



NOTICE OF ORDINARY COUNCIL MEETING
Tuesday 23 January 2024
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5.30pm.

A recording of the meeting will be available to view on the Council's website.



Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

Welcome by Mayor

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Cr Kathryn Schilling

Not Present

Nil

Leave of Absence

Nil

2 CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

2.1.1 Council meeting held on Tuesday 19 December 2023 at 5.30pm

2.2 Matters arising from previous minutes

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Nil

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Nil

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Tuesday 20 February 2024 at 5.30pm

11. CLOSURE

MATTERS ARISING FROM PREVIOUS MINUTES

2.2.1 MANAGEMENT OF COULTHARD RESERVE - CORRESPONDENCE

**Author: Chief Executive Officer
24/1665**

Correspondence has been received from the Chair of the Nurioopta Centennial Park Authority (NCPA) regarding the ongoing management to Coulthard Reserve. I am meeting with the Chair post the issuing of this agenda to fully ascertain what they are seeking and discuss funding and any transition challenges should Council agree. I could prepare a site-specific report, for the March Council meeting, and should any responsibilities be changed, it is suggested that the new financial year is the best time to do this so budgets can be aligned. In essence the request, if approved, will require budget (and cash) from NCPA to be transferred to Councils books on a regular basis as the budget sits with the NCPA and this within a different bank account, if Council approve the request. This is a very inefficient administrative process but can be achieved. However, it is a better strategy to consider the issues as part of a fully informed policy position with supporting research and investigations.

Therefore, the information is hereby tabled at this stage for information.

Various matters have been resolved by Council over the last 3 or so years which also all require review and a full report, related to NCPA, equity of governance arrangements across our recreational and sporting facilities and the wider issue of Caravan Park services, summarised as who, how and what are the best ways to provide these services into the future.

Work has been planned to undertake those investigations, develop a policy position and direction for Council through a holistic consideration this year rather than a piece meal approach.

In relation to Coulthard Reserve this has and remains under the Charter upon which NCPA operate (except the Bushgardens) the role of NCPA. They are seeking Council to maintain the land including the old pond, effectively transferring the costs and responsibility to Council, bar minor operating management. At this time and until full analysis has taken place around the long-term management of the location and community and commercial assets at NCPA further action should await the investigations and fully information position.

Normal operations and coordination can continue as they are, with NCPA providing the maintenance services, any capital upgrades would come to Council directly or via NCPA in any case for funding approvals.

ATTACHMENTS

Attachment 1 Correspondence from NCPA Chair [!\[\]\(fe3aebe81acea8d45108cd2768939da7_img.jpg\) !\[\]\(0eef4a60de6ea648e23dfa6079e4dd07_img.jpg\)](#)

SUPPORTING REFERENCES

Nil



23 November 2023

The Barossa Council
Attention: Martin McCarthy
Chief Executive Officer
43-51 Tanunda Road
NURIOTPA SA 5355

Dear Martin

RE: NCPA MANAGEMENT OF COULTHARD RESERVE

In reference to our letter dated 28 September 2022, in which we asked the Barossa Council to resume the management of Coulthard Reserve; the Board of the NCPA have come to the conclusion that they are prepared to continue to Manage and Maintain the area of Coulthard Reserve west of the River, with some caveats.

In recent discussions with BIG4 management, it became apparent we have improved the Caravan Park to the point where it will be eligible to transition to Holiday Park status in the near future. This will open us up to a new demographic of family holiday makers, creating a new avenue to improve occupancy and revenue to finance our ongoing commitments to Sport and Recreation.

In line with BIG4 Holiday Park status, Coulthard Reserve takes on a new significance for the NCPA, providing a bushland area for family picnics etc., creating an added attraction for the Caravan Park and local residents.

The biggest issue facing Coulthard Reserve is the fate of the old lake. This lake was man made and originally relied on periodic filling by the adjacent river and topping up by bore water when the river wasn't flowing. The floor of the river has eroded over the decades to be currently approximately two meters below the inlet to the lake only filling it in flood, or near flood conditions. The NCPA stopped using bore water to maintain the level during the Millennium Drought. Bore water is a valuable resource and should not be used for this purpose.

There have been a number of proposals to rehabilitate the lake area over the years that have gone nowhere because of cost and viability. The board of the NCPA have discussed these issues many times over the years, and to us, the only viable solution is to remove the "lake" and transform it into an open area. This could be done by removing the two islands and using their soil to contour the banks of the lake to allow for easy mowing, and then grass the basin with native grasses that can be mowed regularly in line with the rest of the reserve. This would minimise the cost to the Community in both capital, and ongoing maintenance and provide a viable area for community functions and family picnics etc. This area may still fill in flood conditions but will drain away as the flood recedes.

The NCPA proposes the following for Coulthard Reserve, the NCPA to continue with the management of opening and closing times, fire bans, minor security issues, bookings, the mowing of the reserve west of the river and minor repairs to buildings and fixtures. The NCPA is of the opinion that the provision of major

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capital works, repair of sealed roads and paths, removal of fallen trees etc, should be the responsibility of the Barossa Council.

The NCPA Board are happy to discuss this proposal in more detail with the Barossa Council, to come to a mutually beneficial agreement, that includes the Barossa Council, the local community, and the caravan park.

We look forward to receiving your feedback on the above proposal.

Yours sincerely

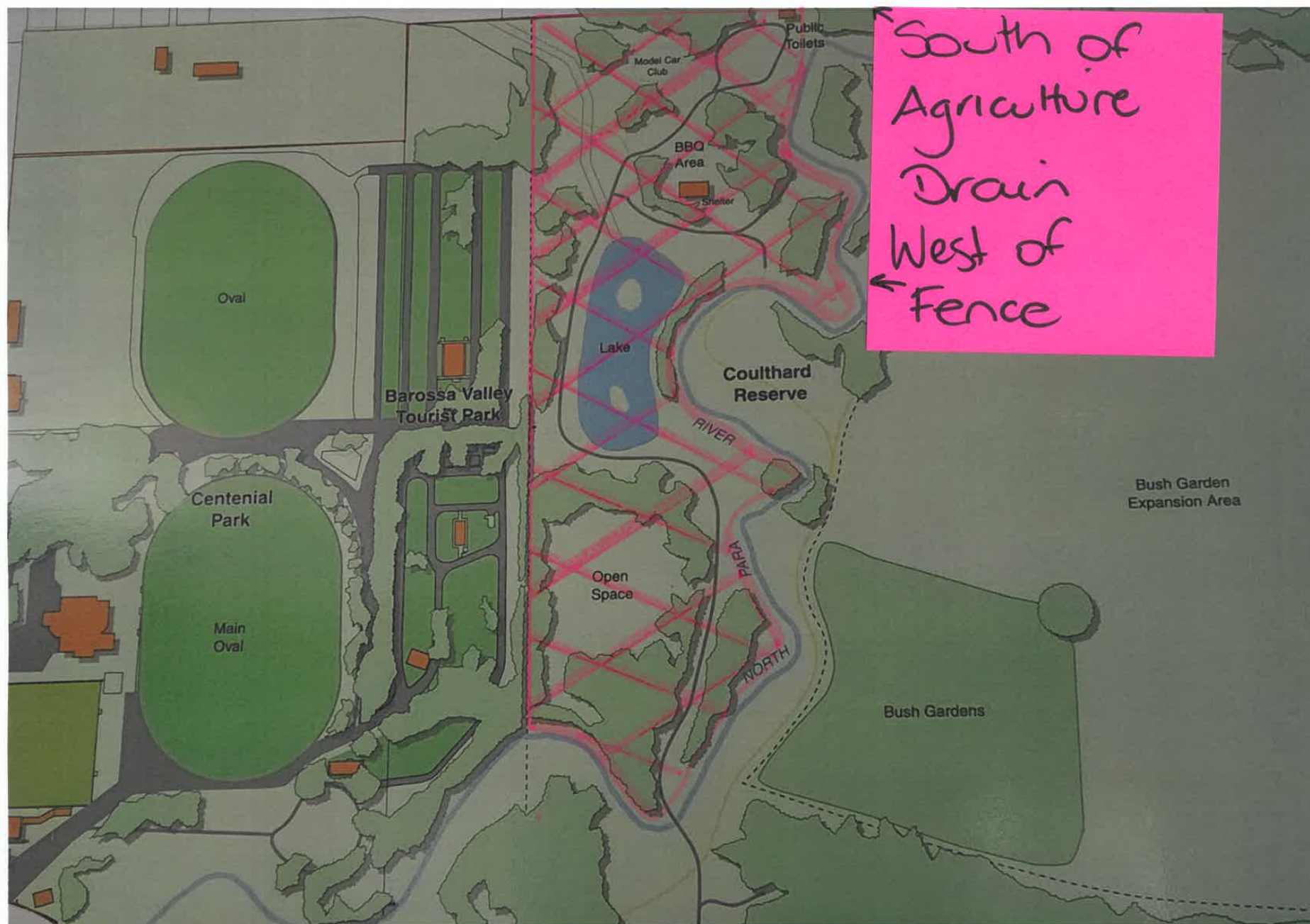
A handwritten signature in black ink, appearing to read "Guy Martin".

Guy Martin
Chairman NCPA

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PROCEDURAL ITEMS

3.3 NOTICE OF MOTION

3.3.1 PLAYING OF NATIONAL ANTHEM

**From: Councillor Bruce Preece
24/1615**

PURPOSE

To debate the notice of motion put forward by Cr Preece to play the Australian National Anthem at the opening of each Council meeting.

NOTICE OF MOTION RECOMMENDATION

That Council play the Australian National Anthem (short version) at the opening of each Council meeting.

REPORT

Cr Preece has provided the requisite notice of motion pursuant to the Local Government (Procedures at Meetings) Regulations 2013 and it is reflected at the Attachment.

There is no prior policy position of Council to reflect upon, and no officer research or resource changes are requested or needed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

Goal

4. 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.

Strategies

- 4.1. Build on a strong sense of community pride with active community groups and individuals participating in local decision making and community building activities.

Legislative Requirements

Regulation 12 - Local Government (Procedures at Meetings) Regulations 2013

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Not required under Policy or the *Local Government Act 1999*.

PROCEDURAL ITEMS

3.4.1 QUESTION ON NOTICE – COUNCILLOR PREECE - CREDIT CARD TRANSACTIONS

24/1570

PURPOSE

To consider a question on notice provided in accordance with the *Local Government Act 1999* by Cr Preece.

RECOMMENDATION

That Council receive and note the response and that the questions and responses be placed in the minutes.

QUESTION AND RESPONSE

Question

- (1) When was the Mayor and CEO and any other Council Staff member who have a Council authorized Credit Cards transactions last Audited?
- (2) Has the CEO referred re Interim Audit of CEO and Mayors credit card transactions been referred to the Audit Committee?
- (3) Will the CEO make sure that the CEO and Mayors Authorized Council credit cards transactions are Audited at no less than once a year?

Response

- (1) They are audited annually and reconciled monthly.
- (2) Yes, the Audit Committee has reviewed the audit report and at next meeting card information will be provided.
- (3) Yes, the independent auditor, audits the systems, processes and all payments annually based on their own testing requirements so as to provide an audited opinion to Council each financial year.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

PROCEDURAL ITEMS

3.4.2 QUESTION ON NOTICE – COUNCILLOR PREECE - INSURANCE POSITION / FOOTPATH MATTER **24/1583**

PURPOSE

To consider a question on notice provided in accordance with the *Local Government Act 1999* by Cr Preece.

RECOMMENDATION

That Council receive and note the response and that the question and response be placed in the minutes.

QUESTION AND RESPONSE

Question

- (1) A resident of Tanunda badly injuring herself by tripping over a footpath 101 to 103 Murray Street Tanunda on the 4th of December 2023 what is the councils position on compensation, as the Lady damaged her eye glasses that cost \$700 to replace and needed to be Hospitalized?
- (2) When will this footpath be fixed?

Response

- (1) This question requires more in depth understanding of the insurance arrangements in Local Government, hence the response commences with a short summary of the framework.

Council is insured by a sector based mutual liability scheme, called Local Government Mutual Services. This covers the four areas of insurance being:

- Public and product liability
- Professional indemnity
- Environmental landfill (pollution legal liability)
- Councillor and Officer and employment Practice Liability

There is also aviation liability for council operating airports, however this does not impact The Barossa Council.

The Council is bound by the rules of the Scheme and any compensation claims are submitted to the Scheme for assessment and determination. Council (not officers of Council) can act outside of the Scheme or statutory indemnities if it wishes to provide a settlement but would lose any protections should a matter escalate. Ultimately at worse, Council could be exposed to the following if it did act outside of the rules of the Scheme:

- Removal from the Mutual Liability Scheme exposing Council to much more complexity in meeting its legal insurance requirements (Sections 80 and 142 of the *Local Government Act 1999*);
- Significantly higher premiums, due to the fact that liability is currently shared across the whole sector;
- Significantly higher administrative costs associated with dealing with alternative insurers and trying to compete for a reasonable price and insurance policy settings in a worldwide market; noting we currently don't have staff skills in navigating the insurance market. We would effectively be a price taker, whereas a sector approach provides greater purchasing power; and
- Significant future liability should what may be a small claim escalate due to unforeseen circumstances, exposing ratepayers in such a situation to extensive loss, even into the millions depending on the severity of any escalation of factors associated with the claim, which would be attached to Council without the support and safety net of the mutual liability scheme.

To seek compensation from Council, a claimant (or their representative) needs to make a claim in writing and provide relevant evidence. This is remitted to the Scheme as required by the Scheme rules, and it is assessed by the insurer and managed with the claimant directly, separate to Council. Council in such circumstances may be asked to provide information such as location, responses to the location in the past, other incident history.

Council enjoys blanket protection, and is not liable under tort, for failure to maintain, repair or renew a road, or to take other action to avoid or reduce the risk of harm that results from a failure to maintain, repair or renew a road (noting the footpath forms part of a road, known as the road reserve) under Section 42 of the *Civil Liabilities Act 1936*.

The rules of the scheme (in this case the mutual liability scheme that covering public liability) are comprehensive and have been provided at the *Attachment 1*, but the most relevant clauses are 7, 9.5, 10, 10.6, 13 and 18. Specifically the rules stipulate at 10.2:

"A Member shall not admit liability for, compromise, settle or make or promise any payment in respect of, any Claim which may be the subject of indemnity hereunder or incur any costs or expenses in connection therewith without the written consent of LGA which if it so wishes shall be entitled to take over and conduct in the name of the Member the defence and/or settlement of any such

claim for which purpose the Member shall give all such information and assistance as LGA may reasonably require."

Therefore, Council's position, by virtue of the Scheme's arrangements and the law is that any claim made shall be managed by the Scheme and determined by the Scheme. The Council enjoys protection under the *Civil Liabilities Act 1936*. The Council should not act beyond those protections without:

1. Ensuring the scheme requirements are met.
2. Undertaking significant risk assessment of any claim not supported by the scheme an understanding the risk associated with any settlement of a claim outside of the protections afforded including being expelled from the scheme and being uninsured should a claim escalate.

(2) When will this footpath be fixed?

When an incidence is reported they are reviewed and checked as a high priority and rectification work or other safety treatments applied to make it safe within 24-48 hours.

This footpath location will be reviewed and attended to prior to Councils' meeting under the target service standards.

Cr Preece has provided some photographs which (apart from the personal one of the resident face showing injury and stiches to the side of her face near her right eye) are at the Attachment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Scheme Rules - Mutual Liability [↓](#) 

Attachment 2 Photographs [↓](#) 

Supporting references

Nil



Scheme Rules

As gazetted July 2020



The Local Government Association of South Australia has resolved that the existing scheme rules for the LGA Mutual Liability Scheme be repealed and replaced with the amended scheme rules for these schemes as provided below.

1. Operation of Rules

These Rules operate from 12:00am on 2 July 2020.

2. Definitions

In these Rules, the following words have the following meanings given to them:

- 2.1 "Civil Liability" means any liability not being criminal resulting from an obligation, function, power or duty of a Member arising under law.
- 2.2 "Claim" means any claim for Civil Liability made upon a Member during the term of this Mutual Scheme.
- 2.3 "Delegate" has the meaning given to that term in Rule 3.1.
- 2.4 "Eligible Body" means:
 - 2.4.1 LGA;
 - 2.4.2 LGASA Mutual Pty Ltd (ACN 625 310 045);
 - 2.4.3 LGCS Pty. Ltd. (ABN 21 094 805 964);
 - 2.4.4 The Local Government Finance Authority of South Australia;
 - 2.4.5 All Councils (including their subsidiaries) constituted pursuant to the provisions of the LG Act;
 - 2.4.6 Any other body so prescribed by the provisions of the LG Act that is admitted to the membership of the Mutual Scheme; or
 - 2.4.7 Any other entity admitted to the membership of the Mutual Scheme by LGA in accordance with Rule 5.2.
- 2.5 "Indemnity Cover" means insurance or reinsurance cover purchased or procured by LGA for and on behalf of Members to satisfy and manage the Claims admitted to indemnity in the amount determined from time to time by LGA.
- 2.6 "LG Act" means the Local Government Act 1999 (SA), and any Act of Parliament in addition to or in substitution for that Act.
- 2.7 "LGA" means Local Government Association of South Australia (ABN 83 058 386 353).
- 2.8 "LGA Board" means the board of directors of the LGA.
- 2.9 "LGA Member" means any Council (including its subsidiaries) constituted pursuant to the LG Act that

is admitted as a member of the LGA in accordance with clause 8 of the Constitution of the LGA from time to time.

- 2.10 "Member" means an Eligible Body admitted to membership of the Mutual Scheme in accordance with Rule 5.
- 2.11 "ML Fund" means the fund established in accordance with Rule 6 and maintained in accordance with these Rules.
- 2.12 "ML Indemnity" means protection or security against loss or damage resulting from Civil Liability.
- 2.13 "ML Objectives" means the objectives of the Mutual Scheme contained in Rule 4.3.
- 2.14 "Mutual Scheme" means The Local Government Association Mutual Liability Scheme conducted pursuant to Schedule 1 of the LG Act and in accordance with these Rules.
- 2.15 "Notifier" has the meaning given to that term in Rule 19.1.
- 2.16 "Ordinary Resolution" means a resolution passed by at least the majority of the votes cast by all persons present and entitled to vote at the meeting at which the resolution is put.
- 2.17 "Pooled Cover" means the discretionary indemnity cover provided from the ML Fund to satisfy and manage the Claims admitted to indemnity in the amount determined from time to time by LGA.
- 2.18 "Recipient" has the meaning given to that term in Rule 19.1.
- 2.19 "Special Resolution" means a resolution passed by at least 75% of the votes cast by all persons present and entitled to vote at the meeting at which the resolution is put.
- 3. Delegation
 - 3.1 Subject to Rule 3.2, LGA may (but is not obliged to) delegate any power, function or duty under these Rules (including the power to sub-delegate) to an entity controlled by LGA which is responsible for the management of the Mutual Scheme ("Delegate") subject to such limitations and conditions as may be determined by LGA.
 - 3.2 LGA is not permitted to delegate any power, function or duty under Rules 5.2, 8.3, 9.8.1, 14.4, 15.1, 18.3, 18.7, 18.8.1, 19 and 20.1.
 - 3.3 LGA may revoke or amend a delegated power, function or duty at any time. LGA may at any time exercise, in its own right, any of the powers or functions delegated by it and any such exercise will not, without more, amount to the revocation of any delegation in favour of a Delegate.



