



VISION

*Respecting the Past,
Creating our Future.*

CORE PRINCIPLES

*Light Regional Council is guided by a focus on 'Core Principles' of
Growth; Reform; Innovation and Discipline.*

MINUTES

from the Meeting of

LIGHT REGIONAL COUNCIL

*held in the
COUNCIL CHAMBER
93 Main Street, Kapunda*

TUESDAY, 8 DECEMBER 2020

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**MINUTES OF THE MEETING OF
LIGHT REGIONAL COUNCIL HELD ON TUESDAY,
8 DECEMBER 2020, IN THE COUNCIL CHAMBER,
93 MAIN STREET, KAPUNDA**

1. PRESENT

Bill O'Brien	Mayor
Cr Lynette Reichstein	Light Ward
Cr Bill Close	Mudla Wirra Ward
Cr Samantha Mitchell	Mudla Wirra Ward
Cr Simon Zeller	Mudla Wirra Ward
Cr Sharron Lewis	Laucke Ward
Cr Deane Rohrlach	Dutton Ward
Mr Brian Carr	Chief Executive Officer
Mr Richard Michael (via Teams)	General Manager, Governance
Mr Craig Doyle	General Manager, Strategy & Development
Mr Richard Dodson	General Manager, Infrastructure & Environment
Mrs June Austin	General Manager, Business & Finance
Mr Kieren Chappell	General Manager, Economic Development
Ms Pepper Mickan	Library Services Manager
Ms Liz Heavey	Tourism Development Manager
Ms Lisa Sapio	Manager, Development Services
Ms Megan Renzella	Property & Facilities Manager
Mr Brandon Elliott	Compliance Coordinator
Mr Simon Sherriff	Manager, Strategic Projects
Mrs Lorinda Bayley	Community Development Officer
Ms Terry Savage	Minute Taker Executive Assistant
Ms Stacie Dickson	Economic Development Officer

2. OPENING

Mayor Bill O'Brien declared the meeting open at 5:07pm

2.1 Acknowledgement of Country – Recited by Mayor O'Brien

We would like to acknowledge the Ngadjuri People, the traditional owners of the land on which we meet today. We pay our respects to their Elders past, present and emerging, and extend that respect to other Aboriginal and Torres Strait Islander people who are present today

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Mark Frankcom	Light Ward
Cr Jason Grain	Dutton Ward
Cr Peter Kennelly	Laucke Ward
Cr David Mosley	Dutton Ward

4. MINUTES

4.1 CONFIRMATION OF COUNCIL MINUTES

Moved Cr Rohrlach

Seconded Cr Reichstein

That the minutes and confidential minutes of the meeting of Council held Tuesday, 24 November 2020 be confirmed as a true and correct record of that meeting.

CARRIED

5. COMMUNICATIONS

5.1 MAYOR'S COMMUNICATIONS

Mayor O'Brien acknowledged the presence of the new flags (Australia, State and Aboriginal) sited in the Council Chambers and thanked Ms Stacie Dickson for arranging their placement.

24/11 Pre-Council Briefing Mayor, Deputy Mayor, CEO & GM's
24/11 Council Meeting
27/11 Legatus Group Committee Meeting - via Zoom
30/11 Kapunda Business Alliance AGM
2/12 SA Premiers Forum - Local Government Association via Zoom
3/12 SA Regional Organisation Of Councils (SAROC) Board Meeting via Zoom
3/12 Christmas Storey Reading - Kapunda Library
7/12 Kapunda High School - Presentation Evening Mayoral Awards

5.2 ELECTED MEMBERS' REPORTS

Nil

5.3 SCHEDULE OF MEETINGS ATTENDED

Nil

5.4 DELEGATE / REPRESENTATIVE REPORTS

Nil

5.5 REQUESTED DOCUMENTS/CORRESPONDENCE TO BE TABLED

Nil

6. PETITIONS

Nil

7. DEPUTATIONS

7.1 PUBLIC COMMUNICATIONS

7.1.1 Public Communications – Delivery of postcards

Due to unforeseen circumstances, Mr Trevor Ryan and Mr Craig Hunter representing Taming Oscar advised that their presentation would not proceed.

7.2 PRESENTATIONS

7.2.1 Presentation – Annual Presentation

Mayor O'Brien welcomed Mr Jon Durdin and Ms Cathy Wills representing Tourism Barossa and invited them to present to Council and to receive questions from elected members.

7.3 YOUTH FORUM

Nil

8. ADJOURNED BUSINESS

Nil

9. BUSINESS ARISING

Current Status of all matters noted.

10. MINUTES – COMMITTEE MEETINGS

10.1 INFRASTRUCTURE COMMITTEE

NIL

10.2 STRATEGY COMMITTEE

NIL

10.3 ECONOMIC DEVELOPMENT PANEL

NIL

10.4 AUDIT COMMITTEE

NIL

10.5 OTHER

NIL

11. REPORTS FOR INFORMATION

Item No. and Subject	
11.1	Legatus Group Meeting Unconfirmed Minutes November 2020
Author:	Richard Michael, General Manager, Governance
Report Presenter:	Richard Michael, General Manager, Governance
11.2	January 2021 Ordinary Council Meeting – Date Change
File:	54974
Author:	Terry Savage, Executive Assistant
Report Presenter:	Richard Michael, General Manager, Governance
11.3	Freeling Cemetery Vandalism
Author:	Richard Michael, General Manager, Governance
Report Presenter:	Richard Michael, General Manager, Governance
11.4	Christmas-Specific Event Sponsorship
File:	23473
Author:	Lorinda Bayley, Community Development Officer
Report Presenter:	Lorinda Bayley, Community Development Officer
Moved Cr Zeller Seconded Cr Lewis That the reports for information be received and the contents therein be noted by Council. <div>CARRIED</div>	

12. STATUTORY REPORTS FOR DECISION

Recommendation 1

Moved Cr Reichstein

Seconded Cr Rohrlach

That the Agenda and reports presented under *Item 12. – Statutory Reports for Decision* of this ordinary meeting of the Light Regional Council held Tuesday, 8 December 2020 be received.

