence

Nil

2. DEBATE REPORTS

2.1 Office of the Mayor and CEO

2.1.1 Minor Variation - Lyndoch Land Purchase 4

2.2 Corporate Services and Business Innovation

- 2.2.1 Consideration of Further Investigations into Stormwater Disposal - Elizabeth Street Tanunda 12
- 2.2.2 Consideration of Change of Service Level - Tanunda Recreation Park - Kitchen Infrastructure 44

3. NEXT MEETING

Tuesday 17 October 2023 at 5.30pm

4. CLOSURE

27 September 2023

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Dear Martin

Re: Calling of a Special Meeting of Council

Pursuant to Section 82 of the Local Government Act 1999, I hereby request that a special meeting of Council be called for 7:45pm, Wednesday, 4 October 2023.

I request that the agenda shall consist of the following item:

1. Consideration of Further Investigations into Stormwater Disposal Elizabeth Street Tanunda.
2. Consideration for Change of Service Level – Tanunda Recreation Park – Kitchen Infrastructure.
3. Minor Variation – Lyndoch Land Purchase

Please prepare the necessary agenda and distribute.

Yours sincerely



Bim Lange OAM
Mayor
The Barossa Council

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DEBATE REPORT

2.1 Office of the Mayor and CEO

2.1.1 MINOR VARIATION - LYNDOCH LAND PURCHASE

**Author: Chief Executive Officer
23/76890**

PURPOSE

To approve a minor variation to the Lyndoch Land Purchase contract and land division to facilitate the desired strategic outcome and rapid settlement of the land purchase.

RECOMMENDATION

That Council authorise:

- (1) The Chief Executive Officer to amend the Contract for the Purchase of Land at 1312 Barossa Valley Way, Lyndoch to reflect the alternative Allotment 3 alignment as presented at Attachment 2 in this report.
- (2) The Chief Executive Officer to lodge a minor variation to the Development Application - 23014880 to reflect the alternative Allotment 3 alignment as presented at Attachment 2 in this report.
- (3) If legally necessary, the Mayor and Chief Executive Officer to sign and seal any relevant and associated documentation to give effect to parts 1 and 2 of this resolution.

REPORT

Background

Members are aware of the long-term strategy related to the Lyndoch Recreation Park and the acquiring of land to allow for the future needs and growth of the community.

Council approved and agreed with Burge Family Wines to purchase land adjacent to the park. The implementation of this decision is reaching its conclusion.

Introduction

To achieve the purchase of the subject land, Allotment 3 in the survey plan presented at Attachment 1 a land division (boundary realignment) was required.

The necessary steps to achieve the development approval have been undertaken and development approval has been granted. However, at final survey it was discovered, contrary to a prior wastewater approval, the wastewater system servicing the cellar door is also servicing the house and winery. This was not in accordance with the approved wastewater requirements; however, it is an approval in place over a decade ago and cannot be enforced.

The issue arising from this is that the wastewater disposal system cannot bridge across boundaries and with the cellar door included in the Allotment being purchased by Council it requires a new wastewater system to be installed, at either our or Burge Family Wines (BFW) cost, estimated to be in the order of \$50,000 with contingencies. The final documentation cannot be lodged to finalise the land division until this matter is dealt with. Without the final plan, new titles and settlement cannot occur.

Discussion

The current circumstances outlined in the introduction have various remedies:

The first is build the new wastewater system. However, during preliminary scoping and work on the design for BFW proposed development and Councils probable use of the land, there is no need for a new wastewater system in that area. This would be installing inefficient and unnecessary infrastructure. BFW proposed development site will require a new wastewater system in a different location. Council does not need the building or the wastewater system.

Sever and or decommission the existing wastewater system. This cannot occur as the existing wastewater system is required for activity on the site already, namely to servicing the existing cellar door and residence.

Implement a Land Management Agreement on the relevant parcels of land which in essence is a legal agreement to address the issue at a later stage and before use of the land by Council. This is problematic in two ways. It is essentially council contracting with itself, it makes no logical or legal sense, and still potentially requires the management of inefficient or unnecessary infrastructure in the future.

Change the land division alignment to leave the cellar door on allotment 2. See the updated land division plan at [Attachment 2](#). This for all intents and purposes is the simplest and quickest solution and carries very little cost associated with it. A small resurvey and minor variation fee, in the order of \$1500. It allows BFW to continue to operate unimpeded, supports Council in not having infrastructure it doesn't need and maintains a building it doesn't need, thereby creating long term savings and does not impact the strategic goals of Council and the community. The realignment is minor, and most of the land area is still being transferred to Council. The cellar door has no value to Council and as most of the land is still being received there is only minor variation in the unit price of the land, which is going to be offset by not having to depreciate or maintain (or remove if that is Councils ultimate decision) the building. In the initial assessment of cost and benefit the value of purchasing and repurposing the cellar door was \$375,000 for the purchase and the refitting \$500,000. This initiative avoids the refitting costs and the need to design infrastructure around the cellar door and having multiple disparate buildings on the site. This will generate savings in depreciation and maintenance over the life for the assets which far outweigh the purchasing price. The land is the critical strategic need. This is the recommended pathway at the current sale price as the small, amended land reduction is immaterial and by not having the cellar door Council creates long term savings in not having to manage (or remove) duplicate infrastructure.

The area being purchased at present without alteration to the land division is 5.603 hectares. The revised area is 5.464 hectares, which equates to a reduction of 2.48%. The change in unit rate for the land is \$7,264.46 per hectare or 2.55%.

To achieve this outcome Council needs to alter the approval for the land division and contract and authorise the Chief Executive Officer to make the necessary changes.

Summary and Conclusion

The various options to bring the land transfer to fruition are outlined and it is recommended that a small variation to the contract and land division be supported.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Land Division Plan [!\[\]\(5a132f13505a6571904d622757b7a8f0_img.jpg\)](#) 

Attachment 2 Amended Land Division Plan - Minor Variation [!\[\]\(10f8862fc183b400327470ea85afe9ae_img.jpg\)](#) 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Infrastructure

Goal

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.

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are no material changes to the resourcing needs.

The proposal reduces the risk management considerations of managing further infrastructure and addresses the land division risk current at hand in achieving the strategic land purchase.

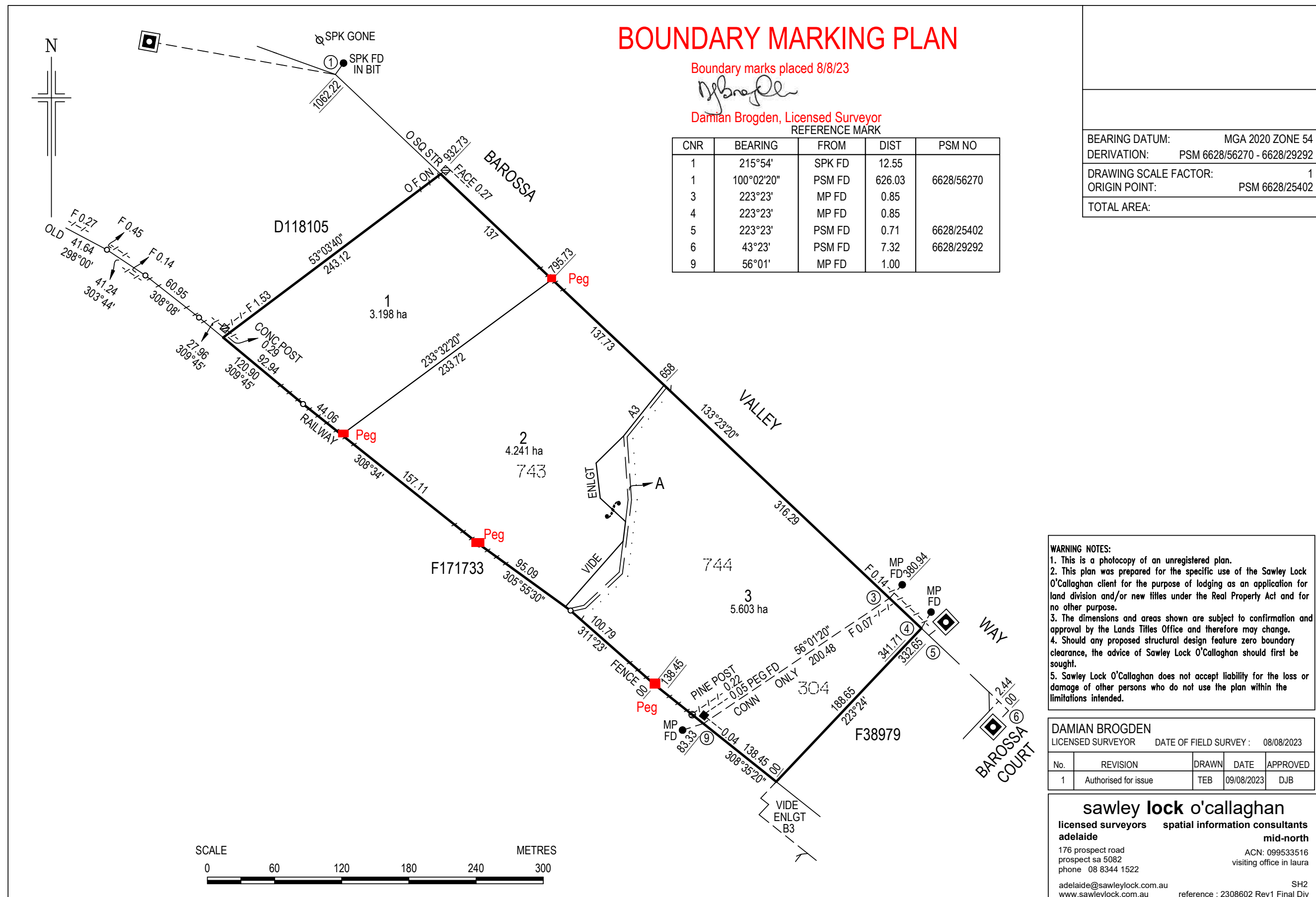
Financial resourcing is unchanged and strategic level with minor variation to the unit cost of the land being purchased increasing, however is still within the approved budget.

