



MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 16 April 2024 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome and Acknowledgment of Country by Mayor Bim Lange who declared the meeting open at 5.30pm.

1. ATTENDANCE RECORD

1.1 Members Present

Mayor Bim Lange, Crs Don Barrett, David de Vries, Kathryn Schilling, Cathy Troup, Jane Evans, Bruce Preece, Jess Greatwich, Rick Lane and Heidi Thompson

Apologies

Cr John Angas and Tony Hurn

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Cr de Vries

That the Minutes of the Council meeting held on Tuesday 19 March 2024 at 5.30pm and the Special Council meeting held on Wednesday 3 April 2024 at 5.00pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Preece

CARRIED 2022-26/410

2.2 Matters arising from previous minutes

Nil

3. PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

Mayor Lange welcomed Mr James Rowe to present a deputation on the Heavy Mass Limited (HML) vehicles on Kalimna Road, Light Pass/Penrice, between Stockwell Road and the Seelander Quarry entrance to the meeting.

3.3 Notice of Motion

Nil

3.4 Questions with Notice

Nil

4. MAYOR

4.1 Mayor's Report

MOVED Cr de Vries

That the Mayor's report be received.

SECONDED Cr Evans

CARRIED 2022-26/411

5. COUNCILLORS' REPORTS

Nil

6. MATTERS FOR INFORMATION

6.1 Williamstown and Lyndoch Landcare Group Inc.

6.2 Letter from Hon Susan Close MP to Mayor Lange regarding the name change of Warren and South Para Reservoir

6.3 Community Battery Asset - Shortlisted Site for Grant Funding Application

- 6.4 Planning System Implementation Review - Final Report and Government Response Released
- 6.5 Fee Reform - Lodgement of Development Applications and Code Amendment Proposals
- 6.6 Quarterly Update - Concordia Development
- 6.7 Letter from The Deputy Premier, The Hon Susan Close MP - Barossa Wildlife Rescue
- 6.8 Powers of Chief Executive Officer Update

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1 DRAFT ELECTED MEMBER BEHAVIOURAL MANAGEMENT POLICY AND PROCESS 23/127818

MOVED Cr de Vries

That Council:

- (1) Endorse the Draft Elected Member Behavioural Management Policy as at Attachment 1 and the Draft Elected Member Behavioural Management Process for public consultation as at Attachment 2.
- (2) Adopt the Elected Member Behavioural Management Policy and Elected Member Behavioural Management Process at the immediate conclusion of the public consultation period, in the absence of any written submissions for significant change or amendments being received.

SECONDED Cr Thompson

CARRIED 2022-26/412

PURPOSE

For Council to review and endorse the Draft Elected Member Behavioural Management Policy as presented in this report and as required pursuant to Section 262B and Section 75F(6) of the *Local Government Act 1999* for public consultation.

REPORT

Background

The Behavioural Standards for Council Members (Behavioural Standards) were established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act.

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and

duties. The Behavioural Standards are mandatory rules, with which council members must comply. Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt a Behavioural Management Policy which, amongst other things, may include additional matters relating to behaviour that must be observed by Council Members.

Pursuant to Section 262B of the *Local Government Act 1999* and Regulation 16 of the *Local Government (Transitional Provisions) Regulations 2021* Council adopted the Model Local Government Association Behavioural Management Policy on 28 November 2022, until Council has adopted its own Policy by the day designated by the Minister for Local Government under Regulation 16.

Council endorsed the interim Behaviour Management Policy provided by the Local Government Association (LGA) at the 28 November 2022 Ordinary Council meeting.

Furthermore, Council adopted the Strategic Policy Platform and Expected Behavioural Norms of the Council 2022-2026 on 28 November 2022 and has now reviewed and endorsed the document at its Ordinary Council meeting held on the 19 March 2024, (link below in Supporting Documents).

Discussion

The Council Members endorsed Strategic Policy Platform and Expected Behavioural Norms of the Council and its' Elected Members 2022-2026 has been incorporated into the presented draft policy.

The interim Behaviour Management Policy provided by the Local Government Association (LGA) and Council Member Behavioural Standards have been reviewed and amended to incorporate the three documents into a concise, two document, Elected Member Behavioural Management Policy and Process with the definition of Policy (Strategic) and Process (Guidelines).

