



**MOUNT BARKER
DISTRICT COUNCIL**

NOTICE OF MEETING

Pursuant to Section 83 of the Local Government Act 1999 notice is hereby given that the following meeting will be held in the Laratinga Pavilion, Environmental Services Centre, 100 Springs Road, Mount Barker on Monday 13 November 2023.

7.00 pm

Special Council Meeting

A. Stuart
CHIEF EXECUTIVE OFFICER

9 November 2023

ORDER OF BUSINESS

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1. COUNCIL OPENING
EXPRESSION OF FAITH
ACKNOWLEDGEMENT OF COUNTRY

1.1 Leave of Absence

Mayor Leach

1.2 Apologies

2. CONFLICT OF INTEREST DECLARATION

Council Members are reminded of the requirements for disclosure by Members of a general or material conflict of interest in relation to items listed for consideration on the agenda.

Any declaration of a conflict of interest by a council member needs to include the following:

- If the conflict is general or material;
- Which agenda item the conflict relates to; and
- If a general conflict of interest is declared – whether or not the member proposes to participate in the discussion of the matter and if so, how the member intends to deal with the conflict of interest including whether the member intends to vote on the matter and their reasons for participating in the discussion of the matter.
- If a material conflict of interest is declared, the member is to leave the room for the discussion of the matter unless the Minister has granted an approval to the member to participate in the discussion of the matter.

3. REPORTS

- 3.1 REPORT TITLE: 2022/23 COUNCIL ANNUAL REPORT AND WASTEWATER SERVICES ANNUAL REPORT**
- DATE OF MEETING: 13 NOVEMBER 2023**
- FILE NUMBER: DOC/23/144445**
- ATTACHMENTS: 1. DOC/23/116008 – DRAFT 2022/23 COUNCIL ANNUAL REPORT**
- 2. DOC/23 120920 - DRAFT 2022/23 WASTEWATER SERVICE ANNUAL REPORT**
[These attachments will be provided separately on the Council website \(click here\)](#)
- Key Contact** Ian Hildebrand, Manager Communications and Engagement, Executive Manager
- Manager/Sponsor** Alison Hancock, Executive Manager

Community Plan 2020-2035:

Leadership and Good Governance

LGG Strategy 1.5 Demonstrate accountability through clear, relevant and easily accessible policies, corporate reporting and legislative compliance.

Annual Business Plan:

Nil

Purpose:

To present the draft Mount Barker District Council Annual Report 2022/2023 for the Council's consideration and adoption.

Summary – Key Issues:

Section 131 of the Local Government Act 1999 (“The Act”) requires Council to prepare and adopt an Annual Report on, or before, 30 November of each year.

Recommendation:

That Council:

1. adopt the draft Mount Barker District Council Annual Report 2022/2023 and Wastewater Services Annual Report 2022/23 as separately attached, noting that the Council's audited financial statements and the Audit and Risk Committee and regional subsidiaries' (Southern and Hills LGA and Adelaide

Hills Region Waste Management Authority) Annual Reports will be included into the final document; and

2. authorise the Chief Executive Officer or his delegate to make minor content, formatting or design changes necessary for publication purposes.

Background:

1. The Local Government Act 1999 (“The Act”), Section 131, requires Council to prepare and adopt an Annual Report on or before 30 November for the financial year ending on the preceding 30 June.
2. Statutory reporting requirements listed in Schedule 4 of the Local Government Act and other associated Regulations must be included in the Annual Report.
3. Any Council subsidiary/regional subsidiary is required to produce an Annual Report that is to be incorporated into the final Annual Report of Council.
4. Notwithstanding point 3 above, Council has developed a separate Annual Report for the Wastewater Service given the scale of the Wastewater Service in addition to a consolidated Annual Report inclusive of Council operations and the Wastewater Service unit to complete the process of development of a full set of planning documents for the Wastewater Service.