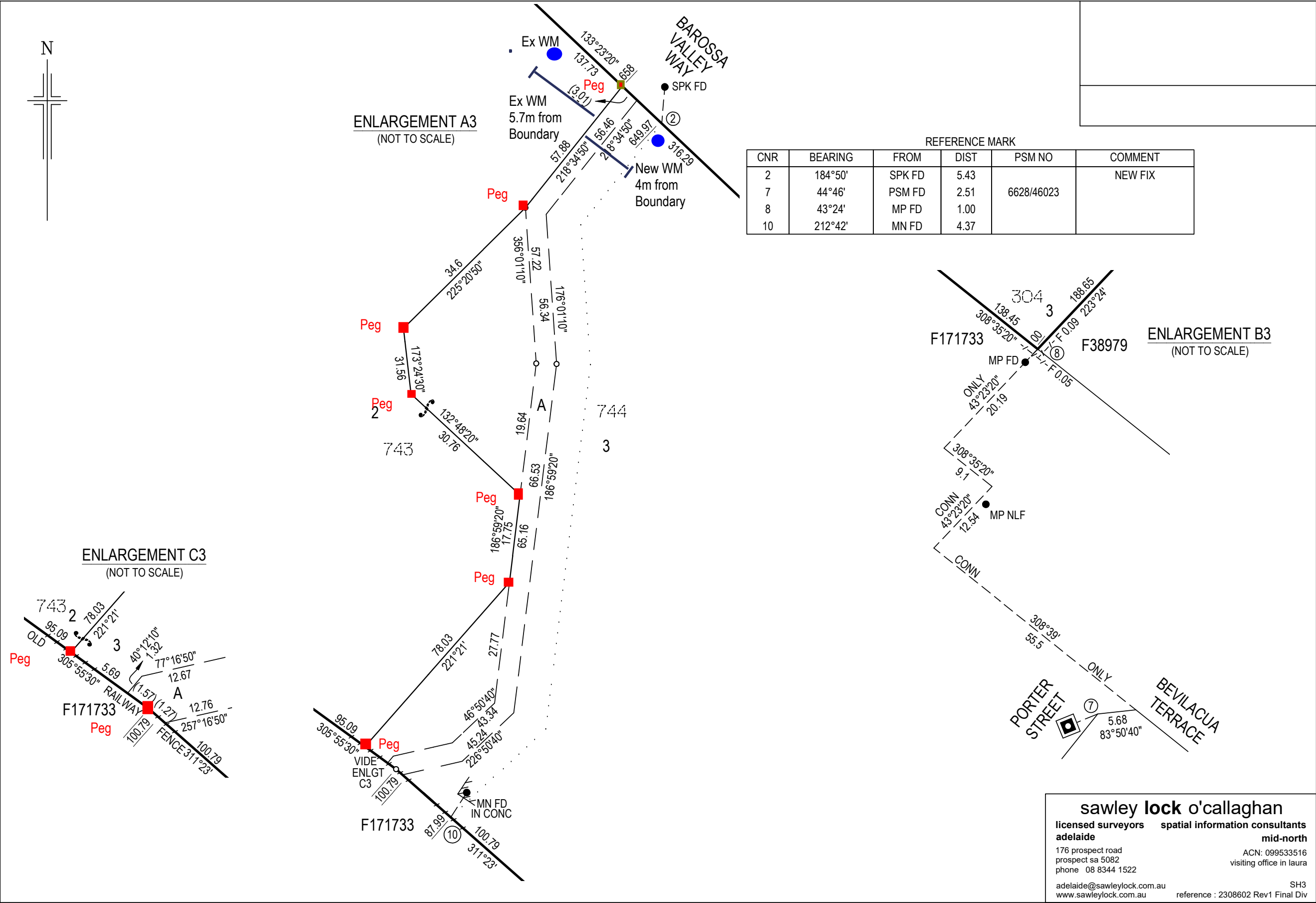
Based on advice the change to the land division is minor and can be approved through a minor variation process. The outcome in fact improves the land use planning outcomes and situation in that the existing cellar door will remain associated with the existing residence and winery on BFW land. It also removes the need to lease back the cellar door to BFW.

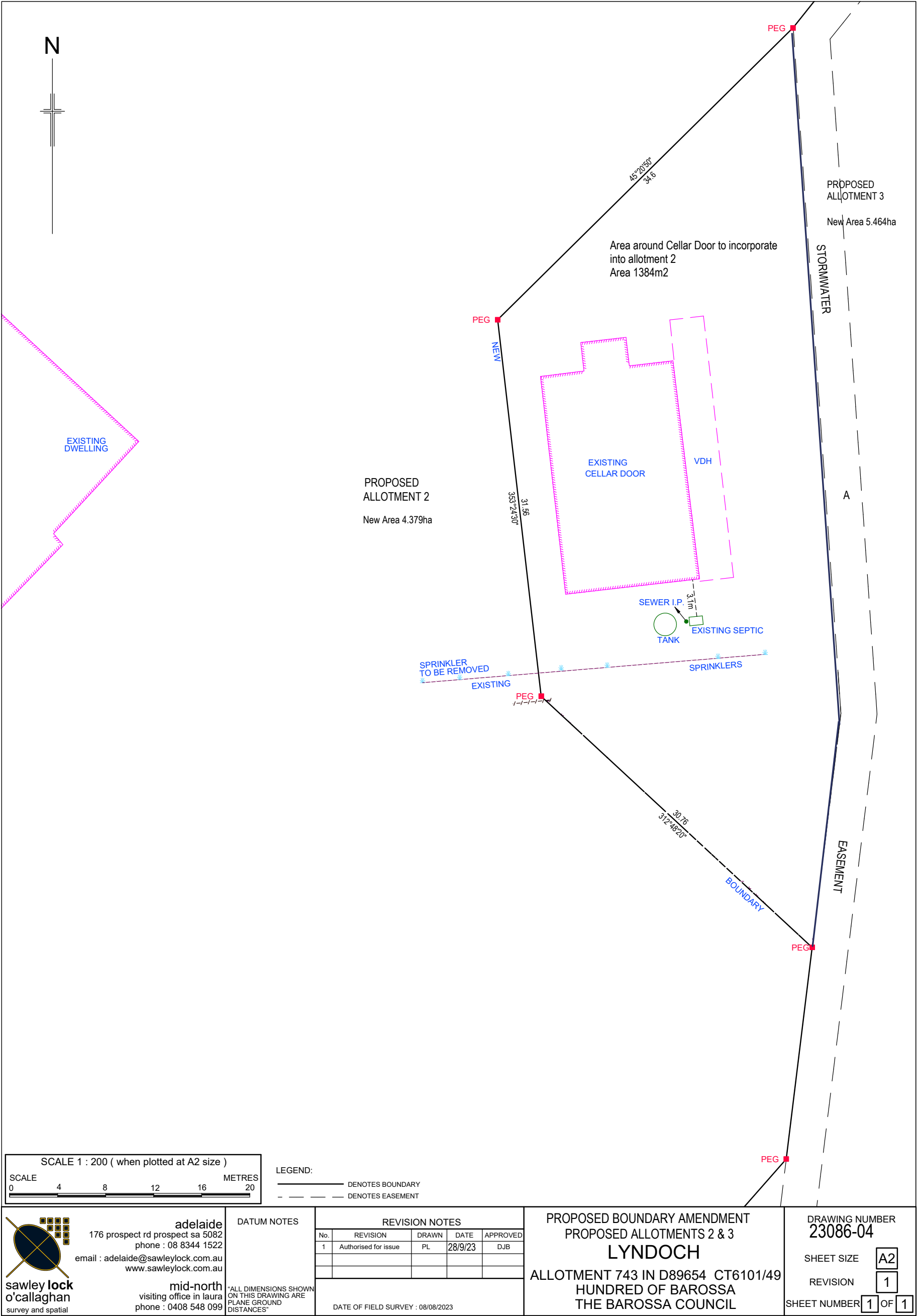
COMMUNITY ENGAGEMENT

Not necessary or required by legislation. The community are informed of the intent to purchase the land through a prior report to Council and media and communications undertaken to date.

PURPOSE:		DIVISION		AREA NAME:				LYNDOCH		APPROVED:		SHEET 1 OF 1 119098_text_01_v01	
MAP REF:		6628/07/N		COUNCIL:				THE BAROSSA COUNCIL		DEPOSITED/FILED:			
LAST PLAN:				DEVELOPMENT NO:									
AGENT DETAILS:		SAWLEY LOCK O'CALLAGHAN 176 PROSPECT ROAD PROSPECT SA 5082 PH: (08) 83441522 FAX: N/A				SURVEYORS CERTIFICATION:							
AGENT CODE:		SLAA											
REFERENCE:		2308602 TEB											
SUBJECT TITLE DETAILS:													
PREFIX	VOLUME	FOLIO	OTHER	PARCEL	NUMBER	PLAN	NUMBER	HUNDRED / IA / DIVISION	TOWN	REFERENCE NUMBER			
CT	6101	49		ALLOTMENT(S)	743	D	89654	BAROSSA		SECTION	537		
CT	6101	50		ALLOTMENT(S)	744	D	89654	BAROSSA		SECTION	537		
CT	5438	511		ALLOTMENT(S)	304	D	23019	BAROSSA		SECTION	535		
OTHER TITLES AFFECTED:													
EASEMENT DETAILS:													
STATUS	LAND BURDENED	FORM	CATEGORY	IDENTIFIER	PURPOSE	IN FAVOUR OF				CREATION			
EXISTING	3	SERVICE	EASEMENT(S)	A	FOR DRAINAGE PURPOSES	THE COUNCIL FOR THE AREA				223LG RPA			
ANNOTATIONS: NO OCCUPATION UNLESS OTHERWISE SHOWN													







CORPORATE SERVICES AND BUSINESS INNOVATION**DEBATE AGENDA****2.2.1 CONSIDERATION OF FURTHER INVESTIGATIONS INTO STORMWATER DISPOSAL
- ELIZABETH STREET TANUNDA**

**Author: Director Corporate Services and Business Innovation
23/83563**

PURPOSE

In accordance with Council policy and process, the property owners of 18A Elizabeth Street, Tanunda have initiated multiple review mechanisms following a Council decision in January 2023 to maintain the existing level of service and open stormwater drain infrastructure at their premises. This report provides updated advice and several alternate solutions for Council consideration.