CARRIED

Recommendation 2

Moved Cr Zeller

Seconded Cr Close

That the reports of the meeting of the Light Regional Council held Tuesday, 8 December 2020 and the associated recommendations as set out below under *Item 12. Statutory Reports for Decision* be adopted.

Item No:	Report Heading (Index of Statutory Reports for Decision)	Page
12.2.1	Change of Status to Council's Libraries and Visitor Information Centre Opening Hours	2020/228
12.3.1	Fees and Charges – Planning, Development and Infrastructure Act - Public Notification Signage Fee and Development Application Hard Copy Processing Fee	2020/228
12.3.2	Schedule of Fees and Charges 2020/2021 Associated with the Planning Development and Infrastructure Act 2016 for Development Assessment	2020/229
12.3.3	Light Regional Council - Building Fire Safety Committee - Appointment of Members	2020/229
12.3.4	Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan – Biennial Update Report	2020/231
12.3.5	Revised Planning and Design Code – Consultation and Submission	2020/231
12.3.6	Draft Light Regional Council – Revised Disability Access and Inclusion Action Plan – Public Consultation Process	2020/232

CARRIED

12.1 CHIEF EXECUTIVE OFFICER

NIL

12.2 GENERAL MANAGERS, BUSINESS & FINANCE and GOVERNANCE

12.2.1 Change of Status to Council's Libraries and Visitor Information Centre Opening Hours

Folder ID: 21879

Author: Pepper Mickan – Library Services Manager

Report Presenter: Pepper Mickan – Library Services Manager

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

That Council:

1. change the status of the current opening times of Council's Libraries and Visitor Information Centre from modified to permanent, effective immediately.
2. 'Library to Your Door: Drop and Wave' delivery service continue within the Council region as a regular service offering.

CARRIED

12.3 GENERAL MANAGER, STRATEGY & DEVELOPMENT

12.3.1 Fees and Charges – Planning, Development and Infrastructure Act - Public Notification Signage Fee and Development Application Hard Copy Processing Fee

Folder ID: 1631

Author: Lisa Sapio, Manager – Development Services

Report Presenter: Lisa Sapio, Manager – Development Services

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

That Council:

1. In relation to the powers contained in Regulation 47 of the Planning, Development and Infrastructure (General Regulations) Regulations 2017 endorses the adoption of a statutory fee to cover the reasonable cost of placing and maintaining a public notice on the land for a performance assessed development application (where required). That fee for the 2020/2021 financial year has been determined to be \$250.00 per notification process.
2. In exercising the powers contained in the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2020, requires that a charge of \$80.00 is payable by any Applicant that

provides Council with a hard copy development application to submit onto the SA Planning Portal on their behalf, for the 2020/2021 financial year.

3. Determines that recommendations 1 and 2 outlined above shall come into effect upon the commencement of Phase 3 of the Planning and Design Code. The commencement date of the Code will be listed in the relevant Government Gazette notice.

CARRIED

12.3.2 Schedule of Fees and Charges 2020/2021 Associated with the Planning Development and Infrastructure Act 2016 for Development Assessment

Folder ID: 1631

Author: Lisa Sapio, Manager – Development Services

Report Presenter: Lisa Sapio, Manager – Development Services

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

That the Council adopt the additional fees and charges in addition to the schedule of fees and charges adopted by the Council at its ordinary meeting on 23 June 2020 which relate to the statutory fees established by the *Planning, Development and Infrastructure (Fees and Charges Contributions) Regulations 2019* for the assessment of development applications for the 2020/2021 financial year.

CARRIED

12.3.3 Light Regional Council - Building Fire Safety Committee - Appointment of Members

Folder ID: 1494

Author: Michael Koczwara, Senior Development Officer - Building

Report Presenter: Lisa Sapio, Manager – Development Services

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

1. That the current membership positions of Council's Building Fire Safety Committee (an 'Appropriate Authority' for the purposes of Section 71 of the *Development Act, 1993*) be continued until the repeal of Section 71 of the *Development Act 1993*; and
2. That Council establishes the Light Regional Council Building Fire Safety Committee pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016* effective from the designated date on which the Council's Development Plan is revoked by the Minister by notice in the Gazette pursuant to Clause 9(7) of Schedule 8 of the *Planning, Development and Infrastructure Act, 2016*.

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3. That Council determines that it is appropriate, taking into account the nature of its area, to have nominees from both the Country Fire Service and the Metropolitan Fire Service in the composition of its Building Fire Safety Committee; and
 4. That, pursuant to Section 157 of the *Planning, Development and Infrastructure Act 2016*, the Council appoints the following persons as members of Light Regional Council's new Building Fire Safety Committee for a period of three (3) years, from the designated date:
 - (a) Pursuant to Section 157(17)(a)(i) of the *Planning, Development and Infrastructure Act 2016*, Mr Michael Koczwar, being a person holding prescribed qualifications and being an Accredited Professional in Building Surveying with no deputy member appointed; and
 - (b) Pursuant to Section 157(17)(a)(i) of the *Planning, Development and Infrastructure Act 2016*, Mr Matthew Feltus, being a person holding prescribed qualifications and being an Accredited Professional in Building Surveying with no deputy member appointed; and
 - (c) Pursuant to Sections 157(17)(a)(ii) and 157(17)(d) of the *Planning, Development and Infrastructure Act 2016*, Mr Julian Aggiss being the person nominated by the Chief Officer of the South Australian Country Fire Service, determined by the Council having taken into account the nature of its area; and Mr Colin Paton, also being a person nominated by the said Chief Officer and selected by the Council as the deputy member for Mr Julian Aggiss and Mr Darren Chapman, also being persons nominated by the said Chief Officer and selected by the Council as the second deputy members for Mr Julian Aggiss; and
 - (d) Pursuant to Sections 157(17)(a)(ii) and 157(17)(d) of the *Planning, Development and Infrastructure Act 2016*, Station Officer Mr Scott Druce, being the person nominated by the Chief Officer of the Metropolitan Fire Service, determined by the Council having taken into account the nature of its area and Station Officer Mr Peter Hilhorst, also being a person nominated by the said Chief Officer and selected by the Council as the deputy member for Station Officer Mr Scott Druce; and
 - (e) Pursuant to Section 157(17)(a)(iii) of the *Planning, Development and Infrastructure Act 2016*, Mr Peter Harmer, being a person with expertise in the area of fire safety (with no deputy member appointed); and
 - (f) That the Council delegates the ability for the Light Regional Council Building Fire Safety Committee to amend its own Terms of Reference.