Discussion:

5. The Annual Reports provide a summary of reports and information related to Council’s performance in implementing its strategic and annual business plans during the 2022/23 financial year.
6. The Annual Reports illustrate the extensive breadth of council services and activities that continue to deliver significant community benefit, ranging from wastewater services, parks and playgrounds to public health and safety.
7. Council’s Financial Statements will be incorporated into the Annual Report 2022/23 as adopted by Council on 6 November agenda at item 12.1.
8. The Audit and Risk Committee and regional subsidiaries (Southern and Hills LGA and Adelaide Hills Region Waste Management Authority) annual reports will be incorporated into the Annual Report 2022/23 now that they have been adopted by Council at its meeting of 6 November 2023 at items 11.2 and 12.3 and 12.4)

9. Copies of the Annual Reports will be provided to the Local Government Grants Commission, Libraries Board, Parliamentary Librarian, National Library, State Library of SA as required.
10. The Annual Reports will be made publically available on the Mount Barker District Council's website and promoted through Council's social media.
11. Printed copies of the Annual Report 2022/2023 can be made available upon request for a small fee as specified in the Mount Barker District Council Register of Fees and Charges 2023/2024 available on the website.

Community Engagement:

Informing only	The Annual Report 2022/23 will be published on the Mount Barker District Council's website and promoted through Council's social media once adopted, for public viewing.
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Policy:

N/A

Long Term Financial Plan:

N/A

Budget:

Production of the Annual Report is a statutory requirement of council, which involves using existing staff resources, and has no budgetary impact on Council.

Statutory/Legal:

Section 131 of the Local Government Act 1999 requires Council to prepare and adopt an Annual Report on, or before, 30 November of each year.

The Annual report must include material, and specific reports on matters, in accordance with Schedule 4 of the Local Government Act and other associated Regulations.

Staff Resource Requirements:

The report is compiled using existing staff resources.

Environmental:

N/A

Social:

The Annual Report provides a summarised report and associated information on services and programs achieved during the 2021/2022 financial year in a manner which is easily accessible to the community.

Risk Assessment:

N/A

Asset Management:

N/A

Conclusion:

The Annual Report 2022/2023 has been prepared as required under legislation and must be adopted by Council on or before the 30 November 2023 in order to achieve legislative compliance.

Previous Decisions By/Information Reports to Council

Meeting Date	7 November 2022	CM Reference	DOC/22/136916
Title	Draft Council Annual Report 2021/22		
Purpose	To present the draft Council Annual Report 2021/22 for adoption.		

Meeting Date	29 November 2021	CM Reference	DOC/21/191595
Title	Draft Council Annual Report 2020/21		
Purpose	To present the draft Council Annual Report 2020/21 for adoption.		

Meeting Date	2 November 2020	CM Reference	DOC/20/146029
Title	Draft Council Annual Report 2019/20		
Purpose	To present the draft Council Annual Report 2019/20 for adoption.		

ITEM 3.1

**2022/23 COUNCIL ANNUAL REPORT AND
WASTEWATER SERVICES ANNUAL REPORT**

ATTACHMENTS: 1: DRAFT 2022/23 COUNCIL ANNUAL REPORT

**2: DRAFT 2022/23 WASTEWATER SERVICE
ANNUAL REPORT**

PROVIDED AS SEPARATE ATTACHMENTS ON COUNCIL'S WEBSITE

[Council Meetings | Mount Barker District Council](#)

3.2	REPORT TITLE:	STEPHEN STREET UPGRADE
	DATE OF MEETING:	13 NOVEMBER 2023
	FILE NUMBER:	DOC/23/140434
	ATTACHMENTS:	DOC/23/154731 - STEPHEN STREET UPGRADE – DESIGN LAYOUT PLAN
	<u>Key Contact</u>	John Calder, Senior Project Manager, Infrastructure Department
	<u>Manager/Sponsor</u>	Phil Burton, General Manager, Infrastructure

Community Plan 2020-2035:**Community Wellbeing**

CW Goal 1 Activity and movement: Physical and mental health and wellbeing is supported by opportunities to access parks and natural areas, quality open space and recreation and sporting facilities.