RECOMMENDATION

That Council:

- (1) Having considered this report, approves the commencement of negotiations with the property owners of 18A Elizabeth Street in accordance with Option 3 with co-contribution of a minimum of 15% and not more than 25% of the construction funding gap presented and authorises the Chief Executive Officer or their delegate to enter into a legal agreement for the agreed works subject to the parameters set out for the compromise position.
- (2) Approves additional capital expenditure of up to \$175,389 to facilitate the increased scope of works, should the negotiations be successful, which shall be funded by bringing the sum forward from the Long Term Financial Plan from the Stormwater allocation.

REPORT**Background**

In April 2022, the property owners of 18A Elizabeth Street, Tanunda (18A Elizabeth Street) wrote to Council to express their view that the level of service provided by the open swale drain at their property is unacceptable, due to trees and vegetation impeding the flow and health/environmental hazards associated with pooled water inducing mosquitos, insects, and rats. Of note, this was the adopted and agreed service level that was in existence without issue for over a decade prior to the current property owners contacting Council.

In adopting its Annual Business Plan and Budget for 2022/23, Council approved a stormwater drainage upgrade of the side entry pit and culvert infrastructure located within Council land outside 18A Elizabeth Street, with a capital stormwater budget allocation of \$30,000.

During the ongoing exchange of correspondence between the property owners and Council officers in relation to perceived issues associated with existing stormwater infrastructure at 18A Elizabeth Street, the property owners requested expansion of the approved capital works to include removal of the vegetation and trees within the stormwater swale covered by the drainage easement and requested construction of underground stormwater pipe infrastructure to transfer stormwater flows underground through the property by Council.

In response to this request and following the conclusion of the Caretaker Period associated with the 2022 Local Government Election, officers presented a report to Council at its meeting of 24 January 2023, presenting the property owner's request for an increase in stormwater infrastructure level of service at their premises. At this time Council resolved to maintain an overland stormwater flow pathway and open drain infrastructure at 18A Elizabeth Street, citing that this solution is consistent with the drainage arrangements and needs of the location and downstream properties.

Council did however approve minor service level upgrades, being additional capital expenditure of \$30,000, to undertake vegetation clearing and remediation works of the existing open channel to compliment the side entry pit upgrade and better long-term maintenance of the overland stormwater flow pathway inherent in the upgrades.

Introduction

An existing open stormwater drainage swale passes through 18A Elizabeth Street, from the front boundary to the rear boundary of the property. Historically this site has always featured open drain stormwater infrastructure to manage stormwater flows which collect within street infrastructure from both east and west of the property due to the natural topography of the street scape and location.

A land division process was approved over the 18 Elizabeth Street allotment in 2012 to create two new allotments (18 and 18A Elizabeth Street), with the 18A allotment designated to retain the exiting open swale stormwater drain for management of stormwater drainage within the local sub catchment. At the time of land division Council secured a drainage easement over the existing drain for the ongoing management of stormwater flows at the site.

Discussion

TIMELINE OF ACTIVITIES FOLLOWING COUNCIL DECISION OF 24 JANUARY 2023

March 2023

Following Council's decision in January 2022 to maintain the overland stormwater flow pathway at 18A Elizabeth Street, Officers proceeded to engage a contractor to undertake the approved stormwater drainage upgrade of the Elizabeth Street side entry pit and culvert infrastructure on Council land adjacent the front boundary of the property, and vegetation clearance and remediation works of the existing open channel within the easement.

With the support of the property owners, the vegetation clearing was completed at Council's expense by 15 March 2023. Civil works to remediate the existing open swale drain and commence the side entry pit upgrade were scheduled to commence Monday 20 March 2023.

On Friday 17 March 2023, Council received correspondence from a legal firm representing the interests of the property owners at 18A Elizabeth Street. This correspondence indicated that that property owners do not consent to the proposed works to re-construct the open swale on the basis that the works are unlawful, with the proposed swale being unfit and contrary to any reasonable use of the service easement for drainage purposes.

Upon receipt of the above correspondence Council Officers placed the proposed capital works on hold pending the receipt of legal advice.

April- May 2023

Council Administration engaged Kelledy Jones Lawyers to review the legal matters involved, who under instruction from officers subsequently forwarded relevant advice to the legal representative of the property owners on 4 May 2023, setting out Council's position that the works to be undertaken by the Council are lawful and consistent with the use of the easement. It was also reiterated that the Council is entitled to enter the land to fulfill its obligations to carry out the appropriate maintenance of the Service Easement and that the proposed capital works to re-instate the open swale infrastructure would be undertaken in mid to late June 2023.

The correspondence stated in closing that Council has the benefit of a statutory easement for drainage purposes. In accordance with its rights and obligations, it may undertake the maintenance works as it has proposed and is not under any obligation to accede to the property owner's maintenance work demands. It was further stated that the underground culvert requested by the property owner is not only unnecessary for purposes of maintaining the easement and would require the expenditure of significant funds which the Council had determined is also not warranted in the circumstances of the matter.

May – July 2023

Concurrent to the above activity, the property owners initiated several mechanisms to seek a review of Council processes, decision making and information relevant to their property including a Freedom of Information application and an Internal Review of Council's Decision (made at the meeting of 24 January 2023) under section 270 of the *Local Government Act 1999*.

Given that the Section 270 Review related to the decision of Council to maintain the existing level of service and open swale stormwater infrastructure and the associated scope of the approved capital works to be undertaken at 18A Elizabeth Street, this work has continued to be placed on hold pending the outcome of that review or any subsequent decision of Council in relation to the premises.

At this time of the writing of this report, processes associated with the Freedom of Information Application have concluded, however the Section 270 Internal Review of Council Decision is still underway.

In September 2023, Council was also engaged in a separate but related legal matter with the property owners of 18A Elizabeth Street and a neighbouring property owner which is independent to the design level of service for stormwater management at 18A Elizabeth Street but may be addressed should an alternate design be approved by Council.

August 2023

In August 2023, one of the property owners requested a meeting with the then Acting Chief Executive Officer (CEO) to seek an opportunity to engage in further negotiations and consideration of each party's position to arrive at a mutually agreeable solution for the ongoing management of stormwater at 18A Elizabeth Street.

At this meeting the property owner was advised that setting aside all other considerations, the current approved scope of works and solution is appropriate from an engineering point of view and will cater for the currently provided 1 in 2-year storm event. Further, any change in the design to an alternate solution will require amended calculations to inform the engineering design and to identify secondary impacts on adjoining and downstream stormwater infrastructure.

The property owner provided detailed feedback regarding further mitigating factors and views on the inappropriateness of the current approved level of service at their property and the Acting CEO agreed to facilitate further investigation to inform negotiations to achieve a mutually agreeable solution, noting that Council's current decision still stands and that compromise will be required along with consideration of an appetite for co-contribution to any proposed solution given that it will require funding in excess off the current approved budget.

Council subsequently engaged an independent hydrological consultant to prepare a stormwater upgrade options assessment to identify a broader range of solutions for consideration for the ongoing management of stormwater within the easement at 18A Elizabeth Street. The consultant's report is provided at [Attachment 1](#) and provides:

- A hydrological assessment of the immediate catchment area;
- A capacity assessment for the existing open swale drain within the easement; and
- A range of upgrade options including amendments to the current proposed open swale up to a fully underground solution with various intermediate solutions combining sub-surface and over land engineering designs.

Council Officers have prepared preliminary costings for the various options proposed (see [Attachment 2](#)).

ALTERNATE SOLUTIONS FOR STORMWATER MANAGEMENT AT 18A ELIZABETH STREET

Officers have reviewed hydrological advice set out at Attachment 1 against current land division requirements for properties within The Barossa Council township boundaries and recommend that Option 3 be considered (catering for a 5% Annual Exceedance Probability (EAP) or 1 in 20-year rainfall event) at an estimated cost of \$203,775 should Council have an appetite for upgrading the current level of service at 18A Elizabeth Street. It should be noted however that whilst Option 3 provides for an underground solution, there will still be a requirement for the easement located at the property to have provision for an overland flow of water and an unblocked path for the gap flow of water between the 1 in 20 and the 1 in 100 rainfall events which will not be able to be managed by the sub-surface infrastructure.

As such the recommended solution is a compromise position which will re-direct a significant portion of stormwater flows underground to improve the overall amenity for the property owner but will also require secondary overland drainage provision and

a fencing treatment that does not restrict the flow of water in the event of a greater than 1 in 20 rainfall event.

A number of additional solutions for a higher level of service have been proposed, however they are not supported based on noted performance considerations including complexity, feasibility and cost estimates.

UPGRADE CONSIDERATIONS AND IMPLICATIONS

Legal Principles

Council Administration has confirmed that Council has clear rights to discharge stormwater via the easement and the servicing of the easement located on the property at 18A Elizabeth Street. Further, Council is not under any obligation (particularly with regard to unreasonable and significant costs) to provide an upgrade to the level of service which currently consists of an open drainage swale.

In addition to Council's obligations under various Acts, in accordance with the *Landscape SA Act 2019*, private property owners have a general responsibility for the maintenance of watercourses and to not obstruct or affect a watercourse or drainage flow path within their property.

On this basis, the matter of any decision to increase the level of service as requested by the property owners is not considered to be subject to the influence of legislative responsibilities or provisions, instead consideration should be given to whether the circumstances of the property owners at 18A Elizabeth Street are unique and subsequently influenced by principles relating to merit, consistency, procedural fairness, soundness of engineering design, community expectations and property owner rights, cost and precedent.

Whilst principles relating to merit, consistency and procedural fairness are covered more broadly by Council's adopted decision-making process, the following advice explores the remaining concepts to assist in decision making regarding the merits of supporting an increase in the level of service at the.

Further a final negotiated outcome has the ability to remove the risk of further legal costs.

Unique Characteristics of 18A Elizabeth Street, Tanunda

Whilst there are numerous easements across The Barossa Council area that are utilised for the discharge of stormwater, these are generally historical arrangements where the size of the land parcel accommodates a balance between stormwater infrastructure and the resident's capacity to achieve a reasonable standard of enjoyment of their property. Depending on the stormwater volume, topography and slope of the land parcel, the design of the open swale or culvert will also vary significantly.

In the case of 18A Elizabeth Street the land parcel was subdivided from the original adjoining allotment in January 2014 to facilitate infill housing, placing the existing natural stormwater course on the new allotment and resulting in the creation of a 3-metre-wide easement on the smaller residential block for drainage purposes. The easement has limited fall from the front of the property to the drain outlet at the rear of the property, resulting in a slower flow rate and higher risk of standing water, and

requiring a minimum 1.3m wide and 300mm deep open drainage swale as per the current approved level of service.