- 3.4 Subject only to any limitations or conditions in the delegation, the Delegate, in exercising delegated power, will be empowered under these Rules as if it were LGA.
- 4. Objectives of the Mutual Scheme**
- 4.1 The Mutual Scheme comprises the ML Fund which provides coverage to Members in relation to Claims.
- 4.2 LGA may establish funds under the Mutual Scheme in addition to the ML Fund to provide coverage to Members in relation to potential and actual claims relating to liability, loss or damage of Members, other than the Claims.
- 4.3 In relation to the ML Fund, the ML Objectives are to provide to Members of the Mutual Scheme assistance in respect of their potential and actual Claims more particularly set out in these Rules and including but not limited to:
- 4.3.1 Advice in respect of minimising the occurrence and severity of all Claims;
- 4.3.2 Assistance in the administration, investigation, management and resolution of all Claims;
- 4.3.3 Legal representation in respect of all Claims; and
- 4.3.4 Financial assistance by way of discretionary grants in respect of the Claims.
- 5. Admission to Membership**
- 5.1 The Eligible Bodies listed in Rules 2.4.1 to 2.4.6 inclusive are automatically entitled to membership of the Mutual Scheme.
- 5.2 The LGA Board may from time to time by Ordinary Resolution, and subject to the terms of these Rules, admit to membership of the Mutual Scheme for a financial year any other entity which makes an application to LGA and upon their admission, such entity will be an Eligible Body for the purposes of Rule 2.4.7.
- 5.3 In exercising discretion to admit an entity to membership of the Mutual Scheme pursuant to Rule 5.2, the LGA Board may take into account any matter which it considers relevant.
- 5.4 Notwithstanding the admission of a Member to membership of the Mutual Scheme pursuant to Rule 5.1 or Rule 5.2, a Member shall only be entitled to the benefits of the Mutual Scheme if, at the relevant time, that Member has paid in full any contribution payable by it under Rule 11 or otherwise as required in accordance with these Rules.
- 5.5 At the discretion of LGA, the benefits of membership of the Mutual Scheme may be limited to defined Claims, limited to Pooled Cover, limited to Indemnity Cover or any combination of those matters.
- 5.6 Payment of a contribution by a Member shall be evidence of the Member's agreement to be bound by these Rules.
- 6. ML Fund**
- 6.1 LGA shall establish and maintain the ML Fund to meet the ML Objectives and for that purpose, subject to Rule 5.4, may apply the ML Fund to meet:
- 6.1.1 Such Claims as may be made against any one or more of the Members during that year to the extent of the Pooled Cover;
- 6.1.2 Such Claims as may have been made against any one or more of the Members during any previous year and which at the commencement of these Rules and any new financial year have not been settled;
- 6.1.3 The premium payable to an appropriate indemnity insurer to provide Indemnity Cover for the Members during that year;
- 6.1.4 The operating expenses of the Mutual Scheme for that year, including:
- 6.1.4.1 The remuneration of LGA referred to in Rule 12.1; and
- 6.1.4.2 Any expenses of LGA or a Delegate referred to in Rule 12.2, in each case insofar as they relate to the ML Fund; and
- 6.1.5 Any grants or allocations to Members, or any other person or body for or on behalf of any Member, which LGA in its discretion may make.
- 6.2 Each Claim shall be met:
- 6.2.1 To the extent that the Claim does not exceed the amount of the Pooled Cover, from the ML Fund;
- 6.2.2 To the extent that the Claim exceeds the amount of the Pooled Cover:
- 6.2.2.1 To the amount of the Pooled Cover, from the ML Fund;
- 6.2.2.2 Thereafter from Indemnity Cover to the extent of that cover;
- 6.2.3 To the extent that the Claim exceeds the amount of the Pooled Cover and the Indemnity Cover:
- 6.2.3.1 To the amount of the Pooled Cover, from the ML Fund;
- 6.2.3.2 To the amount of the Indemnity Cover, to the extent of that cover; and
- 6.2.3.3 The balance by the Member against which the Claim was made.



- 6.3 The Members must contribute to the ML Fund in the proportions determined annually by LGA.
- 6.4 LGA shall administer the ML Fund with the intent that upon the settlement of all Claims made in any financial year:
- 6.4.1 Any surplus remaining in the ML Fund attributable to that year shall be allocated at the absolute direction of LGA toward liabilities of the ML Fund for any other year whether future or past; and
- 6.4.2 Any deficiency in the ML Fund in that year may be met by additional contributions levied by LGA against each Member for that year in the proportion in which contributions were made to the ML Fund for that year.
- 7. Admission of Claim to Indemnity**
- LGA shall consider any Claim for which a Member seeks indemnity from the ML Fund and may in its sole and absolute discretion and either in whole or in part and upon such terms and conditions as LGA may consider appropriate determine whether it will grant indemnity for the Member from the ML Fund in respect of any such Claim.
- 8. Powers, Duties and Functions of LGA**
- 8.1 LGA will administer and manage the Mutual Scheme in the pursuit of the ML Objectives.
- 8.2 LGA shall be empowered for and on behalf of the Members to do all the following things namely:
- 8.2.1 Levy Members for contributions in accordance with Rule 11, including differential contributions in respect of each Member to the ML Fund having regard to any matter which it considers relevant;
- 8.2.2 Invest all contributions received from Members and other monies received comprising the ML Fund which are not immediately required to meet the liabilities of the Mutual Scheme;
- 8.2.3 Expend the contributions of, and income earned by, the ML Fund in respect of each financial year in and towards:
- 8.2.3.1 The general administration of the Mutual Scheme;
- 8.2.3.2 Assistance to Members by way of any advice in respect of their potential and actual Claims;
- 8.2.3.3 Assistance to Members in the administration, investigation and resolution of Claims;
- 8.2.3.4 Legal representation for Members in respect of any Claims;
- 8.2.3.5 Financial assistance by way of discretionary grants in respect of any Claims;
- 8.2.3.6 Any remuneration of LGA referred to in Rule 12.1; and
- 8.2.3.7 Any expenses of LGA or a Delegate referred to in Rule 12.2.
- 8.3 LGA may make such additional rules to be observed by a Member or the Members as it may deem fit with respect to the terms and conditions upon which a Member or Members will be eligible for assistance from the Mutual Scheme, provided that no such rule shall be made in terms inconsistent with these Rules and further provided that no such rule shall operate and take effect in respect of any Member until a copy thereof shall have been served upon such Member or Members.
- 8.4 LGA will enter into all such agreements for and on behalf of Members as are necessary for or incidental to the proper administration of the Mutual Scheme in the pursuit of the ML Objectives.
- 8.5 LGA will carry out investigations of such relevant matters and make submissions to such relevant bodies as LGA may deem to be necessary for or incidental to, the proper administration of the Mutual Scheme in the pursuit of the ML Objectives.
- 8.6 The duties of LGA shall include:
- 8.6.1 To achieve and implement the ML Objectives;
- 8.6.2 To ensure from a financial perspective that the Mutual Scheme is viable;
- 8.6.3 To keep records of all activities for and on behalf of the Mutual Scheme;
- 8.6.4 To review the performance and function of the Mutual Scheme;
- 8.6.5 To be responsible for the financial management of the Mutual Scheme to the extent that it shall:
- 8.6.5.1 Annually determine the total amount of contributions to be levied against all Members in respect of the ML Fund;
- 8.6.5.2 From time to time undertake an assessment of the Members or any of them and their activities to assist in the determination, in conjunction with actuarial advice, of the proportion in which the Members are to contribute to the ML Fund in any year and may upon the conclusion of any such investigation direct the Members or any of them as to the procedures to be adopted by them to prevent losses or to minimise Claims;
- 8.6.5.3 Annually prepare the operating budget and the financial statements of the Mutual Scheme and report to the Members on any items arising from those statements;
- 8.6.5.4 Annually determine the extent of Claims to be indemnified from the ML Fund;



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| <p>8.6.5.5 Annually determine the amount of Pooled Cover to be provided for the Members from the ML Fund;</p> <p>8.6.5.6 Annually determine the amount and nature of Indemnity Cover to be purchased for the Members from the ML Fund for any term and to determine the indemnity insurer for this purpose; and</p> <p>8.6.5.7 Be responsible for the assessment of the Members to determine, in conjunction with actuarial advice, the proportion in which they are to contribute to the ML Fund in each year from the total contributions determined in accordance with Rule 8.6.5.1;</p> <p>8.6.6 To manage Claims made against each Member including:</p> <p>8.6.6.1 The investigation and assessment of those Claims;</p> <p>8.6.6.2 The provisions of loss prevention and risk minimisation guidelines; and</p> <p>8.6.6.3 The keeping of the accounts of the ML Fund for each year.</p> <p>8.7 The annual operating budget and financial statements referred to in Rule 8.6.5.3 shall deal separately with the following items:</p> <p>8.7.1 The projected income of the ML Fund by way of contributions, interest or other sources;</p> <p>8.7.2 The liabilities of the ML Fund for estimated Claims and Claims adjustment costs;</p> <p>8.7.3 The amounts to be allowed to provide for the cost of arranging Indemnity Cover;</p> <p>8.7.4 General and administrative costs to be charged against the ML Fund; and</p> <p>8.7.5 Any grants in accordance with Rules 6.1.5 and 10.7.</p> <p>8.8 LGA may at its discretion alter the amounts to be expended in respect of the items listed in the budget for each year where necessary to meet the purposes of the Mutual Scheme.</p> <p>8.9 Where it becomes apparent to LGA that for any year the ML Fund will be insufficient to meet Claims payable from the ML Fund, LGA may at any time require the payment by the Members of an additional contribution in the same proportions as the contribution paid by each of the Members to the ML Fund for that year in order to ensure that all Claims upon the ML Fund for that year are able to be met.</p> <p>8.10 LGA shall report annually to the Members on all aspects of the operation of the Mutual Scheme for the preceding year, including details in relation to:</p> | <p>8.10.1 Outstanding Claims (including an assessment as to the liability of outstanding Claims and the ability of the ML Fund to meet the assessment of liability);</p> <p>8.10.2 Further contributions required, if any;</p> <p>8.10.3 The investment of the moneys of the ML Fund not immediately required;</p> <p>8.10.4 The allocation of surplus moneys in the ML Fund, if any;</p> <p>8.10.5 Any remuneration received by LGA pursuant to Rule 12.1; and</p> <p>8.10.6 Any expenses of LGA (or its Delegate) referred to in Rule 12.2.</p> <p>8.11 LGA shall be available at all times to any of the Members to answer any questions on the conduct of the activities of the Mutual Scheme.</p> <p>8.12 LGA may establish such committees as it considers necessary to be constituted by such persons as LGA may determine to investigate and report to LGA on any matter relevant to the Mutual Scheme.</p> <p>9. Claims and Indemnity</p> <p>9.1 Pooled Cover</p> <p>In accordance with Rule 7, LGA shall consider granting indemnity with respect to any Claim from the ML Fund up to a level of Pooled Cover to be determined annually by LGA.</p> <p>9.2 Indemnity Cover</p> <p>LGA shall purchase Indemnity Cover in excess of Pooled Cover to an amount determined by LGA from year to year.</p> <p>9.3 Excess</p> <p>Each Member will be liable for the first amount of any Claim to be known as the "Excess" which shall be determined by LGA. The Excess may be a differential amount for each Member and for each Claim or a combination of both.</p> <p>9.4 Limit of Exposure</p> <p>Subject to admitting a Claim to indemnity under Rule 7, a Member's entitlement to indemnity from the ML Fund shall never exceed the Pooled Cover for each Claim. Entitlement to claim from Indemnity Cover shall be as contracted by LGA on behalf of all Members. The quantum of any Claim in excess of Indemnity Cover shall be the responsibility of the Member.</p> |
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| <p>9.5 Defaulting Member</p> <p>LGA may by written notice to a Member in default of these Rules exclude that Member from any or a defined entitlement to Pooled Cover or Indemnity Cover.</p> <p>9.6 Special Risks</p> <p>LGA may by written notice to a Member exclude the Member from any or a defined entitlement to Pooled Cover or Indemnity Cover with respect to a "special risk" of Claims as determined by LGA.</p> <p>9.7 Other Insurance</p> <p>A Member is not entitled to indemnity from the Pooled Cover for any loss, damage or liability which at the time of the happening of such loss, damage or liability or the Claim for such was otherwise indemnified or insured by or would, but for the existence of this Mutual Scheme be indemnified or insured by any other Policy or Policies of Insurance or otherwise except in respect of any liability beyond the amount which would have been payable under such other Policy or Policies had this Mutual Scheme not been effected. This Rule is to be construed to exclude Claims made with respect to professional indemnity claims and occurrences for all other claims, made or occurring prior to 30 June 1989.</p> <p>9.8 Failure to Notify and False Notification</p> <p>9.8.1 Where a Member fails to notify LGA as required by Rules 10.1 and 10.3, breaches Rule 10.2, submits a false Claim or provides false information contrary to Rule 10.4 or fails to comply with any requirement or notice issued pursuant to Rule 13, LGA may (in lieu of terminating the membership of the defaulting Member pursuant to Rule 18 and in addition to any other power under these Rules) levy an additional contribution to be paid by a defaulting Member or remove any benefit which may otherwise have accrued to the benefit of the Member under these Rules as a condition precedent for the Claim against the Member to be considered for indemnity from the ML Fund.</p> <p>9.8.2 A decision by LGA to levy an additional contribution against a Member in default, or to remove any benefit in lieu of termination of membership or any other sanction, does not preclude LGA from exercising the power to terminate the membership of the defaulting Member if there is any repeat of the default or failure by the Member to adequately address the issue of concern identified by LGA (including the payment of the additional contribution) or any other relevant performance or risk management issue.</p> | <p>10. Claims Procedure</p> <p>10.1 Notice</p> <p>A Member shall, as a condition precedent to a Claim to be indemnified under these Rules and, subject to the default provisions, as a condition of continued entitlement to the benefits of membership of the Mutual Scheme, forthwith give to LGA written notice of each of the following:</p> <p>10.1.1 Any circumstance or occurrence of which the Member shall become aware which is likely to give rise to a Claim against the Member;</p> <p>10.1.2 Any receipt of notice, written or oral, from any person of any intention to make a Claim against the Member; and</p> <p>10.1.3 Any Claim made against the Member whether the quantum of the Claim exceeds the Excess or not.</p> <p>10.2 Not admit liability</p> <p>A Member shall not admit liability for, compromise, settle or make or promise any payment in respect of, any Claim which may be the subject of indemnity hereunder or incur any costs or expenses in connection therewith without the written consent of LGA which if it so wishes shall be entitled to take over and conduct in the name of the Member the defence and/or settlement of any such claim for which purpose the Member shall give all such information and assistance as LGA may reasonably require.</p> <p>10.3 Increase in Risk</p> <p>A Member shall forthwith give to LGA full particulars in writing of any material increase in the risk of any Claim and shall pay such additional contribution and shall comply with such other terms and conditions, if any, as may be reasonably required by LGA in respect of such Claim.</p> <p>10.4 Fraudulent Claims and False Information</p> <p>If a Member shall make any Claim knowing the Claim to be false or fraudulent as regards amount or otherwise or shall provide any false information with respect to a Claim the entitlement shall become void and all benefits hereunder relating to that Claim shall be forfeited.</p> <p>10.5 Continued Support</p> <p>During the continuance of any Claim against a Member which is to be indemnified from the ML Fund the Member shall provide LGA with whatever information and support (including technical and professional support if requested) as is requested to enable the adequate investigation, defence and resolution of any such Claim.</p> |
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- 10.6 Subrogation
- Every Member seeking indemnity from the ML Fund shall by membership of the Mutual Scheme have agreed to subrogate to LGA its rights to investigate, defend and resolve any Claim against the Member.
- 10.7 Special Assistance
- Any Member requiring special assistance by way of a grant or otherwise to manage any risk which may result in a Claim may make written application for such to LGA whereupon LGA shall deal with the matter and in doing so may request any information from the Member and may resolve to refuse the grant, or make the grant on such terms and conditions as it deems appropriate.
- 10.8 Confidentiality
- All communications between a member and the Mutual Scheme, and any investigator, lawyer or other persons engaged by or assisting the Mutual Scheme, in relation to the claim, shall be confidential, and shall not be disclosed to any person without the prior written consent of the Mutual Scheme.
- 11. Contributions**
- 11.1 Contributions for each year shall be as determined by LGA having regard to any matter which it determines relevant. Contributions so determined must be paid by each Member as requested by LGA.
- 11.2 Contributions once paid by a Member to the ML Fund shall not be recoverable in whole or in part by the Member for any reason, including in the event of the resignation or early termination of membership of the Mutual Scheme under Rule 18, or a decision by LGA not to indemnify a Claim or to impose a condition on the grant of an indemnity.
- 11.3 Contributions by each Member shall be applied by LGA at its discretion toward the accumulation of the ML Fund, the purchase for and on behalf of each Member (as one of a group of Members of the Mutual Scheme) of Indemnity Cover in respect of Claims of each Member in excess of the level of Pooled Cover and otherwise in furtherance of the ML Objectives.
- 11.4 Contributions for each Member shall be determined by LGA from year to year and may be differential in respect of each Member to the ML Fund. For the purpose of determining the appropriate contribution for each Member, the Member shall provide LGA such information as is required to determine:
- 11.4.1 The history of Claims against the Member;
- 11.4.2 Operating and risk management procedures of the Member in all of its activities; and
- 11.4.3 Any other matter requested by LGA.
- 11.5 Additional contributions for any year may be levied by LGA against any Member or Members or all of the Members at any time for any of the following reasons:
- 11.5.1 Increasing Pooled Cover in any year;
- 11.5.2 Purchasing additional Indemnity Cover in any year;
- 11.5.3 To cover special risks as determined by LGA;
- 11.5.4 To cover an increase in risk of Claims of a Member;
- 11.5.5 To compensate the ML Fund for the actions of a defaulting Member;
- 11.5.6 To compensate the ML Fund for conditional risk, non-compliance with a request resulting in a loss to the ML Fund, or the failure by a Member to abide by a reasonable direction of LGA;
- 11.5.7 For any of the reasons contemplated by Rule 9.8.1; and
- 11.5.8 Any other reason determined by LGA to be a relevant reason.
- 11.6 LGA may, having regard to the advice of an actuary, operate a "bonus/penalty" scheme and the Members shall be bound to accept such a decision by LGA.
- 12. LGA's Remuneration, Costs and Expenses**
- 12.1 The LGA is entitled to reserve for itself from the contributions an amount in consideration of the conduct and management of the Mutual Scheme (LGA's Remuneration). LGA's Remuneration will be determined on an annual basis by LGA and reported to Members annually as contemplated by Rule 8.10.5.
- 12.2 LGA or its Delegate (as the case requires) shall be entitled to be reimbursed from the ML Fund for any operating expenses incurred by it in respect of the conduct and management of the Mutual Scheme.
- 13. Member's Obligations**
- 13.1 The primary obligation of a Member is to comply strictly with the technical requirements, and the spirit and intent of these Rules so as to ensure the integrity and viability of the Mutual Scheme which has been established as a discretionary mutual indemnity scheme for the benefit of all Members.
- 13.2 In the spirit of mutual obligation every Member must not only comply with the technical requirements of these Rules and the direction of LGA but must also respect the spirit and intent of the Mutual Scheme by ensuring that timely and comprehensive notification is given to LGA of any incident, circumstance or matter which may give rise to a Claim, and by ensuring that adequate risk management and prevention strategies are put in