The Elected Member Behavioural Management Policy and Process is designed to ensure Council Members act in a manner consistent with community expectations and form the basis of behaviour management for Council Members. Constructive and effective relationships between Council Members, Council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Summary and Conclusion

Council is asked to consider the Draft Behavioural Management Policy and Draft Behavioural Management Process and approve for public consultation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|---|
| Attachment 1 | Draft Elected Member Behavioural Management Policy  |
| Attachment 2 | Draft Elected Member Behavioural Management Process  |

Supporting references

[Behavioural Standards for Council Members - Government Gazette - No. 79 - Thursday, 17 November 2022 \(pp. 6637–6680\)](#)

[Strategic-Policy-Platform-and-Expected-Behavioural-Norms-of-the-Council-and-its'-Elected-Members-2022-26.pdf \(barossa.sa.gov.au\)](#)

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

Section 262B – Behavioural Management Policy of the Local Government Act 1999
Section 75F (6) of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A cost will be incurred by placing a public notice in the local newspaper.

COMMUNITY ENGAGEMENT

A period of public consultation will be conducted in accordance with Council's Public Consultation Policy.

Engagement methods are to include a Public Notice in a local newspaper, hard copy documents at Branch offices and social media posts inviting responses from the community.

Any written submissions received from the community during the consultation period resulting in significant change or amendments to the Policy will be re-tabled at a future Council meeting for Council's consideration and endorsement.

Pursuant to Section 120(1) of the Local Government Act 1999, Mr Martin McCarthy as Chief Executive Officer, disclosed a perceived Conflict of Interest in the matter of Item 7.1.2 – Review of Confidential Orders – CEO Performance Review Committee as it relates to his employment contract.

Mr McCarthy left the meeting at 5.44pm

7.1.2 REVIEW OF CONFIDENTIAL ORDERS - CEO PERFORMANCE REVIEW COMMITTEE 24/31615

MOVED Cr de Vries

That Council in compliance with Section 91(9)(a) of the *Local Government Act 1999* and having reviewed the confidentiality orders pertaining to the CEO Performance Review Committee on the following matters:

- 3 May 2023 - Consultant – Scope of Works and Review of Processes; and
- 16 May 2023 - CEO Performance Review Process; and
- 7 June 2023 - Capability Framework; and
- 7 June 2023 - Data Collection - 360-Survey Design; and
- 7 June 2023 - Updated Position Description; and
- 12 July 2023 - Presentation of Results from the Data Collection Phase of the CEO Performance Review; and

Made in accordance with Section 90(3)(a) of the *Local Government Act 1999* resolve that the CEO performance documents, agenda, reports and relevant minutes shall remain Confidential, and that Council review the said orders prior to 16 April 2025.

SECONDED Cr Barrett

CARRIED 2022-26/413

PURPOSE

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

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

REPORT

Introduction

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

This review considers the nature of confidential orders and its compliance with the Act. Sections 90 and 91 of the *Local Government Act 1999* outline the requirements

for Council to consider items in confidence and under what conditions they may be retained in confidence.

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

Discussion

In the Table listed below outlines current confidential orders required to be reviewed for the CEO Performance Review Committee:

CEO Performance Review Committee	3/05/2023	.1 23/19085 COCPRC2022 26/3	CONSULTANT – SCOPE OF WORKS AND REVIEW OF PROCESSES	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	16/05/2023	5.1 23/21839 COCPRC2022 26/6	CEO PERFORMANCE REVIEW PROCESS	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	7/06/2023	4.1 23/28414 COCPRCC/6	CAPABILITY FRAMEWORK	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	7/06/2023	4.2 23/28431 COCPRCC/8	DATA COLLECTION - 360-SURVEY DESIGN	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	7/06/2023	4.3 23/28436 COCPRCC/1 0	UPDATED POSITION DESCRIPTION	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.
CEO Performance Review Committee	12/07/2023	4.1 23/37867 COCPRCC/1 3	PRESENTATION OF RESULTS FROM THE DATA COLLECTION PHASE OF THE CEO PERFORMANCE REVIEW	Section 90(3)(a) of the Local Government Act 1999: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)	In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the matter relates to information pertaining to the personal affairs of the Chief Executive Officer.