Whilst the current property owners were aware of the easement when they purchased the property in late 2021, they believe that the condition of the current easement is unacceptable, noting it was more than acceptable up to this point, impacts on their capacity to secure their yard in a manner that they see fit and unduly detracts from their enjoyment of the land contained within the easement and excludes them from that part of their land over which they are the registered proprietors.

Engineering Levels of Service

Council's current approved level of service at 18A Elizabeth Street has been validated as meeting stormwater management requirements from an engineering and hydrological perspective.

A range of alternate options have been provided in Attachment 1 in response to the property owners request for an increased level of service, with associated advice as to their efficacy in various rainfall scenarios and feasibility from a cost and capital infrastructure perspective.

Community Expectations, Property Owner Rights and Reputational Risk

Community sentiment and ratepayer expectations regarding Council levels of service are subjective, however there is an intersect between reasonably based expectations for modern, sustainable, and appropriate engineering solutions for the management of local government responsibilities under various Acts and Regulations, and legal principles regarding the reasonable level of enjoyment a resident can expect on their own property. As such, consideration needs to be given more broadly to what is reasonable in terms of the responsible and sustainable management of financial resources across Council's many obligations for the delivery of mandatory services, including the maintenance and upgrade of public infrastructure, versus responding to the increasing expectations of property owners and broader consumers of Council services.

Consideration of a property owner's right to a reasonable level of enjoyment of their property is subject to a number of factors of relevance to 18A Elizabeth Street Tanunda including the owners viewpoints of the use of the land, such as the size of the allotment versus the portion of land subject to conditions which render the land unusable to the owner, the nature of the infrastructure or activity carried out within the easement (including aesthetic and functional impact), and the property owners experienced loss of enjoyment due to perceived impacts on their health, safety and security.

It is anticipated that the requested increase in level of service at 18A Elizabeth Street may become more frequent across Council's infrastructure portfolio as Council seeks to respond to increasing pressure for additional affordable housing whilst balancing character preservation objectives, planning and building rules provisions, capacity to respond to the impacts of global warming and changing weather patterns and the renewal and upgrade of aging public infrastructure. As such, it is likely that Council will be required to make further decisions of this nature in the future.

Budget

The previously approved capital budget for the stormwater drainage upgrade of the Elizabeth Street side entry pit and culvert infrastructure along with vegetation clearance and re-instatement of the open swale at 18A Elizabeth Street was \$60,000. Whilst some funds were expended in 2022/23 to facilitate vegetation removal, design and legal costs the remainder of the funds (\$28,386) remain in the 2023/24 budget whilst the project was placed on hold.

Should Council consider it appropriate to upgrade the level of service at 18A Elizabeth Street in accordance with Option 3, an additional (\$175,389) would be required to fund the shortfall in budget.

Whilst the 2023/24 financial year capital budget is fully allocated, Council's Long Term Financial Plan has provision for \$4.5M in the next 10 years in stormwater capital investment that is not currently allocated to specific projects. It is proposed that this budget be used to fund any approved upgrade works by bringing funds forward and balancing it off in the out years to mitigate any immediate impact on the Long Term Financial Plan. Council will only incur a minor impact on depreciation and interest on borrowings if this approach is taken.

Costs associated with any approved upgrade may also be offset further by a co-contribution from the property owners of 18A Elizabeth Street not being less than 15% or more than 25% of the construction funding gap (\$26,308 - \$43,960), with any such sum to be negotiated directly with the owners following Council agreement to facilitate an increase in the level of service at the site. The rationale for a contribution is there are reasonable circumstances to consider the further increase in service level, but that there should be a co-contribution as proportionally the main beneficiary is the landowner, and the benefit is not significantly shared with the broader rate payer base. In considering this position Council also needs to weigh up the precedent of allowing a private contribution for an upgrade in this circumstance and its impact on future decisions when further requests are made for co-contribution to Council infrastructure where it is deemed that the requested service level intervention is not warranted.

Precedent

Numerous open swales pass through private properties within the Tanunda Elizabeth/Julius Street/John Street/Maria Street stormwater drainage catchment and other stormwater catchments across Council Townships to manage local stormwater drainage flows. Many of these drains are not covered by drainage easements due to the historic nature of the drains and, as such, are maintained by the respective allotment owners.

Council records indicate that there are approximately 7kms of open swale drains within formal easements traversing private properties within Council's existing stormwater network. As such, any change to the level of service at 18A Elizabeth Street may introduce a precedent for a broader increase in the level of service at private residences across the Barossa Council area that will have a financial impact on Council.

Whilst each case will need to be assessed on its merits and some may require a different engineering treatment and design option based on inherent conditions at the site, Officers have prepared an analysis of costs assessment based on the

application of Option 3 as a level of Service upgrade for the entire stormwater network currently traversing private properties. This 'Application of Service Levels to Network Assets Modelling Estimates' is provided at Attachment 3.

A summary of key findings of this analysis is provided below:

- The cost of the application of service levels at a similar level as that being proposed for 18A Elizabeth Street across the network are between \$11.886M and \$12.875M for the preferred Option 3 – 1 in 20 year chance that a rain event of that size or larger could occur in any one year. Please note this does not mean the rain event won't occur more often, which is expected under current climate models as rainfall events are expected to be more intense.
- The highest level of treatment (which does not achieve a 1 in 100 year chance that a rain event of that size or larger could occur in any one year) is between \$17.719M and \$22.254M and still requires overland flow.
- The lowest level of treatment is between \$9.910M and \$9.936M, this would not change any flooding risk, instead it would simply move stormwater underground for an event less than a 1 in 2-year chance of a rain event.
- There is currently no resource capacity to deliver an Option 3 level of service across the network even if Council did consider it was necessary for the whole network.
- It is fully unfunded.
- The current long term financial plan has \$4.5M in stormwater estimates for the next four years, much of that will be needed for high priority projects already awaiting implementation in many of our townships.

Consideration of precedent should weigh up all scenarios as to the financial impacts with an assessment of the likelihood of demand for upgraded levels of service, the timing of any change or upgrade of the broader network in responding reactively to property owner requests, community expectations for modern stormwater solutions (as set out above), increasing pressure for infill housing and smaller housing allotments, and Council appetite for planned and staged upgrades over an agreed interval (ie 15-20 years).

As outlined in the prior section, Council also needs to weigh up the precedent issue of co-contribution to infrastructure and the issues that may present in future.

Summary and Conclusion

Council has approved stormwater capital works at 18A Elizabeth Street, Tanunda that are lawful and consistent with the use of the easement. Further, Council is entitled to enter the land to fulfill its obligations to carry out the appropriate maintenance of the Service Easement.

The property owners of 18A Elizabeth Street do not consent to the proposed works to re-construct the open swale on the basis that the works are unlawful, with the proposed trench being unfit and contrary to any reasonable use of the service easement for drainage purposes. As such, the property owners have initiated a number of review mechanisms to challenge Council's decision to maintain the

current level of service at their property and have instead continued to pursue requests to upgrade stormwater infrastructure to provide an underground solution.

The matter of any decision to increase the level of service as requested by the property owners is not considered to be subject to the influence of legislative responsibilities or provisions, instead consideration should be given to whether the circumstances of the property owners at 18A Elizabeth Street are unique and subsequently influenced by principles relating to merit, consistency, procedural fairness, soundness of engineering design, community expectations, cost and precedent.

An analysis of these factors and a recommended option for the delivery of an increased level of service by way of stormwater infrastructure upgrade at 18A Elizabeth Street have been presented in this report for Council consideration.

Any decision to upgrade the stormwater solution at 18A Elizabeth Street will have an impact on Council's financial position, with significant risk of precedent based cost liability across remaining stormwater infrastructure located within private residences, however this same risk is carried across a number of significant asset classes where Council has committed to a change in the level of service. In these instances, the risk is managed proactively with staged and prioritised implementation based on an assessment of risk.

The circumstances inherent in the case of the property owners at 18A Elizabeth Street are considered unique and have been subject to ongoing and complex conflict management and negotiation. As such, in order to facilitate an acceptable outcome for all parties, it is recommended that Council support the negotiation of a compromise position as outlined within Option 3, with a co-contribution to the funding shortfall, and an upgrade featuring underground infrastructure along with the maintenance of a revised overland water flow capacity and appropriate fencing and landscaping treatments so as not to impact the management of stormwater following rainfall events greater than a 1 in 20.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Stormwater Upgrade Options Assessment - 18A Elizabeth Street Tanunda [↓](#) 

Attachment 2 Cost Estimate 18A Elizabeth St - Tanunda [↓](#) 

Attachment 3 Application of Service Levels to Network Assets Modelling 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

Strategies

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

Legislative Requirements

Local Government Act 1999

Real Property Act 1886

Landscape SA Act 2019

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The body of this report and Attachment 3 sets out analysis of legal, financial, resourcing and broader risk management considerations.

Option 3 set out in this report has been proposed as an alternative upgrade option to meet the request of the property owners at 18A Elizabeth Street, Tanunda for council to deliver an underground stormwater solution at the premises. It should be noted that this solution will still require some compromise with the property owners as an overland flow will still be required to cater for rain events that exceed a 1 in 20-year likelihood which will require an uninterrupted flow path unrestricted by solid fencing.

The proposed recommendation will require the bringing forward of \$175,389 from the Long Term Financial Plan to the Capital Budget number 312690.

COMMUNITY ENGAGEMENT

Nil



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Our Ref: 23070-1B/EH/DJ

19 September 2023

Steven Kaesler
Manager, Engineering Services
The Barossa Council
Email: skaesler@barossa.sa.gov.au

Dear Steven

18A Elizabeth Street, Tanunda Stormwater Upgrade Options Assessment

As requested, we have completed our assessment of Council stormwater drainage system upgrade options in relation to existing arrangements at 18A Elizabeth Street and report our findings as follows.

Background

Under existing conditions, the inlets at 18A Elizabeth Street receive flows from Elizabeth Street and a portion of the adjacent oval complex, as well as gap flows from pits located at the junction of Elizabeth and William Street. The inlet is connected to the drain system in Julius Street through an open channel along the eastern boundary of 18A Elizabeth Street (open earth drain) and 19 Julius Street (open concrete channel).