CARRIED

12.3.4 Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan – Biennial Update Report

Folder ID: 24522

Author: Craig Doyle, General Manager – Strategy & Development

Report Presenter: Craig Doyle, General Manager – Strategy & Development

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

That Council

1. Receives and notes this report; and
2. Endorses the 2020 biennial Regional Public Health and Wellbeing Plan Section 52 Report attached to this Agenda report and authorises the submission of the Section 52 Report to the Chief Public Health Officer in association with the regional partners as required by the *South Australia Public Health Act 2011*.

CARRIED

12.3.5 Revised Planning and Design Code – Consultation and Submission

Folder ID: 53494

Author: Andrew Chown, URPS and

Craig Doyle, General Manager – Strategy & Development

Report Presenter: Craig Doyle, General Manager – Strategy & Development

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

That Council:

1. Acknowledges and receives this report titled 'Revised Planning and Design Code – Consultation and Submission' as forming the basis for Council's submission to the revised Planning and Design Code.
2. Authorise the Chief Executive Officer; who may delegate to appropriate Council staff, to lodge a submission on behalf of Light Regional Council to the State Planning Commission in response to its Revised Planning and Design Code prior to the consultation closing date of 18 December 2020.

CARRIED

12.3.6 Draft Light Regional Council – Revised Disability Access and Inclusion Action Plan – Public Consultation Process

Folder ID: 53600

Author: Lorinda Bayley, Community Development Officer

Report Presenter: Lorinda Bayley, Community Development Officer

Consensus Motion

Moved Cr Zeller

Seconded Cr Close

That Council:

1. Receive the draft *Light Regional Council - Revised Disability Access and Inclusion Action Plan*; and
2. Authorise the Chief Executive Officer, who may delegate to appropriate staff, to release the updated draft *Light Regional Council - Revised Disability Access and Inclusion Action Plan* for public consultation in accordance with Council's Public Consultation Policy and Community Engagement Strategy.

CARRIED

12.3.7 Roseworthy Township Expansion – Land Management Agreement Administration

Author: Simon Sherriff – Manager, Strategic Projects

Report Presenter: Craig Doyle – General Manager, Strategy & Development

Moved Cr Rohrlach

Seconded Cr Zeller

That Council:

1. Authorises the Chief Executive Officer, who may delegate to appropriate Council staff on an ongoing basis, to undertake the necessary administrative tasks required to prepare documentation to facilitate the rescission of the Supplementary Land Management Agreement for those landowners that have fulfilled their obligations under the Roseworthy Township Expansion Infrastructure Deed suite, and have requested Council's consent for rescission pursuant to Section 57(8) of the *Development Act 1993 (SA)* and Section 192(15) of the *Planning, Development and Infrastructure Act 2016 (SA)*.
2. Pursuant to Sections 38 and 44 of the Local Government Act 1999 authorises the Mayor and Chief Executive Officer, on an ongoing basis, to sign and affix Council's common seal to all documentation required to rescind the Roseworthy Township Expansion Land Management Agreement and Supplementary Land Management Agreement in accordance with the requirements of the Roseworthy Township Expansion Infrastructure Deed suite.
3. That a Section 51 Information report on the Roseworthy Township Expansion be presented to ordinary Council meetings

CARRIED

12.4 GENERAL MANAGER, INFRASTRUCTURE & ENVIRONMENT

NIL

12.5 GENERAL MANAGER, ECONOMIC DEVELOPMENT

NIL

13. POLICY REPORTS FOR DECISION

13.1 CHIEF EXECUTIVE OFFICER

NIL

13.2 GENERAL MANAGERS, BUSINESS & FINANCE and GOVERNANCE

13.2.1 Live Streaming of Council Meetings

Author: Richard Michael, General Manager, Governance

Report Presenter: Richard Michael, General Manager, Governance

Moved Cr Close

Seconded Cr Reichstein

Council receive the report titled Live Streaming of Council Meetings and that further reporting on this matter be initially progressed through a special meeting, to be arranged and confirmed at the January 2021 meeting of Council, including the establishment of a Business Plan with costings for inclusion in the 2020/2021 Annual Budget, noting that Council's Governance Advisory Panel will be invited to attend.

CARRIED

13.2.2 Covid-19 - Council Community Support

Authors: June Austin, General Manager, Business & Finance

Report Presenters: June Austin, General Manager, Business & Finance

Moved Cr Zeller

Seconded Cr Rohrlach

That Council, continues to acknowledge the impact of the significant Public Health Emergency event known as Covid-19 (Coronavirus) and offers the following support options for ratepayers and community groups who have suffered hardship by virtue of the event:

1. Council will continue to remit all fines and interests on outstanding rates and rates arrears to ALL RATEABLE ASSESSMENTS in the council area added in accordance with the Local Government Act 1999 from the period commencing with the Declaration of the Major Emergency by the State Coordinator for South Australia, that is 22 March 2020, and concluding on 31 March 2021 (inclusive).

