MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 19 December 2023 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

M I N U T E S

Welcome by Mayor Bim Lange declared the meeting open at 5.30pm.

Cr Preece left the meeting at 5:32pm.

1. ATTENDANCE RECORD

1.1 Members Present

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

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

2.1 Minutes of previous meetings – for confirmation:

Cr Preece returned to the meeting at 5:33pm.

MOVED Cr Hurn

That the Minutes of the Council meeting held on Tuesday 21 November 2023 at 5.30pm, the Special Council meeting held on Wednesday 29 November 2023 at 5.15pm and the Special Council meeting held on Wednesday 6 December 2023 at 5.15pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Barrett **CARRIED 2022-26/318**

2.2 Matters arising from previous minutes

2.2.1 GROWING REGIONS PROGRAM - GRANT APPLICATION - EXPRESSION OF INTEREST SUCCESSFUL
23/116437

Council approved the strategy to apply for the Growing Regions Program for the Barossa Creative Industries Centre at the special meeting of 7 June 2023.

As I notified Councillor via email on 27 November 2023 our expression of interest has been successful. This means we now are invited to make a full business case submission for final assessment and determination.

This business case development is due on 15 January 2024. As required by the rules governing the program there is now an extensive piece of work to develop and update documents for the final submission. I have engaged the grant writer, Section 51, we use for large grant applications who will do the writing of the required documents and update the business cost analysis, which is within budget scope. Four officers are also providing support for Section 51. The project plan to achieve the timeframe is all necessary information and updated research will be completed by 22 December. The submission will be written over Christmas between Section 51 and myself.

Officers when they return from leave in January will then provide further support for any identified gaps in the full submission. To provide context 6 of the 16 required documents for the full submission are already in place as they are the documents provided for the expression of interest and the remaining documents are updated or new documentation development for Building Better Regions Fund applications or brand-new requirements. The document list required is outlined below.

Further with this successful outcome the paper endorsed b Council at the special meeting outlined that an allocation for open spaces funding is part of the funding strategy for the amphitheatre and open space development in the plan. The open spaces grant fund has now opened and this grant application will also be written (which is a reasonably simple update to the 2021-22 submission) and submitted by the due date of 12 noon on Friday 9 February 2024.

Growing Regions Program Documentation Requirements and Project Plan

Those identified as 'new' are those where the prior BBRF program did not have the requirement and thus need to be developed.

1. Accountant declaration (EOI updated)
2. Funding Strategy (New)
3. Project plan (EOI updated)
4. Business case & cost benefit analysis (New)
5. Recent Quotes (EOI updated)
6. Needs analysis (New)
7. Social benefits (New)
8. Community support (New)
9. Climate change & environment assessment (New)
10. Alignment with strategic priorities (EOI updated)
11. Maintaining project benefits (New)
12. Ready to construct evidence (EOI updated)
13. Capacity to deliver evidence (New)
14. Risk Management Plan (New)
15. Land ownership and access (EOI)
16. Co-funding (if applicable) (New/EOI)

Components		Growing Regions Program Full Application				
		By Thursday				
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
Inception						
Inception meeting with council						
Word version of form and all attachment templates created						
Economic consultant engaged by council for business case and cost benefit analysis						
Section51 reviews EOI evidence attachments of Project Plan and Alignment with strategic priorities for updating to full application. Advice to council on gaps						
Evidence attachments requiring substantive input from council identified by S51 and circulated to council for council to provide data and input. Includes but not limited to 1. Account declaration (updated) 2. Funding strategy input 3. Recent quotes 4. Capacity to deliver input 5. Land ownership and access (updated) 6. Co-funding (confirmed) 7. Community support (Template provided plus use of previous support) 8. RDA support						

Components		Growing Regions Program Full Application				
		By Thursday				
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
Drafting part one						
Section51 to draft evidence attachments from criteria and form question J2. Including but not limited to: 1. Project plan (Updated) 2. Alignment strategy priorities (Updated) 3. Funding strategy 4. Needs analysis 5. Social benefits 6. Community support 7. Climate change & environment assessment 8. Alignment with strategic priorities 9. Maintaining project benefits 10. Ready to construct evidence 11. Capacity to deliver evidence 12. Risk Management Plan						
Business case and cost benefit analysis prepared (external consultants)						
Plans, drawings costings finalised (Architect)						
Drafting part two						
All input request for council to provide to Section51 on (but not limited to) : 1. Account declaration (updated) 2. Funding strategy input						

Components		Growing Regions Program Full Application				
		By Thursday				
	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6
3. Recent quotes 4. Capacity to deliver input 5. Land ownership and access (updated) 6. Co-funding (confirmed) 7. Community support						
Section51 draft evidence documents provided to council for review, including but not limited to: 1. Project plan 2. Alignment with strategic priorities 3. Funding strategy 4. Needs analysis 5. Social benefits 6. Community support 7. Climate change & environment 8. Alignment with strategic priorities 9. Maintaining project benefits 10. Ready to construct evidence 11. Capacity to deliver evidence 12. Risk Management Plan						
Draft business case and cost benefit analysis completed for review (external consultant)						
Draft form template completed for review by council						
Documents updated with any changes						
Review and finals						
Final review of all evidence attachments and form						
Final signoff and submission						

If the two grant submissions are successful, they are seeking a total of $8.127M made up of:

- $6.961M from GRP; and
- $1.166M from Open Spaces.

This would mean Council is funding a net amount of $5.795M or 41.6% of the current estimated cost, an amount that is $2.558M less than the original budgeted model for this project of a 60% contribution. The strategy approved at the special meeting is a strategy to release funds from the budget through these grant programs, to assist in funding the Lyndoch Recreation Park redevelopment. Unfortunately we are not able to amend the GRP grant amount, due to the passage of now 6 months since the expression of interest costing was done, submission made and assessment timeframes from the Commonwealth there will be escalated costs, there are significant contingencies in the costing however; additionally there will be design variations as we move towards delivery the main one identified through recent discussions is to ensure the new facility has an appropriate kitchen to support the use of the facility for conference and large arts, heritage, music and cultural events.

I will keep Council posted.

SUPPORTING REFERENCES

Nil

3. PROCEDURAL ITEMS

3.1 Petitions

3.1.1 PETITION - PALMER WIND FARM
23/115077

MOVED Cr Preece

That Council receive and note the petition.

SECONDED Cr de Vries **CARRIED 2022-26/319**

PURPOSE

A petition containing 29 signatories has been received regarding the Palmer Wind Farm.

REPORT

The petition seeks Council to advocate and make a submission rejecting the development application for the Palmer Wind Farm.

This matter is the subject of a specific report and recommended later in the Council agenda.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Petition

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

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

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
Planning Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There are nil financial and resource considerations.

The report later in the agenda explores relevant matters related to the risks and application.

Council has no legal jurisdictional powers, responsibilities, or duties in relation to this matter it is wholly contained outside of Councils administrative boundaries.

COMMUNITY ENGAGEMENT

Not required or recommended, the applicant, the Council responsible are undertaking engagement and SCAP will undertake the legislated engagement processes where required by law.

3.2 Deputations/Visitors to the meeting

Nil

3.3 Notice of Motion

3.3.1 CR PREECE - DISCONTINUANCE OF ACKNOWLEDGEMENT OF COUNTRY 23/116453

NOTICE OF MOTION RECOMMENDATION

Moved Cr Preece

That Council instruct the Mayor to cease the First Nations Acknowledgement of Country at the commencement of Council meetings, Council outdoor and Council indoor events.

THE MOTION LAPSED FOR WANT OF A SECONDER

PURPOSE

To debate the notice of motion put forward by Cr Preece to discontinue the Acknowledgement of Country.

REPORT

The requisite written notice has been received as required under the *Local Government (Procedure at Meetings) Regulations 2013* and is hereby placed on the Agenda. The signed notice is at the Attachment and provides the rationale put forward by Cr Preece.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Notice of Motion

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislative Requirements
Local Government (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil considerations.

COMMUNITY ENGAGEMENT

Nil considerations.

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 2022-26/320**

5. COUNCILLORS' REPORTS

5.1 COUNCILLOR'S REPORT TO COUNCIL - CR JANE EVANS

MOVED Cr Greatwich

That the Councillor Evans report be received.