The property owner at 18A Elizabeth Street is understood to not be satisfied with the level of service provided by the open drain.

Assessment

Hydrology

A DRAINS stormwater model has been established representing the drainage system at the William Street / Elizabeth Street intersection, and overflows from this system to the easement drainage system extending from Elizabeth Street through to Julius Street.

Under existing conditions, the model reports total flows discharged through the 18A Elizabeth Street easement drain as follows:

- 20% AEP 0.17 m³/s
- 5% AEP 0.32 m³/s
- 1% AEP 0.66 m³/s

Existing Easement Drain Capacity

Based on supplied easement drain details, we estimate the hydraulic capacity of the easement drain to be as listed below. These estimates make no provision of freeboard, which would generally be 300mm to any adjacent finished floor level.

- 18A Elizabeth Street 0.08 m³/s (i.e. approximately equivalent to a 1 EY event)
- 19 Julius Street 0.14 m³/s (i.e. approximately equivalent to a 50% AEP event)

Upgrade Options

1 - 18A Elizabeth Street Swale Upgrade

Key elements:

- Upgrade existing open earth swale with larger swale, trapezoidal section with 1m base width, 0.2m depth, 2.6m top width, 0.5% grade, capacity to match existing capacity in 19 Julius Street. Approximate length 50m.



1 - 18A Elizabeth Street Culvert Upgrade scope

Performance considerations:

- Freeboard to adjacent floor levels not provided in nominated swale dimensions
- Very low performance standard (50% AEP)

1A - 18A Elizabeth Street Culvert Upgrade

Key elements:

- Replacing existing open earth swale with a culvert, dimensions 450x300mm and 0.5% grade, capacity to match existing capacity in 19 Julius Street. Approximate length 50m.



1 - 18A Elizabeth Street Culvert Upgrade scope

Performance considerations:

- Very low performance standard (50% AEP)

2 - 18A Elizabeth Street Culvert Upgrade plus reshaping William Street junction

Key elements:

- Replace existing open earth swale with a culvert, 450x300mm and 0.5% grade. Approximate length 50m.
- Remodelling of the intersection of William Street and Elizabeth Street to allow for spoon drain(s) redirecting gap flows onto William Street, and some raising of levels immediately west of the spoon drains to give effect to this preferential flow path.



2 – 18A Elizabeth Street Culvert Upgrade plus reshaping William Street junction scope

Performance considerations:

- Low performance standard through easement drain of 20% AEP
- Additional surface flows in William Street
- Change in driving conditions along Elizabeth Street with new spoon drain crossings

3 – Complete Easement Drain Upgrade (5% AEP standard)

Key elements:

- Upgrading stormwater network between Elizabeth Street and Julius Street
- Replacing existing pit system in front of 18A Elizabeth Street with six double pits. The pipe (450mm) along the eastern boundary of 18A Elizabeth Street and 19 Julius Street connecting into existing stormwater drain in Julius Street. Approximate length 95m.



4 - Complete Easement Drain Upgrade (5% AEP standard)

Performance considerations:

- 5% AEP standard
- Some flows surcharged from pipe into Julius Street once Julius Street drain is at capacity
- Works within 18A Elizabeth Street and 19 Julius Street necessary

4 - Complete Easement Drain Upgrade (1% AEP standard)

Key elements:

- Upgrading stormwater network between Elizabeth Street and Julius Street
- Replacing existing pit system in front of 18A Elizabeth Street with six double pits. The pipe (750mm) along the eastern boundary of 18A Elizabeth Street and 19 Julius Street connecting into existing stormwater drain in Julius Street. Approximate length 95m.



4 - Complete Easement Drain Upgrade (1% AEP standard)

Performance considerations:

- 1% AEP standard
- Large flows surcharged from pipe into Julius Street once Julius Street drain is at capacity
- Works within 18A Elizabeth Street and 19 Julius Street necessary

5 – 18A Elizabeth Street Culvert Upgrade plus reshaping William Street junction and additional stormwater retention in Elizabeth Street

Key elements:

- Replace existing open earth swale with a culvert, 450x300mm and 0.5% grade. Approximate length 50m.
- Remodelling of the intersection of William Street and Elizabeth Street to allow for spoon drains redirecting gap flows onto William Street
- Include an underground stormwater detention system in Elizabeth Street roadway



5 – 18A Elizabeth Street Culvert Upgrade plus reshaping William Street junction and additional stormwater retention in Elizabeth Street scope

Performance considerations:

- Option provides opportunity for staged implementation / progressive improvement in protection standard to affected property
- Difficult implementation due to shallow conditions between drain within 18A Elizabeth Street and Elizabeth Street
- Storage requirement exceeds 200m³ in order to achieve an overall 5% AEP standard and hence option is not considered feasible

6 – Rerouting of 18A Elizabeth Street drain towards William Street

Key elements:

- Redirecting drain from 18A Elizabeth Street towards William Street, upgrading William Street drain to allow for additional flows



6 – Rerouting of 18A Elizabeth Street drain towards William Street scope

Performance considerations:

- Enables easement drain to be abandoned / Council assets to be in roads
- Higher complexity in implementation:
 - Against grade of Elizabeth Street
 - Limited design flexibility to avoid service conflicts

Please contact this office should you require any further assistance with this matter.

Yours sincerely

Drew Jacobi BEng (Hons) FIEAust CPEng NER
Director

Concept Cost Estimate - 18A Elizabeth Street Tanunda

Option - **Current Spec** - Widen existing SEP with open concrete floor swale

Item	Cost	Amount	unit	Unit Rate
Project Management	\$3,000	1	each	\$3,000
Detailed Design	\$6,000	1	each	\$6,000
Traffic Management	\$3,000	4	day	\$750
Survey Set Out - Service Location - QA Test	\$2,000	1	each	\$2,000
Sawcut / Demo / Box Out / Prep	\$11,200	80	m3	\$140
Supply, Install New Double SEP	\$12,000	1	each	\$12,000
Modify Existing Road Culvert With Grated Inlet	\$3,000	1	each	\$3,000
Supply & Construct 25MPa 300mm W Open Concrete Swale	\$8,250	55	m	\$150
Supply & Construct 25MPa End Headwalls	\$3,000	1	each	\$3,000
Supply & Shape Soil Batters (Grass)	\$2,000	40	m3	\$50
As-Built Survey - Drainage	\$1,200	1	each	\$1,200
Contingency	\$5,465	10%		
Total	\$60,115			

Option 1 - Widen existing SEP & install 450x300mm RCBC

Item	Cost	Amount	unit	Unit Rate
Project Management	\$3,000	1	each	\$3,000
Detailed Design	\$6,000	1	each	\$6,000
Traffic Management	\$3,000	4	day	\$750
Survey Set Out - Service Location - QA Test	\$2,000	1	each	\$2,000
Sawcut / Demo / Box Out / Prep	\$16,100	115	m3	\$140
Supply, Install New Double SEP	\$12,000	1	each	\$12,000
Modify Existing Road Culvert With Grated Inlet	\$3,000	1	each	\$3,000

Supply, Install, Compact and Level Bedding Sand (Backfill included PM2)	\$2,500	100	m2	\$25
Supply and Install 450x300 RCBC	\$64,800	24	each	\$2,700
Supply Soil Top Dress (Grass)	\$2,000	40	m3	\$50
As-Built Survey - Drainage	\$1,200	1	each	\$1,200
Contingency	\$11,560	10%		

Total **\$127,160**

Option 2 - Widen SEP & install 450x300mm RCBC with spoon drain works

Item	Cost	Amount	unit	Unit Rate
Project Management	\$4,000	1	each	\$4,000
Detailed Design	\$6,000	1	each	\$6,000
Traffic Management	\$7,500	10	day	\$750
Survey Set Out - Service Location - QA Test	\$2,000	1	each	\$2,000
Sawcut / Demo / Box Out / Prep / Shape	\$21,000	150	m3	\$140
Supply & Construct 25MPa 600mm W Concrete Spoon Drain (Road)	\$6,250	25	m	\$250
Supply & Install 25MPa Concrete Reinstatement Works (Kerb/Channel)	\$2,200	10	m	\$220
Supply, Install & Shape AC10 40mm (Road)	\$17,500	350	m2	\$50
Supply, Install New Double SEP	\$12,000	1	each	\$12,000
Modify Existing Road Culvert With Grated Inlet	\$3,000	1	each	\$1
Supply, Install, Compact and Level Bedding Sand (Backfill included PM2)	\$2,500	100	m2	\$25
Supply and Install 450x300 RCBC	\$62,100	23	each	\$2,700
Supply Soil Top Dress (Grass)	\$3,000	60	m3	\$50
As-Built Survey - Drainage	\$1,200	1	each	\$1,200
Contingency	\$15,025	10%		
Total	\$165,275			

Option 3 - 6x SEP install with 450mm RCP through both properties

Item	Cost	Amount	unit	Unit Rate
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Project Management	\$5,000	1	each	\$5,000
Detailed Design	\$6,000	1	each	\$6,000
Traffic Management	\$7,500	10	day	\$750
Survey Set Out - Service Location - QA Test	\$2,000	1	each	\$2,000
Sawcut / Demo / Relocate / Box Out / Prep / Shape	\$54,000	350	m3	\$140
Supply, Install 6x New Double SEP	\$60,000	6	each	\$10,000
Supply & Install 300mm D RCP Class 3	\$3,000	20	m	\$150
Supply, Install & Shape AC10 40mm (Road)	\$4,000	80	m2	\$50
Supply, Install, Compact and Level Bedding Sand (Backfill included PM2)	\$7,500	300	m2	\$25
Supply and Install 450mm D RCP Class 3	\$28,750	115	m	\$250
Supply Soil Top Dress (Grass)	\$5,000	100	m3	\$50
As-Built Survey - Drainage	\$2,500	1	each	\$2,500
Contingency	\$18,525	10%		