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2. Council will support ratepayers who experienced financial hardship, for the period 22 March 2020 to 30 June 2020 due to the impact of Covid-19, by offering a 10% remission of rates, upon application through the Rates Hardship Policy (excluding Water Policy requirements) and subject to the following eligibility criteria:
 - a. Business must have incurred a 30% reduction in revenue for the period 22 March 2020 to 30 June 2020 when compared to the same period in the previous year; and
 - b. Residential ratepayers need to prove they have incurred an income loss of 30% for the period 22 March 2020 to 30 June 2020.
 3. With reference to Item 2 of this resolution, the ratepayer will be obligated to provide to Council with demonstrable proof that they are experiencing undue and unavoidable hardship directly relatable to the impact of the COVID-19 event.
 - a. This detail may for example include Centrelink applications made for the various Federal Government funding programs, Employer advices, Revenue Statements, "Cost of Living Payment" detail and other forms as appropriate.
 - b. Hardship in this instance may relate to the loss of employment, or reduced hours of employment, the closure of or significant scaling back of business arrangements, loss of revenue, and the like.
 - c. The opportunity for ratepayers to make application under the provisions of Council's Rate Hardship Policy not affected by the impacts of the COVID-19 event, will still be available as needed.
 4. Council endorses the Community Support grant funding program up to the value of \$50,000 and further, a report will be presented to the January Council meeting detailing the eligibility criteria in the draft Grant Funding Policy for Council consideration.
 5. Council will fund a one-off payment of \$33.00 for small businesses operating within the Light Regional Council to access the Regional Development Australia Barossa Gawler Light Adelaide Plains Inc's Business to Business Program.

CARRIED

Cr Rohrlach left the Chamber at 6:21pm

13.3 GENERAL MANAGER, STRATEGY & DEVELOPMENT

13.3.1 **Structures and Fill Over Easements Policy**

Folder ID: 24011

Author: Craig Doyle, General Manager – Strategy & Development

Report Presenter: Craig Doyle, General Manager – Strategy & Development

Moved Cr Mitchell

Seconded Cr Close

That Council adopts the revised *Structures and Fill Over Easements Policy* as follows:

Structures and Fill Over Easements Policy

Reference Number:	Section 4 No. 5
Responsible Department:	Strategy & Development
Related Policy/Procedure:	
Date of Adoption:	15 September 2009
Current Review Date:	December 2020
Minute Reference:	Item 13.3.1 Page 2020/235
Version Number:	Amendment No. 1
Applicable Legislation:	Local Government Act, 1999 Development Act 1993 Planning, Development and Infrastructure Act, 2016
Next Review Date:	TBA
Review Frequency:	Within 12 months of Council election (every 4 years)

1. **Purpose**

This policy provides guidance for Council when considering requests for structures or fill over easements where Council is the Service Authority.

2. **General Principles**

- 2.1 This Policy will come into effect from the date of the relevant Council resolution.
- 2.2 Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.
- 2.3 Council seeks to ensure advice and decisions made are consistent whilst considering all aspects of the functions of council including repairs, maintenance, expenditure, risk management and liability.

3. General Information

- 3.1 An easement is registered on the Certificate of Title for the land. The Certificate of Title contains details of the location, dimensions and purpose for the easement.
- 3.2 Easements may contain infrastructure for a range of purposes. Where Council is the Service Authority, it is likely that the easement will relate to drainage and/ or sewer infrastructure.
- 3.3 The easement dimensions define that portion of land that gives a particular Service Authority the right to enter the property to service, maintain or replace the infrastructure within the easement area.

4. Definitions for the purposes of this policy

4.1 'Easement' –

- 1. As registered on a Certificate of Title
- 2. A portion of land either side of known infrastructure in the care and control of Council (whether or not registered on a certificate of title). The area of land may vary in width from 3 metres to greater than 4 metres.

4.2 'Fill' is any additional soil or soil like matter that has a depth of 200mm or more.

4.3 'Structure' is any construction over the easement area, regardless of whether Development Approval is required, such as retaining walls (including rock walls), sheds, verandas, pergolas, swimming pools and the like.

4.4 'Service Authority' – Owner of infrastructure located within an easement.

5. Policy Requirements

5.1 Approval in writing from Council is required for any fill or structures placed over an easement where Council is the service authority.

5.2 An application to Council for placing fill and/or structures over an easement shall be in writing and include the following;

5.2.1 Site plan indicating all existing structures on site and the proposed fill or structures. The site plan is to include a north point, location of the street and dimensions and distances.

5.2.2 Details of the proposed structure, retaining wall or fill including height, depth, distance to boundaries and materials.

5.2.3 Copy of approval from another Service Authority where the easement is shared with that Authority.

5.2.4 Cross section through the easement showing the location of the existing services within the easement and the details of the proposed structure, retaining wall or fill including

height, depth, distance to boundaries and materials.

- 5.3 No fill shall be placed over an easement such that the distance from the new surface level to the base of the pipe exceeds 1.5 metres in depth. (Refer Diagram 1)

Approval is not necessary for fill less than 200mm in depth.

- 5.4 Generally, structures are not to be located over an easement except for retaining walls as described in Clause 5.5.
- 5.5 Retaining walls are not to be located over an easement unless the total height of the retaining wall does not exceed 200mm.
- 5.6 Placement of a structure over an easement will only otherwise be considered where it can be demonstrated that suitable access to Council's infrastructure will be retained for either maintenance or replacement, as may be determined by Council, acting reasonably and at its discretion.
- 5.7 Placement of a structure over an easement will not be permitted where the structure proposed may cause any pipework within the easement to be damaged.
- 5.8 Access to the easement area is to be provided at all times to the Council as the body responsible for the maintenance and repairs to the infrastructure located within the easement. The owner or resident of the property will be provided with a minimum of 48 hours' notice where access is required for general maintenance.
- 5.9 Emergency access may be required by the Council. No notice to the owner or resident of the land will be provided in emergency situations.
- 6.0 Approval from another easement authority (where applicable) is to be provided to the Council when requesting to build or provide fill over an easement.
- 6.1 Any permission granted by Council will only relate to the infrastructure that Council is responsible for as the relevant Service Authority.