Summary and Conclusion

There has been no change to these personal circumstances, and continues to be matters that relate to the personal affairs and employment contract of the Chief Executive Officer and as such, it is recommended through this review the documents remain in confidence.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

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

Section 91(9), Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

Mr McCarthy returned to the meeting at 5.45pm

7.2 Corporate Services and Business Innovation

7.2.1 VARIATION TO DELEGATIONS REGISTER - UPDATES TO LEGISLATION

24/31340

MOVED Cr de Vries

That Council, 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 16 April 2024, 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. *Local Government Act 1999*
- b. *Instrument A of the Planning Development and Infrastructure Act 2016*
- c. *Environmental Protection (Noise) Policy 2007*

SECONDED Cr Troup

CARRIED 2022-26/414

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.

REPORTBackground

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 three pieces of legislation being:

Local Government Act 1999

- Legislative amendments relating to Regional Audit and Risk Committees.
- Update reference to the *Unclaimed Money Act 2021*

Planning Development and Infrastructure Act 2016

- Numbering change
- Update to the application for issuing of a certificate of occupancy.

Environment Protection (Noise) Policy 2007

- Deleted provisions

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 MONTHLY FINANCE REPORT AS AT 31 MARCH 2024 **24/32302**

MOVED Cr Schilling

That Council receive and note the Monthly Finance Report as at 31 March 2024 as provided at Attachment 1.

SECONDED Cr de Vries

CARRIED 2022-26/415

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 March 2024) 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 March 2024 

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.

7.3 Infrastructure and Environment Services

7.3.1 KALIMNA ROAD - REQUEST FOR UPGRADE TO LEVEL OF SERVICE **24/32780**

MOVED Cr de Vries

That Council:

- (1) With reference to The Barossa Council "Infrastructure Asset Management Plan (IAMP) Transport", the service level classification for Kalimna Road, Light Pass / Penrice, from Stockwell Road to Salem Road, be increased to have the following road asset assessment rating scores:

1. Road Commercial Priority – Score 8 (High Industry, all year round)
2. Road Social Priority – Score 2 (Low social importance, < 5 dwellings)
3. Road Tourist Priority – Score 0 (No tourist potential)
4. Road hierarchy – Rural Road Class 4 (Local connector connecting activity nodes)

(2) Approve Kalimna Road, Light Pass / Penrice, from Stockwell Road to the Seelander Quarry entrance at 563 Kalimna Road, for Heavy Mass Limit (HML) access up to the following vehicle sizes and types:

- Up to 19m x 3 axle Prime Mover and 3 axle Semi trailer
- Up to 19m x 3 axle Rigid Truck and 3 axle Dog trailer
- Up to 19m x 3 axle Rigid Truck and 4 axle Dog trailer

SECONDED Cr Thompson

CARRIED 2022-26/416

PURPOSE

A number of requests have been received by various transport operators for the approval of Heavy Mass Limit (HML) vehicles on Kalimna Road, Light Pass / Penrice to access Seelander Quarry.

REPORT

Background

The 2.460 km section of Kalimna Road, Light Pass / Penrice forming the subject of this report connects from Stockwell Road to Salem Road and is made up of 3 segments:

1. Sealed rural road - from Stockwell Road to Waechters Road - length 1,150 metres
2. Unsealed rural road - from Waechters Road to Barnden Road, including Seelander Quarry Entrance - length 930 metres
3. Unsealed rural road - from Barnden Road to Salem Road - length 380 metres

The Seelander Quarry entrance is located at 563 Kalimna Road, within the second road segment listed above. Refer attached general locality plan.

In 2018 the owners of Seelander Quarry applied to the SA Government Department for Energy and Mining for an extension of the quarry area and Extractive Minerals Lease (EML) over the Mineral Claims (MC) 4428 and 4437 associated with the quarry. The extension to the mining license was however subsequently approved by the State Government Department for Energy and Mining.