SECONDED Cr Lane **CARRIED 2022-26/321**

6. MATTERS FOR INFORMATION

6.1 LEGATUS MINUTES OF ORDINARY MEETING OF 1 DECEMBER 2023

6.2 VISIT TO PORT AUGUSTA ARID LANDS BOTANIC GARDEN

6.3 TREES FOR LIFE - BUSH FOR LIFE REPORT

6.4 WILLIAMSTOWN AND LYNDOCH LANDCARE GROUP INC.

6.5 PLANTING TREES FOR THE QUEEN'S JUBILEE SUMMARY

6.6 STATE-WIDE BUSHFIRE HAZARDS OVERLAY CODE AMENDMENT

6.7 REGIONAL DEVELOPMENT AUSTRALIA BAROSSA GAWLER LIGHT ADELAIDE PLAINS ANNUAL REPORT AND FINANCIAL STATEMENTS FOR 2022-2023

6.8 LIBRARY SERVICES REVIEW 2022 - PHASE 1 COMPLETION REPORT

6.9 AUDIT AND RISK COMMITTEE MEETING - MINUTES OF 27 NOVEMBER 2023

6.10 AUDIT AND RISK COMMITTEE MEETING - MINUTES OF 27 SEPTEMBER 2023

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

Cr Preece left the meeting at 5:38pm.

Cr Preece returned to the meeting at 5:40pm.

7.1.1 <u>REQUEST FOR ASSISTANCE - BAROSSA WILDLIFE RESCUE</u>
23/116466

MOVED Cr de Vries

That Council, having received and noted the presentation and information, and the report outlining the access to advice, meetings rooms and planning application fee costs:

(1) Formally acknowledge and recognise Barossa Wildlife Rescue.

(2) Provide support for the set-up costs and fencing for their new location with a once off amount of $5,000 (exclusive of GST).

(3) Approve an amendment to the 2023-24 budget to 482-868 (Donations - Grants) of the amount of $5,000.

(4) Instruct the Mayor to write to the relevant Ministers in support of Barossa Wildlife Rescue funding needs and accelerate legislative change to return animals immediate (once well) back to the location they are found (or close to that location as is safe).

SECONDED Cr Greatwich **CARRIED 2022-26/322**

PURPOSE

To consider a request for assistance from Barossa Wildlife Rescue (BWR).

REPORT

<u>Background</u>
Outlined in the documents at <u>Attachment 1</u>.

Introduction
BWR have presented to the November Council workshop and provided a letter requesting assistance, this is at Attachment 2.

Discussion
BWR have and continue to provide services to the community and state for injured wildlife.

BWR are looking for a location for homing and continuing the service and have identified a location for that purpose. They are seeking assistance in the form of:

- $10,000 per annum for 3 years with an ongoing review to support their general and administrative costs.
- Financial support for Council-based services such as planning applications, meeting rooms.
- Professional support for various projects and activities including development planning applications, legal agreements and other governance and compliance matters.
- Formal recognition and support of BWR and its services.

In assessing the requests, it is clearly noted this is not a service for which Council has responsibility, it sits with the State. Further there are conflicting policy positions and service views arising from the BRW presentation and that of the Landscape Board related to injured wildlife management. Ultimately this service and the determination of appropriate policy settings are not Council responsibilities and the ongoing funding of such a service is at odds with the intent and direction of the functions of local government.

Notwithstanding the above, Council has and does continue to support groups with projects, normally through the Community Assistance Scheme. As this request has been brought to Council directly it is for Council rather than the Committee to determine if it will support the establishment of the new site. This is the direction and recommendation in this report. Any funding approved is not budgeted and would require a budget amendment to be approved for this purpose.

Council has not provided funding for ongoing costs of organisations in the past. There are many organisations that provide community outcomes from artistic, creative, historical, sporting, recreational, gardening, town development and events, business support, social inclusion etcetera and to fund the ongoing costs of BRW will create a significant precedent and place an unreasonable and unrealistic burden on Council and its ratepayers. However, consistent with this recommendation, assistance has and will continue to be provided with professional advice as per our normal business as usual operations and customer service standards.

On matters of funding planning applications and undertaking planning and governance support, that is not legally permitted. However, as with any applicant seeking planning approvals, officers have and will continue to provide advice and support for these matters, just not undertake the work. Also, as a community not for profit group they can seek reduction in planning fees that are related to Council charges; statutory fees imposed by the State cannot be waived.

Finally, support for recognising the work they do is achieved in the recommendation and we can raise issues of concern with the necessary Ministers, including:

- Their need for funding support.
- The need to accelerate legislative change to return animals immediately (once well) back to the location they are found (or close to that location).

Summary and Conclusion
That Council having received the presentations and commended the BRW provide support that is consistent with our grant program and capacity to provide formal recognition of the work they do.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 BRW Presentation
Attachment 2 BWR Request for Assistance

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan
CS6 - Community - To help the prosperity and wellbeing of the community. Community grants programs. Support for community groups – networking, advice, input to The Big Project

Legislative Requirements
Local Government Act 1999 Sections 8 and 123.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Any funding is not budgeted and will require a budget adjustment, there are no resourcing and risk concerns arising from this report. The impact on Councils finance of $5,000 is immaterial resulting in no change to net financial liabilities and increase in the deficit to from $2.064M to $2.069M, and an reduction in the underlying positions of the budget in the surplus from $21K surplus to $16K surplus.

COMMUNITY ENGAGEMENT

Nil required or recommended.

7.1.2 AUDIT AND RISK COMMITTEE MEMBERSHIP - RESIGNATION OF MEMBER - CALL FOR APPOINTMENT OF REPLACEMENT MEMBER
23/116474

MOVED Cr Greatwich

That Council receive and note the resignation of Cr Preece from the Audit and Risk Committee and appoint Cr Angas to the Committee concluding on 30 June 2024.

SECONDED Cr Evans **CARRIED 2022-26/323**

PURPOSE

To receive and note the resignation of Cr Preece and appoint a replacement member.

REPORT

Introduction
Cr Preece has provided correspondence resigning from the Audit and Risk Committee dated 15 November 2023, effective immediately.

This requires the appointment of a new member from among the elected members.

Discussion
The current vacancy requires the appointment of a new member to the Committee. It is recommended the appointment be until 30 June 2024 for the following reasons:

- There are significant legislative amendments that have come into force on 30 November 2023.
- The amendments among other things require the Committee members to have requisite qualifications and experience.
- The Terms of Reference are now under a further review to align to the new legislative needs.
- It is likely a revised Terms of Reference will propose to Council that the Committee structure be changed to:
    - Require these requisite qualifications and experience namely in the management of strategic and operating risk and or accounting skills and experience.
    - Implement, based on best practice ideologies a fully independent Committee.

The Committee as it stands is as follows:

1. Mr Peter Brass, independent Chair appointed until 27 January 2025.
2. Mrs Ellen Ewing, independent Member appointed until 27 January 2025.
3. Mr Ian Swan, independent Member appointed until 27 January 2026.
4. Councilor Heidi Thompson, Council Member appointed for the term of the current Council.

To ensure the necessary appointments are made and align to the current approved Terms of Reference a further Councilor is sought. If the Terms of Reference are amended as outlined above, it is likely the member will need to attend two meetings.

Summary

The resignation of Cr Preece from the Committee has been received and a replacement member is sought for the current vacant position.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS4 - Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions

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 126 of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Nil, there is no payment entitlement for the Committee appointment.

Resource

Managed within existing officer resources.

Risk Management

The consideration and adoption of recommendations of Council committees and adherence to their Terms of Reference is a risk management tool.

COMMUNITY ENGAGEMENT

Not required under legislation or Council’s Public Consultation Policy.

Pursuant to Section 73 of the Local Government Act 1999, Cr Angas disclosed an Conflict of Interest in the matter Item number 7.1.3 - Talunga Village - Ownership Transfer as Cr Angas sits on the Board of Management of Talunga Village Incorproated. Cr Angas advised the Chamber that he will leave the meeting.

Cr Angas left the meeting at 5:45pm.