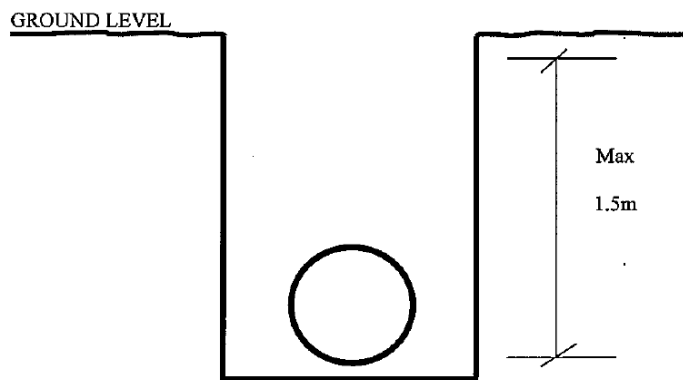
6. Decisions made by Light Regional Council

- 6.1 Requests for structures or fill over easements where Council is the Service Authority will be determined by the General Manager, Infrastructure and Environment (or their delegate) acting under delegation, or otherwise by Council.

7. Policy Review

7.1 This Policy shall be reviewed as required by Council or legislation.

Diagram 1 – Maximum depth of trench allowed with the addition of any fill.



Policy History

1. Policy adopted by Council on Tuesday, 15 September 2009, refer Council Minute 10.3.7, Page 2009/246.
2. Amendment No. 1 adopted by Council on Tuesday, 8 December 2020, Minute Reference Item 13.3.1 Page 2020/235

CARRIED

13.3.2 Car Parking Fund Policy

Folder ID: 24011

Author: Craig Doyle, General Manager – Strategy & Development

Report Presenter: Craig Doyle, General Manager – Strategy & Development

Moved Cr Zeller

Seconded Cr Close

That Council adopts the revised *Car Parking Fund Policy* as follows:

Car Parking Fund Policy

Reference Number:	Section 4 No. 12
Responsible Department:	Strategy & Development
Related Policy/Procedure:	Nil
Date of Adoption:	28 February 2017
Current Review Date:	8 December 2020
Minute Reference:	Item 13.3.2 at Page 2020/239
Version Number:	Amendment 2
Applicable Legislation:	Development Act, 1993 Development Regulations, 2008 Planning, Development and Infrastructure Act, 2016
Next Review Date:	TBA
Review Frequency:	As required by legislative changes

1. Purpose

The purpose of this Policy is to:

- Set clear guidelines for the establishment, operation and review of the Council's Car Parking Fund consistent with Section 50A of the *Development Act, 1993*.
- Assist in the provision of car parking that is required as part of development proposals but is not able to be provided on the site of the related development.
- Ensure that car parking is aggregated in suitable locations to protect existing amenity and streetscape.
- Create an opportunity to provide alternative forms of transport that reduce reliance on car parking (including cycling facilities) and provide greater access to facilities for those not able to use cars.

2. Scope

Council is committed to the effective operation of a Car Parking Fund and facilitation of contributions according to this Policy.

Legislative Framework

Section 50A of the *Development Act, 1993* allows councils to establish a Car Parking Fund for a designated area defined in its Development Plan (e.g. Zone or Policy Area). Where the Council and the applicant agree, contributions can be made in-lieu of meeting some of the Development Plan requirements for car park spaces where they cannot be provided on-site.

The contribution to the Car Parking Fund is an amount calculated in accordance with a determination of the Council.

Monies accumulated within this fund will be used for the following purposes as outlined in Section 50A(8) of the *Development Act, 1993*:

- To provide car parking facilities within the designated area; or
- To provide funds for (or towards) the purchase of land for car parking within the designated area;
- To provide funds for (or towards) the maintenance, operation or improvement of existing car parking facilities within the designated area; or
- To provide funds for (or towards) the establishment, maintenance or improvement of transport facilities within the area of the Council with a view to reducing the need or demand for car parking facilities within the designated area.

The *Planning, Development and Infrastructure Act, 2016* (PDI Act) recognises existing arrangements in place under section 50A of the *Development Act, 1993* (at Schedule 8, Division 2, Part 11, Section 33, which commenced on 31 July 2020).

Such funds continue under Section 197 of the PDI Act.

3. Policy Aim

The Car Parking Fund is available to allow the contribution of a monetary amount in-lieu of requiring full provision of on-site car parking in accordance with specified rates in the Council's Development Plan. This can support the facilitation of public or integrated parking and more efficient car parking areas, or alternative travel modes to reduce demand, within the designated area.

4. Definitions

Car Parking Fund means: The Kapunda District Centre Carpark Fund where contributions are accepted, in accordance with Council's Development Plan requirements for car park spaces, where they are not provided on-site.

Designated Area means: The area to which the Kapunda District Centre Carpark Fund applies as identified on Concept Plan Map Lig/14 Kapunda District Centre Carpark Fund as contained in Council's Development Plan consolidated on 8 December 2016 (attached) or any Planning and Design Code equivalent.

5. Policy Details

5.1 Creation of Fund

(a) ***Name of Fund***

Kapunda District Centre Carpark Fund ('The Fund').

The account receiving payments under the policy shall be designated as the Car Parking Contributions Fund.

(b) ***Establishment of Fund***

The Fund was established in accordance with Section 50A of the *Development Act, 1993* relating to the creation of car parking funds and the Advisory Note, Planning 16 *Car Parking Funds*. An application was submitted to the Minister for Planning in February 2016 and was approved by the Minister on 17 January 2017.

(c) ***Commencement of Fund***

The fund commenced on 2 February 2017 with the publishing of a notice in the Government Gazette on that day.

(d) ***Designated Area for Fund***

The Kapunda District Centre Carpark Fund applies to the Designated Area.

5.2 Management of Fund Payments

- (a) The car parking requirements for development are to be those assessed as appropriate to the circumstances, based upon the rates prescribed by the Light Regional Council Development Plan or as may be determined from time-to-time by considering relevant land use generating guides or by Council's acceptance of specific parking demand analysis undertaken by a qualified traffic engineer.

New development proposed in the Kapunda District Centre shall endeavour to provide the required on-site car parking associated with the proposed use.