- place so as to absolutely minimise the risk of such a Claim.
- 13.3 It is also the obligation of every Member to notify LGA in advance of any activity to be undertaken by a Member or by any other person on a Member's premises or under a Member's control or influence which has by its nature a risk profile which is different to the risk profile of the usual and known activities of the Member, that is, usual activities of the Member actually known about by LGA.
- 13.4 LGA may at any time undertake a risk management audit of a Member's activities, including those activities over which a Member has control or influence, and every Member is obliged to fully and honestly assist LGA to conduct such an audit by providing LGA with all information as requested by LGA and by giving LGA access to all property, premises, records and any other material requested by LGA for the purposes of the audit.
- 13.5 A Member must modify or cease activities which LGA determines to be an unacceptable risk and about which LGA has issued a notice to the Member.
- 13.6 A Member must comply with any notice given by LGA under these Rules.
- 14. Financial Provisions**
- 14.1 LGA shall in the name of the Mutual Scheme open an account for the ML Fund and any other fund established by LGA with a Bank of its choice.
- 14.2 LGA may authorise a person to operate the bank accounts.
- 14.3 All moneys received in respect of the ML Fund shall be immediately deposited to the credit of the bank account for the ML Fund:
- 14.3.1 with the Local Government Finance Authority of South Australia;
- 14.3.2 Subject (to the extent practicable in the circumstances) to consulting with the Treasurer, in any security or investment authorised by the Trustee Act; or
- 14.3.3 In any security or investment authorised by the LG Act or prescribed for the purposes of that Act.
- 14.4 LGA may borrow moneys for the purposes of meeting the ML Objectives and for that purpose may secure the repayment of such loans by granting security over the assets of the Mutual Scheme or the ML Fund.
- 14.5 LGA shall keep or cause to be kept all such accounting records for the Mutual Scheme as fully and correctly explain the transactions and financial position of the Mutual Scheme.
- 14.6 The accounting records shall be prepared and maintained in such a manner as will enable:
- 14.6.1 True and fair accounts of the Mutual Scheme to be prepared from time to time; and
- 14.6.2 The accounts of the Mutual Scheme to be conveniently and properly audited annually.
- 15. Auditor**
- 15.1 LGA shall appoint an auditor to audit the books of account kept in respect of the Mutual Scheme.
- 15.2 The Members (and the authorised representatives of each of the Members) and the Auditor shall be entitled at all times to have access to the accounting and all other records of the Mutual Scheme.
- 15.3 The Auditor:
- 15.3.1 Shall audit the Mutual Scheme's accounting records;
- 15.3.2 Shall examine and report on the adequacy of the Mutual Scheme's internal controls, including whether the internal controls provide a reasonable assurance that the relevant financial transactions have been recorded accurately and reliably; and
- 15.3.3 May, at the request of LGA, examine and report on the efficiency and economy with which the resources of the Mutual Scheme are managed or used, annually during the currency of the Mutual Scheme or more frequently as LGA may direct.
- 15.4 The Auditor shall cause a written report to be sent to LGA on the completion of each annual audit in respect of the accounting records of the Mutual Scheme and other records relating to the accounts prepared therefrom.
- 15.5 The Auditor's report shall state whether in the Auditor's opinion the accounting records aforesaid have been kept in accordance with generally accepted accounting principles and if the Auditor considers that the records have not been so kept the Auditor shall specify the reason for not being satisfied with them.
- 16. Actuary**
- 16.1 LGA shall appoint an actuary to advise LGA on all aspects of the Mutual Scheme.
- 16.2 LGA will procure actuarial advice as and when required and at least annually for the purpose of preparing the annual budget.
- 16.3 The annual actuarial report will be provided to LGA.



- 17. Accumulation**
- LGA is permitted to accumulate and to retain for purposes consistent with these Rules any money or contributions from Members in any one or more financial year for any purpose consistent with the ML Objectives.
- 18. Cessation of Membership**
- 18.1 Subject to Rule 18.2, each Member's membership of the Mutual Scheme will automatically renew at the commencement of each financial year.
- 18.2 A Member may resign as a Member at any time by notice in writing to LGA. Any resignation under this Rule 18.2 will take effect from the date that is ninety (90) days from the date on which the notice of resignation is received by the LGA or such later date as is specified in the notice.
- 18.3 The LGA Board may by Ordinary Resolution terminate a Member's membership of the Mutual Scheme in the event that the Member:
- 18.3.1 Fails to comply with any notice issued under these Rules or the reasonable direction of LGA as to the conduct of its operations so as to minimise Claims;
- 18.3.2 Fails to allow and/or accommodate a risk management audit to be undertaken by LGA or its nominee;
- 18.3.3 Fails to pay any contributions, additional contributions, costs or expenses within the time prescribed by LGA;
- 18.3.4 Commences or continues to undertake an activity which in the opinion of LGA is an activity which should not be undertaken or continued by the Member because it creates an unreasonable risk for the Member and the Mutual Scheme;
- 18.3.5 Fails to notify LGA of any incident which may give rise to a Claim;
- 18.3.6 Commits any other breach of these Rules; or
- 18.3.7 Has, in the reasonable opinion of the LGA Board, brought the Mutual Scheme into disrepute.
- 18.4 Any termination pursuant to Rule 18.3 is effective forthwith upon the decision being made by the LGA Board or on such other later date as is determined by the LGA Board whereupon the Member is thereafter from the effective date of the decision of the LGA Board not entitled to any benefits of membership under the Mutual Scheme.
- 18.5 The resignation or termination of a Member's membership of the Mutual Scheme in accordance with Rule 18.2 or Rule 18.3 shall not vary or waive the obligations of the continuing Members. For the avoidance of doubt, any Member who resigns as a Member in accordance with Rule 18.2 or has its membership terminated in accordance with Rule 18.3:
- 18.5.1 remains liable to pay any unpaid contribution in accordance with these Rules for the financial year in which the resignation or termination takes effect; and
- 18.5.2 Is not entitled to a refund of any contribution previously paid in respect of the Mutual Scheme.
- 18.6 The resignation or termination of a Member's membership of the Mutual Scheme in accordance with Rule 18.2 or Rule 18.3 (as the case may be) shall not otherwise affect any entitlement to indemnity for any Claim already admitted to indemnity by virtue of Rule 7 nor vary or waive the obligations of the Member to comply with the provisions of the Rules in respect of any year during which the Member was a Member of the Mutual Scheme.
- 18.7 If a Member is in default in payment of any contribution, additional contribution, costs or expenses, or in any other way so that the ML Fund suffers or is likely to suffer any financial loss or incur additional expense, LGA may, as an alternative to termination under Rule 18.3, require the defaulting Member to pay to the ML Fund an amount to be determined by LGA to reimburse the ML Fund for the loss or additional expense. A certificate issued by LGA specifying the amount so payable by the defaulting Member shall be final and binding upon the Member. The amount in the Certificate may be recovered against the member by LGA as a debt payable by the defaulting Member.
- 18.8 If a Member fails to comply with a notice or direction as contemplated by Rule 18.3.1 LGA may (in its absolute discretion), as an alternative to termination:
- 18.8.1 Require the Member pay an additional contribution to the ML Fund cover the additional risk of Claims or as compensation for the default;
- 18.8.2 Exclude the additional risk of Claims from the Pooled Cover and the Indemnity Cover; or
- 18.8.3 Otherwise limit the exposure of the ML Fund and the reinsurer to such Claims.
- 18.9 Subject to compliance with the termination procedures a defaulting Member may have its entitlements to Pooled Cover and Indemnity Cover limited by LGA under this Rule.
- 18.10 A decision by the LGA Board to terminate membership of any Member is final and binding on all Members, including the terminated Member.
- 18.11 In any situation where membership is terminated or limited LGA shall forthwith provide formal notification of the fact to the Minister responsible for Local Government and to the Treasurer.



19. Determination of Disputes

- 19.1 If any dispute or difference (other than a decision of the LGA Board under Rule 18.3 to terminate a membership) shall arise between any Member and LGA out of or in connection with the operations of the Mutual Scheme then either the Member or LGA ("Notifier") may give written notice of dispute which adequately identifies and provides details of the dispute to the other person ("Recipient"). Notwithstanding the existence of a dispute the Notifier and the Recipient shall continue to perform their respective obligations under the Rules.
- 19.2 Within fourteen (14) days after receiving a notice of dispute, the Notifier and Recipient shall confer at least once and in good faith to resolve the dispute or to agree on methods of doing so. All aspects of every such conference, except the fact of the occurrence of the conference, shall be privileged. If either of the Notifier or the Recipient has not made a reasonable or meaningful attempt at a resolution within 28 days of service of the notice of dispute, that dispute shall be referred to arbitration.
- 19.3 If, within a further fourteen (14) days of the dispute being referred to arbitration under Rule 19.2, the Notifier and the Recipient have not agreed upon an arbitrator, the dispute shall be referred to a Solicitor or Barrister of the Supreme Court of South Australia appointed for this purpose by the President for the time being of the Law Society of South Australia and all proceedings shall be subject to the provisions of the Commercial Arbitration Act 1986.
- 19.4 Except where the Notifier and the Recipient otherwise agree in advance in writing, the Notifier and the Recipient shall each bear its own costs and pay one half of the fees and expenses of the arbitration.
- 19.5 The decision of the Arbitrator shall be final and binding upon the Notifier and the Recipient.

20. Amendment to Rules

- 20.1 These Rules may be amended at any time by Special Resolution of the LGA Board.
- 20.2 Amendments to these Rules shall operate prospectively and not retrospectively and will be binding on all Members from the date on which the amended Rules are published in the South Australian Government Gazette.
- 20.3 Notice of any amendment shall be given forthwith to all Members and to the Minister responsible for Local Government and to the Treasurer as long as the reinsurance from the State Government exists.

21. Term of Mutual Scheme and Termination

- 21.1 The Mutual Scheme will continue until it is terminated by an Act of the Parliament of the State of South Australia.

- 21.2 Upon termination of the Mutual Scheme, unless the Parliament of the State of South Australia determines otherwise, the ML Fund remaining after satisfying all liabilities will be paid by LGA for the benefit of the Members at that time in such manner as is determined by LGA in its absolute discretion for the purpose of minimising the risk of Claims arising in the future.

12 December 2019

Matt Pinnegar, Chief Executive Officer, Local Government Association



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Mayor's Report - January Meeting 2024

24/1568

DECEMBER/JANUARY

20/12/2023 Flow FM Radio interview – Barossa Happenings

Meeting with organisers of the Barossa Over 60 Cricket Carnival with staff representatives.

Lyndoch Oval stakeholders meeting to discuss final concept plans to the various club representatives.

21/12/2024 Meeting with Quenten Agius, Ngadjuri Elder and staff representatives to discuss further development strategies to continue to build our First Nations relationship into the future.

- Discussed building the relationship with Council and all three Nation Groups (Kurna, Ngadjuri and Peramangk). Quenten has established relationships with both of the other nations and is committed to building a strong foundation for us to all work together. We will be meeting with Quenten in early 2024 to clarify how we can do this in 2024 (best practice when it comes to cultural protocols, respect and reasonable expectations).
- Quenten was excited to hear of our Reconciliation Roadmap, and our intention to work towards a RAP in the near future. He reinforced that his primary goal should be establishing solid relationships... so that is our goal for the next 12 months.
- Quenten is eager to once again participate in this year's Australia Day Event, and discussed how important it is for the community to come together and use the day as an opportunity to learn from each other and celebrate all Australians.

21/12/2023 Meeting with Nick Paphitis, CEO Barossa Central and CEO Martin McCarthy, CEO Barossa Council and planning staff to discuss hotel development opportunities.

7/01/2024 Attended SA Swimming Championships at the Nuriootpa pool. Attended with Deputy Mayor, Kathryn Schilling and Cr David de Vries presenting swimming finalists trophies.

The event was a huge success in our region. The Barossa Club won the overall best club awards with many local swimmers gaining highest points score over many event categories.

The Barossa Council was recognised for its value contribution in assisting to stage the event with the possibility of other similar championships being held within the region.

Clubs from country South Australia and beyond provided huge spectator interest cheering on these talented young future swimming champions.



Councillor's Report to Council - Cr Greatwich - January Meeting

24/1769

JANUARY

4/01/2024

On Thursday 4th January 2024 I was able to attend the official opening of the SA Country Swimming Championships at the Nuriootpa pool. The Championships ran from the 4th to the 7th and attracted hundreds of competitors, spectators, supporters and family members to our region across the sold-out event. The Nuriootpa Pool looked absolutely spectacular, and I heard numerous comments on how well presented and organised the event was.

As part of the opening ceremony, The Barossa Council was presented with a Certificate of Appreciation for their support of the event, and this sense of appreciation was one of the prevailing themes of the morning. Every official, volunteer and parent that I spoke to at the event expressed their gratitude to Council for the support that has been provided, and a sincere hope that this support would continue into the future.

In my conversations with various officials, it was highlighted that the Barossa offers a convenient and central location for the Championships, as well as sufficient supporting infrastructure and services to ensure the event runs smoothly and can accommodate all the visiting teams. A great example of this collaborative approach was the Nuriootpa Bowling Club offering their rooms and facilities for swimmers to cool down and relax between races, while multiple local businesses were in attendance with food trucks, coffee vans, smoothie bars and ice cream bikes keeping everyone fed and refreshed.

There was a great sense of pride among the Barossa families I spoke to, and a sense of admiration from the visiting teams. I promised to pass along the thanks and appreciation that was expressed to me, and that is the purpose of this report.

Cr Bruce Preece was in attendance on the opening day, and I understand that Mayor Lange, Cr Schilling, Cr Hurn and Cr de Vries also attended through the event.



(Peter Graham, Swimming SA Chair and Stephen Cook, Barossa Swimming Club President)

MATTERS FOR INFORMATION

6.1 FRIENDS OF BAROSSA BUSHGARDENS COMMITTEE

Author: **Executive and Project Support Officer**
24/838

Minutes of the Friends of the Barossa Bushgardens Annual General Meeting held 154 November 2023 are attached for information.

ATTACHMENTS

Attachment 1 Minutes - Friends of Barossa Bushgardens Annual General Meeting
held 14 November 2023 [↓](#) 

SUPPORTING REFERENCES

Nil



**FRIENDS OF BAROSSA BUSHGARDENS
ANNUAL GENERAL MEETING
AGENDA**

7.10 pm Tuesday 14th November 2023 held at the Barossa Bushgardens

1. WELCOME:

I would like to begin by acknowledging the Peramangk and Ngadjuri People, the Traditional Custodians of the land on which we meet today, and pay our respect for their cultural heritage, beliefs, and relationship with this land, and acknowledge that this land is of continuing importance to the Peramangk and Ngadjuri People living today.

I also extend that respect to Aboriginal and Torres Strait Islander peoples here today."

2. PRESENT: Kim Thompson, Bob Modra, Trevor Waldhutter, Doreen Von Linde, Kathryn Schilling, Kristin Wohlers, Kate Jenkins, and Russell Johnson

3. APOLOGIES: Louise Mason, Teresa Schiller, Penny Devlin, Chris Kruger, Sarah Barrett

4. MINUTES of AGM 25th October 2022

MOVED K Jenkins accepted the minutes of the 25th October 2022

SECONDED B Lillecrapp

CARRIED

5. CHAIRPERSON REPORT presented by Bryce Lillecrapp

MOVED B Lillecrapp That the Chairpersons report be received

SECONDED T Waldhuter

CARRIED

Doreen thanks Bob Modra for his dedication to events in the BBG

Events involving 3,000 participants

Ceasing Open Day as people are using and accessing the BBG differently

70% of workshop attendees are students

Landholders are attending less as there are more organisations directing workshops for their need

6. TREASURER'S REPORT including FoBB Fund Report presented by Trevor Waldhuter:

Fund Acc. Opening Balance: \$ 4,745.01
 Income : \$14,8277.86
 Expenditure:
 Closing Balance:\$ 7,114.47

Cash Acc. Opening Balance: \$1,285.93
 Closing Balance: \$1,342.43

MOVED T Waldhuter That the Financial report be received
SECONDED B Modra

CARRIED

7. MEMBERSHIP REPORT – Trevor Waldhuter

Membership

Life Membership 39

Annual Members 12

Volunteer Members 38

MOVED T Waldhuter that the membership report be received

SECONDED R Johnson

CARRIED

8. ELECTION OF OFFICERS

 was appointed election chair

All positions be declared vacant

Recommendation by Trevor Waldhuter

Seconded B Modra

Chairperson: Kate Jenkins

Recommend Doreen Von Linde

Seconded K Jenkins

Secretary: Teresa Schiller

Recommend by Kristin Wohlers

Seconded T Waldhuter

Treasurer: Trevor Waldhuter

Committee members: Bryce Lillecrapp Bob Modra Neil Purdan

9. GENERAL BUSINESS

Donations look into electronic process Kathryn Schiller

A square for donations FoBB Trevor and Kate

Bob brought up items of interest

Appreciate Doreen for all her work

Volunteer needs: Water pressure

Upgrade carpark

Shelter shed for pot washing area and storage

10. CLOSE Business part of meeting close

Guest Speaker: Biologist Russell Johnston

MATTERS FOR INFORMATION

6.2 DRAFT BIOSECURITY BILL

Author: Executive and Project Support Officer
24/1344

Public consultation on the draft Biosecurity Bill was undertaken by the Department of Primary Industries and Regions South Australia (PIRSA) over an eight week period commencing 1 August 2023.

At its meeting held 19 September 2023, Council endorsed a submission to be forwarded to PIRSA which is included as Attachment 1.

PIRSA have now released the Public Consultation Summary which is included as Attachment 2. A total of 58 formal submissions were received by PIRSA during the consultation period.

Following the consultation period, refinements are being considered to the draft Bill prior to introduction to Parliament.

ATTACHMENTS

Attachment 1	Submission - Draft Biosecurity Bill ↓ 
Attachment 2	Biosecurity Bill - Public Consultation Summary - Department of Primary Industries and Regions ↓ 

SUPPORTING REFERENCES

Nil.