7.1.3 TALUNGA VILLAGE - OWNERSHIP TRANSFER
23/116516

MOVED Cr de Vries

That Council, having considered the report and attachments:

(1) Set aside the need for a commercial valuation pursuant to clause 3.5.4 and waive the market or other disposal methods pursuant to clause 3.7.1 of the Disposal of Land and Other Assets Policy as Council is proposing to transfer the Talunga Village land and improvements to Barossa Village Incorporated as they:
   a. Are committed to carrying on the purpose for which the assets were original acquired.
   b. Have and continue to demonstrate strong strategic alignment to Councils policy position for the provision of housing services.
   c. Have strong evidence of performance in community housing and socially inclusive outcomes.
   d. On the balance of probabilities provide the best and preferrable solution to achieving the policy desires of Council for the purpose of the assets are held.

(2) Authorise the Chief Executive Officer to proceed to transfer the sinking/reserve fund and all land and improvements on the land, for $1, the land being Allotment 7 and 8 of Deposited Plan 246 in the Hundred of Talunga, Certificate of Title Volume 5690 Folio 30 and amend the budget to support the transfer by increasing budget line 462-878 by $5,000 (legal fees).

(3) Authorise the Chief Executive Officer to develop and enter into an agreement that:
   a. If the land and improvements, as they are substantial at transfer of ownership, are on-sold within 5 years from the date of transfer, that any profits generated, taking into account the value of maintenance and other improvements during the 5 year period, and agreed between the parties, is used to fund other community and socially inclusive initiatives at Mt Pleasant and the wider Barossa; for the avoidance of doubt any capital replacement and redevelopment of the site, will release BV from this condition.
   b. The sinking/reserve fund is quarantined for the purposes of maintenance, upgrade or renewal of the assets until it is exhausted.

(4) That the Mayor and Chief Executive Officer be authorised to sign and seal any necessary documentation to give effect to this resolution.

SECONDED Cr Preece **CARRIED 2022-26/324**

PURPOSE

To approve proceeding with the strategy to transfer Talunga Village to Barossa Village Incorporated (BV) as the best and preferred option to continue to provide housing services to the community, as envisaged within the recent Management Agreement with BV post Junction Housing completing their association with Council.

REPORT

Background and Introduction
Council have been briefed about the past management and processes undertaken to try and modernise and manage Talunga Village.

Talunga Village was built by the community to assist with aged care housing in Mt Pleasant. Council is not a community, aged care or general housing provider and it does not align with our role.

Recently on 7 June 2023 Council considered a report related to the management arrangements for the village post Junction Housing and agreed to enter into a Management Agreement with BV, as a purpose housing provider to manage our customers and the site. Further it was considered a future strategy to transfer the ownership of the site and assets to a housing provider.

By way of further background, Council was briefed at its 24 January 2023 workshop. Importantly the work undertaken historically has looked at various models to try and upgrade, renew, transfer the assets to appropriate providers. A poll was taken, and community supported the transfer, at that time to BDHA (Barossa Districts Housing Association). BDHA was amalgamated with Junction Housing, during the yeas of the association with both organisations over many years of trying, a successful replacement model or transfer of ownership could not be achieved. The interest of BV in receiving the assets and managing the service is consistent with the original intent and support provided. The community land revocation has been undertaken and approved and the transfer can proceed. The relevant information is at Attachment 1. Relevant summation of the background is:

- Mt Pleasant Council in conjunction with the Lions Club constructed in 1960's – for (as described in the Amalgamation Agreement) "Talunga Village Aged Care Complex".

- In 1997 amalgamation the services had to be preserved for 25 years – concluded in 2022 and has been satisfied. It effectively removes the restriction to transfer the land and assets.

- Managed by BDHA (Barossa Districts Housing Association) then Junction and Women's Housing (who assumed BDHA through a merger) under management agreement and since 1 July 2023 BV.

- December 2012 and January 2013 reports/minutes are critical to community engagement outcomes – provided following these notes.

- Community Land revocation was completed on 19 March 2013.

- Have explored various models to address and find a way to maintain and if possible, upgrade the service since 2013:

    a. NRAS (National Rental Assistance Scheme) funding application made 2014 – NRAS was pulled as a program after lodgement. Purpose to rebuild and then transfer to BDHA (now Junction).
    b. 2014 proposal $3.001M not viable without NRAS funding.
    c. Tried collaborating with hospital to see if investment opportunities could be achieved to move to their site as a holistic health model.
    d. Have looked at various models with Junction including micro housing and other fundings streams available to community housing associations.
    e. No options, other than the NRAS proposal could either commercial or through community housing merit assessments meet a reasonable bar to achieve the investment. Capital funding shortfalls, justification for that level of expenditure on low yield of housing and higher housing needs elsewhere resulted in this outcome.

The operation under the Management Agreement has been nothing short of a rousing success, with better engagement with residents, identification of critical maintenance issues and those issues being rapidly addressed, and integration of residents into the broad scope of what BV can offer.

<u>*Discussion*</u>
There are two endorsed positions that Council wishes to see in managing and having long term governance arrangements for the future:

- The community connection and housing need for the region including Mt Pleasant.
- Continuity of service provision with a vision to remove Council from the housing service which is not our role but also try and achieve a contemporary redevelopment of the site in due course.

The strategic vision of BV is significantly linked to the purpose and history of the prior communities of interest and provision of wholistic housing service and community and personal wellbeing of residents. Their vision is, to provide affordable aged care in the region. BV have expressed interest in securing the assets and working with Council on a long-term solution to the asset quality and development. Our contribution is likely to be stormwater infrastructure (which is needed in that general area in any case) and application of the sinking/reserve fund into the development. The sinking/reserve fund is exclusively tied to this service. The current amount of the sinking/reserve fund is $257,000 and has been valuable in addressing some significant maintenance and safety issues at the current units rapidly due to the proactive, community and customer focussed approach of BV.

The synergy of visions of Council and BV are obvious and aligned to the original intention of the development when constructed in the 1960's by the Lions Club. The demonstration of purpose and alignment in the past 6 months is strong and it is recommended Council now proceed with the consideration to transfer the land with all improvements and assets, with minor caveats.

To consider the transfer of the land to BV there are various legislative requirements. The legislative requirements related to the community land status have been resolved and Council can proceed to sell or transfer the land, as evidenced by the documents provided at Attachment 1. There are final matters to resolve which are summarised as:

1. Assessment of transfer needs in taxation and other land transfer law.
2. Assessment of a proposed transfer under Section 49 of the *Local Government Act 1999,* Disposal of Land and Other Assets Policy.

The first matter above will be assessed if Council approve the transfer. There will be legal and transfer costs incurred by each party, estimated to be no more than $5,000. It is expected that GST and stamp duty may apply. GST will be cost neutral for both parties. Stamp duty is payable by the 'purchaser' this will need to be resolved with Revenue SA and BV.

The second matters has been considered and an analysed at Attachment 2.

The proposal to transfer the land and assets is based on the following key principles and alignment.

Issue	**Council**	**Barossa Village Inc**
Provision of housing services to aged and those in need	Not aligned to Councils role, investment or skills base.	Directly aligned to BV role, investment base, system alignment and skills.
Ability to attract funds for upgrade and replacement	Not a housing organisation and not aligned to our responsibilities.	As a housing organisation may have access to alternative funding.
Other suppliers	N/a	There is only one other local supplier, this has not been tested, as, there is a relationship in place and shown to be aligned with the original vision of the construction of the units and operating successfully. Prior supplier no longer wanted involvement.
Continuity of services to residents.	Not a housing organisation and not aligned to our responsibilities.	Directly aligned and already operating successfully.
Management of risk.	Not a housing organisation and not aligned to our responsibilities.	Directly aligned to their systems, skills and already operating successfully.
Future vision	Drive is to honour the original intent and service.	Drive is to honour the original intent and service.

With the strategic analysis in the table above and the legislative provisions outlined in Attachments 2 and 3, the Council is requested to review and approve the transfer of the land and assets to BV to achieve the following community outcomes:

(1) Ongoing provision of housing services to those in need.
(2) Ability to align the service to a housing service provider who is connected to community and shares the vision and purpose with Council.
(3) Systems, processes, and relationships are already established and successful.
(4) Removes the cost and service burden from Council and its community of providing housing services which are not core functions of Local Government.
(5) Improves the lives of the residents with access to a wide array of community services promoting social inclusive activities with the rest of BV.