- (b) When a development application is submitted (whether for new development or to make alternations, additions, extensions, replacement of, or to change the use of, an existing building) and the full extent of required car parking cannot be provided on the site appropriately, a cash payment to the fund may be a suitable solution to address the shortfall.
- (c) Council retains discretion to utilise the fund to address any car parking shortfalls and must be mutually negotiated and agreed as an appropriate solution.

- (d) Agreement to make a cash payment in-lieu of car parking space shall be included as a part of the Planning Consent application, and if consent is granted it shall be subject to an appropriate condition. The agreement to make a cash payment in-lieu shall be in a legally binding form (i.e. Deed) that is executed prior to Council granting Development Approval in respect of the application.

5.3 Application of Funds Raised

- (a) The Council's approach to managing car parking in the Kapunda District Centre includes:
 - i. Optimal management of on-street car parking;
 - ii. Encouragement of integration and shared use of rear yards and/or upgrading and formalisation of spaces to increase car parking provision and/or improve utilisation efficiency;
 - iii. purchase of land to develop public car parks when suitable sites become available in the Designated Area; and
 - iv. Facilitation of bicycle use.
- (b) Fund monies shall be primarily used for the purchase of land or interests in land and for the creation, development or improvement of parking facilities within the Designated Area.

5.4 Contributions to the Fund

- (a) The cash contribution is to be \$3,950 per car park.
- (b) The rate of contribution will be reviewed biennially to reflect changing land components and carpark construction costs in the designated area.
- (c) In determining the contribution rate per car park, a discount of some 50% to the full land and construction costs has been determined as appropriate to account for the following factors:
 - i. The contributor does not retain ownership of the car parking space(s) and therefore cannot trade them as an asset;
 - ii. The occupants, clients and employees of the development cannot have reserved or guaranteed use of the spaces for which a contribution is made;
 - iii. Council may receive income from the management of parking spaces created with the Fund contributions;
 - iv. Council may generate income in other forms through the development of air space or portions of land initially acquired with contributions;

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- v. While the contribution funded car parking spaces and other facilities must be related to the development to provide some benefit, they will rarely be as conveniently located as spaces provided on site;
 - vi. The Fund may be used for any vehicular and pedestrian purposes (e.g. improvements to existing car parks, integration of existing areas; provision of alternative facilities such as bicycle parking, local bus service etc.) to optimise the strategic management of car parking space.
- (d) The monies received from cash payments in-lieu of off-street parking spaces shall be held by the Council in the Car Parking Contributions Fund, to be used to improve the management of parking within the respective designated area.
- (e) Payment shall be received by Council prior to the subject development being occupied, in accord with (f) below.
- (f) Payment shall be made by means of a lump sum payment;
- i. Equal to the total value required in lieu of car parking space being provided on site; or
 - ii. Equal to 50 percent of the total value required in-lieu of car parking space being provided on-site prior to the issuing of Development Authorisation, with the remainder of the contribution paid within six (6) months of Development Authorisation.

5.5 Management of the Fund

- (a) To ensure there is clear record keeping and public accountability a Light Regional Council Car Parking Contribution Fund Register will be established and available for public inspection. The Register will maintain details of the following for the Designated Area:
- i. Subject development applications;
 - ii. Car parking demand versus provision calculations and the adopted parking shortfall number required to be compensated by payment in-lieu;
 - iii. The amount of individual contributions due to be paid to the Car Parking Fund;
 - iv. Total of approved parking shortfall;
 - v. Records of payments received;
 - vi. Expenditure of Fund monies and implemented improvements;
 - vii. Total number of additional parking spaces and improved parking facilities developed by the Fund.

- (b) To assist and guide the application of the Fund and other initiatives for improvement of parking facilities, plans are to be developed and maintained covering the Designated Area.

5.6 Additional Funds

- (a) From time to time, Council may consider the allocation of additional funds, from either General Revenue or other sources, to the Car Parking Fund for specific purposes.

Policy History:

1. Original Policy adopted by Council 28 February 2017, refer Council Minute 13.3.1 Page 2017/86.
2. Amendment No. 1 adopted by Council on 26 February 2019, refer Council Minute STR9.3.4/2019-page 2019/32.
3. Amendment No. 2 adopted by Council on Tuesday, 8 December 2020 Minute Reference Item 13.3.2 at page 2020/239

CARRIED

Cr Rohrlach returned to the Chamber at 6:23pm

13.3.3 Roseworthy Township Expansion – ‘Zarmen Proposal’ and Governance Matters

Folder ID: 55250

Author: Craig Doyle, General Manager – Strategy & Development

Report Presenter: Craig Doyle, General Manager – Strategy & Development

Moved Cr Rohrlach
Seconded Cr Lewis

That Council:

1. Receives the report entitled Roseworthy Township Expansion – ‘Zarmen Proposal’ and Governance Matters and attachments thereto;
2. Under clause 18.17.1 of the *Deed of Variation to Final Road Infrastructure Deed – Roseworthy Township Expansion*, determines it will permit the replacement of Road Infrastructure Components ‘7A’ and ‘7B’ with a New Component (‘roundabout’), as proposed by Zarmen Pty Ltd, to be delivered by Zarmen Pty. Ltd. ‘Independent Delivery’ (in accordance with the plans and details provided by Zarmen including its undertaking to cover any additional associated costs), subject to formal approvals for this infrastructure being first obtained separately and on the basis of:
 - a. a speed limit reduction associated with the provision of this infrastructure, to 80km/hr; and
 - b. the professional expertise that has been received in support of this alternative, being the endorsement of the Department for Infrastructure and Transport (the Receiving Authority), the support of the Independent Case Manager and the support of the Independent Peer Reviewer; and

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3. Notes that Council's management is considering recommending changes with respect to this private development and Council's involvement with it, which may result in future recommendations related to the governance arrangements associated with its delivery.