Reference: TRIM

22 September 2023

Legislative Reform Team
Industry, Partnerships and Strategy Division
Department of Primary Industries and Regions

Draft Biosecurity Bill

Dear Sir/Madam,

Thank you for providing opportunity to make submission in respect to the Draft Biosecurity Bill. The Barossa Council supports the intended purpose of the Bill to strengthen protection of the State's economy, terrestrial and aquatic environments and communities from the impacts of pests, diseases and other biosecurity matter.

The powers contained within the Act are broad and far reaching. While the draft Bill does not explicitly reference Local Government in many provisions, the broad nature of the Bill means that there may be implications for local Government. We would like to express the following concerns in respect to the draft Bill:

- The Dog Fence Board is given powers to levy contributions by Councils to fund the dog fence. It is suggested this power should be removed. It is considered inappropriate to levy Councils to fund the construction and maintenance of the dog fence which should be a state responsibility.
- The Overview of the Draft Biosecurity Bill indicates that the Biosecurity Bill will not replace provisions under the *Phylloxera and Grape Industry Act 1995*. It is unclear why the Act has not been incorporated into the draft Biosecurity Bill, however, our position is that powers to respond to phylloxera outbreak should be commensurate with the significant emergency powers proposed under the Biosecurity Bill. To be clear, there should be no weakening of the powers to safeguard against phylloxera outbreak in South Australia.
- There are provisions for management of stray stock to be detained whilst efforts are made to identify and contact owner of the stock. If stray stock are found on Council land, obligations may arise and costs incurred by Councils in managing stray stock. These provisions should be clarified and limits placed on Councils obligation to manage stray stock, especially where biosecurity risks are identified.
- The draft Bill allows for a *Control Order* or long-term Biosecurity Zone to be established. The Chief Executive may also declare a *Biosecurity Emergency* through the issuing of an Emergency Order. It is unclear to what extent these Orders or Declarations may be applied to Council land, in particular, for example, a road, road reserve or area of land under care and control of Council. Clarification is sought what controls or limits are proposed to mitigate the effect of these powers upon Councils.
- The Act allows for the Minister to appoint any suitable person as an Authorised Officer to administer the Act, and specifically includes Local Government employees. While it is understood that this power may be expedient in some circumstances, the draft Bill should not result in powers being conferred upon Local Government to administer this Act.

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I thank you for the opportunity to make submission in respect to the draft Biosecurity Bill and I look forward to hearing from you as to how our comments will be considered in framing the future terms of this important piece of legislation.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'M. McCarthy'.

Martin McCarthy
Chief Executive Officer



Developing a Biosecurity Bill for South Australia

Public consultation summary



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Government
of South Australia

Department of Primary
Industries and Regions

Developing a Biosecurity Bill for South Australia Public Consultation Summary

Information current as of December 2023

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Further information about the project

Further information can be found on the PIRSA website: pir.sa.gov.au/legislation_reform

Acknowledgement of Country

The Department of Primary Industries and Regions respects Aboriginal people as the state's first people and nations. We recognise Aboriginal people as traditional owners and occupants of SA land and waters. We pay our respects to Aboriginal cultures and to Elders past, present and emerging.

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Background

The Department of Primary Industries and Regions (PIRSA) has developed a new Biosecurity Bill for South Australia.

On 1 August 2023, a draft version of the Biosecurity Bill 2023 (the 'Bill') was released for public consultation to seek feedback from stakeholders across industry, community and government to inform any further drafting to refine the Bill. The draft Bill, an overview document and a more detailed explanatory guide and other consultation materials were provided at www.yoursay.sa.gov.au/biosecuritybill.

The release of the draft Bill followed on from public consultation in 2020 on a Technical Directions Paper and further stakeholder consultation on concepts and potential Bill inclusions in 2022.

The draft Biosecurity Bill broadly aims to:

- Protect South Australia's economy, environment and way of life from pests, diseases and other biosecurity matter (including contaminants of agricultural produce)
- Share responsibility for biosecurity amongst government, industry and community
- Have risk-based decision making
- Have a flexible and responsive framework that covers the continuum of biosecurity actions from prevention to emergency response to control programs
- Use scientific and technological advances to continually improve biosecurity practices
- Comply with national biosecurity agreements and better align with other jurisdictions in the national biosecurity system
- Facilitate market access for primary products
- Foster people's compliance with biosecurity obligations, including communicating requirements, so people voluntarily and routinely comply with these

The Bill provides a contemporary legislative framework for the protection of the state's economy, terrestrial and aquatic environments and communities from the impacts of pests, diseases and other biosecurity matter. The Bill consolidates the *Plant Health Act 2009*, *Livestock Act 1997*, *Dog Fence Act 1946* and *Impounding Act 1920* as well as relevant parts of the *Fisheries Management Act 2007*. The Bill broadly aligns with new, consolidated Biosecurity Acts in other states and at the Commonwealth Government level.

The Bill includes harmonised, flexible and outcome-focused regulatory tools to prevent, control and manage biosecurity risks. These include enhanced powers for a rapid and effective response in a biosecurity emergency, and a suite of tools to manage short, medium and long-term response and management needs. A key concept in the Bill is that of shared responsibility for biosecurity. For example, every person would have a general biosecurity duty to manage biosecurity risks to the extent it is reasonably practicable. The Bill also facilitates co-regulation and partnerships through provisions to adopt industry biosecurity codes and standards and to enable third-party accreditation. The Bill contains extraterritorial powers to enable compliance measures against interstate activities which pose a biosecurity risk to SA. The Bill provides for traceability and market assurance of animals, plants and their products, through registration, identification and certification schemes.

Public consultation overview

YourSAY

PIRSA released the draft Biosecurity Bill, with supporting overview and explanatory materials, for public consultation from 1 August to 26 September 2023 via YourSAY. This information remains available at www.yoursay.sa.gov.au/biosecuritybill.

Stakeholders were encouraged to get involved in the development of new biosecurity legislation for South Australia by reading the draft Bill and other consultation materials. Submissions were sought during the consultation period through a YourSAY survey that considered all provisions in the Bill.

Links to both webpages were publicised through multiple channels including direct emails and social media posts via PIRSA's Facebook, Twitter and LinkedIn accounts with a total following of about 20,000 users.

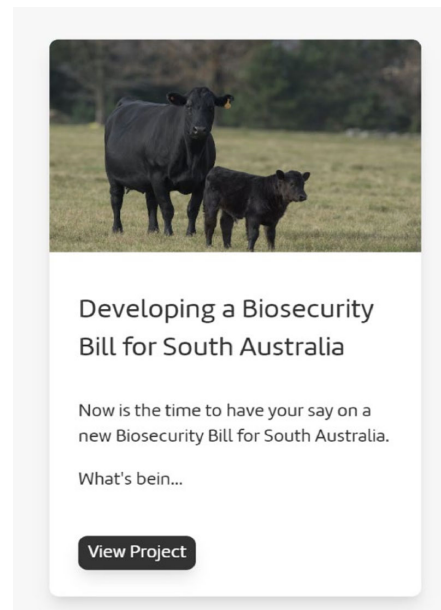
In addition to conventional and social media publicity, the project page was promoted via email to 35,788 registered YourSAY users. The page recorded approximately 2,400 visits during the consultation period.

PIRSA received 58 submissions from 51 unique stakeholders during this consultation period. Twenty-nine of the submissions were YourSAY survey responses (one of which was an additional comment on an earlier written submission) and a further 29 were emailed responses (six of which had also completed the survey).

Engagement

PIRSA hosted 12 webinar sessions as part of public consultation between 21 and 25 August 2023. Two of the sessions provided a general overview of the draft Bill, while 10 were focused on providing sector-specific overviews. The webinars enabled interested stakeholders to raise questions with PIRSA to enhance their understanding of the draft Bill. A total of approximately 100 people attended webinars related to the following categories:

- General sessions
- Horticulture, grains, seeds and fodder
- Forestry sector
- Wine sector
- Red meat, wool and dairy
- Intensive industries
- Apiary
- Veterinary services, animal research, equine and racing
- Aquaculture, fishing and boating
- Regional and natural resource management
- Dog fence



More sessions were scheduled, however, unfortunately some sessions had no registrations, including a planned 'First Nations' session.

PIRSA also met with a range of stakeholder organisations during the consultation period to discuss the Bill, providing further information to clarify any queries to support their consideration and formal submissions on the Bill.

Stakeholder representation in feedback received

PIRSA received 58 responses from 51 unique stakeholders during this consultation period. Figure 1 further categorises these responses.

'Primary industries organisations' encompassed submissions from the horticulture, livestock, grains, forestry, wine and aquaculture sectors. 'Other industries' included mining, electricity and tourism. 'Government' submissions included state government agencies, landscape boards and local government. 'Conservation' encompassed non-government organisations and the research submission was from a university. 'Individual – rural' submissions were taken as those that classified themselves as producers, land holders or contractors, with the remainder classing themselves as citizens.

Figure 1 Stakeholder responses received for various types of organisations or individuals.



Summary of consultation feedback

Key feedback received during consultation on the draft Bill is summarised below, and Appendix 1 provides a complete record of feedback received (note that feedback in Appendix 1 has been condensed for the purposes of brevity). PIRSA acknowledges that a stakeholder may feel their views have not been fully represented in this summary report; however, it is important to note that submissions were reviewed and considered in full. It is noted that much of the feedback received related to either the future development of regulations or implementation of a Biosecurity Act. These submissions have been noted for future consideration, pending the Bill being passed by the Parliament.

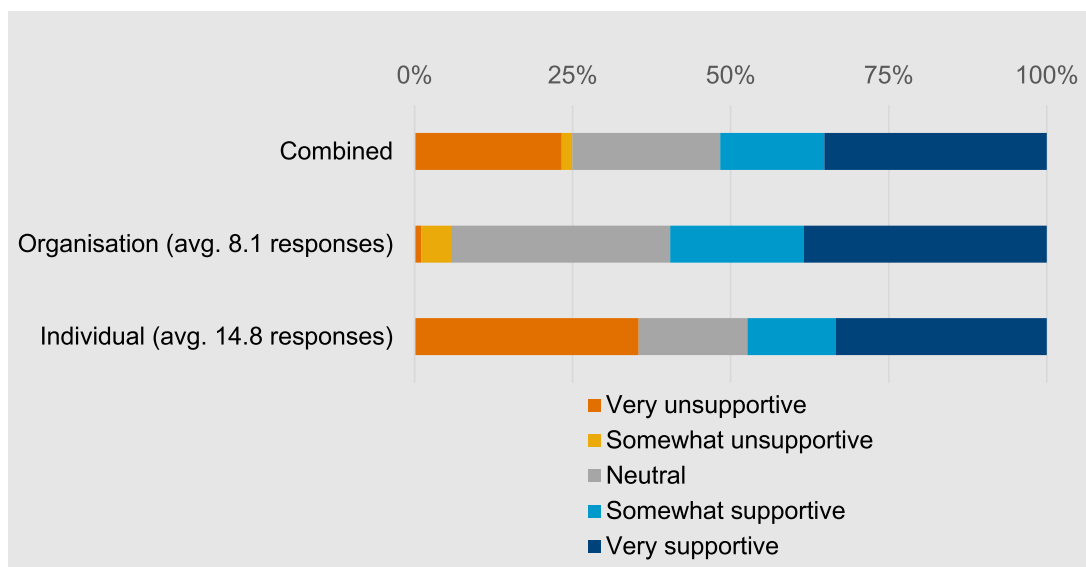
YourSAy survey rankings, showing levels of support for specific Bill provisions, are provided in graphs at Appendix 2. These data comprise the 9 organisations and 17 individuals that provided survey rankings.

Levels of support

Statements of general support for the Bill's intent to consolidate existing Acts into contemporary biosecurity legislation were received from various industry and government organisations. Whilst no organisations were specifically opposed to the Bill's intent, various queries were raised about particular provisions (below and Appendix 1).

The YourSAy survey did not specifically ask respondents to rank support for the Bill as a whole. However, an indication of overall support can be derived by combining all rating responses across the 60 questions on various Bill provisions (noting that not all questions were answered by all respondents). Figure 2 shows this graphically. The combined survey responses of 9 organisations and 17 individuals were 51% supportive of the Bill overall, with only 25% unsupportive and 24% neutral. Note that this overall result includes a high representation of views from individuals, with these comprising almost two thirds of the YourSAy survey respondents.

Figure 2 Percentage of responses in each category of support across all draft Bill provisions.



Whilst only 9 of the 34 organisations that provided submissions on the draft Bill provided YourSAY survey rankings, these were 59% supportive of the provisions of the Bill overall, with only 6% unsupportive.

Amongst the individuals' YourSAY survey results 47% of individuals' responses ranked as somewhat or very supportive. Despite this support, there was a substantial cohort generally opposed to the draft Bill's provisions, with 35% of questions ranked as 'very unsupportive', while none were 'somewhat unsupportive'. It was difficult to better understand what underlay this polarised outcome, as many of the unsupportive respondents did not take the opportunity to elaborate on the reasons for their responses.

The survey's instructions were that 'neutral' responses were intended to mean neither supportive nor unsupportive. However, neutral may also have been chosen where respondents felt they could give no informed opinion. For example, provisions relating to the Dog Fence, which would not affect most stakeholders, had the highest levels of neutral rankings.

Feedback summary

Stakeholders provided valuable and wide-ranging feedback, expressing a diversity of views. As previously noted, many of these related to development of the regulations and implementation, and these have been noted and recorded for future reference during implementation. There were also many queries seeking clarification on various matters, and others that were comments, rather than providing feedback on the Bill itself. An overview of the key issues raised is provided below.

Bill intent, key terms and scope

Stakeholders raised a number of queries relating to how the Biosecurity Bill would interact with other Acts, such as the *Environment Protection Act 1993*, *National Parks and Wildlife Act 1972*, *Aboriginal Heritage Act 1998*, *Native Vegetation Act 1991* and *Landscape South Australia Act 2019*. These related to ensuring effective regulation occurred across the intersections of these Acts, such as in cases where biosecurity responses may involve native plants or animals, culturally significant species or landscapes, or matters relating to the environment, as well as defining clear limits of scope between Acts and ensuring that the operation of one Act did not unduly impinge on the operation of others.

Ensuring access for essential services, such as utilities, during a biosecurity response was raised.

The concepts of shared responsibility and risk-based decision making were supported in some stakeholders' submissions, although it was noted that cost-sharing needs to be fair and equitable, that investment will be required to communicate to stakeholders regarding their obligations under the general biosecurity duty (GBD), and that decision making frameworks should be clear and transparent.

Biosecurity duties

The general biosecurity duty (GBD) received wide support, but some stakeholders also commented that the GBD would require adequate resourcing to educate industries and the general public about how to comply. There were also some queries about when the GBD would apply, and whether it provided sufficient scope to manage issues such as the biosecurity risks posed by abandoned orchards or those associated with third party access and trespass on farms.

Authorised persons

A number of submissions touched on authorised officers under the Bill. Issues raised included ensuring that appropriate checks and balances were in place when making appointments, decisions under the Bill, or delegating authority. More specific queries related to authorisation of Vinehealth Australia board members under the Bill (they are authorised under the *Plant Health Act 2009*), and a suggestion that the Bill should include a Chief Environmental Biosecurity Officer.

Dog Fence

Feedback was received in relation to the incorporation of the *Dog Fence Act 1946* into the Biosecurity Bill. This included a suggestion to increase the number of board members, and another to formalise the arrangement whereby the government has historically matched contributions from the Sheep Industry Fund to the Board. There was also opposition to the carrying over of an existing, but unused, provision from the *Dog Fence Act 1946* which provides for the Dog Fence Board to obtain contributions from councils as an alternative to applying rates directly from the Board.

Traceability and market access

Submissions relating to traceability and market access in general comprised queries about implementation of the Biosecurity Bill, rather than the Bill itself. For example, details concerning the application of identification code schemes, registration requirements for vineyards, managing any potential for conflicts of interest by accreditation authorities, and queries regarding fees and the potential for insurance to be required as a condition of becoming a certifier or registered for certain activities.

Orders, zones, directions and permits

The suite of tools for management of biosecurity risks through orders, zones, directions and permits enjoyed good support in the submissions received. Stakeholders commented on the need to ensure that these were appropriately exercised, with appropriate checks and balances in place and aligned with other relevant or similar South Australian legislation, and that fees for permits should not unduly impact industry, in particular small businesses.

Programs and compensation

Several submissions supported the provision for the establishment of biosecurity programs, although some also opposed this, suggesting that it may lead to cost shifting from government to industry. There were also suggestions regarding implementation, such as potential inclusions for compensation under a biosecurity program, such as high value breeding stock.

Compliance, specific powers and Act administration

Overall, there was support for a robust and transparent compliance framework within the Bill, although some stakeholders queried powers to act based on reasonable suspicion. Feedback was received regarding the need for consistency in availability of options to seek review of decisions made under the Bill, as well as the requirement for those affected to be informed of review options.

Appendix 1 — Specific feedback received

The following tables provide a summary of feedback raised by various organisations and individuals in their submissions on the draft Biosecurity Bill.

Table A1.1 Bill intent, key terms and scope	
Bill provision	Stakeholder feedback
Objects of the Bill <i>clause 22</i>	• Supportive of the object of a risk-based approach to biosecurity. However, there can be significant variance in risk appetite between stakeholders. Implementation will require clear communication of the risk framework being used. • In line with the Bill's underlying philosophy of risk-based decision-making, there will be a need to take a proactive biosecurity approach to avoid new pests and diseases becoming established. Surveillance activities form an integral component of a biosecurity risk management system. • Acknowledge the object of shared responsibility, but question what this means in practice in terms of cost sharing? There should be broader contribution to costs of biosecurity beyond primary industries (e.g. tourism, environment managers). Industry competitiveness should be taken account of in terms of setting fees. • The importance of environmental biosecurity needs to be prominent in the objects. • Include the protection of culturally significant objects and landscapes from being negatively impacted in the Bill's objects. • Need to recognise that cultural impacts are additional to economic, environmental and social impacts. Need for clear inclusion of First Nations peoples' perspectives and roles in biosecurity. • Need to ensure that legislative alignment with other states and Commonwealth is also in the interests of protecting South Australia's assets. • The Bill should include best practice biosecurity principles, for example: ○ prevention is smarter than cure ○ timely action is crucial ○ protecting the natural environment is core business ○ a precautionary approach is required ○ science-based risk assessment ○ all taxonomic groups are included ○ a tenure-neutral approach ○ effectiveness rules ○ future generations matter

Definitions of key terms <i>clauses 3-12</i>	• Greater clarity is needed regarding definitions for disease, environment, incursion, pest, contaminant, animal food. • Native species could be declared as pests by the Minister. The Bill should exclude native plants and animals that are protected under other SA Acts.
Extraterritorial application <i>clauses 19, 32</i>	• General support for proposed extraterritorial powers. • Clarity sought on whether this includes online activity, such as e-commerce platforms and unregulated online livestock sales. • Note for forestry biosecurity purposes that the Green Triangle extends across the SA-Victoria border. • Need to be clear on powers and procedures when seeking to enforce the SA Act in another jurisdiction.
Contaminants <i>clause 5(2)</i>	• Determining an animal or plant, or the product of an animal or plant, is contaminated if it 'is likely to' impact on use, health or marketability should be an evidence-based decision.
Intent to consolidate existing Acts in whole or part <i>Schedule 6</i>	• Supportive of consolidation of Acts • Powers to respond to a phylloxera incursion should not be diminished due to the Biosecurity Bill not proposing to incorporate the <i>Phylloxera and Grape Industry Act 1995</i>.
Interaction with other Acts <i>clauses 20, 204, 240</i>	• Appropriate alignment needed with the <i>Landscape South Australia Act 2019</i>, <i>Native Vegetation Act 1991</i>, <i>National Parks and Wildlife Act 1972</i>, <i>Animal Welfare Act 1985</i>, <i>River Murray Act 2003</i>. Need to include consultation with respective Minister or statutory authority. • Need to consider interaction with emergency access legal rights, such as for restoration of electricity. • Clarity sought on intersection with disease outbreak in the <i>Phylloxera and Grape Industry Act 1995</i> (PGI Act). • Provisional support pending collaboration in preparing the drafting instructions to exclude declared weeds and vertebrate pests under <i>Landscape South Australia Act 2019</i> in regulations. Need to ensure the two Acts work in parallel. • Exclusion of weeds and pest animals managed under the <i>Landscape South Australia Act 2019</i>. • Would the proposed exclusion of weeds and pest animals also include their exemption from the general biosecurity duty?