Total **\$203,775**

Option 4 - 6x SEP install with 750mm RCP through both properties

Item	Cost	Amount	unit	Unit Rate
Project Management	\$5,000	1	each	\$5,000
Detailed Design	\$6,000	1	each	\$6,000
Traffic Management	\$7,500	10	day	\$750
Survey Set Out - Service Location - QA Test	\$2,000	1	each	\$2,000
Sawcut / Demo / Relocate / Box Out / Prep / Shape	\$77,000	550	m3	\$140
Supply, Install 6x New Double SEP	\$60,000	6	each	\$10,000
Supply & Install 525mm D RCP Class 3	\$6,000	20	m	\$300
Supply, Install & Shape AC10 40mm (Road)	\$4,000	80	m2	\$50
Supply, Install, Compact and Level Bedding Sand (Backfill included PM2)	\$9,500	380	m2	\$25
Supply and Install 750mm D RCP Class 3	\$55,200	115	m	\$480
Supply Soil Top Dress (Grass)	\$5,000	100	m3	\$50

As-Built Survey - Drainage	\$2,500	1	each	\$2,500
Contingency	\$23,970	10%		

Total **\$263,670**

Option 5 - Stormwater retention system

Item	Cost	Amount	unit	Unit Rate
Project Management	\$4,000	1	each	\$4,000
Detailed Design	\$6,000	1	each	\$6,000
Traffic Management	\$7,500	10	day	\$750
Survey Set Out - Service Location - QA Test	\$2,000	1	each	\$2,000
Sawcut / Demo / Box Out / Prep / Shape	\$21,000	150	m3	\$140
Supply & Construct 25MPa 600mm W Concrete Spoon Drain (Road)	\$6,250	25	m	\$250
Supply & Install 25MPa Concrete Reinstatement Works (Kerb/Channel)	\$6,600	30	m	\$220
Supply, Install & Shape AC10 40mm (Road)	\$30,000	600	m2	\$50
Supply, Install New Double SEP	\$12,000	1	each	\$12,000
Modify Existing Road Culvert With Grated Inlet	\$3,000	1	each	\$1
Supply, Construct & Install Underground Stormwater Detention System	\$100,000	1	each	\$100,000
Supply, Install, Compact and Level Bedding Sand (Backfill included PM2)	\$3,750	150	m2	\$25
Supply and Install 450x300 RCBC	\$62,100	23	each	\$2,700
Supply Soil Top Dress (Grass)	\$3,000	60	m3	\$50
As-Built Survey - Drainage	\$1,200	1	each	\$1,200
Contingency	\$26,840	10%		
Total	\$295,240			

Option 6 - Redirection drain from 18A Elizabeth St down William St

Item	Cost	Amount	unit	Unit Rate
Project Management	\$5,000	1	each	\$5,000

Detailed Design	\$10,000	1	each	\$10,000
Traffic Management	\$20,000	20	day	\$1,000
Survey Set Out - Service Location - QA Test	\$4,000	1	each	\$4,000
Sawcut / Demo / Box Out / Prep / Shape	\$128,800	920	m3	\$140
Supply, Install 8x New Double SEP	\$80,000	8	each	\$10,000
Supply, Install, Compact and Level Bedding Sand (Backfill included PM2)	\$12,500	500	m3	\$25
Supply & Install 525mm D RCP Class 3	\$7,500	25	m	\$300
Supply & Install 375mm D RCP Class 3	\$11,500	50	m	\$230
Supply and Install 750mm D RCP Class 3	\$110,400	230	m	\$480
Supply & Install 25MPa Concrete Reinstatement Works (Spoon & Kerb/Channel)	\$2,200	10	m	\$220
Supply, Install & Shape AC10 40mm (Road)	\$22,500	450	m2	\$50
As-Built Survey - Drainage	\$2,500	1	each	\$2,500
Contingency	\$41,690	10%		
Total	\$458,590			

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Summary of Finance Modelling Estimates – Service Level Application to Network

Financial Assessment Applying Service Level to the Network

To assist Council in its decision making an analysis of the application of the proposals outlined in this report has been undertaken as to the application of similar service levels to our known townships open drain network.

This analysis is high level and must take account of the following limitations, which to the extent they can have been minimised by the final sensitivity analysis.

Assumptions:

- Is based on today's known costs, no escalation for future years, in other words assumes it is all built now.
- Uses a combination of costings for Elizabeth Street which are site tested as well as general costs experience per lineal metre estimates for the service level interventions outlined (options 1-6).
- Is a lineal metre analysis based on overall averages, each site will have varied solutions resulting in unit costs that are greater, equivalent, or less than the unit rates.
- Does not include any legal, property acquisition or Real Property Act considerations, these will be extra, and will be required as all options will need to maintain some form of overland flow for larger rain events.
- Does not analyse ongoing maintenance costs. It is expected maintenance costs will increase as Council would need to maintain the overland flow path as it currently does and is catered for in current budget but also an underground pipe system which is not in the current budgeted costs.
- Does not include any bridges, walkway, footpath connectivity or other infrastructure needs it is simply construction of pipes, stormwater infrastructure, connectivity into existing networks (no upgrades to existing connectivity just the open swales) and overland flow management.
- Depreciation would also increase with over \$10M more in assets and thus future replacement costs will also be higher over a whole of life asset analysis.
- This analysis does not include open drains and pathways on our land/roads.
- The pipe installation costs assume they can be laid in the existing locations without modification to the open drain or swale.
- A contingency of 20% is applied due to the nature of the high-level analysis.

Upper Limit analysis:

- Uses the same unit price per lineal metre and applies it to the current network for all open drainage systems.
- This figure applied across all the network is considered high due to the site-specific nature, however the unit costs can be used to assist pricing of the network at the component level, for labour and estimated portion relation to materials and civils.

Lower Limit Analysis

- Uses known unit costs for pipe infrastructure installation of \$525 per lineal metre.
- Uses labour estimates from the full analysis undertaken for this report.

- Applies a civils estimate across the network for work outside the pipe such as road and kerbing work and side entry pit requirements and upgrades.

Sensitivity Analysis

- To minimise the variations inherent in an analysis of the whole network at this high level a sensitivity analysis of four levels was undertaken and skewed to the lower limit analysis due to the site specific nature of the upper limit analysis.

The Findings

- The cost of the application of service levels at a similar level as that being proposed for 18A Elizabeth Street across the network are between \$11.886M and \$12.875M for the preferred Option 3 – 1 in 20 year chance that a rain event of that size or larger could occur in any one year. Please note this does not mean it won't occur more often, which is expected under current climate models as rainfall events are expected to be more intense.
- The highest level of treatment (which does not achieve a 1 in 100 year chance that a rain event of that size or larger could occur in any one year) is between \$17.719M and \$22.254M and still requires overland flow.
- The lowest level of treatment is between \$9.910M and \$9.936M, this would not change any flooding risk, instead it would simply move stormwater underground for an event less than a 1 in 2-year chance of a rain event.
- There is currently no resource capacity to deliver an Option 3 level of service across the network even if Council did consider it was necessary for the whole network.
- It is fully unfunded.
- The current long term financial plan has \$4.5M in stormwater estimates for the next four years, much of that will be needed for high priority projects already awaiting implementation in many of our townships.

Sensitivity Analyses for all Options

Comparison Analysis of Open Swale Conversion Costs								
To reach a reasonable confidence level from this analysis and test the sensitivity the following scenarios where used:								
		Upper Limit	Lower Limit					
Sensitivity Analysis 1		10%	90%					
Sensitivity Analysis 2		20%	80%					
Sensitivity Analysis 3		25%	75%					
Sensitivity Analysis 4		33%	67%					
Analysis Level Table 1								
Suburb	Count of swales/channels segments	Length (metres)	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Angaston	9	665	776,711	889,528	929,126	984,421	968,098	1,385,144
Eden Valley	3	160	186,878	214,022	223,549	236,853	232,926	333,268
Kalbeeba	1	40	46,719	53,505	55,887	59,213	58,231	83,317
Lyndoch	13	1,256	1,466,991	1,680,071	1,754,860	1,859,297	1,828,468	2,616,151
Moculta	2	65	75,919	86,946	90,817	96,222	94,626	135,390
Mount Pleasant	5	274	320,028	366,512	382,828	405,611	398,885	570,721
Nuriootpa	8	1,570	1,833,739	2,100,089	2,193,575	2,324,121	2,285,585	3,270,189
Penrice	3	434	506,906	580,534	606,377	642,464	631,811	903,988
Springton	5	165	192,718	220,710	230,535	244,255	240,205	343,682
Tanunda	20	1,637	1,911,994	2,189,711	2,287,187	2,423,303	2,383,122	3,409,745
Williamstown	12	823	961,253	1,100,875	1,149,881	1,218,313	1,198,112	1,714,245
Total		7,089	8,279,855	9,482,504	9,904,622	10,494,072	10,320,070	14,765,839
Contingency	20%		9,935,826	11,379,005	11,885,546	12,592,887	12,384,083	17,719,007
Analysis Level Table 2								
Suburb	Count of swales/channels segments	Length (metres)	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Angaston	9	665	775,825	901,710	962,769	1,073,358	1,058,849	1,539,282
Eden Valley	3	160	186,665	216,953	231,644	258,252	254,761	370,353
Kalbeeba	1	40	46,666	54,238	57,911	64,563	63,690	92,588
Lyndoch	13	1,256	1,465,318	1,703,079	1,818,403	2,027,275	1,999,872	2,907,275
Moculta	2	65	75,833	88,137	94,105	104,915	103,497	150,456
Mount Pleasant	5	274	319,663	371,532	396,690	442,256	436,278	634,230
Nuriootpa	8	1,570	1,831,648	2,128,849	2,273,003	2,534,094	2,499,840	3,634,093
Penrice	3	434	506,328	588,484	628,333	700,508	691,038	1,004,584
Springton	5	165	192,498	223,733	238,883	266,322	262,722	381,927
Tanunda	20	1,637	1,909,813	2,219,698	2,370,004	2,642,237	2,606,521	3,789,179
Williamstown	12	823	960,157	1,115,951	1,191,517	1,328,382	1,310,425	1,905,006
Total		7,089	8,270,414	9,612,362	10,263,261	11,442,162	11,287,492	16,408,973
Contingency	20%		9,924,497	11,534,834	12,315,913	13,730,594	13,544,991	19,690,767