Annual Business Plan:

The Stephen Street Upgrade is an approved capital project for design and construction in the Annual Business Plan 2023/24. Stephen Street Upgrade also was endorsed to receive \$720,000 of Local Roads & Community Infrastructure (LRCI) funding.

Purpose:

To provide Council Members with the final project design for the Stephen Street Upgrade in Mount Barker, provide community feedback and seek support to proceed to the next phase of delivery being procurement in 23/24 and construction in 24/25.

Summary – Key Issues:

1. Stephen Street is a key link that connects existing (Gawler Street) and proposed precincts (City Centre Project site) within the Mount Barker Central Business District and also provides a link through to the primary trail network.
2. The Town Centre (2012) and Gawler Street (2015) Strategies both identified the importance of Stephen Street to the function of the City Centre.
3. Upgrades to the area south of Gawler Street have been completed, with the connection between Gawler Street and Morphett Street the next section requiring renewal/upgrade.
4. A much improved streetscape is proposed including a 10kph shared use zone to improve pedestrian safety and reduce vehicle priority, a new wombat pedestrian

crossing, landscaping and street lighting as well as the renewal of pavement, stormwater and SA Water water main assets which are all nearing end of life.

5. Business owners and land owners adjacent to Stephen Street have been consulted, with the latest feedback in October 2023, assisting to refine the final design.
6. The project is ready to move to the next stage of delivery being phased across 2023/24 and 2024/25. As a result, previously allocated Local Roads and Community Infrastructure funding will need to be reallocated to an alternative project(s) so that the condition of the grant can be met by 30 June 2024.

Recommendation:

That Council:

- 1. Endorses the Stephen Street Upgrade – Design Layout Plan as per Attachment 1 which incorporates the feedback received from the recent stakeholder engagement.**
- 2. Endorses the new project timeline which will see the project proceeding to the procurement stage in 2023/24 and then construction in 2024/25.**
- 3. Notes the new estimated project cost estimate to be \$1.65 million which will be reflected in Budget Review 2 and considered again in setting the 2024/25 budget.**
- 4. Endorses the reallocation of \$720,000 Local Roads and Community Infrastructure funding from this project to other eligible projects including the Keith Stephenson Park Playspace Upgrade, Summit Sport and Recreation Park infrastructure, or other eligible projects that meet the criteria, subject to approval from the grant funding agency.**

Background:

1. On 5 October 2021, Council endorsed the commencement of a 4 week community consultation on the Mount Barker Town Square project including the upgrade of Stephen Street as a key link between Gawler Street and the square.
2. The upgrade to Stephen Street was seen as critical to supporting the activation and development of the City Centre Project site, delivering a better connected Central Business District and further promoting a walkable core.