The land and assets to be transfer would be:

- The land being Allotment 7 and 8 in Deposited Plan 246 of Hundred of Talunga, Certificate of Title number 5690/30, the title is at _Attachment 3_.
- All improvements in site including units, substructures, shed/carport, rainwater tanks, electrical, water, wastewater, telecommunication services and other incidental and chattels.
- The balance of the sinking/reserve fund to be quarantined for the management, upgrade and replacement of the Talunga Village Units only.

The development of this site for future upgrades or new units has been a prior target of Council and the previous Barossa Districts Housing Association, which was amalgamated into Junction Housing, but could not be achieved. The commitment to stormwater infrastructure has been part of Councils prior commitment to making the site more usable. Further the general stormwater management needs in that locality are a future, yet to be determined, priority. It has been a commitment to work with the prior managers of the site on behalf of Councils to support a development with stormwater support. It is considered reasonable at a future time to ensure that offer is still open to support the community benefits of the site and surrounds, on the basis of future Council funding approval.

Finally, as a community asset, in essence being gifted to a fellow community organisation which is strategically and operational aligned to deliver housing services, as they are a housing supplier, it is considered reasonable to ensure some protections for Council and the community. Two main issues that should be considered by Council are:

- A future divestment of the land and improvements to the market.
- The use of the sinking/reserve fund which has been built up to support the management, upgrade and or renew of the units.

To ensure these matters are adequately addressed, buit also don't limit the potential for the independent BV Board to invest, it is recommended that an agreement be made with BV to support the community's current investment in the land and improvements and the sinking/reserve fund by:

(1) Agreeing a mechanism that if the land and improvements are divested to the market, any profit made from that divestment is returned to community and social inclusion outcomes for the Mt Pleasant and broader Barossa, which is their core vision and role in any case. The agreement would need to be structured also that BV are not limited in the investments they may wish to make for the site in future. This should also have a sunset clause suggested at 5 years from transfer or if they undertake redevelopment of the site as potential outcome of this collaboration, whichever occurs sooner.

(2) The sinking/reserve fund is applied only the maintenance, upgrade or replacement of the assets at Talunga Village and that Council receives and annual statement as to the balance of the fund and its management, until it is exhausted.

Summary and Conclusion

Council has a partnership with BV, and as a housing supplier it is the best fit that is available to align the assets to the service provider and ensure the best chance for the service to continue and thrive.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Background Documents - Community Land Revocation

Attachment 2 Assessment against Disposal of Land and Other Assets Policy

Attachment 3 Title and Valuation

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Community and Culture

Health and Wellbeing

The Barossa fosters community resilience, connection and wellbeing through its social planning, recreation, safety, education, preventative health and social strategies especially for our youth and vulnerable people.

Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle.

Legislative Requirements

Section 8, 49(a1), 123, 194 of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The current written down value of the assets is $166,612 for the buildings assets and $190,000 for the land as the following asset management system extract shows.

Financial Year	Asset Name	Asset Id	Asset Category	Component Name	Financial Class	Fair Value	Closing WDV
2022-2023	Aged Flat Units (Rear)	BLD125142	Buildings	Services	Buildings & Other Structures	131,040	10,492
2022-2023	Aged Flat Units (Rear)	BLD125142	Buildings	Internal Fit-out	Buildings & Other Structures	84,240	6,745
2022-2023	Aged Flat Units (Rear)	BLD125142	Buildings	Roof Structure	Buildings & Other Structures	70,200	5,621
2022-2023	Aged Flat Units (Rear)	BLD125142	Buildings	Superstructure	Buildings & Other Structures	140,400	32,769
2022-2023	Aged Flat Units (Rear)	BLD125142	Buildings	Substructure	Buildings & Other Structures	42,120	9,831
2022-2023	Carport 1	BLD125167	Buildings	Main	Buildings & Other Structures	58,000	4,644
2022-2023	Internal Fit-Out - Aged Flat Units (Front)	BLD125136	Buildings	Main	Buildings & Other Structures	124,200	9,945
2022-2023	Substructure - Aged Flat Units (Front)	BLD125137	Buildings	Main	Buildings & Other Structures	62,100	14,494
2022-2023	Roof Structure - Aged Flat Units (Front)	BLD125135	Buildings	Main	Buildings & Other Structures	103,500	8,287
2022-2023	Superstructure - Aged Flat Units (Front)	BLD125139	Buildings	Main	Buildings & Other Structures	207,000	48,314
2022-2023	Services - Aged Flat Units (Front)	BLD125140	Buildings	Main	Buildings & Other Structures	193,200	15,470
Buildings						**1,216,000**	**166,612**
2022-2023	Aged & Disabled Service Land - Talunga Village - Melrose Street - Mt Pleasant	LAN118980	Land	Main	Land	95,000	95,000
2022-2023	Aged & Disabled Service Land - Talunga Village - Melrose Street - Mt Pleasant	LAN118982	Land	Main	Land	95,000	95,000
Land							**190,000**

The assets are practically fully depreciated. The transferring of the assets at no cost results in a write down of the assets by an amount of $356,612. The process of transferring will not realise any commercial value as the strategy is to gift the assets to support the community outcomes. Further the fact the assets are practically depreciated, to restore the assets on the current fair value will avoid future costs of an amount of $1.049M. Although the true redevelopment costs for such assets would be highly likely significantly more than this amount in the current building environment. The revenue and expenditures associated with the current rentals are retained by BV and go to the ongoing maintenance and provision of the service and any annual surplus is returned to the sinking/reserve fund. The impact on Councils finance of $5,000 is immaterial resulting in no change to net financial liabilities and increase in the deficit to from $2.069M to $2.074M, and a decrease in the underlying positions of the budget of a reduction in the surplus from $16K surplus to $11K surplus.

The risks avoided or reduced through this strategy and associated with Talunga Village are:

- Providing services of appropriate standard due to a specific housing service provider being the supplier.
- Renewal and financial risks avoided.
- Reputational risks associated with trying to provide a service Council is not aligned to, or structured and resourced for.

There are no additional resource implications for this strategy.

COMMUNITY ENGAGEMENT

Community engagement has been undertaken when the land revocation was carried out. Further there has been various projects developed to try and find a sustainable model for the housing service, all to date have not been able to achieve an aligned strategy. It is not recommended that further engagement occur as outlined in the body of the report the proposal is aligned to the prior engagement when the community land revocation was achieved.

Cr Angas returned to the meeting at 5:46pm.

7.2 Corporate Services and Business Innovation

7.2.1 <u>AMENDMENT OF FEES AND CHARGES REGISTER 2023-2024</u>
23/115287

MOVED Cr Barrett

That Council approve the amended Fees and Charges for the 2023/2024 budget year included as listed Tables and backdate their application to 1 July 2023.

SECONDED Cr Greatwich **CARRIED 2022-26/325**

PURPOSE

Following Council's recent approval of the 2023/2024 Fees and Charges Register, a small number of additional fees were identified as requiring update from 2022/23 and a new fee for the Street Flag installation.

REPORT

<u>Discussion</u>
At its meeting of 18 July 2023, Council adopted a list of Fees and Charges for 2023/2024. The list was intended to be encompassing of all sundry fees charged by Council in its general service provision, however Officers have subsequently identified nine new fees to be added to the Fees and Charges Register for 2023-2024 and formal approval of Council. These fees relate to charges for Permit Hirers holding events and activities at Talunga Recreation Park and the surrounding facilities following transition of bookings at this site from BelgraviaPRO to The Barossa Council Customer Support Team.

Also listed is a proposed fee for Permitted Event Camping outside of the Mount Pleasant Caravan Park precinct. Permits will be coordinated through The Barossa Council Customer Support Team and the payments and location of campers will be managed by the BelgraviaPRO Caravan Park Manager. Proposed fees are included for Council consideration in the table below.

Talunga Recreation Park: Oval	Per Hour	$20
Talunga Recreation Park: Pavilion	Per Hour	$30
Talunga Recreation Park: Sheep Shed	Per Day	$20
Talunga Recreation Park: Atrium	Per Day	$25
Talunga Recreation Park: Cattle Shed	Per Day	$10
Talunga Recreation Park: Horse Shed	Per Day	$10
Talunga Recreation Park: Shearing Shed	Per Day	$5

Talunga Recreation Park: Permitted Event Camping Fee – Non-Powered	Per Person Per Day	$10

In addition to the above fees and charges register amendments, a further amendment is also required to facilitate the inclusion of a fee for the installation of Street Flags (for Profit organisations only). See below table:

Street Flag Installation: (For-Profit Organisations only)	$350

Summary and Conclusion
All additional and amended fees and charges have been listed in the above tables.