CARRIED

13.3.4 Draft Light Regional Council Strategic Plan 2021-2025

Folder ID: 69643

Author: Pepper Mickan – Library Services Manager

Report Presenter: Craig Doyle - General Manager, Strategy and Development

Moved Cr Zeller
Seconded Cr Mitchell
That Council,

1. having considered Item 13.3.4– Draft Light Regional Council Strategic Plan 2021-2025, authorises the Chief Executive Officer to formally release the draft *Strategic Plan 2021-2025* for public consultation from Wednesday 16 December 2020 until 5pm on Tuesday 19 January 2021, subject to minor formatting and administrative edits as necessary.
2. Requests that a summary report and suggested amendments be provided as required for the further consideration of Council following the conclusion of the public consultation process.

CARRIED

13.4 GENERAL MANAGER, INFRASTRUCTURE & ENVIRONMENT

(**Note:** The corresponding report to this recommendation was wrongly numbered in the Agenda at page 101 as Item 13.1.3, it should have read Item 13.4.1)

13.4.1 Proposed Local Infrastructure Stimulus Program

Author: Richard Dodson, General Manager Infrastructure and Environment
Kieren Chappell, General Manager Economic Development
Luke Culhane, Manager Finance

Report Presenter: Richard Dodson, General Manager Infrastructure and Environment

Cr Rohrlach commended Mr Dodson on his report.

Recommendation 1

Moved Cr Reichstein
Seconded Cr Rohrlach
That Council:

- a) Receive this report and note the once in a generation opportunity to stimulate the economy post the COVID-19 public health emergency by partnering with the State and Federal Governments under multiple grant funding programs to implement shovel ready projects;
- b) Approve the concurrent preparation of grant funding applications into the following government grant programs for shovel ready projects, in accordance with Council's external grant funding policy:
 - i. Local Roads & Community Infrastructure Program for the Upgrade of Anlaby Road;
 - ii. Office of Recreation & Sports Community Recreation and Sport Facilities Program for the Recreation Facilities; and
 - iii. State Local Government Infrastructure Partnership for the program outcomes outlined in Appendix 13.4A
- c) Receive a further report at its ordinary meeting on 27 January 2020 to approve the final program outcomes included in the State Local Government Infrastructure Partnership application prior to its submission deadline of 29 January 2020.

CARRIED

Recommendation 2

Moved Cr Rohrlach
Seconded Cr Close

That Council, in adopting Recommendation 1;

- a) Approve the allocation of \$13.52m as a matching contribution towards the Local Infrastructure Stimulus Program;
- b) Fund Council's allocation in (a) by

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- i. Utilising an existing \$5.945m variable interest Convertible Cash Advance Debenture (CAD) facility;
 - ii. Utilising the discounted Convertible Cash Advance Debenture (CAD) of \$2.4m approved by Council at its 24 November 2020 ordinary meeting
 - iii. Establishing a discounted Infrastructure Partnership CAD facility for an amount of \$5.175m to fund the remaining contributions
- c) Pursuant to Sections 38 and 44 of the Local Government Act 1999, authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to any legal documentation required to execute a new loan facility

CARRIED

Cr Zeller called for a Division:

For the Motion: Cr Close, Cr Mitchell, Cr, Reichstein, Cr Rohrlach and Cr Lewis

Against the Motion: Cr Zeller

Recommendation 3

Moved Cr Reichstein

Seconded Cr Lewis

That Council:

- a) Allocate the \$741,018 in funding made available through the Australian Governments Local Roads and Community Infrastructure Program to the sealing of Anlaby Road subject to;
 - iv. The project being accepted by the Australian Government; and
 - v. Anlaby Station making a contribution of \$200,000 towards the works with payments terms to be negotiated;
- b) Pursuant to Sections 38 and 44 of the Local Government Act 1999, authorise the Mayor and Chief Executive Officer to sign and affix Council's common seal to any legal documentation or funding deed required for the execution of the Local Roads and Community Infrastructure Program

CARRIED

Cr Mitchell left the Chamber at 7:02pm and returned at 7:05pm

13.5 GENERAL MANAGER, ECONOMIC DEVELOPMENT

13.5.1 Light Regional Council Public Art Strategy & Development Guidelines

Author: Stacie Dickson, Economic Development Officer

Report Presenter: Kieren Chappell, General Manager, Economic Development

Cr Mitchell declared a conflict of interest in that her previous employer had had professional connections with Ms Maz McGann, the Author of the Public Art Strategy and Development Guidelines. Cr Mitchell remained within the Chamber,

Moved Cr Reichstein

Seconded Cr Lewis

That Council:

1. Receives the report titled Light Regional Council Public Art Strategy and Development Guidelines,
2. Approves the Light Regional Council Public Art Strategy, Public Art Policy (amendment No 3) and the Public Art Development Guidelines presented as Appendices to the report and that Council commence a period of public consultation on the Strategy and Guidelines in accordance with Light Regional Council's Public Consultation Policy in order that Council is able to consider any feedback from members of the public with a further report to be provided to a future Council meeting.
3. Request administration to investigate the establishment of a Public Art Register.

CARRIED

14. PROCEDURAL MATTERS

14.1 QUESTIONS WITHOUT NOTICE

14.2 QUESTIONS ON NOTICE

NIL

14.3 NOTICE OF MOTION

14.3.1 5 Shillings Estate – Cr Simon Zeller – Mudla Wirra Ward

Moved Cr Zeller

The Motion lapsed for want of a seconder

1. Notes that the Motion 15.1 5 Shilling Estate – Activation Proposal, Folder ID 58298 of February 26 2019, was carried by the casting vote of the Mayor.
2. Take no further action on that motion, and
3. Prepare a report to the next ordinary meeting of Council, outlining the exact position Council is at with the 5 Shillings Estate Activation Process, and providing sufficient evidence as to how the elected members, and the residents they represent, can be certain the proposed large expenditures are in the best interest of all ratepayers.