Table A1.2 Prohibited and regulated declarations	
Bill provision	Stakeholder feedback
Prohibited matter and dealings <i>clauses 13-14, 43-44</i>	• Comment that there are no provisions in the Bill for 'restricted matter' and 'permitted matter'. Tasmania has a precautionary approach whereby any matter or carrier that is not prohibited or permitted is by default a restricted matter. • Should include antimicrobial resistant (AMR) organisms within scope of the draft Bill, to enable their surveillance.
Regulated dealings <i>clauses 14, 45</i>	• Query how this relates to the existing Plant Quarantine Standard. Will there be broader scope than what currently applies? • Query whether this would include farming activities generally, which involves/uses biosecurity matter and carriers. • Query Chief Executive (CE) discretion to determine what is a regulated dealing. • The Bill needs to enable hive movement without unreasonable constraint or bureaucratic burden on horticulture businesses with pollination dependent industries.

Table A1.3 Biosecurity duties	
Bill provision	Stakeholder feedback
General biosecurity duty (GBD) <i>clauses 15-18, 40-42</i>	• Supportive of provision. • GBD may be too general in its wording for people (e.g. for growers, home gardeners) to understand how to comply. Specific, clear directions and guidelines will need to be given. • How will the GBD or other Bill provisions address biosecurity risks posed by unmanaged or abandoned orchards? • The GBD applies to everyone, not just producers. Success will require considerable education and sustained effort to regulate compliance. For enforcement, specifics will be needed on what constitutes reasonable awareness and is reasonably practicable. • Third parties accessing farming lands (e.g. renewable energy, mining exploration) should be required to take preventative biosecurity actions. • The biosecurity protocols of mineral explorers should be recognised. • E-commerce platforms should be subject to the GBD, where they deal in biosecurity matter. • Query ability to be charged for non-compliance with both the GBD and a specified biosecurity requirement for the same offence. [cl. 42] • Requirements of the <i>Phylloxera and Grape Industry Act 1995</i>, including vineyard registration, should be recognised as specified biosecurity requirements under the Biosecurity Act. • Need to consider mitigating circumstances that may prevent a person fulfilling their biosecurity duty (e.g. rendering assistance to another person in an emergency). • Need to consider a specific provision relating to the biosecurity risks of trespass, as introduced in Biosecurity Acts in other jurisdictions (e.g. Qld, NSW).
Duty to notify a biosecurity event <i>clauses 15-18, 49-51</i>	• Persons who receive 'second hand' intelligence about a biosecurity risk are not legally obliged to report it. [i.e. do not fit under subclauses (a) to (d) in 49(4)]. • Potential for a legal/moral clash between a duty of participant confidentiality typically required under human research ethics and a researcher's duty to report a biosecurity event. • Clarity sought on whether a duty to notify is incumbent on the land holder or the mineral tenement holder. • Clarity sought on whether reporting in a 'professional capacity' relates only to roles that are directly related to biosecurity.

Table A1.4 Authorised persons	
Bill provision	Stakeholder feedback
Chief Officers and their deputies <i>clauses 23-25</i>	- Need to clarify the qualifications required of a Deputy Chief Veterinary Officer (DCVO) when they are not a veterinary surgeon. - Propose the addition of a Chief Environmental Biosecurity Officer, as the Commonwealth Government has, to ensure there is specialist knowledge and balance applied in biosecurity matters affecting the environment. - Clarity sought on intersections with <i>Phylloxera and Grape Industry Act 1995</i> (PGI Act) regarding Vinehealth board members being authorised officers under a Biosecurity Act.
Authorised officers incl. powers <i>clauses 26-33, 181, 223-241</i>	- Need to clarify that SAPOL officers do not automatically become authorised officers due to the existing provision that they are fisheries officers under the <i>Fisheries Management Act 2007</i> (FM Act). - Resourcing implications for local government where council officers are appointed as authorised officers. - Support the use of industry personnel being appointed as authorised officers when needed. Can they be appointed outside of emergencies (e.g. for biosecurity programs or zones)? Such authorised officers will need appropriate training to work across sectors. - Need to be able to appeal the decision-making and powers of an authorised person. Need for property owners to be able to dispute any unfair or unnecessary use of power by authorised officers. - The Bill should specify the qualifications and attributes required of an authorised officer. - Potential ambiguity in determining whether a person has a 'reasonable excuse' to not comply with a requirement or direction of an authorised officer. [cl. 33] - A person being interviewed should also have the right to make a recording. [cl. 227]
Authorised analysts <i>clauses 34, 261</i>	[nil]
Delegations <i>clause 39</i>	- Potential for loss of Ministerial responsibility and accountability by delegating powers. Concern over powers of authority to delegate and amount of powers vested in Chief Officers. - Delegation of a function or power under the Act to a person or body does not require there to be suitable qualifications and no conflict of interest.

Table A1.5 Statutory corporations and Dog Fence	
Bill provision	Stakeholder feedback
Establish statutory corporations by regulation <i>clause 35, Sched. 1</i>	- Questions the inclusion of this provision, given the likely rarity of new statutory corporations being created under the Act. - Need for clear guidelines and criteria for when and why committees are required of a board. [Sched. 1 cl. 8]
Establish Dog Fence Board in Act <i>clause 36, Sched. 1-2</i>	Should not require that Dog Fence Board appointments need to be Gazetted.
Dog Fence Board <i>Sched. 2 clauses 1-8</i>	- Need to include a definition for a 'dog-proof' fence. - Seeks to have the chairs of all local dog fence boards and a representative from the privately owned fence as members of the Dog Fence Board.
	Oppose the inclusion of dingoes in the definition of 'wild dog'.
Provisions as to dog fences <i>Sched. 2 clauses 9-17</i>	Need to require consultation with both the occupier of land and the owner/s of a fence (where different) in making a Ministerial decision on declaring a dog fence.
Financial provisions <i>Sched. 2 clauses 18-25</i>	- Should formally recognise Sheep Industry Fund (SIF) contributions in the Bill as Board income to be matched by government. - Should require a similar process of consultation and Ministerial approval for the charging of occupiers of land outside the dog fence that use it as a boundary fence, as for that which applies to declaring rates on ratable land inside the fence. Include, by regulation, the setting of a maximum amount per kilometre for charging occupiers of land outside the dog fence.
	Oppose a financial provision for the Dog Fence Board to obtain contributions from councils as an alternative to applying rates directly from the Board.
Local dog fence boards <i>Sched. 2 clauses 26-27</i>	Should not require that local dog fence board appointments need to be Gazetted.
Other related matters <i>Sched. 2 clauses 28-32</i>	- Need to clarify the burden of proof relating to a 'lawful excuse' for fence damage. - Need to include employer liability where a person damages the dog fence in the course of their employment.

Table A1.6 Traceability and market access	
Bill provision	Stakeholder feedback
Quarantine stations <i>clause 37</i>	Questions whether a farm could be made a quarantine station?
Manifests, propagation material, packaging and labelling <i>clauses 46-48</i>	Queried practicality of manifest requirements for interstate winegrape consignments during harvest season.
Biosecurity registration <i>clauses 52-74</i>	- Disparities between state jurisdictions for costs borne by industry in the implementation of the NLIS. - Potential to require insurance as a condition of registration with regards to the regulated dealing. Could this be a financial barrier to industry? [cl. 64] - PIRSA should use the existing <i>Phylloxera and Grape Industry Act 1995</i> register of all persons who own vineyards (of 0.5 ha or more), rather than set up a parallel registration system. [if grapevine growing was to become a regulated dealing]
Identification codes <i>clause 75</i>	- Supportive. But need to consider using existing systems (e.g., GS1) rather than PIRSA creating its own ID code scheme. - Bill lacks detail on identification codes. For example, how and why they would be used? - Expectation for proper consultation of specific commodity sectors with regards to identification codes, including considerations of cost and regulatory burden on individuals. - How would this relate to existing vineyard registrations and identification under the <i>Phylloxera and Grape Industry Act 1995</i>? - Concern about the repeal of the <i>Brands Act 1933</i> as a means for livestock identification.
Accreditation authorities <i>clauses 76-98</i>	- Supportive of provision. - Third party operators will need to have suitable experience, knowledge and qualifications. Risk of relying on poorly skilled individuals in emergency situations. - Notes the resourcing requirement on PIRSA for approvals and oversight. Need to ensure there are no conflicts of interest between accreditation authorities and appointed auditors or accredited certifiers. - Notes the interaction with the nursery approval function of Vinehealth under the <i>Phylloxera and Grape Industry Act 1995</i>.

Biosecurity audits <i>clauses 99-123</i>	• Recommends that a biosecurity audit frequency policy is transparent, subject to industry consultation and periodically reviewed. [cl. 117] • Possibility of audit fees being unreasonable with regards to cost recovery imposed by a third party auditor, including differential fees for remote or rural situations with increased travel requirements. [cl. 112, 120] • Will audit fees be waived by government during emergencies? • Support auditing of high risk premises. • Support the use of third party auditors, which can bring cost efficiencies where they are also accredited to audit other industry schemes in the same visit.
Biosecurity certificates <i>clauses 124-131</i>	• Capacity to have optional 'to' and 'from' dates on certificates, noting that some existing plant biosecurity certificates do not require these. [cl. 125] • Cost implications of ability to require insurance as a condition of accreditation as a biosecurity certifier. [cl. 91]

Table A1.7 Orders, zones, directions and permits	
Bill provision	Stakeholder feedback
Biosecurity zones <i>clauses 159-168</i>	- No scope to appeal the locations within a biosecurity zone and/or its conditions. - Consultation requirements to establish a biosecurity zone should include other Ministers and the intersections with their respective Acts. - Oppose a person having to change their land management practices to comply with the requirements of a biosecurity zone.
Emergency orders <i>clauses 169-181</i>	- Emergency powers should be in alignment with other SA legislation (e.g. <i>Public Health Act 2011</i>) and be subject to appropriate checks and balances in the exercise of these powers, including Ministerial responsibility, scope and timeframes. - Potential for clearance of vegetation protected under the <i>Native Vegetation Act 1991</i> or destruction of native wildlife protected under the <i>National Parks and Wildlife Act 1972</i>, under a biosecurity zone, emergency order or control order.
Control orders <i>clauses 182-193</i>	- Councils should be able to recover their reasonable costs from the State Government in relation to a biosecurity emergency. - Consider escalation to and de-escalation from emergency declarations under the <i>Emergency Management Act 2004</i>. - Clarity sought over who manages and funds emergency responses on Aboriginal lands. More broadly, how will biosecurity capacity be supported on such lands and in co-managed parks?
General biosecurity direction <i>clauses 194-198, 203-208</i>	[nil]
Individual biosecurity direction <i>clauses 194-196, 199-208</i>	- Preparation of an individual biosecurity direction should include consultation and negotiation with the individual. - Are there adequate consultation and appeal processes in the Bill? There is potential for significant economic losses to a business in having to comply with such a direction.

Permits <i>clauses 132-151</i>	• A pre-emptive permit should be provided to exempt persons attending an electricity emergency from specified biosecurity requirements. • Need for consultation with affected parties in determining conditions on a permit and any subsequent variation to the permit. • Impacts on Aboriginal cultural species or sites should be grounds for suspending or cancelling a permit. • Potential for use of permits to undermine emergency orders. • Opposed to a potential insurance requirement for permits whereby the types of conduct or actions to be indemnified by the insurance have to be specified. [cl. 142] • How will fees for permits be determined? Inequity between small and large businesses on capacity to pay permit fees.
Ministerial exemptions <i>clause 300</i>	• A permanent Ministerial exemption from the requirements of a Biosecurity Act should be provided for essential service providers, such as electricity entities. • This is a broad Ministerial power that could be used for political purposes.

Table A1.8 Programs and agreements	
Bill provision	Stakeholder feedback
Biosecurity programs <i>clauses 152 -157</i>	• Oppose. Concerns over cost-shifting government expenditure on biosecurity to industry. Industries already pay various national biosecurity levies. Government can invest in programs now without this provision. • Supportive of concept, but query whether there is a budget for such programs. • Transparent and broad industry consultation would be required before a program could be imposed by the Minister. Need to take account of existing programs. • With regards to funding future biosecurity programs or activities, the Bill should specify the process for any introduction of a new levy on industry, including mandatory stakeholder consultation. • Seeks clarity that this provision would include Aboriginal Rangers or Native Title bodies to be involved and/or consulted. • Can the governance of programs be simplified by not having a requirement for a management committee, and not requiring the CE to be on this committee? • Whilst a biosecurity program's management plan can include reimbursement (for destruction of animal, plant or other property) it does not seem to allow for compensation and/or other commercial terms. • Clarify whether government is to wholly fund reimbursement for destruction in government biosecurity programs. • Need to include a requirement that program outcomes are regularly reported to industry.
Biosecurity control agreements <i>clause 158</i>	• Oppose the CE imposing a biosecurity control agreement on a property owner without consultation and no means to object. • Need to include consultation with any easement holders in developing a biosecurity control agreement for any premises.
Reimbursement and compensation <i>clauses 209-217</i> (see also 'Biosecurity programs')	• Compensation for loss under a biosecurity order is at the Minister's discretion. Material loss of income or economic value for a business in a biosecurity response, where no fault of their own, should be in scope for compensation. This includes losses of high value animals such as breeding stock. • Supportive of the provisions. • Should concurrently review the disease compensation mechanisms under the <i>Primary Industry Funding Scheme (Cattle Industry Fund) Regulations 2015</i> (Cattle PIFS Regulations) to provide greater clarity of these arrangements.

Table A1.9 Specific biosecurity matters	
Bill provision	Stakeholder feedback
Offence to release agent to cause harm <i>clauses 242-246</i>	• Support the inclusion of this offence and associated strong compliance action. • Should include a provision for release without intent to harm (e.g. ornamental fish release) or release of a potential biocontrol agent without approval. • Concern about the phrase 'without lawful excuse' being sufficient to stand in court.
Management of stray stock <i>clauses 280-281</i>	• Support the Bill's simpler replacement of the <i>Impounding Act 1920</i>. • Limits should be placed on councils' obligations to manage stray stock on their land. • Concern that a council officer would not be able to make an informed decision on whether stray stock on council land poses a biosecurity risk. Propose that this decision is deferred to PIRSA.
Biosecurity advisory groups <i>clause 296, Sched. 4</i>	• The Bill should enable the Minister to establish an independent scientific biosecurity advisory group for the Act's administration. • Supportive of having advisory groups. • Need for specific criteria/guidelines on when advisory groups are established and how they will be resourced. They should not duplicate the work of other existing groups or organisations. • Questions why there is an arbitrary number of up to 9 members for an advisory group.

Table A1.10 Compliance processes	
Bill provision	Stakeholder feedback
General comments on compliance	- Enforcement of clear and timely deterrence measures and penalties for biosecurity risks is imperative in upholding the integrity of our biosecurity framework. - The success of biosecurity is compliance, and resources must be available for the necessary compliance activities. - Supports strong compliance against intentional breaches of a new Biosecurity Act. Encourages appropriate resourcing to enable compliance, enforcement and prosecution activities
Internal and external review <i>clauses 218-222</i>	- Need to ensure consistency between Part 5 (Registrations) and Part 13 (Review), in terms of right to review a decision - It is not clear why only some internal review decisions are reviewable externally through SACAT. - There is no scope to review an emergency order, control order or general biosecurity direction (noting in particular that orders can be property specific).
Offences generally <i>clauses 21, 247-258</i>	Concern that the continuing offences penalty, applying before a conviction for the offence, is intimidatory and does not allow for objecting or questioning as to whether the offence has occurred. [cl. 252]
Evidentiary provisions <i>clauses 259-265</i>	Disagree with 'In any legal proceedings, evidence that a hive was found on specified premises is evidence that the bees were kept by the occupier of those premises'. This ignores wild hives. It also ignores bee keepers keeping their hives on another person's property by private agreement. [cl. 265]
Court orders <i>clauses 266-275</i>	[nil]
Maximum penalties throughout the Bill <i>various clauses</i>	- The fines are excessive. - The fines seem very lenient for big corporations. - Support penalties that deter people from taking biosecurity risks. Penalties need to reflect the potential impacts of a biosecurity breach to industries, especially if they are intentional.
Miscellaneous clauses <i>284-286, 288-289, 291, 293</i>	No specific provision has been made for an employer or principal not being liable where the employee has acted contrary to directions given to that employee specifically or any employee more generally. [cl. 249, 285]
Recovery of costs <i>clauses 294, 297</i>	Opposition to any new fees or levies.

Table A1.11 Specific powers	
Bill provision	Stakeholder feedback
Additional emergency powers <i>clauses 175-178, 201, 229-232</i>	• Support for continuation of the emergency powers achieved within the recent additions to the <i>Livestock Act 1997</i>. • No person should be subject to detention, inspection or treatment against their will. • Powers to immediately enter premises where acting 'in case of an emergency' should only be where there is an actual emergency.
Reasonable suspicion <i>clauses 276-278</i>	• Opposed to entry to property based on a 'reasonable suspicion' without substantive facts. • Concern over ability of Chief Officers and authorised officers to take action based on 'reasonable suspicion' that a serious risk exists, without having to wait for scientific confirmation.
Use of warrants <i>clauses 168, 203, 208, 235</i>	[nil]
Interaction with other Acts <i>clauses 20, 167, 178, 204, 240, 292</i>	[nil]
Use of 'suitable person' in decision-making <i>clauses 11, 26, 54, 59, 70, 82, 87, 93, 136, 140, 147, 299, Sched. 4 clause 1</i>	[nil]
Use of 'reasonably practicable' in decision-making <i>clauses 18, cl 40, 49, 166, 190, 203, 238</i>	• Concern over subjectivity when determining what is 'reasonably practicable'.
Decision to destroy <i>clauses 166, 176, 190, 203-204, 238-240, 273, 280-281</i>	• Nothing should be destroyed unless it is actually proven to be prohibited matter - not just reasonably suspected of being.