The Barossa Council made a submission to the Department for Energy and Mining at the time which outlined a number of road safety concerns associated with the quarry expansion, including the road access:

- Kalimna Road has a number of locations where insufficient sight distance does not allow for safe and convenient frequent access of long heavy vehicles.
- Access from Kalimna Road to Stockwell Road to the west is via a restricted reverse curve alignment which does not allow for long vehicles to track within their respective carriageway lane, forcing tracking into the opposite lane of oncoming traffic.
- Access from Kalimna Road to Salem Road and Moculta Road to the east is via close sequential 'T' junctions, with a steep down grade, restricted sight distance and a right hand hook turn requirement to access south along Moculta Road, forcing tracking into the opposite lane of oncoming traffic.

Introduction

The Barossa Council "Infrastructure Asset Management Plan (IAMP), Transport"

outlines service level classifications for all roads across the Council area, defined in terms of Community Levels of Service and Technical Levels of Service. The maintenance interventions of Council roads are determined from the rated score on the six measures of road assessment:

1. Road Commercial Priority
2. Road Social Priority
3. Road Tourist Priority
4. Road hierarchy

Council's road asset management data base currently identifies the section of Kalimna Road in question as a rural sealed and unsealed road with No Commercial Priority, Low Social Priority and No Tourist Priority classifications. In reality, however, the road's Commercial Priority is relatively high, due to the Seelander Quarry operations. The classifications of No Social Priority and No Tourist Priority are appropriate as currently recorded.

Identification of a level of Commercial Priority level of service is required to justify consideration for Heavy Mass Limit vehicle access. Any change to the existing road asset classification or level of service requires approval of the Elected Members.

In recent months, correspondence has been received from numerous transport companies requesting Heavy Vehicle on Kalimna Road to access Seelander Quarry. This has been requested to increase the efficiency of the freight tasks, especially for larger truck combinations which transport larger distances, ie to the Riverland and the South East. The requested vehicle access includes:

- Up to 19m x 3 axle Prime Mover and 3 axle Semi trailer
- Up to 19m x 3 axle Rigid Truck and 3 axle Dog trailer
- Up to 19m x 3 axle Rigid Truck and 4 axle Dog trailer

The increase from General Mass Limit (GML) to Heavy Mass Limit (HML) is an increase of up to 3 tonnes per vehicle, from 42.5 to 45.5 tonnes.

In 2020, approval was granted through the NHVR process for this HML vehicle access on Kalimna Road, with internal notes highlighting the need to monitor the impacts on the road infrastructure and safety risks given the already inadequate road infrastructure level of service provided. The NHVR license for this access lapses after 3 years and so now requires further consideration by Council before ongoing HML approval can be granted.

Discussion

General Mass Limit (GML) vehicles, up to a 19 metre long semitrailer, are permitted to travel on any public road in the region without further permit under Australian Road Rules legislation. Larger and heavier vehicles are only permitted to travel on Council Roads after gaining a permit through the National Heavy Vehicle Regulator (NHVR) process, which includes assessment by Council and approval on merit.

The NHVR assessment criteria required to be considered by the Council Road Manager when assessing suitability of a road for oversize or over mass vehicle access includes the likelihood of the proposed vehicle to:

- cause damage to the road infrastructure, or
- impose adverse effects on the community, or
- pose a significant risk to public safety.

With reference to the Location SA Map Viewer data set - road crashes (2018-2022), there have been no recorded vehicle crashes on the road in the last 5 years. Notwithstanding, there has in recent years been an increase in the number of road safety concerns expressed by local property owners, with a high number of 21 Customer Requests (CR's) of complaint or report of dilapidation received in the past 5 years.

Traffic counts were undertaken by Council in 2020, Feb 2020, the average daily vehicle count was recorded as 207 vehicles per day, including 67 trucks - approximately 1/3 of vehicles being trucks. Over the last 5 years there has been a measurable increase in the number of commercial vehicles accessing Seelander Quarry. Further increase is expected in coming years as the quarry expands in size and the demand for its quarry minerals increases.

Heavy Vehicle access on roads not previously allocated with a freight function level will incur increased annual operational maintenance costs and likely capital upgrade costs over time to renew / upgrade the road pavement to an appropriate safe level of service for the proposed Heavy Mass Limit (HML) vehicle use. Heavier freight truck movements on Kalimna Road will bring forward the future road upgrade requirements for Kalimna Road.