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 188 of the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The current budget is aligned to the Fees and Charges register and this report represents no change in risk, financial outcomes, or resource allocations.

COMMUNITY ENGAGEMENT

The revised fees and charges will be available for the Community to access on Council's website once approved.

7.2.2 APPLICATIONS FOR DISCRETIONARY RATE REBATE
23/111965

MOVED Cr Schilling

That Council:

(1) Note that at its Ordinary Council Meeting held 20 June 2023, Council approved a 50% discretionary rate rebate to Community Helpers Incorporated for assessments 2174068 and 2044949 in 2023/24.

(2) Approves an application for a 75% discretionary rate rebate received by Community Helpers Incorporated for assessments 2174068 and 2044949 for the reasons outlined within this report.

(3) Implement a Rate Rebate Policy in preparation for the 2024/25 rating year.

SECONDED Cr Preece **CARRIED 2022-26/326**

PURPOSE

To consider two applications for discretionary rate rebates (assessments 2174068 and 2044949) from Community Helpers Incorporated.

REPORT

Background
Community Helpers Incorporated are the property owners/ratepayers of assessments 2174068 and 2044949.

On 20 June 2023 at the Ordinary Council Meeting, Council approved a discretionary rate rebate of 50% for assessments 2174068 and 2044949 for Community Helpers Incorporated for 2023/24.

On 6 October 2023, Community Helpers Incorporated applied for two 100% mandatory rate rebates under Section 161 of the Local Government Act 1999 for assessments 2174068 and 2044949. Council's administration reviewed the application and advised they did not satisfy the criteria of the Act and the application was denied.

Introduction
On 9 November 2023, Community Helpers Incorporated applied for two 100% discretionary rate rebates under Section 166 of the Local Government Act 1999 (the Act) for assessments 2174068 and 2044949.

Discussion
Under section 166 of the Act, Council may grant a rebate of rates or service charges.

Council's application form for rate rebates states applications must be submitted to the Council on or before 30th April for the rebate to apply for the following financial year. A failure to submit application forms or to provide the additional information required by the Council to assess the application by the due date may result in the Council refusing to consider the application.

On 9 November 2023, Community Helpers Incorporated applied for 100% discretionary rate rebates under Section 166 for both assessments 2174068 and 2044949. The application specified Section 166(j) of the Act in which Council may grant a rebate of rates or services charges where the land is being used by an organisation which, in the opinion of the council, provides a benefit or service to the local community.

In its application, Community Helpers Incorporated provided the following reason for the need for financial assistance through a rebate:

ANNEXURE 'A'

Community Helpers is a registered charity with the Australian Charities & Not for Profit Commission (ACNC), that has been in operation for over 20 years, over which time we have donated over $3,000,000 back to the Barossa community.

We accept donations of saleable secondhand goods from the wider community, which are then sold from our 2 locations in Tanunda and Nuriootpa. Funds raised from the sales are then donated back to the Barossa community via other charitable organisations, with the major portion going to our local Carers & Disability Link.

Taken directly from our constitution, the main Objects of our association is:

To raise money for the benefit of Carers and Disability Link and such other charitable philanthropic or benevolent organisations, societies or clubs that are established or operate within the area of the Barossa Valley and surrounding area.

Community Helpers is predominantly volunteer run (over 80+ volunteers) and use Centrelink recipient volunteers. If not for our committed and valued volunteers, we could not exist. Our volunteers benefit from the comradery within the organisation, and this involvement assists with their health and wellbeing.

Through our operations, we also assist many disadvantaged people such as homeless, low income and domestic violence people.

Revenue SA has approved us as a Community Service organisation and has substantially reduced our levy.

A 100% rebate would allow us to further our objective of having further funds available to donate back to our community.

Assessment
To assist Councils in applying Section 166 of the Act, Revenue Professionals SA have issued Rate Rebate Guidelines, a document prepared by Kelledy Jones Lawyers.

Section 166(1a) of the Act is an important consideration for a council in exercising its discretion because it requires the council to have regard to the objects and principles of the Act as a whole in the context of the role and function of the council under the Act when determining whether to grant a rebate.

The discretion to grant a rebate must be exercised consistently and in the interests of the community. In this regard each council must consider its community, not the wider community of the State. This is because decisions regarding rate rebates impact directly on the ratepayers and residents of individual council areas.

Other considerations for assessing discretionary rate rebate applications may include:

- the reason for requesting the rate rebate and the need for financial assistance; and
- the amount (%) of the rebate being sought and whether this amount is appropriate in the circumstances.

Another notable assessment criteria outlined in the document was to apply the Council's rate rebate policy. Council does not have a rate rebate policy and this report will recommend a policy is developed to assist with consistent application and assessment of rate rebates.

Council's administration has reviewed the applications and accompanying documents. In applying the Act and the Rate Rebate Guidelines, this report recommends that the applications are declined on the following basis:

- No evidence provided indicating the need for further financial assistance - Community Helpers Incorporated audited financial results for 2022 and 2021 recorded surpluses; and
- The reason specified in the applications for the 100% rebate was stated as *"a 100% rebate would allow us to further our objective of having further funds available to donate back to our community."* Furthering the objectives of an organisation is not a consideration for Council and does not demonstrate the need for financial assistance; and
- The amount of the 100% rebate is deemed inappropriate given the financial surpluses recorded by Community Helpers Incorporated in their audited financial results for 2022 and 2021.

It is recommended that, if the financial circumstances of Community Helpers Incorporated significantly change, they are encouraged to submit a future application with supporting documentation.

Summary and Conclusion
This report concludes the two 100% discretionary rate rebate applications should be declined. The report also identifies the need for Council to adopt a Rate Rebate Policy.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

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

Legislative Requirements
Section 166 of the Local Government Act 1999 enables Council to grant a rebate of rates or service charges.

Section 270 of the Local Government Act provides applicants with a right of internal review of a council decision in respect of rate rebate applications.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Rate rebate applications are received before 30 April as to determine the financial impact to Council's budget and the distribution of the rate burden amongst ratepayers.

COMMUNITY ENGAGEMENT

Nil

7.2.3 2024/25 ANNUAL BUSINESS PLAN AND LONG-TERM FINANCIAL PLAN TIMETABLE AND ASSUMPTIONS
23/114016

MOVED Cr de Vries

That Council:

(1) Note the assumptions outlined in the report to be used in drafting the 2024/25 Annual Business Plan and Budget.

(2) Note the timetable for Council workshops and Council Meetings for the preparation and review of the 2024/25 Annual Business Plan and Budget and Long-Term Financial Plan for 2024/25 to 2033/34.

SECONDED Cr Troup **CARRIED 2022-26/327**

PURPOSE

To consider the assumptions and timetable for the preparation of the 2024/25 Annual Business Plan and Budget and updated Long-Term Financial Plan for 2024/25 to 2033/34.

REPORT

Discussion

Indexation and Assumptions

Each annual review process provides an opportunity to introduce new assumptions or enhance the information base as required using the existing indexation and assumptions.

The main assumptions and indexation being considered during this early stage of budget preparation is the income and expenditure indexation. As included in the draft timetable, following receipt of updated valuation data, Council will review the proposed options for rate increases to ensure they are reasonable and ensure indexation for operational expenditure is appropriate.

Council staff will provide information for the cost of delivering services and any suggested changes to service levels ensuring income or charges for the services are appropriate. The final expenditure amounts may differ from the LTFP estimates for the 2024/25 year due to external influences such as service contracts and agreements or where costs are determined by external markets such as fuel prices, electricity and gas pricing contracts and State Government levies.

The Budget from last year is used as the base for the 2023/24 draft budget and each budget manager then reviews to actual costs and trends to meet the existing service provision. If the actual costs are reduced from the base budget, it is a requirement that unless there were extenuating circumstances for the underspends, that next year's budget is also reduced.

The LGPI (Local Government Price Index) is used as a base for the LTFP and considering local needs and requirements to meet service levels. The Local Government Price Index (LGPI) increase for 12 months to 30 September 2023 was 4.8%; (noting the Adelaide CPI for the 30 September 2023 period was 5.9%.) It is recommended at this point in time, to ensure prudent budget management and to remain within the parameters of the current adopted LTFP, that in the absence of a contractual arrangement, general operating indexation be limited to 2%.