Entry to residential premises

clause 3 definition, 162, 207, 231

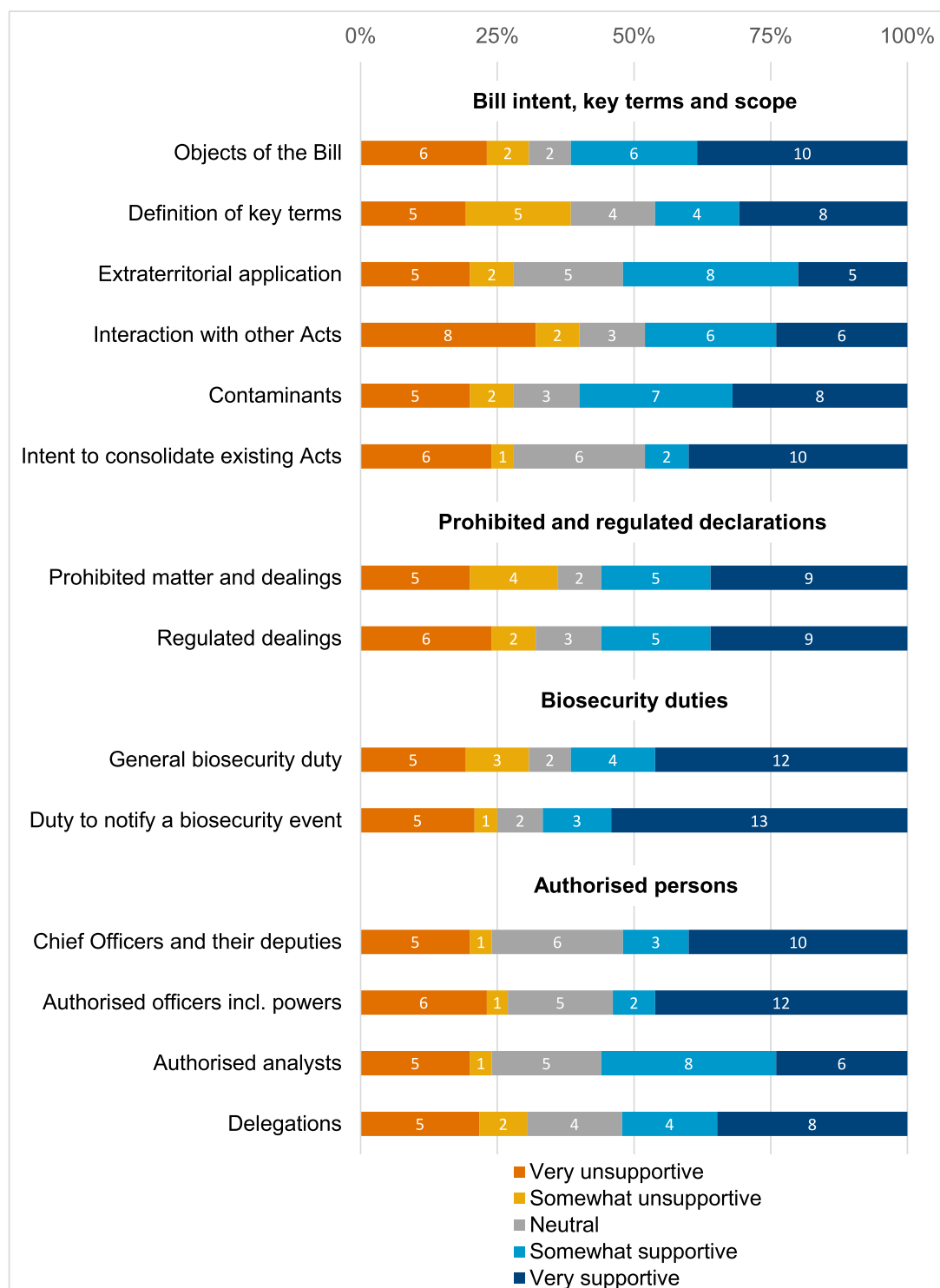
Regulations, notices and instruments clause 282, 301, Sched. 5

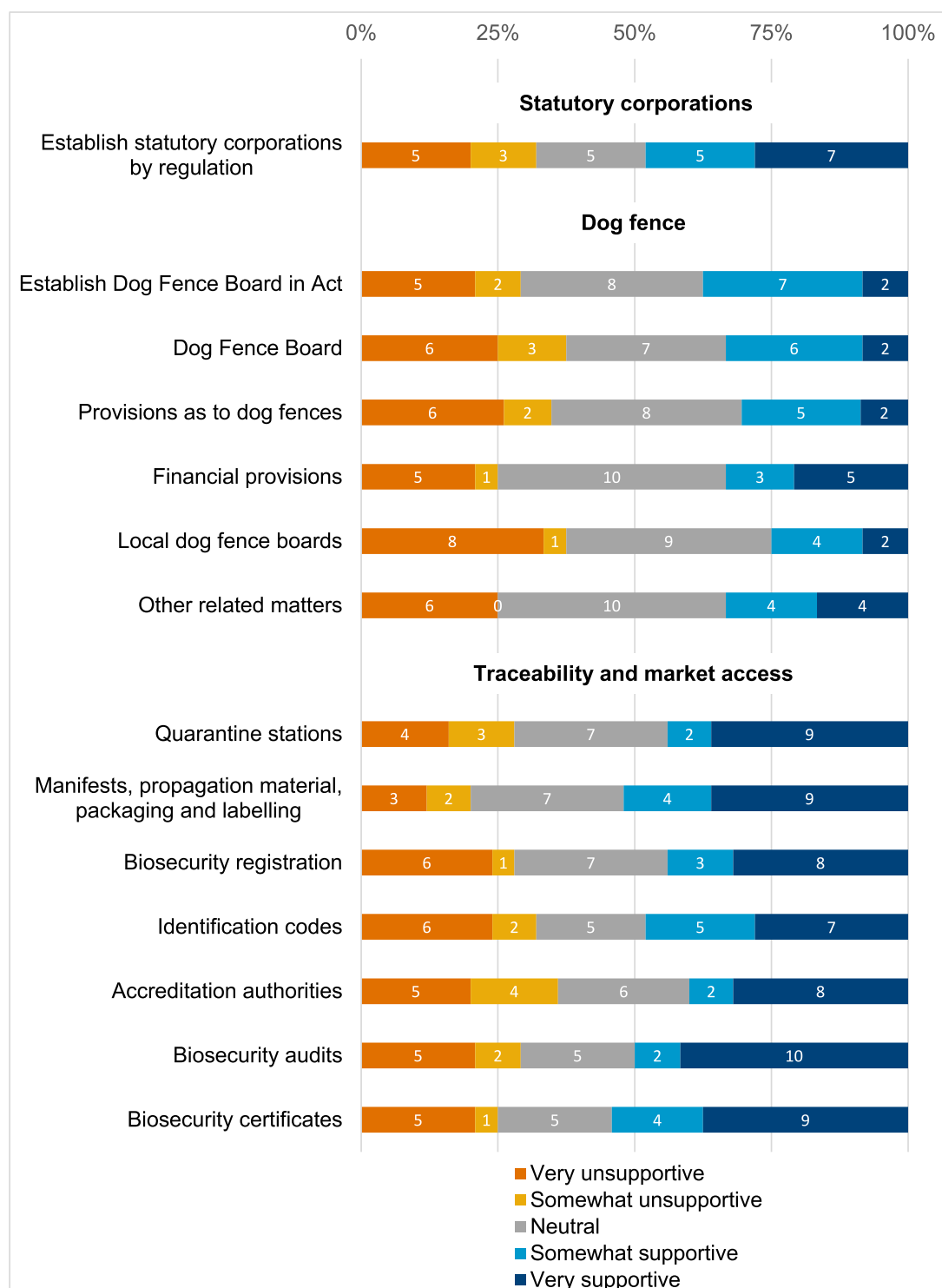
- Should not be permitted without a court order or warrant.
- Oppose entry to residential premises

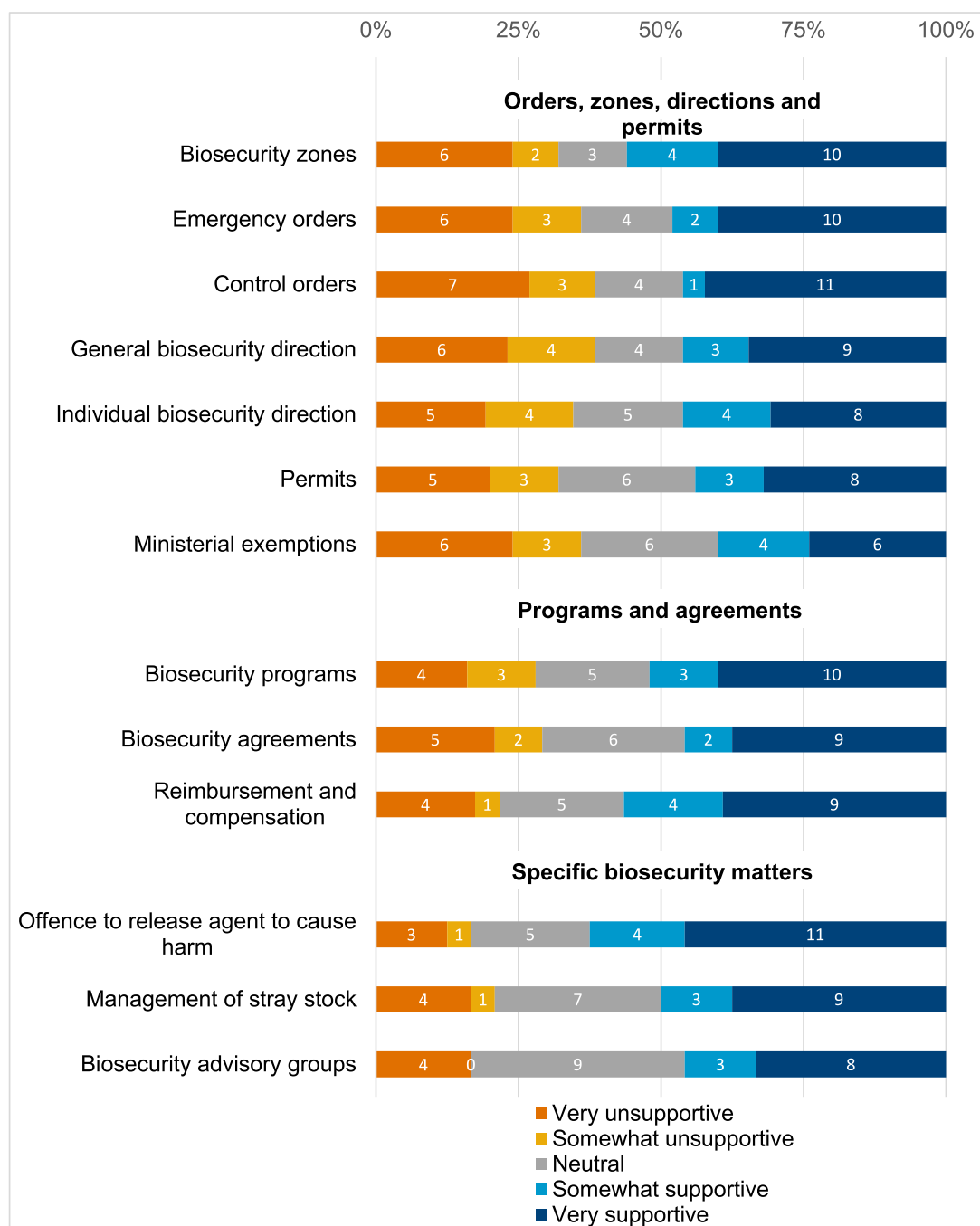
Table A1.12 Miscellaneous administration	
Bill provision	Stakeholder feedback
Register, disclosure of information <i>clauses 38, 290</i>	- The rationale for disclosing personal health information has not been made clear. This is not a public health act. - Need to consider regulations with regards to data sharing between government departments, including identifiable information of persons.
Use of technologies <i>clause 298</i>	- Where a computer has been used to make a decision which becomes the basis of a direction or order on a person, then that person must have the right to request that data or information and justification for the actions taken. - Care needs to be exercised that this does not translate into an over-reliance, or an over-trust, in artificial intelligence algorithms without human oversight. Human judgement should remain paramount.
Other miscellaneous <i>clauses 1-2, 279, 287, 295</i>	<i>[nil]</i>
Regulations <i>Sched. 5</i>	Need to work closely with industry in developing the regulations

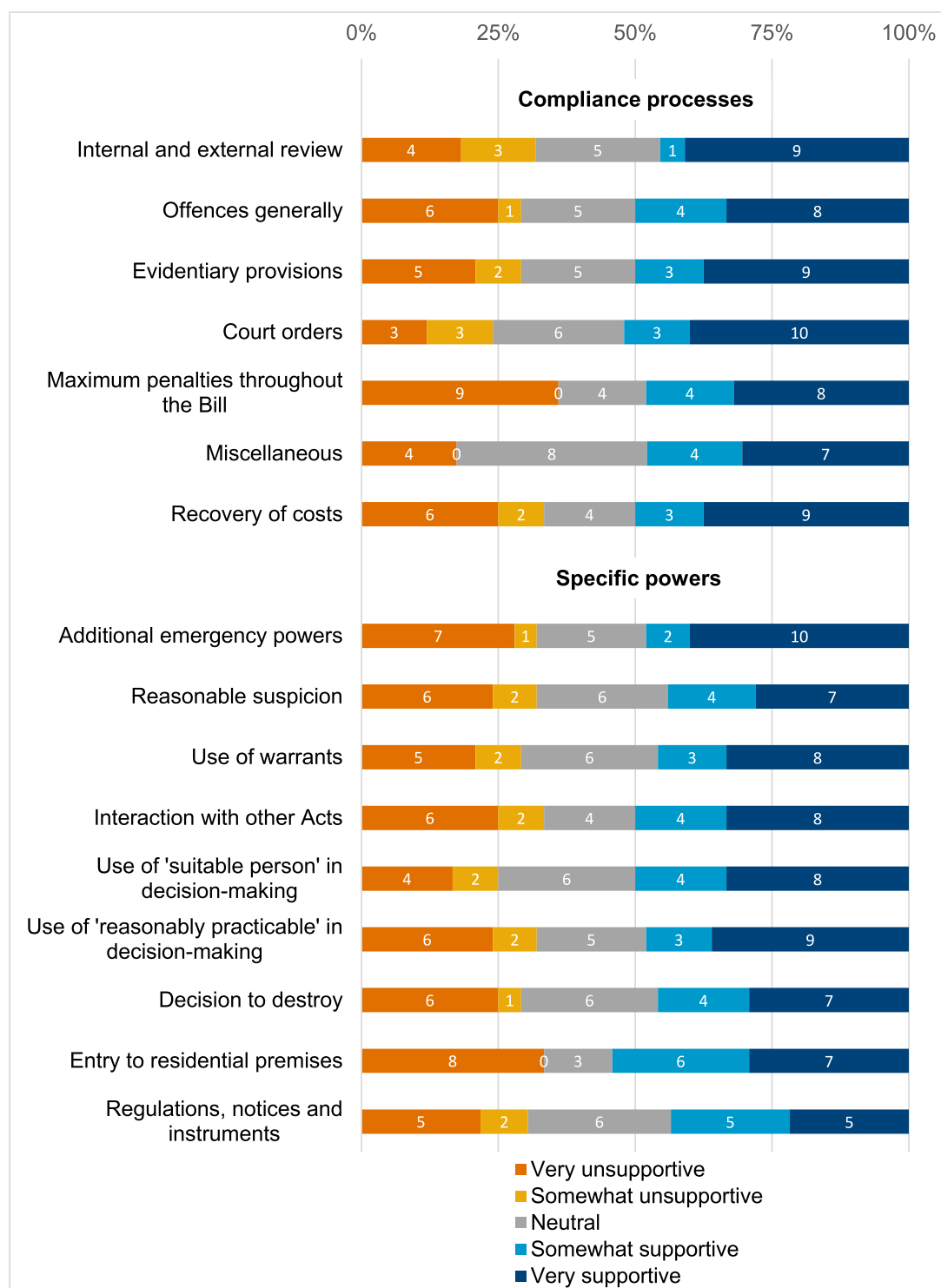
Appendix 2 — Survey ratings received

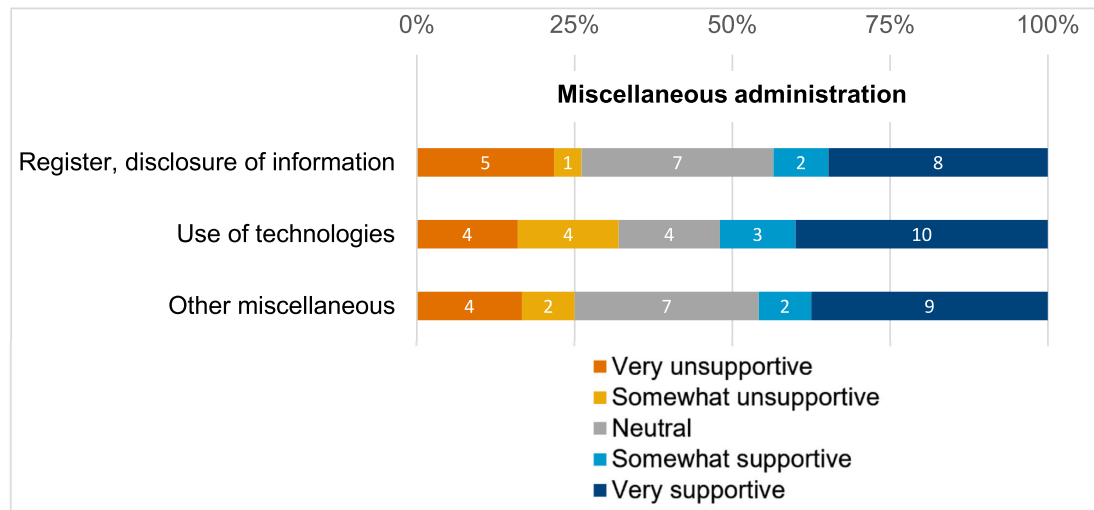
The following graphs are combined ratings data of organisations (9) and individuals (17) from the YourSAy survey.













MATTERS FOR INFORMATION

6.3 NURIOOPTA CENTENNIAL PARK AUTHORITY - MINUTES OF 15 NOVEMBER 2023

**Author: Chief Executive Officer
24/1675**

The minutes have been provided by the Authority and they are hereby attached for information.