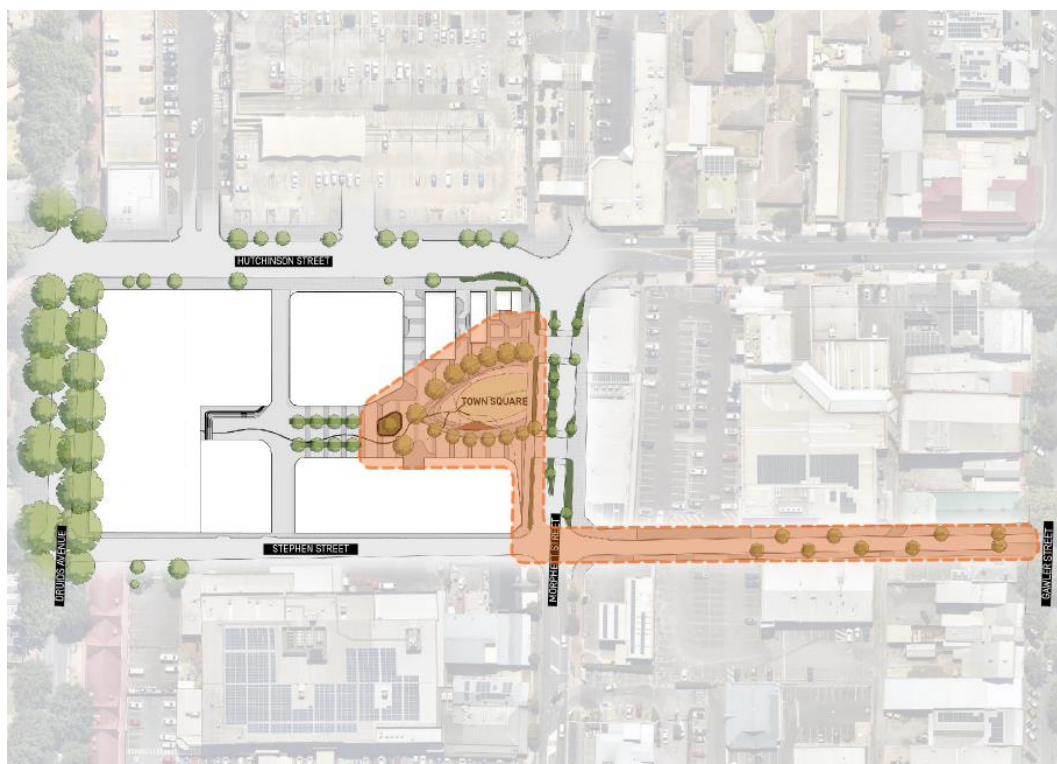


Figure 1 - Location Plan - Town Square & Stephen Street

3. On 4 April 2022, Council considered the outcomes of the community consultation exercise and endorsed designs for both the Town Square and Stephen Street projects in accordance with the 'Town Square & Stephen St Concept Design Community Engagement Summary Report – 29 March 2022' and noted that the detailed design process will progress as funding is secured for these projects.
4. The Australian Government's Local Roads and Community Infrastructure (LRCI) Program supports all Australian councils to deliver priority local road and community infrastructure projects in their region, creating jobs and long-lasting benefits for communities. At the meeting held on 17 January 2022, Council endorsed the use of the \$1.353 million funds available through Phase 3, allocating \$720,000 to fund the Stephen Street Upgrade with a funding deadline of 30 June 2024.
5. Council subsequently appointed Clover Green Space, a local Landscape Architect to lead a design team including civil, stormwater, traffic, irrigation and street lighting consultants to develop an integrated design for the Stephen Street Upgrade project.
6. In October 2022, the directly affected businesses along Stephen Street were consulted on the concept design via a door knock with a project update and community feedback presented to Elected Members at an Informal Briefing on 30 January 2023.

7. Following the positive feedback from the Elected Member Briefing, staff have proceeded to progress the project planning and detailed design based upon the concept design including further engagement with affected businesses and land owners, engagement with service authorities and independent cost advice.
8. This report provides a further project update summarising design issues which have arisen since the briefing and outlines next steps to take this project through to construction.

Discussion:

9. The development of the detailed design largely followed the endorsed concept design as presented to Council with the following exceptions as listed below:

On-Street Parking

10. In October 2023, Council staff undertook a final round of consultation of the Stephen Street traders, business owners and land owners.
11. One of the issues that was raised by the local businesses and land owners was the proposed loss of 7 on-street parking spaces following the introduction of a 10kph shared use zone along around two-thirds of the length of Stephen Street.
12. As a result of this feedback, the design has been amended to include the reinstatement of 4 on-street car parks along Stephen Street within the 10kph Shared Use Zone – see Attachment 1.
13. In addition, a further 3 on-street parks along Gawler Street will be created by re-configuring the existing parking provision in order to achieve an overall zero net loss of on-street parking.
14. The retention of on-street parking addresses the concerns raised by local businesses yet still strikes an acceptable balance between public realm and a functional street.
15. The revised design, although retaining four car parking spaces, does not preclude their removal in the future should additional landscaping, street furniture or activation of the space be desired. Any change would be subject to further engagement with adjoining land and business owners.