There would reasonably be a medium to long term requirement for reconstruction and widening of the existing seal from Stockwell Road to Waechters Road and reconstruction and sealing of the road from Waechter's Road to Salem Road to provide an appropriate safe and convenient level of service for the proposed Heavy Mass Limit (HML) vehicles. This work is currently unplanned and unbudgeted and, if required, will form the basis of a New Initiative application for future Council budget consideration.

The unsealed section of Kalimna Road is currently graded as required to maintain a safe surface for the operational Level of Service. The road has difficulty coping with the level of commercial vehicle activity and is quickly degraded with rutting, pot holes and general material loss, becoming unsafe in terms of road surface. Dust complaints from adjacent property owners are also frequent. Ongoing operational repairs are required on a frequent basis. The unsealed entrance to the Seelander Quarry in particular is not capable of withstanding the HML vehicle loads with frequent dilapidation experienced. The unsealed section of Kalimna Road was substantially ripped and reconstructed in March 2024.

Summary and Conclusion

An increase of the Commercial Priority score on the section of Kalimna Road from Stockwell Road to Salem Road to 8 (High Industry, all year round) is justifiable.

An increase in the numbers of trucks on Kalimna Road inherently increases likelihood to cause damage to the road infrastructure, impose adverse effects on the community, and increase risk to public safety. However, there have been no recorded road crashes in the past 5 years.

An increase of the mass limit load per truck will often reduce the number of movements that are required to complete the freight task, however, the number of truck vehicles accessing Kalimna Road and Seelander Quarry is increasing over time.

An increase from General Mass Limit (GML) vehicle to Heavy Mass Limit (HML) vehicle access on Kalimna Road from Stockwell Road to the Seelander Quarry entrance is expected to further increase the rate of road dilapidation and requirement for capital upgrade.

There have been presented reasons of commercial viability that warrant consideration for the increase of the vehicle mass limit on the above mentioned section of Kalimna Road to Heavy Mass Limit (HML).

When considering any future Capital upgrade of Kalima Road, it may be reasonable to negotiate that those benefitting from the heavy truck access make a monetary or in-kind contribution to the project and costs.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Kalimna Road - General Layout Plan 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS3 Assets - Planning, construction, maintenance, and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements

Heavy Vehicle National Law (HVNL) and relevant guidelines.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Heavy Vehicle access on roads not previously allocated with a freight function level will incur greater annual operational maintenance costs and likely capital upgrade costs over time.

Heavier freight truck movements on Kalmina Road will bring forward the future road upgrade needs for Kalimna Road. this would reasonably include the reconstruction and widening of the existing seal from Stockwell Road to Waechters Road and reconstruction and sealing of the road from Waechter's Road to Salem Road to provide an appropriate safe and convenient level of service for Heavy Mass Limit (HML) vehicles.

This work is currently unplanned and unbudgeted and, if required, will form the basis of a New Initiative application for future Council budget consideration.

COMMUNITY ENGAGEMENT

The IAMPS have previously been presented for community review.

7.3.2 REQUEST TO INSTALL MEMORIAL ON COUNCIL LAND - JUTLAND WATER RESERVE 24/32802

MOVED Cr Preece

That Council accepts the donation of and provides consent to the Chibnall family for the installation of a memorial at a location within the Jutland Water Reserve to be determined by the Senior Environmental Officer, subject to compliance with the Memorials on Community Land Policy.

SECONDED Cr Barrett

CARRIED 2022-26/417

PURPOSE

To consider a request to accept the donation and installation of a Chibnall Family memorial within the Jutland Water Reserve.

REPORT

Background

The installation of memorial symbols within Community Land requires the approval of Council. Council's Memorials on Community Land Policy is attached for information.

Discussion

Mary Hewett has written to Council on behalf of her family, requesting permission to install a memorial within the Jutland Water Reserve, to honour their family members.

"My late grandfather RJ Chibnall was a part of the Jutland Soldier Settlement Scheme and farmed an area of land outside Eden Valley.

My late mother and her siblings were present at the unveiling of the plaque commemorating the families of the soldier settler families and were thrilled that the Jutland Soldier Settlers were being remembered in such a significant and appropriate setting.

The last of her generation Geoffrey Chibnall of Mt Pleasant died in 2022 and it has become a family tradition to gather at the Jutland Water Reserve to remember and reflect on our family members and the hardships that they endured in those early days at Eden Valley.