ATTACHMENTS

Attachment 1 Minutes of 15 November 2023 [↓](#) 

SUPPORTING REFERENCES

Nil

**NURIOOTPA CENTENNIAL PARK AUTHORITY**

Wednesday 15 November 2023, 7:00pm, NCPA Boardroom

BOARD MINUTES

Meeting formally opened at 7.00pm.

1. COMMENCEMENT**1.1 Welcome**

Guy Martin (Chairperson) welcomed everyone to the meeting. David Paprzycki was formally welcomed as a Board Member.

Present

Guy Martin (Chairperson), Steven Bell (Deputy Chairperson), Brett Lydeamore, Robin Phillips, Simon Gill, Peter Cooper, Cr Tony Hurn, David Paprzycki, Linda Stapleton (Business Manager – Minutes), Tanya Pumpa (Business Manager)

1.2 Apologies - Nil**1.3 Declarations of Interest - Nil****2. STAKEHOLDER PRESENTATIONS / REQUESTS – Nil****3. CONFIRMATION OF PREVIOUS MINUTES****MOVED SIMON GILL**

that the Minutes of the Board meeting held on 18 October 2023, as circulated, be confirmed as a true and correct record of the proceedings of the meeting.

SECONDED DAVID PAPRZYCKI

CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. CORRESPONDENCE**5.1 Incoming Correspondence**

5.1.1 NCPA Committee Appointment October

5.1.2 NCPA Board Christmas Dinner Menu Flyer

5.1.3 The GO BIG Treasure hunt

5.2 Outgoing Correspondence

5.2.1 Christmas 2023 Invite

MOVED SIMON GILL

that all correspondence be accepted.

SECONDED STEVEN BELL

CARRIED

6. WORK, HEALTH AND SAFETY**6.1 WHS System Work Plan and Report - Nil**

NURIOOTPA CENTENNIAL PARK AUTHORITY
Board Meeting – 15 November 2023

7. REPORTS**7.1 Business Manager Finance Report**

The Business Manager Draft Finance Report was tabled and discussed. The RMS Occupancy Reports and YTD Cash Reports were tabled, along with Draft MYOB Balance Sheet and P&L Reports.

7.2 Business Managers Report

The Business Managers Report was tabled and discussed.

MOVED ROBIN PHILLIPS

That the Business Managers' reports be accepted.

SECONDED CR TONY HURN

CARRIED

7.3 Operations Managers Report

The Operations Managers report was tabled and discussed.

7.4 BIG4 Quarterly Report – tabled and discussed.**7.5 Website Care Service Report - Report was tabled and discussed.****7.6 Sports Centre Committee Report – Sports Centre Management - discussed.**

A meeting was held on 15 November 2023 with representatives of the Netball club to discuss the renewal of the Sports Centre Hire Management contract for a further twelve-month period.

It is proposed that air conditioning for the building be included in the budget for the next financial year (2024/25). Previous quotes received totalled approximately \$45,000. New quotes will be required. Currently, there is an ineffective evaporative cooling system and gas heaters that require removal.

The NCPA proposed to install a smart TV in the Sports Centre to help to attract more corporate bookings.

The tennis/netball courts will be patched and painted, where required to extend the life of the playing surfaces.

The NCPA will commence marketing of the Sports Centre Hire to increase bookings.

The Netball club will commence invoicing rates at PLUS GST, currently the rates charged by the Netball club have been GST inclusive.

MOVED SIMON GILL

That the Sports Centre Hire Management agreement with the Netball Club be extended for a further twelve months.

SECONDED STEVEN BELL

CARRIED

7.7 Audit Committee Report - discussed.

The Barossa Council have ratified the nomination by the Board for Elaine Ratcliffe and Matthew Taylor to be appointed as members of the NCPA Audit and Risk Committee.

**NURIOOTPA CENTENNIAL PARK AUTHORITY
Board Meeting – 15 November 2023**

A meeting has been scheduled for 7 December 2023.

7.8 Social Media Marketing Report – Report was tabled and discussed.

MOVED STEVEN BELL

That all reports be accepted.

SECONDED BRETT LYDEAMORE

CARRIED

8. IMPROVEMENT PROGRAM UPDATE (RISK ANALYSIS) – Nil.

9. OTHER BUSINESS

9.1 Increase credit limit request - Update

There have been several conversations between BANKSA, Guy Martin and Steven Bell to increase the total NCPA credit limit for credit cards for managers from \$4,000 to \$6,000. Currently, the Operations Manager (Martin Field) and Business Manager (Linda Stapleton) each have a \$2,000 credit card limit. Tanya Pumpa (Business Manager) requires a \$2,000 credit card to be issued.

An email was received on 15 November from BankSA detailing the requirements to be completed and submitted for assessment. This matter is an ongoing, work in progress and an update will be provided at the next meeting.

9.2 NCPA Board Christmas Dinner

The Annual Christmas Dinner for the current and Life Members of the Board will be held on Saturday 2nd December 2023 at Dolan's Den (Saltram Estate).

Invites have been issued, with RSVP's due by Thursday 23 November 2023.

9.3 Carpark Plan

Steven Bell reported on his recent meeting with James Milne from SBEC, who is working to put together some designs for the proposed car park.

The original drainage drawings from when the area was first developed over a decade ago have not been able to be located, so Steven has contacted John Mattner from Barossa Plumbing and Gas, who will provide the drawings he has of the previous drainage system to assist SBEC.

A further update will be provided next month.

9.4 Park Tariffs 2024

Proposed park tariffs for 2024 were presented and discussed.

MOVED PETER COOPER

That the proposed tariffs commencing 1 January 2024 to be approved and adopted by the NCPA T/As BIG4 Barossa Tourist Park.

SECONDED DAVID PAPRYZCKI

CARRIED

**NURIOOTPA CENTENNIAL PARK AUTHORITY
Board Meeting – 15 November 2023**

9.5 1st Quarter Budget Review

The 1st Quarter Budget has been reviewed. Minimal changes have been made to the budget figures. The Budget will be reviewed, and any additional adjustments will be presented at the end of the December quarter.

In the original budget there was \$50,000 allocated as income from the sale of cabins. This income has been removed as the cabins will not be sold and removed from site during the 2023/24 financial year. Minimal changes to the budget include insurances, emergency services levy and sports centre commission. These figures have been reduced to reflect the actual income/expenditure.

It was noted that in the 2023/24 financial year the final payment of \$130,000 will be processed for the loan received from The Barossa Council to cover the cost of building the new park office and operations manager residence, which was completed in 2009.

MOVED CR TONY HURN

To accept the proposed amendments to the 1st Quarter Budget Review.

SECONDED PETER COOPER

CARRIED

9.6 Lights for Football Oval – Update

There has been no further progress on this matter. The Football club are waiting for an update from the Barossa Council following their presentation.

9.7 Sports Centre Gutter Cleaning – Update

The sports centre gutters have been cleaned and completed, apart from the grandstand roof which does not require cleaning at this stage.

9.8 Netting Behind Football Goals – Update

There has been no further progress on this matter. The Football Club are waiting for quotes to be received. Once received, quotes will be submitted to the NCPA for review.

9.9 Shed for Nuriootpa Cricket Club - Update

There has been no further progress on this matter. Brett Lydeamore advised there is no projected timeframe at this stage, the project is expected to be completed prior the next cricket season (2024/25). Updates will be provided as the project progresses.

10. NEW BUSINESS

10.1 Coulthard Reserve Intent discussion

A proposal is required to be submitted to Council advising if the NCPA are looking to retain the care and maintenance of Coulthard Reserve, detailing a plan of works to be undertaken by the NCPA and outlining what responsibility the NCPA would take on and what would be required to be the responsibility of the Council.

This matter was discussed at length by the Board members.

MOVED ROBIN PHILLIPS

That Guy Martin is to draft a letter for the Barossa Council, which will be distributed to the board members for approval prior to being forwarded to the Barossa Council for consideration. This will be reviewed at the next Board meeting.

SECONDED SIMON GILL

CARRIED

Page | 4

**NURIOOTPA CENTENNIAL PARK AUTHORITY
Board Meeting – 15 November 2023**

11. DATE OF NEXT MEETING – 20 December 2023 at 7.00pm

12. MEETING CLOSED at 8.35pm

Confirmed at Board Meeting -

/ 20

DATE: 20-12-23

CHAIRPERSON: 

MATTERS FOR INFORMATION

6.4 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - CALL FOR MOTIONS - NATIONAL GENERAL ASSEMBLY 2024

**Author: Chief Executive Officer
24/1764**

The President of ALGA has written to Council calling for any motions for the 2024 National General Assembly. Motions are not binding on ALGA, if passed by the assembly.

Should a member/s wish to make a proposed motion please discuss with the Mayor and CEO to allow a report to be provided to the February meeting of Council. Motions are due by 29 March 2024 and have to be aligned to the discussion paper. The discussion paper is provided at the link in supporting references.

As Councils delegate the Mayor may attend once he reviews the final agenda and program, this is approved as part of the Elected Members' Training and Development Policy and supporting Plan of Council.

ATTACHMENTS

Nil

SUPPORTING REFERENCES

[2024-NGA-Motions-Discussion-Paper.pdf \(alga.com.au\)](#)
[Home - Australian Local Government Association \(alga.com.au\)](#)

MATTERS FOR INFORMATION

6.5 RESPONSE FROM SOUTH AUSTRALIAN LOCAL GOVERNMENT BOUNDARIES COMMISSION - APPOINTMENT OF INVESTIGATOR - TOWN OF GAWLER PROPOSAL

**Author: Chief Executive Officer
24/1835**

Correspondence has been received confirming appointment of an investigator to the Town of Gawler boundary reform proposal, contrary to Council's representation. The correspondence is attached for members information.

It is unknown how much resource or budget impact the investigation will have on senior resources and Council however it is expected the work will require support both through the Commissions inquiry requirements, requests from the consultant and potentially construction of countering data and arguments to the reform proposal. There will be community engagement requirements which will no doubt pique interest and community and media comment.

Further information will be provided when more is understood from the Commission and its consultant.

ATTACHMENTS

Attachment 1 Correspondence [!\[\]\(15611869979b36bd4de6926b60e559e0_img.jpg\)](#) 

SUPPORTING REFERENCES

Nil



GPO Box 2329
Adelaide SA 5001

Tel (08) 7133 1311
boundaries.commission@sa.gov.au

16 January 2024

Mayor Bim Lange
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

By email to: mayor.lange@barossa.sa.gov.au

Dear Mayor Lange

Town of Gawler Boundary Change General Proposal – Appointment of Investigator

I refer to my letter dated 12 September 2023 regarding the proposed appointment of an Investigator for the Town of Gawler's Boundary Change General Proposal Inquiry (the Inquiry) and The Barossa Council's (the Council) response dated 10 November 2023.

As you are aware, the Commission has consulted with affected councils and requested feedback on the proposed appointment of an Investigator in accordance with section 31(2)(b) of the *Local Government Act 1999* (the Act) and the Commission's *Guideline 5 – Appointment of Investigators for General Proposals*.

That process is now complete, and the Commission thanks the Council for its feedback.

The Commission has carefully considered the affected councils' responses to the consultation. Enclosed for your information is a table summarising the affected councils' feedback together with the Commission's responses and next steps (Attachment 1 – LGBC Council Consultation Feedback Summary Table).

On 23 November 2023, after considering all of the feedback received from the affected councils, together with recommendations from the procurement process, the Commission resolved to appoint BDO Australia as the Investigator to undertake the Inquiry.

In line with the Commission's publication policy, all correspondence between the Commission, affected councils and other bodies will be made publicly available on the Commission's website.

As the appointment of BDO is announced and the Inquiry commences, the Commission anticipates a significant amount of public interest in the Inquiry, particularly in relation to the expected process and timeframe for the Inquiry and its cost.

As you know, the cost estimate for the Inquiry has been determined following a commercial in confidence tender process. While procurement and contract details remain confidential, I confirm that an expected cost of \$180,000 may be disclosed to any interested parties, noting that this is an estimate of the cost of the Inquiry and may not be its final cost.

In preparation for the Inquiry, I request that the Council confirm the details of the nominated Council contact for liaison during the Investigation.

Page 1 of 2

Thank you again for your Council's participation in this process to date. I anticipate that BDO will be working closely with all affected councils as it progresses this important Inquiry.

If you have further questions, please feel free to contact the Commission's Executive Officer, Mr Peter Ilee, on 7133 1311 or by email to boundaries.commission@sa.gov.au.

Yours sincerely



Rob Donaldson

CHAIR

SOUTH AUSTRALIAN LOCAL GOVERNMENT BOUNDARIES COMMISSION

ATTACHMENTS

1. LGBC Council Consultation Feedback Summary Table



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Adelaide SA 5001
Tel (08) 7133 1311
boundaries.commission@sa.gov.au

South Australian Local Government Boundaries Commission - Town of Gawler Boundary Change Proposal

Feedback from Councils on Appointment of Proposed Investigator – Summary, Commission Response, Next Steps – 23 November 2023

Submission	Date Received	Support/Oppose Proposed Investigator	Summary of Submission/Points to be Addressed	Commission Response	Next Steps
Town of Gawler	25 October 2023	Support	- Council does not wish to raise any concerns with the selection of the proposed investigator. - Council acknowledges that it is the Commission's decision to appoint the proposed investigator based on the Commission's understanding of the proposed investigator's required skills, capabilities, and experience. - Council will proceed to fund the Inquiry/Investigation for the 2023/24 and 2024/25 financial years.	All Noted	- Note - Consider all feedback when determining the appointment of an appropriate investigator to undertake the Town of Gawler Boundary Change Inquiry - Note
City of Playford	6 November 2023	Support	The City of Playford does not have any objection to the appointment of the investigator.	Noted	Consider all feedback when determining the appointment of an appropriate investigator to undertake the Town of Gawler Boundary Change Inquiry
Light Regional Council	9 November 2023	Oppose	- In its letter of 10 November 2021, the Commission indicated it was intending to appoint a "number of specialised investigators" to the investigation. - Council considers that the Commission is not following its own advice and is now proposing to appoint a single consultant to undertake the investigation. - Council letter of 26 November 2021 requested that individual investigators be engaged for each specialisation and this is considered necessary given the expected complexities and potential impacts of the ToG Proposal. - Council has not been presented with any evidence that gives it the confidence that this consultancy has the specialised skills in the areas to be investigated.	- Section 31(1)(b) of the <i>Local Government Act 1999</i> states the Commission <u>may</u> appoint <i>1 or more</i> investigators to conduct the inquiry. - Guideline 5 – <i>Appointment of Investigators for General Proposals</i> states that the Commission <u>can</u> appoint <i>one or more</i> investigators to undertake a detailed inquiry into a general proposal. - In its letter of 10 November 2021, the Commission stated that the Act enables the Commission to appoint 1 or more investigators. - The Commission's approach has not changed and is now informed by market responses to the procurement process. A single consulting firm (which may consist of one or multiple investigator/s) may provide the most effective solution for the Town of Gawler Inquiry. - The proposed "investigator" consists of a team of specialised persons– including a sub-consultant for Land Use and Planning Matters component. The preferred tender submission is from a single consulting firm nominating a team of professionals to undertake various elements of the Inquiry. This team is referred to as a single "investigator" for the purposes of the Act. Several of the tender responses proposed this investigator-team approach. In practice the Inquiry would be undertaken by multiple investigators in a fully coordinated team and project management framework. - The consultation with affected councils provided as much information as possible, having regard to the limited disclosure possible during the procurement	- No action - No action - No action - No action

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			• Council is of the view that the appointed consultants should be experienced in local government • Without an understanding of the submission (tender documentation) from the prospective consultant, Council is unable to provide comment in relation to the specialised skills required. • Council's costs in assisting the Commission with an inquiry to be reimbursed by the Town of Gawler. Council has been required to allocate significant resources to this matter since June 2019 and ratepayers should not be required to resource this. • If the Commission proceeds with contracting the proposed consultant for the investigation, a report will be prepared for the Elected Body to table this letter and release any other documentation relating to the appointment of an investigator, including the consultation with Council, from confidence. This will be done at its earliest opportunity.	evaluation process and the provisions of section 32(1)(b) of the Act. • The Commission is satisfied that the proposed investigator has the qualifications, knowledge, expertise and experience (including in and applicable to local government) relevant to the Inquiry (Section 31(2)(a) of the Act). • The Commission must ensure the preferred consultant team has the specialised skills and expertise in the areas required to conduct a successful investigation. The Commission is satisfied that the proposed investigator has the qualifications, knowledge, expertise and experience (including in and applicable to local government) relevant to the Inquiry (Section 31(2)(a) of the Act). • The DIT procurement framework does not enable dissemination of tender submission documentation to third parties prior to finalising the procurement process. The Commission is satisfied with the tender submission detail and how the requirements of the Inquiry Plan were addressed. • The procurement process and reasons for selecting the proposed investigator were outlined in the Commission's presentation to each affected council. The proposed investigator has demonstrated relevant local government and other experience to the satisfaction of the Commission. • Section 32B of the Act provides that "The Commission may recover reasonable costs incurred in respect of an inquiry...". Commission to review capacity to recover reasonable costs (including of affected councils) in light of Inquiry scope and requirements. • Section 32A of the Act requires that information required by the Inquiry be provided by councils. • Local Government Act obligations in relation to retention in confidence and subsequent release of relevant information and decisions continue to apply. Each council may make the appropriate decisions to release information and decisions at the appropriate time/s. • The Commission anticipates that following the completion of the procurement process and the appointment of an investigator, relevant information will be made publicly available .	• Note • No action • Consider all feedback when determining the appointment of an appropriate investigator to undertake the Town of Gawler Boundary Change Inquiry • Commission to further consider cost recovery scope and circumstances intended by S32B. • Note
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The Barossa Council	10 November 2023	Oppose	- Council objects to the ToG's proposal, methodology and process and implore the Commission to reassess its initial approval to proceed. - Council claims that the initial Town of Gawler investigations provide no, or very little, fundamental basis for the proposal, nor justification of the decision to proceed by the previous Commission. - Council has not been properly informed to contribute meaningfully within the consultation requirements of the Act and it is therefore impossible to comment on the merits of the preferred tenderer. - The Commission is an independent body and, regardless of departmental procurement advice, should be able to disclose required information to stakeholders so informed comment can be made. - The full information submitted at tender should be released to affected Councils to assess before any appointment is made and the consultation process required by the Act re-initiated. - Councils have the necessary confidentiality provisions to manage the information appropriately. - It is Council's view that the preferred tenderer is not an appropriate consultant as they have very little local government experience. - Council questions the basis of the preferred consultant's skills, abilities, and project credibility.	- Information available to the Commission and the circumstances of the ToG proposal have not changed such as to warrant the review of the Commission's previous decisions, with the potential to negate subsequent decisions made and work undertaken based on those earlier decisions. - The Commission reviewed the ToG proposal and assessed it as appropriate to proceed with an Inquiry in accordance with the Act and the Guidelines. - The Council has been informed and consulted in accordance with the requirements of the Act and the Commission's Guidelines. - The consultation with affected councils provided as much information as possible, having regard to the limited disclosure possible during the procurement evaluation process and the provisions of section 32(1)(b) of the Act. - The Commission is supported by DIT to undertake a professional, best-value and compliant tender process, for which the Department has a well-established procurement framework. For sound reasons, this framework does not enable dissemination of tender submission documentation to third parties. - Information provided to affected councils for consultation purposes was carefully considered to maximise councils' understanding of the background, Inquiry context and proposed investigator details, having regard to both the procurement process constraints and the relevant provisions of the Act. The Commission is satisfied that this reasonably enabled each council to provide informed feedback on the matter of the proposed appointment of an investigator. - Affected councils were required by the Commission to consider and retain the information that was provided, in confidence. - The procurement framework does not enable the release of tender submission information to other parties, however, the nature and level of information that was provided to affected councils was appropriate to enable an informed response to the proposed appointment of an investigator. - The Commission must ensure the preferred consultant team has the specialised skills and expertise in the areas required to conduct a successful investigation. The Commission is satisfied that the proposed investigator has the qualifications, knowledge, expertise and experience (including in and applicable to local government) relevant to the Inquiry. - This was outlined in the Commission's presentations to the affected councils. The proposed investigator has	- Note - Note - Note - No action - Note - No action - Note
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Adelaide SA 5001
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boundaries.commission@sa.gov.au