The following indexation base information is sourced from the adopted LTFP for the 2023/24 year.

Operating Income

Rating levels are set to ensure service level provision is maintained in a financially sustainable manner.

General Rate revenue increases to existing ratepayers for the 2023/24 year was reduced to 3.3%, additional revenue for the growth in assessment numbers from last year is currently at 0.91%. For future operating results, as detailed in Council's adopted LTFP, general rate revenue was forecast to increase at 4% in 2024/25 plus growth in assessment numbers ranging between 0.75% to 1.5%. During the preparation of the 2024/25 draft budget, management will review the revenue and expenditure requirements and report this to Council. Council will then assess and approve the general rate revenue increases required to ensure Council's financial sustainability in the annual review of the LTFP.

For 2023/24, there was a 9.71% service charge increase for waste collection and disposal across the three waste services as a result of significant increases in Refuse and Green Organics collection and disposal costs. In the adopted LTFP, the Waste Service Rate Revenue indexation service charge for 2024/25 is set at 3.75% plus growth for new services budgeted at 1% pa. The 2024/25 service charge increase will need to be determined as to recover the cost to provide the service ensuring ongoing service delivery in a sustainable manner.

Community Wastewater Management Systems (CWMS) service charge indexation rates in the adopted LTFP was budgeted to increase in 2024/25 at 2.5% and forward years ranging from 0.5% to 2.25% plus growth for new services for the remaining years in the LTFP. The 2024/25 service charge increase will need to be determined as to recover the cost to provide the service ensuring ongoing service delivery in a sustainable manner.

Service charge revenue is established to recover the cost to provide the services ensuring ongoing service delivery in a sustainable manner.

Regional Landscape Levy, collected on behalf of the state government, will be determined and advised by the Northern and Yorke Landscape Board.

Other income indexation has a base increase of 2.0%.

Operating Expenditure

Operating expenditure indexation will be assessed individually for internal and external factors. All indexation quoted is from the adopted LTFP for 2023/24 and will be reviewed.

- Employee costs for 2024/25 set in the LTFP increase by 2.5%. The draft budget will use enterprise bargaining agreements which are 4.5% (AWU) and 2.5% (ASU) respectively during 2024/25. Superannuation guarantee also increases from 11% to 11.5%.
- Contractor, materials and other expenses will be reviewed to meet service requirements. The increase for these costs from for 2024/25 is set at 4%. Indexation will be adjusted to meet existing service requirements:
    - Selected costs are increased by indexation where agreements, contracts, licensing, arranged service charges, etc. provide for that option.
    - For such costs outside of our control, these will be considered where the relevant service provider(s) initiates the increases i.e. fuel and postage.
    - where costs will increase but the quantum is unknown a default increase in line with LGPI, some areas of expenditure may actually be the same or less the expected; and for changes to service provision, ie. increased number of services provided (eg. no. of waste collection(s)) or usage (eg. water usage at parks and gardens).

New Initiatives/Ideas
The new Initiatives process will undertake the following:

1. Strategic review meeting.
2. Identification of what priorities and projects Council wishes to have a more detailed assessment completed.
3. Review of past two years of initiatives not funded.
4. Officer new initiatives will be limited as normal to high risk or legislative compliance issues or to those that achieve efficiencies and savings, and will be managed by the Executive Leadership Team.

Once priorities for submissions are determined, an assessment will be undertaken. This allows resources to only be used on those that Council approve to proceed to an analysis.

Council's existing programs include but are not limited to:

- Existing service provision, governance and administration.
- Capital renewal/replacement.
- Revaluation and condition assessment of assets to update the estimated replacement cost over the LTFP. Council's understanding and management will continually refine the operating result.
- Heavy vehicle and Plant utilisation review.
- Existing long-term projects including:
    - Climate Control – efficiency, financial and environmental benefits/requirements.
    - Change Program – internal program for innovative and simple systems, processes and productivity improvements.
- Infrastructure Asset Management Plans adopted 2021 – renewal spending plans.
- Strategic Management Plans.
- The Big Project.
- Transport renewal programs.
- Asset maintenance and operational requirements.

Timetable

The proposed timetable for the annual review/update of the Long-Term Financial Plan and the consideration/adoption of the Annual Business Plan and Budget is outlined in the table below:

What	Activity	Date
Council Meeting	Endorse ABP&B and LTFP timetable	19 December 2023
Council Workshop	Review and discuss - EM's to be given the opportunity to put forward suggestions for the budget; ELT (Executive Leadership Team) to present budget process, available advisory groups' budget(s), priorities and pressures; strategic and long-term aspirations; consider adopted long term indexing & assumptions, Ideas discussion	23 January 2024
Council - Elected Members	Prioritisation for new ideas for analysis.	Approved at Council meeting 20 February 2024
Administrative Budgets	Staff completion of administrative budgets.	27 February 2024
Council Workshop	Capital Expenditure review existing programs: Transport works LTFP - Renewal/Replacement programs TBP – Grant submissions and ongoing items Prepare Rates report including Rating Analysis of other Councils and consider other Council Rating Strategies.	28 February 2024
Audit Committee	ABP&B and LTFP review To review indexing and assumptions	Feb- March 2024
Council Workshop	New Ideas review for DDR; Council to assess DDR and inclusion in draft budget.	Mid-Late March 2024
Council Workshop	ABP&B and LTFP Review draft Operating Budgets & Capital Works submissions and LTFP	4 April 2024
Management & Staff	*During December to June, budget preparation, rating and valuation modelling*	Jan to June 2024
Council Workshop	ABP&B and LTFP Review draft Capital Works submissions and LTFP	May 2024
Council Workshop	Rating & Valuation Forecasting, valuation changes, rebates, RI General Rate Cap, rating options Final Operating and Capital Works review	May 2024
Audit Committee	ABP&B and LTFP review and endorse for consultation - by email	May 2024
Special Council Meeting	Endorse draft Nuriootpa Centennial Park Authority Budget (NCPA endorsed April)	May 2024

	Endorse draft ABP&B and LTFP for public consultation.	
Public Consultation Process	Council internet provision for web submissions, at least 21 days	May – June 2024
	Public Notice (if local papers a Wednesday) Submissions period – 21 days	May to June 2024
Special Council Meeting / Other process*	Process for the public to present/provide budget submissions in line with legislative/other requirements. *21 days after the draft A&BP is available on the web	June 2024
Council Meeting	ABP&B and LTFP Consideration of public submissions	June 2024
Special Council Meeting	Adopt ABP&B and LTFP, Valuation and Rating (if changes from consultation then this meeting may need to be changed.)	June-July 2024

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

Policy
Budget & Business Plan and Review Policy:
https://www.barossa.sa.gov.au/Media/Default/Council/Strategies,%20Policies%20and%20Bylaws/Budget%20&%20Business%20Plan%20and%20Review%20Policy.pdf
LGA Information papers – No. 8 Long-term Financial Plan and No. 13 Annual Business Plan; register to logon and access:
https://www.lga.sa.gov.au/home

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 Act 1999 Section 123
Local Government (Financial Management) Regulations 2011

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial
The Budget and LTFP indexation, assumptions and timetable are integral parts of financial planning to ensure an organised and thorough process is undertaken.

The cost of capital and risk is to be assessed for application to CWMS operations.

Resourcing and risk is embedded in Council' current resourcing and risk profile.

COMMUNITY ENGAGEMENT

Included as part of the draft 2024/25 Annual Business Plan and Budget Plan consultation and adoption process.

7.2.4 MONTHLY FINANCE REPORT AS AT 30 NOVEMBER 2023
23/116116

MOVED Cr Angas

That Council receive and note the Monthly Finance Report as at 30 November 2023 as provided at Attachment 1.

SECONDED Cr Lane **CARRIED 2022-26/328**

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 30 November 2023) is Attached. The report has been prepared comparing actuals to the original adopted budget 2023/24.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council November 2023

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

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

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY ENGAGEMENT

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

7.3 Infrastructure and Environment Services

Nil

7.4 Development and Community Services

7.4.1 PROTECTION AND MANAGEMENT OF HISTORIC AREA AND CHARACTER AREA STATEMENTS
23/114657

MOVED Cr Greatwich

That Council:

(1) Receive the paper titled 'Barossa Heritage Provisions – A Review of Past and Present', prepared by Paul Mickan, contained in Attachment 1.