Car Park Access

16. Another issue which was raised by local land owners was the proposed closure of one of the car park accesses from Stephen Street adjacent to 24Fit as a result of the introduction of the 10kph shared use zone.

17. In order to maintain current access provision, the length of the shared use zone has been reduced by approximately 10 metres. This could be extended again in the medium to longer term following re-development of the Stephen Street precinct in the future.
18. The Department for Infrastructure and Transport (DIT) has previously approved the original concept for the shared use zone which will need to be re-submitted for final approval prior to project construction with the minor amendments listed above.

SA Water Main

19. The detailed design also identified an issue with an existing 60-year-old SA Water asbestos water main at a shallow depth which will not withstand the construction of a new road pavement along Stephen Street without the significant risk of damage and disruption to local businesses.
20. This issue was not previously identified at the concept design stage and despite examining a number of design options, the only feasible option is to relay the water main at a greater depth to address these significant construction risks.
21. Council has been working closely with SA Water and has subsequently entered into an agreement to design and construct a new water main whilst also taking advantage of a 50/50 cost split as per the obligations under the Water Industry Act 2012.
22. Rather than disrupt Stephen Street on two separate occasions to firstly replace the water main and then construct the streetscape upgrade, Council has agreed with SA Water that Council will lead both the design and construction processes to not only achieve best value but also limit disruption to existing traders and the local community.
23. The construction of a new water main will also have broader benefits for the CBD as it expands with a reliable water network minimising the possibility of future breaks and damage to an expensive streetscape.

Project Timeline

24. Due to the above design issues, particularly lengthy negotiations with SA Water, the project timeline has been extended by around 9 months.
25. As a consequence, the project timeline is now on the critical path with the LRCI funding deed stating 30 June 2024 as being the end date for expenditure of the \$720K grant funding. There is a high risk that the project will not be able to be completed by this date thereby jeopardising the grant funding.

- 26. It is then recommended that the LRCI funding be reallocated to another eligible project or projects that will be completed by 30 June 2024. Subject to approval from the grant funding agency, those projects include (but are not limited to) Keith Stephenson Park Playspace Upgrade (already partly funded from LRCI Phase 3) and Summit Sport and Recreation Park infrastructure. Council Members will be updated on the allocation of LRCI funding once it has been finalised with the grant funding agency.
- 27. The Stephen St Upgrade project will then proceed to be constructed in the first half 2024/25 with the finalisation of design and procurement during the remainder of 2023/24. This timing is considered to be advantageous as there is likely to be continued softening of the construction industry which may lead to improved competition at the time of tender.

Project Cost Estimate

- 28. The project cost estimate has been revised as a result of the design changes and is now \$1.65 million. This represents an increase of \$374K or 29% on the original project cost estimate that was done during the concept design phase.
- 29. A summary of the cost impacts since the original project proposal in 2020 are as follows:
 - a. SA Water water main relay on a 50/50 cost share basis for planning, design & construction (\$195,000).
 - b. a new wombat crossing to meet a long-standing pedestrian desire line and provide a safe crossing of Stephen Street near the intersection of Morphett Street (\$40,000)
 - c. general cost escalation across the construction industry since the project was budgeted in 2020 (\$139,000).
- 30. However, despite the additional capital cost, the project is still considered to offer good value-for-money given the strategic importance of Stephen Street to the Town Centre site, the urgent need to undertake stormwater and pavement assets renewals, plus the social and economic benefits that a high quality and safe public streetscape will bring to the community.

Community Engagement:

Informing only	Council minutes on website, project web page updated, social media posts and engagement with those directly impacted by works.
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Policy:

The project is being progressed in accordance with both Council’s Community Consultation Policy and Procurement Policy.