Comparison Analysis of Open Swale Conversion Costs								
To reach a reasonable confidence level from this analysis and test the sensitivity the following scenarios where used:								
		Upper Limit	Lower Limit					
Sensitivity Analysis 1		10%	90%					
Sensitivity Analysis 2		20%	80%					
Sensitivity Analysis 3		25%	75%					
Sensitivity Analysis 4		33%	67%					
Analysis Level Table 3								
Suburb	Count of swales/channels segments	Length (metres)	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Angaston	9	665	775,382	907,801	979,590	1,117,827	1,104,225	1,616,351
Eden Valley	3	160	186,558	218,418	235,691	268,951	265,678	388,896
Kalbeeba	1	40	46,640	54,605	58,923	67,238	66,420	97,224
Lyndoch	13	1,256	1,464,482	1,714,583	1,850,174	2,111,265	2,085,574	3,052,836
Moculta	2	65	75,789	88,732	95,749	109,261	107,932	157,989
Mount Pleasant	5	274	319,481	374,041	403,621	460,578	454,974	665,985
Nuriootpa	8	1,570	1,830,602	2,143,228	2,312,717	2,639,081	2,606,967	3,816,046
Penrice	3	434	506,039	592,459	639,312	729,529	720,652	1,054,881
Springton	5	165	192,388	225,244	243,056	277,356	273,981	401,049
Tanunda	20	1,637	1,908,723	2,234,691	2,411,413	2,751,704	2,718,220	3,978,896
Williamstown	12	823	959,609	1,123,489	1,212,335	1,383,416	1,366,582	2,000,386
Total		7,089	8,265,693	9,677,291	10,442,580	11,916,206	11,771,204	17,230,540
Contingency	20%		9,918,832	11,612,749	12,531,096	14,299,447	14,125,445	20,676,647
Analysis Level Table 4								
Suburb	Count of swales/channels segments	Length (metres)	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Angaston	9	665	774,674	917,546	1,006,505	1,188,977	1,176,826	1,739,661
Eden Valley	3	160	186,388	220,763	242,167	286,070	283,146	418,565
Kalbeeba	1	40	46,597	55,191	60,542	71,517	70,787	104,641
Lyndoch	13	1,256	1,463,144	1,732,989	1,901,007	2,245,648	2,222,697	3,285,735
Moculta	2	65	75,720	89,685	98,380	116,216	115,028	170,042
Mount Pleasant	5	274	319,189	378,056	414,710	489,894	484,888	716,793
Nuriootpa	8	1,570	1,828,929	2,166,236	2,376,259	2,807,059	2,778,371	4,107,169
Penrice	3	434	505,577	598,819	656,877	775,964	768,034	1,135,358
Springton	5	165	192,212	227,662	249,734	295,009	291,994	431,645
Tanunda	20	1,637	1,906,979	2,258,681	2,477,666	2,926,851	2,896,939	4,282,443
Williamstown	12	823	958,732	1,135,549	1,245,644	1,471,471	1,456,433	2,152,994
Total		7,089	8,258,140	9,781,177	10,729,492	12,674,678	12,545,142	18,545,046
Contingency	20%		9,909,769	11,737,412	12,875,390	15,209,613	15,054,171	22,254,056

MB**DEBATE REPORT****2.2 Corporate Services and Business Innovation****2.2.2 CONSIDERATION OF CHANGE OF SERVICE LEVEL - TANUNDA RECREATION PARK - KITCHEN INFRASTRUCTURE**

**Author: Director Corporate Services and Business Innovation
23/85138**

PURPOSE

Following the recent completion of the Tanunda Recreation Park Clubrooms upgrade project a decision needs to be made regarding the level of service provided for kitchen facilities across the Clubrooms and Show Hall facility to inform lease and license negotiations with key stakeholders and ongoing show hall hire.

RECOMMENDATION

That Council:

- (1) Approves the granting of exclusive use of the commercial kitchen facility at Tanunda Recreation Park to the Tanunda Football Club under a Shared Use Lease Agreement with special conditions requiring shared utilisation of the commercial kitchen at Council's instruction and absolute discretion to cater for significant large scale regional events; and
- (2) Approves the construction of a suitable secondary catering kitchen within the Show Hall facility to cater for small and medium events with the design and budget to be approved via a future report to Council.

REPORT**Background**

In 2020 Council upgraded the Tanunda Show Hall kitchen to a commercial kitchen standard in accordance with the Tanunda Recreation Park Masterplan. At this time, the upgrade was a significant project designed to offer a walk-in, walk-out hireable commercial kitchen for small, medium and large events and functions and food preparation activities with capacity to cater for in excess of 500 patrons.

Early utilisation of the upgraded kitchen was impacted by the onset of Covid 19 and due to limited marketing of the space, current utilisation of the Show Hall and Commercial Kitchen facility is adhoc/periodic and managed via Council's adhoc hirer booking system in accordance with the approved fees and charges register. To date, no licence or lease provisions have been exercised over the Show Hall and Kitchen due to the mandate to facilitate short term, event and function-based hire.

Introduction

Following the development of initial concept designs for the upgrade of the Tanunda Recreation Park Clubrooms and Changerooms in 2016, Council's Big Project team progressed an amended detailed design for the proposed works during 2022 featuring shared use of the existing commercial kitchen between the Show Hall and newly constructed Clubrooms, with canteen facilities for the Tanunda Football and Netball Clubs to also be serviced within the shared commercial kitchen footprint with access via the breezeway located between the two facilities. This design specification was put out for tender in June 2022 and subsequently approved for construction by Council at its meeting of 16 August 2022.

The newly constructed Tanunda Recreation Park Clubrooms and Changerooms have now been handed over to Council and are ready for occupancy by key stakeholders at the site. Occupancy arrangements will be negotiated under Council's recently approved Lease, Licence and Hire Permit Policy, however Officer's require Council direction on the level of service to be afforded Show Hall Hirers versus the Tanunda Football Club in relation to utilisation of the Commercial Kitchen to determine whether lease or licence conditions are applicable and appropriate under the circumstances.

Discussion

The decision to adopt a shared use model for the existing Commercial Kitchen at the site has introduced a number of service level impacts and changes within the kitchen facility including:

- Installation of additional cabinetry and under bench lockable storage to permanently store Football Club consumables, ingredients, cleaning products, crockery, utensils and equipment;
- Ongoing and frequent utilisation of the kitchen Thursday and Saturday Nights for Meal Preparation and Saturday home games for the Canteen.
- Modification of the cool room to segregate/secure the permanent storage of football club drinks, alcohol and consumables from adhoc show hall hirers;
- Introduction of additional permanent equipment to the kitchen area and expansion of food preparation and serving areas to cater for canteen services;
- Introduction of permanent food and drink storage and food preparation activity versus previous adhoc operating model requiring revised public health measures for cleaning, vermin control and food standards; and
- Increased utilisation and scheduling conflicts due to concurrent use between the Football Club and adhoc event-based hirers and kitchen hirers.

These changes have materially impacted the previous operating model of the commercial kitchen eliminating capacity for the Show Hall to be marketed as a walk-in, walk-out hireable commercial kitchen for small, medium and large events and functions. Instead the interim use of the facility by the Tanunda Football Club during clubroom construction as an ongoing heavily used and provisioned club kitchen and canteen has demonstrated that the approved shared use is incompatible with the maintenance of favorable conditions for adhoc hirers.

Of equal importance, the Football Club has also experienced a significant change in the level of service afforded to them under their previous exclusive use lease over the demolished clubrooms, which they agreed. Whilst they now have access to a higher level of service via the commercial kitchen on the understanding they would be sharing this space with adhoc hirers, the intended outcomes and cross sharing as outlined presents various usability challenges and risks to their organisation. Specifically, there are risks associated with the security of Football Club owned

equipment, stock and consumables, health and regulatory compliance challenges have been introduced which are not entirely in the Club's control and scheduling clashes are occurring with key stakeholders utilising the Show Hall. The Football Club's capacity to generate revenue from third party hire of the clubrooms is also contingent upon their access to the commercial kitchen facility and its availability outside of the Club's own usage provisions.

Key considerations for the future operating model of this site include:

- Determination of priority access to the commercial kitchen – is it a Clubroom Kitchen first and foremost or a Show Hall Kitchen?
- Lease, Licence and Hire Permit Arrangements – what instrument is appropriate and reasonable for each stakeholder given the challenges with shared use.
- Balancing user's rights and responsibilities whilst optimising use of the various facilities and sustainably managing these valuable assets.
- Fairness and equity and consistency of levels of service in the context of like facilities and users at other sites across the Council area.
- Practical implications of the current operating model – impacts on user experience and capacity to maintain the kitchen to meet public health standards.
- Strategic long term objective for each facility.

In accordance with the above considerations, there are a number of potential solutions that could be considered to address the inherent challenges associated with shared use. Option 1 is for primary use of the commercial kitchen to be granted to the Football Club in accordance with exclusive use conditions under a Shared Use Agreement over the Clubrooms and Kitchen with special conditions requiring shared utilisation of the kitchen facility at Council's instruction and absolute discretion for significant regional events. In this scenario the Football Club would generate revenue from such bookings and be responsible for the ongoing care, maintenance and management of the kitchen under standard Shared Use Lease conditions of use for exclusively leased assets.

Alternatively, under Option 2, Football Club use could be governed by a licence during the playing season requiring shared use as above but with ongoing management of bookings, cleaning and maintenance by Council. This option will reduce the capacity for the Football club to hire out the clubroom to generate income to offset lease fees and present significant complexity in terms of roles and responsibilities and accountability for the maintenance and management of various improvements within the kitchen footprint. This option also does not address issues already experienced to date with the high impact and breadth of occupancy of the Football Club within the commercial kitchen facility.

Regardless of the option that is supported it is recommended that a second basic catering kitchen be installed in the existing seating storage area in the northeastern corner of the Show Hall to cater for general Show Hall hirers. This increase to the existing level of service at the site is recommended to minimise conflict between user groups and reduce the burden of the existing demand on the Commercial Kitchen to service both ongoing, frequent high volume users such as the Football Club and adhoc hirers who are seeking a sanitary walk in, walk out kitchen facility that is not used for ongoing meal preparation.

Preliminary designs for a second kitchen have been sourced and provisional costing prepared (see Attachment 1). It is proposed that design option 2 be further refined requiring and a detailed costing prepared for future Council consideration. It should be noted that the Tanunda Football Club have indicated that they have a number of second hand commercial grade kitchen appliances that were donated to the club for an upgrade of their previous clubroom kitchen that they are willing to donate to Council on the basis that this in-kind capital contribution is acknowledged in financial subsidies applicable to their lease fees upon negotiation of their new lease agreement under new Lease, Licence and Hire Permit Policy settings.