(2) Give in-principle support to initiating a heritage-themed Code Amendment that includes the following:

a) Update Historic Area Statements to address gaps or deficiencies;
b) Elevate Character Areas in Eden Valley, Springton and Angaston to Historic Areas;
c) Review Representative Buildings for properties within the existing Character Area Overlay in Angaston;
d) Reintroduce previous Historic Conservation guidelines and apply at the local and/or state level;
e) Correct heritage listing and Overlay boundary errors and anomalies.

3) Acknowledge that priorities and budget associated with the future planning policy program of The Barossa Council will be subject to separate report of Council to be presented in 2024, having regard to the Growth Strategy and Character Area Review work already underway.

SECONDED Cr Schilling **CARRIED 2022-26/329**

PURPOSE

To seek in-principle support to initiate a heritage-themed Code Amendment that includes review of Character Area Statements for Historic Areas, elevates existing Character Areas at Eden Valley, Springton and Angaston to Historic Areas and initiates other heritage improvements yet to be implemented under the Planning Reforms.

REPORT

Background
The Chair of the State Planning Commission (SPC), Craig Holden, wrote to The Barossa Council on 10 October 2023 in respect to protection and management of Historic and Character Areas. The letter provides support for Councils to update their Historic Area and Character Area Statements and to elevate Character Areas to Historic Areas.

A copy of the letter is contained in Attachment 2.

Introduction
The SPC has invited Councils to update their Historic Area and Character Area Statements to address gaps and enhance design guidance which is bespoke to local areas. The SPC has also invited Councils to elevate existing Character Areas to Historic Areas to address identified gaps or deficiencies.

Discussion
Historic Areas identify locations that display historic themes and characteristics that are important to a local area. Similar, Character Areas identify locations that display streetscape characteristics and development patterns that are of value to the local area, but do not have the same emphasis upon historic themes or characteristics.

Both the Historic Areas and Character Areas exist in the form of Overlays within the Planning & Design Code that are applied to development occurring within the spatially defined Overlay. The Overlays contain Desired Outcomes and Performance Outcomes that are applied to guide appropriate development.

Further information regarding Historic Areas and Character Areas is contained within the guidance material prepared by SPC, titled 'Protecting Heritage and Character – Policies in the Planning & Design Code', contained in Attachment 3.

The Barossa Council has 16 Historic Areas identified within the Planning & Design Code. These areas reflect what were previously Historic Conservation Zones within the Development Plan. There are a further three Character Areas that exist within the Planning & Design Code within the townships of Eden Valley, Springton and Angaston.

As part of the transition from the Barossa Development Plan to the Planning & Design Code, a number of shortcomings, errors and anomalies were identified. Recognising the enormity of the task in transitioning 68 Development Plans into a single Planning & Design Code, there were some prevailing policy gaps and issues still to be resolved.

Paul Mickan, former Policy Planner at The Barossa Council, has prepared a paper titled 'Barossa Heritage Provisions – A Review of Past and Present', which provides an overview of the previous heritage policy program of Council and how this has transitioned to the Planning & Design Code.

The paper identifies a number of prevailing errors, anomalies and omissions arising from the Planning & Design Code transition which should be addressed as follows:

- Contributory Places are identified in respect to a number of properties in Angaston but are not located within the Historic Area Overlay (which is inconsistent with the structure of the Code);
- The Character Areas of Eden Valley, Springton and Angaston warrant elevation to Historic Areas.
- There are gaps in the Historic Area and Character Area Statements because the content of the Statements reflects that which existed within the former Barossa Development Plan.
- A number of heritage mapping notation errors and anomalies exist which should be addressed.
- Previous Historic Conservation guidelines that existed within the Development Plan have not transitioned to the Planning & Design Code.

It is recommended that Council give in-principle support to initiating a heritage-themed Code Amendment to address the above issues as follows:

a) Update Historic Area Statements to address gaps or deficiencies;
b) Elevate Character Areas in Eden Valley, Springton and Angaston to Historic Areas;
c) Review Representative Buildings for properties within the existing Character Area Overlay in Angaston;
d) Reintroduce previous Historic Conservation guidelines and apply at the local and/or state level;
e) Correct heritage listing and Overlay boundary errors and anomalies.

The heritage-themed code amendment is important and should be advanced but it is recognised that a number of strategic projects are underway, including the Growth Strategy and Character Area Review. The list of priorities and allocation of resources is yet to be determined. It is suggested that Council give further consideration to priorities and funding in a separate report to be presented in 2024.

Summary and Conclusion
Council has been invited by the SPC to strengthen planning policies to preserve heritage and character in the form of review of Historic Area statements and elevation of Character Areas to Historic Areas. Council is requested to provide in-principle support to initiating a heritage-themed code amendment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Barossa Heritage Provisions Report
Attachment 2	Correspondence - State Planning Commission - Guidance on updating Historic Area and Character Area Statements
Attachment 3	Protecting Heritage and Character - Policies in the Planning and Design Code

Supporting references
https://plan.sa.gov.au/resources/planning/heritage-and-character

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

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

Support tourism development that is sensitive to the natural environment and ensures that the unique character of the rural landscape is appropriately managed and promoted.

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

Legislative Requirements
Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Should Council wish to initiate a heritage-themed Code Amendment, Council will need to resource the preparation of the Code Amendment including the accompanying materials to justify the Code Amendment. Given that Council has a number of projects progressing within its planning policy program, further funding priorities will need to be determined by Council.

The SPC has advised Councils that initiate a Code Amendment will not incur fees.

COMMUNITY ENGAGEMENT

The Code Amendment process will be subject to public consultation that must be undertaken in accordance with a consultation program prepared in accordance with the Community Engagement Charter.

7.4.2 <u>STRATEGIC PLANNING REVIEW OF THE BAROSSA CHARACTER AREA - UPDATE REPORT</u>
23/115695

MOVED Cr de Vries

That Council:

(1) Endorse the Update Report, prepared by Paul Mickan associated with the Strategic Planning Review of the Barossa Character Area, contained in Attachment 1.

(2) Support commencing engagement with the State Planning Commission (SPC) and Councils affected by the Character Preservation District Overlay in initiating a Code Amendment to amend the Character Preservation Overlay.

(3) Acknowledge that resourcing to support SPC in preparing the Code Amendment will be subject to separate report of Council to be presented in 2024, following engagement with SPC and affected Councils.

SECONDED Cr Greatwich **CARRIED 2022-26/330**

PURPOSE

To seek Council endorsement of the Update Report prepared by Paul Mickan associated with the Strategic Planning Review of the Barossa Character Area and provide support to commence engagement with the State Planning Commission and the Character Preservation District Councils in initiating a Code Amendment to amend the Character Preservation Overlay.

REPORT

Background
In January 2022, the Wine Arts Food Tourism Local Government Cluster Group (WAFTL) initiated a project called the *Strategic Planning Review of the Barossa Character Area*. Representatives from Barossa Australia, The Barossa Council and Light Regional Council comprised the membership of WAFTL.

The *Strategic Planning Review* was initiated due to perceived gaps between the intent of Character Preservation legislation introduced in 2013 and new planning policies and processes introduced through the Planning and Design Code, and how to best cater for future residential and employment opportunities.

In June 2022, a joint roundtable discussion with the State Planning Commission (SPC) was held to discuss options to strengthen policy with respect to Character Preservation and achieve outcomes to improve the economic, social and environmental prosperity of the Barossa region.

Following the Roundtable, the Chair of the SPC, Mr Craig Holden, wrote to The Barossa Council, providing support to being the proponent for a Code Amendment to amend the Character Preservation Overlay. A copy of the letter is contained within Attachment 2.

In May and June 2023, Council undertook a significant community engagement exercise that brought together the Strategic Planning Review of the Barossa Character Area and the Growth and Infrastructure Investment Strategy. Council received in excess of 700 pieces of feedback during the high level consultation.

There was strong community feedback supporting the strengthening of the Character Preservation District Overlay. The Consultation Summary, prepared by URPS, was endorsed by Council, at the Ordinary Council Meeting held on 19 September 2023.