Long Term Financial Plan:

The project is included within the Council's endorsed Long Term Financial Plan at the previous cost estimate. The additional budget required for this project will reduce Council's capacity in future years to spend on other capital works, unless additional grant funding is secured in the meantime.

Budget:

The project is currently in the annual business plan and budget with an estimate of \$1,276,000. This budget included grant revenue of \$720,000 from LRCI.

Due to the recommended delay in delivery, the project budget will be amended at the next budget review and considered again during the 2024/25 budget process to reflect the new cost estimate and project timeline.

Statutory/Legal:

The relay of a new SA Water Main is required in accordance with the Water Industry Act 2012.

The Department for Infrastructure and Transport (DIT) has approved the original Stephen Street Shared Use Zone and will be required to update the approval of the amended layout.

Staff Resource Requirements:

The project is being internally project managed using existing Council resources. Delaying the project will allow existing PM staff to be reallocated to other priority projects such as Gather Round and the Heysen Blvd Rail Level Crossing.

Independent consultants are being used to undertake project design, cost estimating and also assist with the supervision of the construction works.

Environmental:

The project has been undertaken with environmentally sensitive design being a key driver with the incorporation of water-sensitive urban design principles including rain gardens, the introduction of 13 new street trees, LED lighting and the consideration for the use of recycled materials wherever possible.

Social:

A pedestrian/cycle friendly Stephen Street together with a future activated Town Square presents a great opportunity to provide a place for community to come together, delivering on a range of community wellbeing objectives including activity, movement, health and social connection. The improved pedestrian link will also improve the walkability to/from the Town Square.

Risk Assessment:

A risk assessment has been undertaken in accordance with Council's Corporate Risk Assessment Process with project costs, delivery timeline and construction impacts being identified as the key risks.

Availability of contractors may impact the overall deliverability and Council staff will work with the construction industry to progress the tender. The delay in delivery will mitigate the risk of a poor tender response at this time.

The project originally needed to be undertaken by 30 June 2024 in accordance with the LRCI Phase 3 funding deadline but by reallocating the funding to another eligible project, this eliminates the risk of losing that funding. There is a small risk that the funding body may not accept the change.

Asset Management:

The Stephen Street Upgrade will address some long-standing Council asset renewal issues including pavement and stormwater infrastructure.

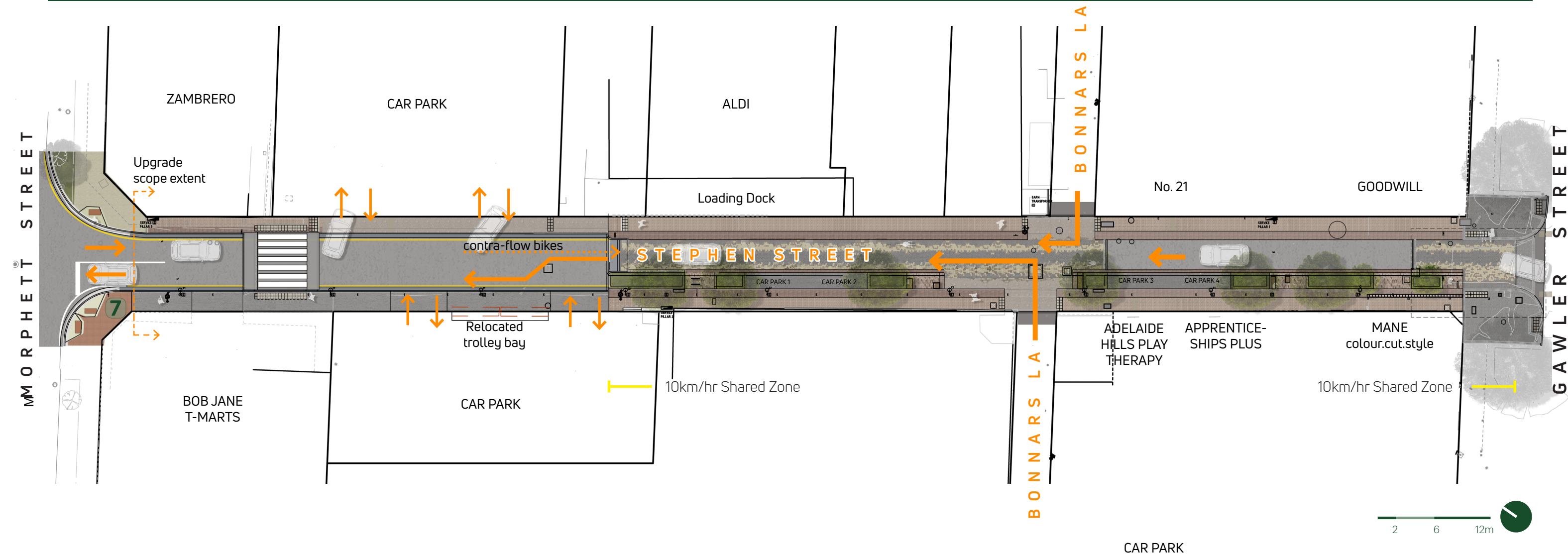
Conclusion:

Council Members are asked to endorse the final design plans for the Stephen Street Upgrade noting that the plans have been developed in conjunction with feedback from both the business and broader community. Due to additional scope and general cost escalation across the industry, the cost estimate has increased and the project will now take longer to deliver requiring LRCI funding to be reallocated to other eligible projects.

Previous Decisions By/Information Reports to Council

Meeting Date	4 APRIL 2022	CM Reference	DOC/22/39596
Title	MOUNT BARKER TOWN SQUARE & STEPHEN STREET CONSULTATION SUMMARY		
Purpose	To provide Council Members with feedback from the community on the concept plans for the Mount Barker Town Square (formal naming undecided), Stephen Street Upgrade and Burke Urban Investments broader site masterplan following a 4-week period of public and stakeholder consultation.		

Meeting Date	5 OCTOBER 2021	CM Reference	DOC/21/154810
Title	MOUNT BARKER TOWN SQUARE & STEPHEN STREET CONSULTATION		
Purpose	To provide Council Members with the Concept Plans for the Mount Barker Town Square (formal naming undecided) and Stephen Street Upgrade and seek authorisation to commence a 4 week period of public and stakeholder consultation on the concepts whilst providing the context of the broader site development.		



Key Design Features

- 10km/hr Shared Zone (roadway flush with footpaths) from Galwer Street to Aldi loading dock
- Improved crossing over Gawler Street and Bonnars Lane with raised thresholds
- 13 new trees
- New paving and road surfaces
- WSUD planting areas
- New light poles
- New seating areas between the trees

4. CONFIDENTIAL REPORTS

**4.1 REPORT TITLE: CONFIDENTIAL: CITY CENTRE PROJECT:
COMMERCIAL TERMS, MASTER PLAN AND
ENGAGEMENT**

DATE OF MEETING: 13 NOVEMBER 2023

FILE NUMBER: DOC/23/149853

Recommendation:

That Council:

1. Pursuant to Section 90(3)(b)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Planning & Community, General Manager Corporate Services, Executive Manager to the CEO, Manager Strategic Projects and Economic Development, Development Manager Strategic Projects and Minute Secretary be excluded from attendance at the meeting for Agenda Item 4.1 City Centre Project: Commercial Terms, Master Plan and Engagement.

The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:

- conducting business; and**
- proposing to conduct business; and**
- would prejudice the commercial position of the Council**

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent.

10. Pursuant to Section 90 (3) (b)

That having considered 4.1 City Centre Project: Commercial Terms, Master Plan and Engagement in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the council report, attachments 1 & 2, related documents and all minutes be retained in confidence until 13 November 2028 or earlier other than information that is required for consultation with the community as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.