To this end we are investigating the possibility of erecting a small memorial at the reserve to honour our family members.

At this stage we have little idea of the form the memorial would take and would follow the advice of the council regarding the progression of the project."

Summary and Conclusion

The application outlines the connection the Chibnall family has to the Barossa as required at 4.1.1 of the Policy.

Should Council approve the request, the Senior Environmental Officer will work with the family to determine a mutually agreeable site and structure for the memorial and the wording for the plaque.

Council's Manager Infrastructure and Environmental Services has no objection to the proposal.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Memorials on Community Land - adopted 17 September 2019 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS3 Assets - Planning, construction, maintenance, and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Chibnall family will pay all costs associated with the installation of the memorial and plaque.

Should a bench seat be requested, it will be selected by the Open Space team to complement the existing street furniture.

COMMUNITY ENGAGEMENT

Community consultation is not required under legislation or Council Policy.

The Senior Environmental Officer will work with the family and stakeholders to identify the most suitable site in the Reserve to ensure native vegetation is not impacted.

7.4 Development and Community Services

7.4.1 APPOINTMENT OF INDEPENDENT CHAIRPERSON TO THE BOARD OF THE GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY **24/31196**

MOVED Cr Preece

That Council endorse the appointment of Mr Lino Di Lernia to the position of Chairperson of the Gawler River Floodplain Management Authority, for a term of three years, commencing after formal appointment at the GRFMA meeting to be held 18 April 2024.

SECONDED Cr Troup

CARRIED 2022-26/418

PURPOSE

The Executive Officer for the Gawler River Floodplain Management Authority (GRFMA) has written to each of the Constituent Councils seeking endorsement for the appointment of an Independent Chairperson in accordance with the GRFMA Charter.

REPORT

Background

The GRFMA Charter provides:

4.4.1 A person who is neither an officer, employee or member of a Constituent Council will be appointed by the Constituent Councils as a Board Member and the Chairperson for a term of up to three years and on such other terms and conditions as determined by the Constituent Councils.

Introduction

The current GRFMA Chairperson, Mr Ian Baldwin has advised that he will not be seeking an extension to his current term of appointment, which he has held since 2015.

Following an unsuccessful expression of interest process in 2023, McArthur Recruitment Services were again engaged, calling for Expressions of Interest for the position and holding candidate interviews. Thorough reference checks, background and social media checks were undertaken, and Mr Lino Di Lernia was identified as the preferred candidate.

Discussion

Correspondence from David Hitchcock (Executive Officer, GRFMA) has been received, detailing the appointment process and professional achievements of the preferred candidate, Mr Di Lernia, and is contained within **Attachment 1**.

Summary and Conclusion

At the special meeting of the GRFMA held on 7 March 2024, the Board endorsed the recommendation of Mr Di Lernia as preferred candidate GRFMA Chairperson. Council approval is now sought for the formal appointment of Mr Lino Di Lernia as GRFMA Chairperson, Independent Member for a term of three years; effective following formal appointment to the position by all the Constituent Councils of the GRFMA.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Letter to Councils to seek endorsement - Appointment GRFMA Chairperson 

Supporting references

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Resourcing and risk management provisions are required to be addressed under the GRFMA's Charter.

COMMUNITY ENGAGEMENT

Not required by Council.

8. CONFIDENTIAL REPORTS

Nil

9. URGENT OTHER BUSINESS

9.1 REQUEST - LEAVE OF ABSENCE

Pursuant to Section 73 of the Local Government act 1999 Cr Preece disclosed an actual Conflict of Interest in the matter 9.1 - Request Leave of Absence - Cr Preece as they are seeking a leave of absence which would result in a direct personal benefit (or loss) depending on whether such leave is granted.

Cr Preece left the meeting at 5.51pm.

MOVED Cr de Vries

That Cr Preece be granted Leave of Absence from 1 May 2024 to 30 May 2024 inclusive.

SECONDED Cr Troup

CARRIED 2022-26/419

Cr Preece returned to the meeting at 5.51pm.

10. NEXT MEETING

Tuesday 21 May 2024 at 5.30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 5.51pm.

Confirmed at Council Meeting on 21 May 2024

Date:.....

Mayor:.....