Introduction
At the conclusion of the consultation period, Mr Paul Mickan, planning consultant and former policy planner of The Barossa Council, prepared an Update Report associated with the Strategic Planning Review of the Barossa Character Area. The Update Report is contained in Attachment 1 and seeks to:

- Identify any new actions arising from the concurrent Growth and Character consultation;
- Provide a consolidated suite of recommended actions contained within the previous character review reports;
- Identify the next steps in advancing a future Code Amendment, to be undertaken by the SPC with support from Character Preservation Councils;
- Confirm other character preservation related actions to be undertaken.

The Update Report is presented to Council for endorsement. Council is also requested to give support to the next steps in commencing engagement with the SPC and Character Preservation Councils to initiate the Code Amendment to amend the Character Preservation Overlay.

Discussion
The Update Report makes key recommendations for the future Code Amendment, contained within Section 3, and these are focused on the following three key areas:

- Character Preservation District Overlay.
- Value-adding, hospitality and tourism, mostly impacting the Rural Zone.
- Rural dwellings, also mostly impacting the Rural Zone.

The Character Preservation Overlay is clearly the main focus for the Code Amendment but other policies within the Code, mostly contained within the Rural Zone are also identified for review. The scope of the Code Amendment will be subject to further collaboration with the SPC and Planning & Land Use Services.

The recommendations contained within the earlier Strategic Directions Paper and Summary Report, prepared by Paul Mickan are reflected within the Update Report, together with the following additional recommendations which have been incorporated into the report with respect to:

- Explore potential to apply a minimum allotment size for tourist accommodation and other commercial developments within the Character Preservation Overlay in the same way that is applied to dwellings.
- Introduce policy restricting additional allotments within the settlements of Bethany and Krondorf.
- Apply the Limited Dwelling Overlay to areas outside of townships.
- Address the current inconsistency between building heights of tourist accommodation, shops and dwellings within the Rural Zone.

The Update Report identifies the 'Next Steps' for the project within Section 4. It is proposed that Council endorse the Update Report and give support to commencing engagement with the SPC and Character Preservation Councils to initiate the Code Amendment. This will also include the City of Onkparinga, as they will be impacted by the splitting of Barossa and McLaren Vale which is presently one Overlay.

Section 4 also considers other actions that are in addition to the Code Amendment itself and these actions are as follows:

- As noted earlier, engage with SPC to determine the scope of the Code Amendment.
- Participate in consultation and make submission to the SPC when the anticipated interface Code Amendment is released for consultation.
- Advocate with the SPC and/or State Government to initiate review of and changes to the *Character Preservation Act 2012*.
- Initiate a Miscellaneous Enhancements Code Amendment to rectify spatial zoning and overlay issues identified through the Planning Reform transition.
- Implement a Design Review to enhance the level of design consideration as part of development assessment.
- Ensure policy within the Planning Strategy Addendum relating to homogenous suburban style subdivisions and policy seeking predominantly low scale development at the town edges is embedded in the Growth Strategy.

The above policy program is significant. Noting that Council is also progressing the Growth and Infrastructure Investment Strategy, that, if ultimately endorsed, will make further strategic planning recommendations, it is proposed to present a separate report to Council in 2024 to identify priorities and allocate resources for all future strategic planning work.

Summary and Conclusion

Council is requested to endorse the Update Report prepared by Paul Mickan associated with the Strategic Planning Review of the Barossa Character Area and provide support to commence engagement with the State Planning Commission and Character Preservation Councils in initiating a Code Amendment to amend the Character Preservation Overlay.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Strategic Planning Review of the Barossa Character Area - Update report 6 December 2023
Attachment 2	Letter from State Planning Commission - Barossa Partnership - Barossa Character Area Planning

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

Infrastructure

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

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

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

Legislative Requirements
Planning, Development and Infrastructure Act 2016
Character Preservation Act 2012

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The SPC have requested Council provide resource support in form of a policy planner to enable the Code Amendment process. Additional resources will need to be allocated to advance the project. Further engagement with affected councils is necessary to determine their capacity to contribute to the funding of the Code Amendment. It is proposed to bring a further report to Council in 2024.

COMMUNITY ENGAGEMENT

The Code Amendment process will be subject to public consultation that must be undertaken in accordance with a consultation program prepared in accordance with the Community Engagement Charter.

7.4.3 <u>WIND FARMS</u>
23/116075

MOVED Cr Preece

That Council endorse the Chief Executive Officer to prepare a submission on the Twin Creek Wind Farm and Palmer Wind Farm variations applications, requesting that the relevant authority have regard to the objectives of the Barossa Valley Character Preservation District as part of their assessment.

SECONDED Cr Angas **CARRIED 2022-26/331**

PURPOSE

To consider and endorse an approach to providing submissions on two wind farm development applications (variations) that are likely to commence public notification in early 2024.

REPORT

Introduction
There are currently two approved wind farm development approvals located in Council areas that adjoin The Barossa Council boundaries. Both applications are, or will be, subject to variation applications in the near future and public notification is expected to occur in early 2024.

Discussion
The Twin Creek Wind Farm was granted planning consent in October 2019. The approval was for 51 turbines at a height of 180m to the tip of the blade.

The Palmer Wind Farm was granted planning consent in December 2015 and subject to subsequent ERD Court and Supreme Court appeals which were finalised in November 2019. The approval was for 103 turbines at a height of 165m to the tip of the blade.

Since the time of both approvals, there has been substantial evolution in wind turbine technology and as such, variation applications for both approvals are being prepared to reduce the number of turbines in each proposal and increase the overall height of the turbines.

As part of the variation development application process, public consultation will be undertaken and it is advised that Council's submission should be focussed on ensuring the relevant authority takes into account the objectives of the Barossa Valley Character Preservation District as part of the decision making process.

Summary and Conclusion
Both Wind Farm proposals have valid planning consents. Council will be provided with an opportunity to submit comments on both variation applications, at the appropriate time. It is recommended that Council's comments be limited to ensuring the relevant authority has adequate regard to the Barossa Valley Character Preservation District as part of the assessment process.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

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

Legislative Requirements

Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

During the construction phase traffic management issues may arise that requires coordination with relevant authorities and affected land holders. A Traffic management plan will need to ensure that assets are suitably protected and maintained and suitable arrangements made for contributions towards continuing maintenance or upgrades.

COMMUNITY ENGAGEMENT

The State Commission Assessment Panel will undertake consultation in accordance with legislative requirements.

8. CONFIDENTIAL REPORTS

8.1 Development and Community Services

8.1.1 BAROSSA GROWTH AND INFRASTRUCTURE INVESTMENT STRATEGY- DRAFT REPORT FOR CONSULTATION
23/115919

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

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 Information relating to future amendment to the Planning & Design Code that may confer a commercial advantage on a person or persons.

On balance, the above reason which supports the need for confidentiality pursuant to Section 90(2) of the Act outweighs the factors in favour of the public interest of open decision-making.

MOVED Cr Preece

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Development and Community Services, Director Infrastructure and Environmental Services, Manager, Development Services and the Minute Secretary, in order to consider in confidence a report relating to 8.1.1 Barossa Growth and Infrastructure Investment Strategy- Draft Report for Consultation being information that must be considered in confidence pursuant to:

<u>Section 90(3)(b) of the *Local Government Act 1999:*</u>

information the disclosure of which-
(i) 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
(ii) would, on balance, be contrary to the public interest;

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that Information relating to future amendment to the Planning & Design Code that may confer a commercial advantage on a person or persons.

SECONDED Cr Hurn **CARRIED 2022-26/332**

The meeting moved into confidence at 6.10pm

MOVED Cr de Vries

That Council:

(1) Council resolution

(2) Council resolution

(3) Having considered this matter in confidence under Sections 90(2) and 90(3)(b) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7),

that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 December 2023 in relation to item 8.1.1 Barossa Growth and Infrastructure Investment Strategy - Draft Report for Consultation be kept confidential and not available for public inspection until such time as the draft Strategy is released for public consultation and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Preece **CARRIED CO 2022-26/333**

Resumption of open council meeting at 6.57pm

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 16 January 2024 at 5.30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 6.57pm.

Confirmed at Council Meeting on 16 January 2024

Date:………………………………. Mayor:………………………………….