14.3.2 **Kapunda Business Alliance Council Liaison – Cr Deane Rohrlach – Dutton Ward**

Moved Cr Mitchell
Seconded Cr Rohrlach

That Council appoint the Chair of the Economic Development Panel, or nominee, to the position of non-voting Council Liaison to the Kapunda Business Alliance Committee

CARRIED

14.4 MOTIONS WITHOUT NOTICE

NIL

15. CONFIDENTIAL ITEMS

15.1 **2021 Australia Day - Citizen of the Year Awards**

Folder ID: 23753

Author: Lorinda Bayley, Community Development Officer

Report Presenter: Lorinda Bayley, Community Development Officer

Moved Cr Reichstein
Seconded Cr Lewis

1. That under the provisions of Section 90(2) and (3)(a) of the Local Government Act 1999, an order be made that with the exception of those persons listed:

Bill O'Brien	Mayor
Cr Lynette Reichstein	Light Ward
Cr Bill Close	Mudla Wirra Ward
Cr Samantha Mitchell	Mudla Wirra Ward
Cr Simon Zeller	Mudla Wirra Ward
Cr Sharron Lewis	Laucke Ward
Cr Deane Rohrlach	Dutton Ward
Mr Brian Carr	Chief Executive Officer
Mr Richard Michael (via Teams)	General Manager, Governance
Mr Craig Doyle	General Manager, Strategy & Development
Mr Richard Dodson	General Manager, Infrastructure & Environment
Mrs June Austin	General Manager, Business & Finance
Mr Kieren Chappell	General Manager, Economic Development
Ms Pepper Mickan	Library Services Manager
Ms Liz Heavey	Tourism Development Manager
Ms Lisa Sapio	Manager, Development Services
Ms Megan Renzella	Property & Facilities Manager
Mr Brandon Elliott	Compliance Coordinator
Mr Simon Sherriff	Manager, Strategic Projects
Mrs Lorinda Bayley	Community Development Officer
Ms Terry Savage	(Minute Taker) Executive Assistant
Ms Stacie Dickson	Economic Development Officer

all other persons present and the public be excluded from attendance at the meeting in order to consider in confidence a report (15.1 2021 Australia Day Citizen of the Year Awards) relative to the provision of:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

- 2 That accordingly, on this basis, the principle that meetings of Light Regional Council should be conducted in a place open to the public has been outweighed by the need to keep the discussion confidential.

CARRIED

Cr Rohrlach left the Chamber at 7:55pm and returned at 7:59pm

Moved Cr Reichstein

Seconded Cr Rohrlach

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the report, minute and associated documents pertaining to 15.1 2021 Australia Day Citizen of the Year Awards of the meeting held on Tuesday, 8 December 2020, relating to a matter that was considered in confidence pursuant to Section 90(2) and (3)(a) be kept confidential until at least Wednesday, 13 January 2021, or after the date upon which the recipients are notified, whichever comes first in accordance with the procedure for the administration of Australia Day Citizen Awards.

CARRIED

15.2 Kapunda Tourist Park – Update, Grounds Lease Proposal

Author: Megan Renzella, Property and Facilities Manager

Report Presenter: Megan Renzella, Property and Facilities Manager

Moved Cr Mitchell

Seconded Cr Zeller

1. That under the provisions of Section 90(2) and (3)(b) of the Local Government Act 1999, an order be made that with the exception of those persons listed:

Bill O'Brien
Cr Lynette Reichstein
Cr Bill Close
Cr Samantha Mitchell
Cr Simon Zeller
Cr Sharron Lewis
Cr Deane Rohrlach
Mr Brian Carr
Mr Richard Michael (via Teams)
Mr Craig Doyle
Mr Richard Dodson
Mrs June Austin
Mr Kieren Chappell
Ms Pepper Mickan
Ms Liz Heavey
Ms Lisa Sapio
Ms Megan Renzella
Mr Brandon Elliott
Mr Simon Sherriff

Mayor
Light Ward
Mudla Wirra Ward
Mudla Wirra Ward
Mudla Wirra Ward
Laucke Ward
Dutton Ward
Chief Executive Officer
General Manager, Governance
General Manager, Strategy & Development
General Manager, Infrastructure & Environment
General Manager, Business & Finance
General Manager, Economic Development
Library Services Manager
Tourism Development Manager
Manager, Development Services
Property & Facilities Manager
Compliance Coordinator
Manager, Strategic Projects

Mrs Lorinda Bayley
Ms Terry Savage
Ms Stacie Dickson

Community Development Officer
(Minute Taker) Executive Assistant
Economic Development Officer

all other persons present and the public be excluded from attendance at the meeting in order to consider this matter pertaining to 15.2 Kapunda Tourist Park – Update, Grounds Lease Proposal in confidence.

2. That Light Regional Council is satisfied that it is reasonably foreseeable that the public disclosure or discussion of the information at the meeting could cause significant damage to the interests of Council, information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and would, on balance, be contrary to the public interest.
- 3 That accordingly, on this basis, the principle that meetings of Light Regional Council should be conducted in a place open to the public has been outweighed by the need to keep the discussion confidential.

CARRIED

At 8:04pm Mayor O'Brien invited Mr Terry Ryan and Mr Geoff Stevens, representing the Kapunda Tourist Park proprietors, to enter the Chamber during the confidential session of Item 15.2 *Kapunda Tourist Park – Update, Grounds Lease Proposal* to present to the Council, following which Mr Ryan and Mr Stevens left the Chamber to enable deliberation by the Elected Members on the matter.

Moved Cr Reichstein
Seconded Cr Mitchell

Pursuant to Section 91(7) of the Local Government Act 1999, the Council orders that the minute report and associated documents pertaining to item 15.2 *Kapunda Tourist Park – Update, Grounds Lease Proposal* of the meeting held on Tuesday, 8 December 2020, relating to a matter that was considered in confidence pursuant to Section 90(2) and (3)(b) be kept confidential until the matter is finalised.

CARRIED

16. NEXT MEETING

The next ordinary meeting of Light Regional Council will be held on **Wednesday, 27 January 2021**, commencing at 5:00pm in the Council Chamber, 93 Main Street, Kapunda.

17. CLOSURE

The meeting was declared closed at 8:46pm

Minutes of meeting confirmed at a meeting of Council held on Tuesday, **Wednesday, 27 January 2021**.

MAYOR _____