It should be noted that any investment would need to be considered in the 2024-25 financial year as Council's capital delivery team does not have the capacity to deliver any further projects with the current significant program underway.

Summary and Conclusion

To address inherent challenges with the current agreed shared use of the commercial kitchen between the Tanunda Show Hall and Tanunda Recreation Park Clubrooms it is recommended that The Tanunda Football Club be granted exclusive use of the kitchen facility with special conditions requiring shared utilisation of the commercial kitchen at Council's instruction and absolute discretion to cater for significant large scale regional events. It is also recommended that a second catering kitchen be installed within the Show Hall facility to cater for small and medium events.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Proposed Second Catering Kitchen at Tanunda Recreation Park - Sketch Design Options - October 2023 [↓](#) 

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.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A decision regarding the level of access and type of occupancy agreement to be executed between Council and the Tanunda Football Club for the Tanunda

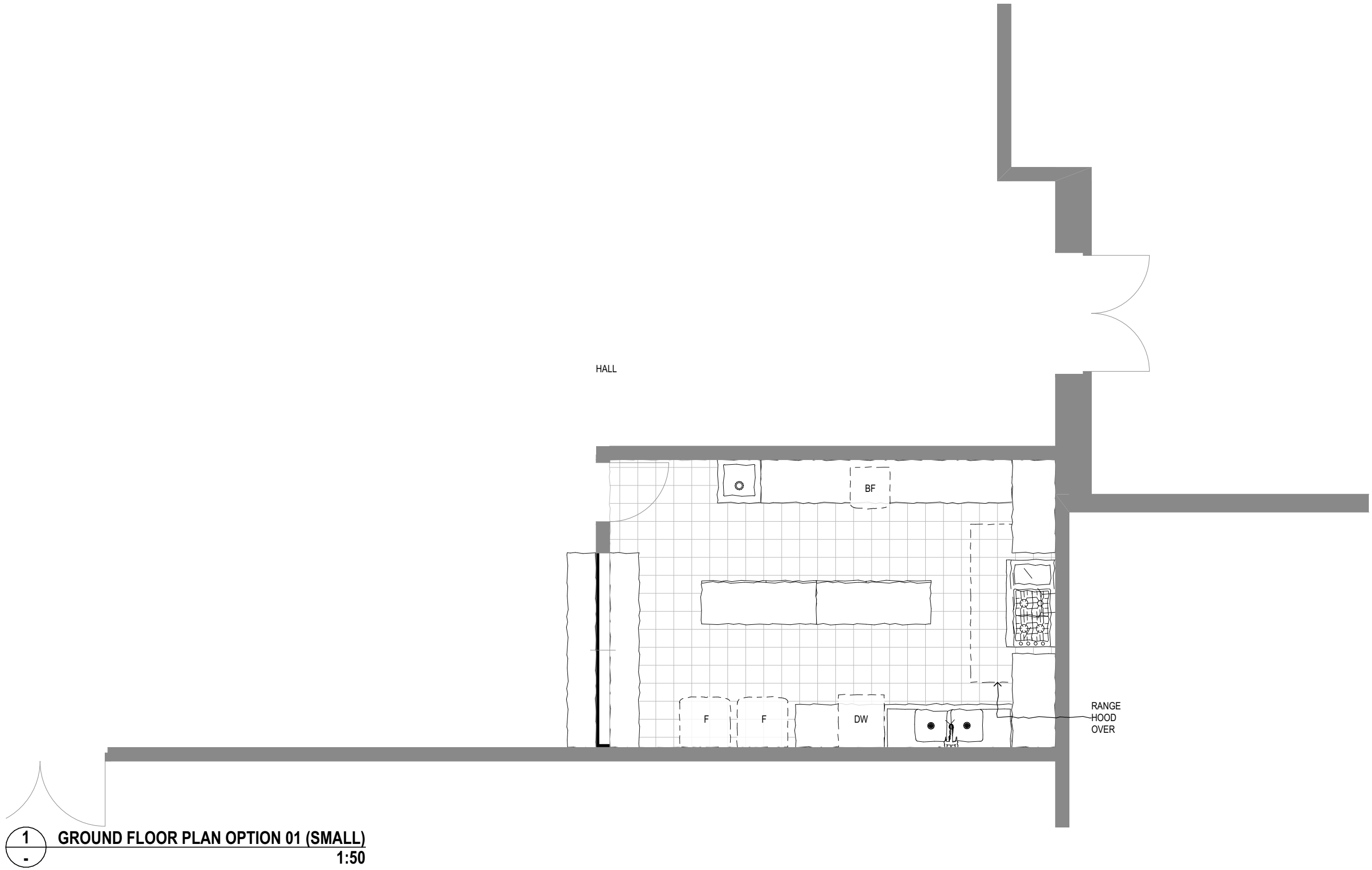
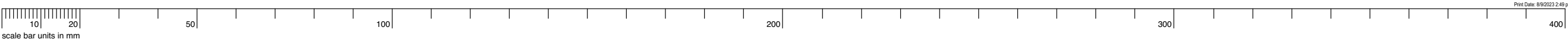
Recreation Park Clubrooms and Commercial Kitchen is required to mitigate risks associated with ambiguity around the ongoing use and maintenance of these assets.

The body of this report sets out key considerations regarding historical decisions in the design of infrastructure for the site, current relevant decision-making principles and options for a future operating model.

Council currently does not have capital budget provision for the implementation of a second catering kitchen within the Tanunda Show Hall. A report will be put to Council in the future to determine the level of service and associated investment for the catering kitchen.

COMMUNITY ENGAGEMENT

Nil



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GROUND FLOOR PLAN OPTION 01 (SMALL)
1:50

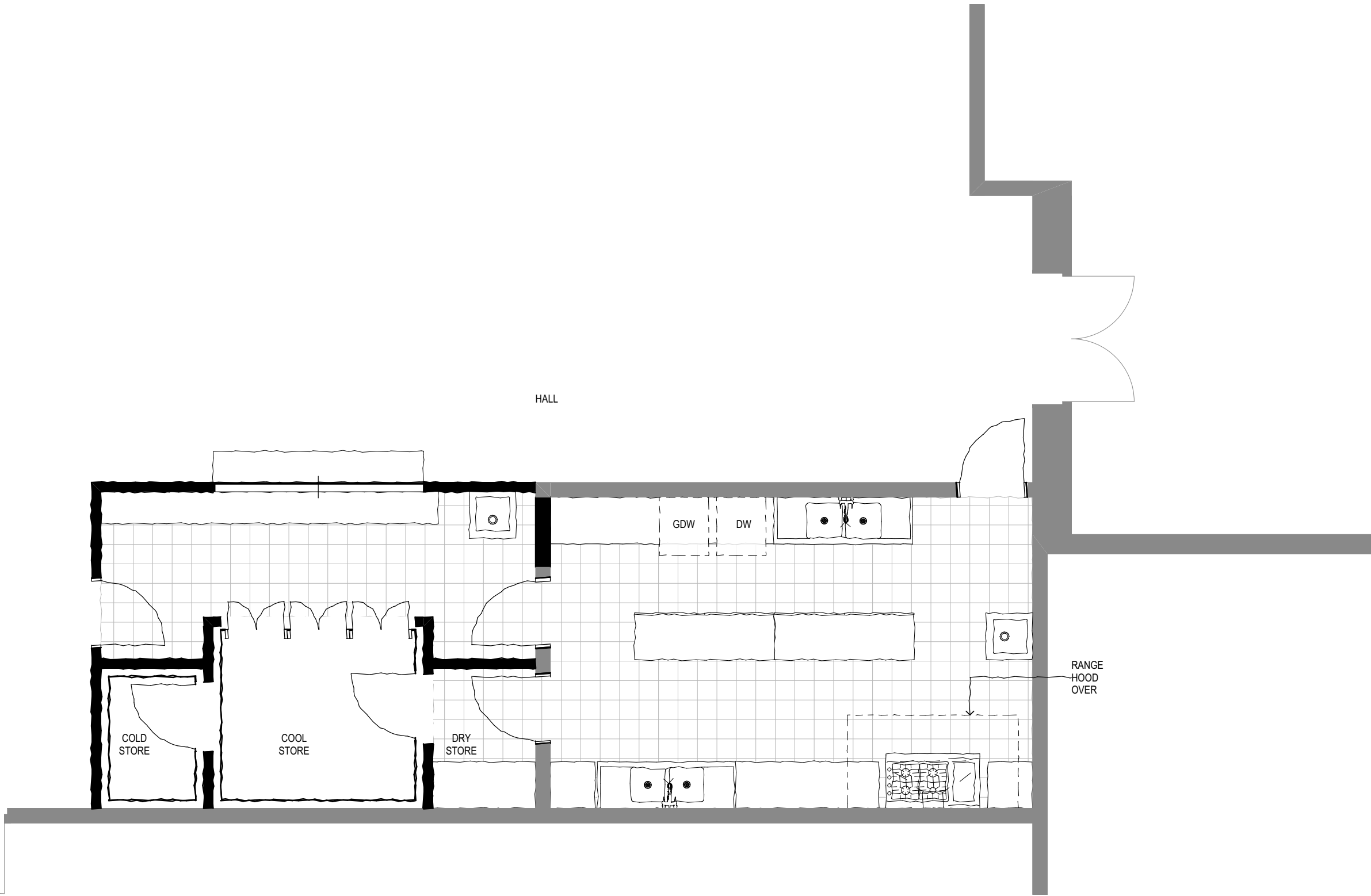
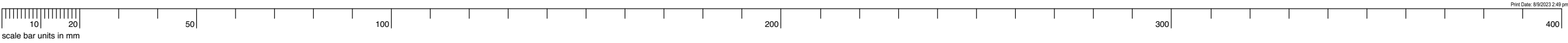


GROUND FLOOR PLAN OPTION 01 (SMALL)
Proposed Second Commercial Kitchen at Tanunda Oval

Size: A3
Revision: - - WIP
Issued Date: 8/9/2023
Project No.: DA234523

01

** Transmittal Name ** Work in Progress



1
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GROUND FLOOR PLAN OPTION 02 (LARGE)
1:50



GROUND FLOOR PLAN OPTION 02 (LARGE)
Proposed Second Commercial Kitchen at Tanunda Oval

Size: A3
Revision:
Issued Date: 8/9/2023
Project No.: DA234523

02