			- There has been a lack of credibility and unity shown throughout this process by the Town of Gawler and there are now real trust issues in the process. - The basis of decisions made can and should be challenged with new information, new eyes and the passage of time. - Council feedback is for the Commission to fully explore the intent of the Town of Gawler and seek to understand the impact that proceeding with investigations will have, including but not limited to trust, future regional harmony, community outcomes, and the success of our biggest regional housing project. - The current Commission to seriously review the decision of the prior Commission to proceed by reassessing the merits of the proposal, the real risks involved and determine that the proposal over time no longer meets the required principles. - Council requests that the Commission explore the significant risks faced in the proposal and stop it before spending significant funds and resources, impacting community, and diverting critical effort from Council. - Specific Questions now asked: - What is a reasonable timeframe for an administrative process and decision to be made?	demonstrated local government experience to the satisfaction of the Commission. - However, the Commission will consider all consultation feedback before any decision about the appointment of an investigator for the ToG Inquiry. - The Inquiry will focus on the comprehensive considerations identified in the Inquiry Plan with the objective of identifying the most appropriate local government boundary and governance structures (whether that involves change or no change). - Information available to the Commission and the circumstances of the ToG proposal have not changed such as to warrant the review of the Commission's previous decisions, with the potential to negate subsequent decisions made and work undertaken based on those earlier decisions. - City of Playford and Light Regional Council both raised concerns about timing of a potential Inquiry in close proximity to the November 2022 local government elections. - Town of Gawler as the initiating council has remained committed to the Boundary Change Proposal notwithstanding the delay and change in representation at the November 2022 local government elections. - The impacts of the proposal on affected councils and communities would be addressed as part of the Inquiry. - An Inquiry would incorporate the aspects that Barossa Council has raised, including community engagement, planning/development and investment issues. The Commission must ensure that all of the relevant legislative requirements are addressed. - The Commission assessed the proposal against the requirements of the Act and Guidelines when resolving that the ToG's initial proposal was appropriate to proceed. - As above, there is no new information or changed circumstances to warrant the review of the Commission's previous decisions. - The proposal will be assessed based on the outcomes of the Inquiry, including relevant risk issues. The undertaking of an investigation does not mean the boundary change will proceed. - The Commission and ToG have followed the relevant process under the Act and Guidelines, ensured procedural fairness and made decisions in a timely fashion having regard to the nature and elements of the ToG proposal.	- Consider all feedback when determining the appointment of an appropriate investigator to undertake the Town of Gawler Boundary Change Inquiry - Note - No action - No action - No action - No action - No action
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			- What elements of our submission, provided at attachment 1, have been incorporated into the investigations model, tender specification, response from tenderers and ultimately the contract? - o What elements of our submission, provided at attachment 2, were considered in the initial assessment of the proposal and what were the responses to the arguments? - o Why are the costs of each Council not absorbed by the applicant?	• Council has made various submissions and have not been provided with understanding or assurances as to whether they have been incorporated and appropriately responded to.	• In principle, because the nature and complexities of each proposal and associated process will vary, the “reasonable time” required cannot be predicted or prescribed by the Commission. • Council was consulted on the draft Inquiry Plan and invited to provide feedback, which it did by letter of 26 November 2021. The Commission responded on 1 December 2021. • The Commission carefully considered all feedback received from affected councils and incorporated relevant points into the Inquiry Plan and/or its consideration of the boundary change requirements. • Affected councils were provided with a copy of the final Inquiry Plan following consultation on the draft Plan. The Inquiry Plan formed the subject matter basis of the procurement process. • The Commission carefully considered the Council’s letter of 17 February 2021 and responded on 26 February 2021. • Section 32B of the Act provides that “The Commission may recover reasonable costs incurred in respect of an inquiry...”. Commission to review capacity to recover reasonable costs (including of affected councils) in light of Inquiry scope and requirements. • Section 32A of the Act requires that information required by the Inquiry be provided by councils. • The contribution of relevant information and views to the Inquiry by the affected councils will ensure that the Inquiry findings are as well-informed as possible. • The Commission carefully considers and responds to all correspondence received from councils. Consultation and other feedback does lead to changes to relevant Commission documents when appropriate, eg the Inquiry Plan.	• Advise Barossa Council if any further information is available in relation to the Commission’s 2021 deliberations • Advise Barossa Council if any further information is available in relation to the Commission’s 2021 deliberations • Commission to further consider cost recovery scope and circumstances intended by S32B. • Advise Barossa Council if any further information is available in relation to the Commission’s 2021 deliberations
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DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.1 ELECTED MEMBERS TRAINING AND DEVELOPMENT PLAN 2024

**Author: Executive Business Partner
23/127795**

PURPOSE

The Elected Members' Training and development Policy was adopted on 28 November 2022. Pursuant to clause 3.1.1 of the Policy, Council is required to develop and adopt a Training and Development Plan to ensure that activities available to all Elected Members:

- comply with the Regulations; and
- contribute to the personal development of the individual and the achievement of strategic and good governance objectives of Council'.

The draft Plan for 2024 is attached for Council's consideration and adoption.

RECOMMENDATION

That Council receives and adopts the draft Elected Members' Training and Development Plan 2024 as per Attachment 1.

REPORT

Background

Section 80A of the *Local Government Act 1999* and Regulation 8AA of the *Local Government (General) Regulations 2013* requires Council to prepare and adopt a training and development policy capturing the legal requirements for training and development of Council Members.

The current Elected Members' training and Development Policy was adopted on 28 November 2022 and is not due for review until early 2026. However, the Elected Members' Training and Development Plan is due for its annual review.

The updated draft Plan for 2024 is presented at Attachment 1 for the Elected Body's consideration and approval.

Discussion

Section 8AA (1)(b) of the *Local Government (General) Regulations 2013* states that a Council's training and development Policy must comply with the LGA training standards. The LGA Training Standards have been updated, with major changes to the knowledge and skills Council Members need to support their roles.

Council Member training contains a suite of leadership competencies. The key competencies will deliver better outcomes for councils and communities by building

leadership capability in the sector, invest in Council Members as community leaders and focus on building a strong, effective team culture.

The new competencies include:

- **Behaviour:** To identify attributes and develop skills that uphold the behavioural standards and principles of good governance.
- **Civic:** To develop knowledge of the Australian system of government and how councils fulfil the objectives of the Local Government Act to deliver reputable community outcomes.
- **Legal:** To develop the knowledge and skills required to meet the legal responsibilities of a council member.
- **Strategy & Finance:** To develop the knowledge of integrated strategic and annual business planning and the skill to manage public funds appropriately.

Pursuant to 3.1.1 of the Elected Members' Training and development Policy, Council is required to develop and adopt an annual Training and Development Plan.

The 2024 Training and Development Plan 2024 ([Attachment 1](#)) has been prepared by the Chief Executive Officer (the CEO) and outlines the upcoming mandatory and non-mandatory training. It also includes requests via Elected Member consultation and gap analysis and is now presented to Council for approval. Activities approved on the Plan require no further Council approval.

Summary and Conclusion

Council is asked to approve the Elected Members Training and Development Plan 2024.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Elected Member Training and Development Plan 2024 [↓](#) 

Supporting references

[LGA Training Standards for Council Members](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

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

Local Government Act 1999, section 80A

Local Government (General) Regulations 2013, Regulation 8AA

LGA Training Standards for Council Members

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial – Elected Members Training and Development is supported with an annual budget allocation, as ratified by Council as part of the process.

Resource – There is no further requirement for resources, officers undertake support for Elected Member training and development within their current duties.

Risk Management – It is fundamental to good governance that Council supports its Elected Members with the necessary training to make them effective leaders and advocates for the Barossa.

COMMUNITY ENGAGEMENT

While there is no community consultation requirement under the *Local Government Act 1999*, the Training Plan is based on the LGA Training Standards for Council Members pursuant to Regulation 8AA of the Regulations. All training costs and attendances will be recorded in the appropriate registers ensuring the public interest is being protected through open and transparent processes. This register is available on the Council website.

THE BAROSSA COUNCIL

ELECTED MEMBERS' TRAINING AND DEVELOPMENT PLAN 2024



The Training and Development Plan ("the Plan"), at Appendix 1, has been developed using a range of sources including LGA advice, legislative requirements and refresher training needs identified by staff.

1 Approvals

Activities in this Plan: No further Council approval is required for an Elected Member to attend an activity which is approved in this Plan (subject to conditions on interstate and private sector/government events).

Activities not in this Plan: Council approval is required where activity is anticipated to cost \$500 or more. HOWEVER: If less than \$500 and necessary/expedient to performance of official duties and sufficient funds available in budget, then no further approval required.

2 Attendances

Elected Members who wish to attend training activities listed in this Plan should contact Janine Harding at jharding@barossa.sa.gov.au to organise their attendance.

All attendances will be noted by the CEO's office for inclusion in the *Elected Members' Training Register, Allowances and Benefits Register* and Council's Annual Report.

Elected Members may seek reimbursement of expenses associated with the activity as per Council's *Elected Members' Allowances and Benefits Policy* and *Elected Members' Training and Development Policy*.

3 Reporting

Except for where attendance is at a mandatory training, the Elected Member should complete a *Training Feedback Questionnaire* and forward it to the CEO for inclusion in the next available Council agenda.

4 Review

This Plan will be reviewed and updated annually by the Council in consultation with relevant stakeholders and the Annual Budget Allocation.

5 Document Control

Corporate Plan Link:	BS7	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.			
Document Owner:	Chief Executive Officer				
Document Control Officer:	Team Leader, Corporate Governance and Information Services				
	Approval date: DD/MM/YYYY	Review date: DD/MM/YYYY	Approved by: [Council/CEO/Director] Council Minute Book Ref: [XXX]	Ref: [XX/XXXX*]	Page 1 of 3
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Audience:	Internal	Approval Date:	DD/MM/YYYY	Review Due:	DD/MM/YYYY
Version history					
Version No.	Date	Description of Change			
1.0	24/01/2024	Reviewed policy			

APPENDIX 1**THE BAROSSA COUNCIL ELECTED MEMBERS' TRAINING AND DEVELOPMENT PLAN**

Details	Available to	Cost
General Training organised by the LGA		
Any half-day or full day course run by the Local Government Association, or in conjunction with external presenter/s or partner/s, whether on-site at Local Government House, or other location, at regional hubs, in the Council Chamber, other Council office or building, or webinar/by electronic means. Refer to training.lga.sa.gov.au for courses offered	Mayor and Elected Members	Up to \$500 pp
Development/Networking: Conferences and Events organised by the LGA		
LGA Annual Best Practice Showcase	Mayor and Elected Members	TBA
LGA Ordinary General Meeting	Mayor and Elected Members	TBA
LGA Conference	Mayor and Elected Members	TBA
LGA Annual General Meeting	Mayor and Elected Members	TBA
LGA Roads and Works Conference, location TBA	Mayor and Elected Members	TBA
Local Government Emergency Management Seminar	Mayor and Elected Members	TBA
Tourism and Councils Forum	Mayor and Elected Members	TBA
Development/Networking: Conferences and Events organised by Private Sector or State/Fed Government		
Any event where a key-note speaker provides information that is necessary or expedient to an Elected Member's official duties or functions	The Mayor or in his absence the Deputy Mayor or other Member. Additional Elected Members: upon application to Council, with consideration as to how many Members should attend to officially represent Council	Various

	Approval date: DD/MM/YYYY	Review date: DD/MM/YYYY	Approved by: Council/CEO/Director Council Minute Book Ref: [XX]	Ref: [XX/XXXX*]	Page 2 of 3
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Details	Available to	Cost
Development/Networking: Interstate Conferences and Seminars organised by ALGA		
Australian Local Government Association (ALGA) National General Assembly (NGA) of Local Government, Canberra	The Mayor or in his absence the Deputy Mayor, or other Member. Additional Elected Members: upon application to Council, with consideration as to how many Members should attend to officially represent Council	Conference registration fees plus hotel / flights/ food
Development/Leadership: arranged through Council		
Leadership Development Surveys	Mayor and Elected Members	Up to \$500 plus GST pp

	Approval date: DD/MM/YYYY	Review date: DD/MM/YYYY	Approved by: Council/CEO/Director Council Minute Book Ref: [XX]	Ref: [XX/XXXX*]	Page 3 of 3
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DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.2 REVOCATION OF COMMUNITY LAND CLASSIFICATION - ALLOTMENT 801 ATZE PARADE NURIOTPA

Author: Team Leader Corporate Governance and Information Services and Chief Executive Officer

24/1279

PURPOSE

For Council to consider community feedback in response to its proposal to revoke the Community Land classification over Allotment 801 Atze Parade, Nuriootpa and proceed in submitting the proposal to the Minister to consider in accordance with Section 194 of the Local Government Act 1999.

RECOMMENDATION

That Council, having noted the completion of the consultation requirements and not having received any formal submissions and complied with Section 194(2) of the *Local Government Act 1999*:

- (1) Proceed, pursuant to Section 194 of the *Local Government Act 1999*, to continue the process to revoke the Community Land classification over certificate of Title Volume 5983 Folio 23 described as Allotment (Reserve) 801 Deposited Plan 71226 in the area named Nuriootpa, Hundred of Nuriootpa.
- (2) In accordance with section 194 (3) (a), authorise the Chief Executive Officer to prepare a report and submit it to the Minister for Local Government seeking approval to revoke the Community Land classification over the above parcel, noting that should the Minister support the revocation Council shall be required to formal consider for a final time the actual revocation of Community Land classification.

REPORT

Background

In a report put to Council On 17 October 2023 (Attachment 1) Council resolved to authorise the commencement of a Community Land revocation process pursuant to Section 194 of the *Local Government Act 1999* for portion of Allotment 801 Azte Parade Nuriootpa, for the purposes of facilitation a strategic road project for the benefit of the Barossa community.

Introduction

A public notice (Attachment 2) inviting comments on the Community Land Revocation was placed in the Leader and Bunyip newspapers and on Council's website on 13 December 2023. The timeframe was also extended a week to allow for the Christmas and New Year period.

The public notice advised Interested persons may inspect documents, including mapping to assist in knowledge of the location, at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa; or on Council's website. A copy of the consultation report and supporting documentation is included in this report at Attachment 3.

Discussion

Whilst there was some online commentary, no submissions were received. Council can now consider whether to submit a report proposing the revocation of the community land status to the Minister for consideration.

Summary and Conclusion

Should the proposal be referred to the Minister and supported, the matter will be referred to Council for final endorsement in accordance with the *Local Government Act* at section 194(3)(b).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|---|
| Attachment 1 | Report Council Meeting - 17 October 2023 - GSM - Greenock Road - Samuel Road - Moppa Road - Roundabout - Update ↓  |
| Attachment 2 | Public Notice - Revoke Community Land Classification - Due 9 January 2024 ↓  |
| Attachment 3 | Consultation Report - Greenock Samuel Moppa Road South Project - Community Land Revocation ↓  |

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

Goal

8. To have a connected and safe transport network that meets the needs of our community

Strategies

- 8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.

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

Local Government Act 1999, Sections 50 and 194

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no financial or resource implications in submitting a report requesting the revocation of the community land status to the Minister.

Risk is mitigated by complying with the relevant sections of the *Local Government Act 1999* as to the revocation of community land classification.

COMMUNITY ENGAGEMENT

Community consultation has occurred in accordance with section 194 of the *Local Government Act 1999* and Councils Consultation Policy

DEBATE REPORT

7.3 Infrastructure and Environment Services

7.3.3 GSM - GREENOCK ROAD - SAMUEL ROAD - MOPPA ROAD - ROUNDABOUT - UPDATE

**Author: Manager, Engineering Services and Chief Executive Officer
23/75443**

PURPOSE

Light Regional Council is undertaking road upgrade works at the intersection of Greenock Road, Samuel Road and Moppa Road South, Nuriootpa, adjacent the western boundary of The Barossa Council area. This work will require the transfer of a portion of Council owned Community Land within The Barossa Council area to Road Reserve. This report is to seek Council approval to commence the revocation for a portion of land and gift the land to the Department to facilitate the road safety upgrade.

RECOMMENDATION

That Council:

- (1) Note the planned construction of a Roundabout at the intersection of Greenock Road, Samuel Road, and Moppa Road South by Light Regional Council to improve road safety.
- (2) Authorise the commencement of a Community Land revocation process pursuant to Section 194 of the Local Government Act for portion of Allotment 801 Azte Parade Nuriootpa, for the purposes of facilitation a strategic road project for the benefit of the Barossa community.
- (3) Authorise the allocation of \$10,000 to understand the revocation process to support survey, legal and other costs associated in support of the strategic road project.

REPORT

Background

The intersection of Greenock Road, Samuel Road and Moppa Road South, Nuriootpa, is planned to be upgraded by Light Regional Council (LRC) from a crossroad intersection layout to a roundabout configuration. This work is being funded by a 2022-2023 Australian Government Black Spot Program grant of \$2 million - the maximum amount able to be granted - to Light Regional Council.

The Barossa Council Elected Members have previously been informed about the planned intersection upgrade to a roundabout, including likely land acquisition requirements, by email on 14 October 2021. Refer attached email.

Ordinary Council Meeting

17 October 2023

Introduction

Greenock Road is under the care and control of the State Government Department of Infrastructure and Transport (DIT) but both Samuel Road and Moppa Road South are under the care and control of Light Regional Council, being in their area.

Samuel Road and Moppa Road South are important parts of the gazetted Barossa Freight Route and provide direct access from Sturt Highway to the Barossa Valley floor region for a diverse mix of heavy truck and passenger car vehicles. These two roads are routinely approved for Level 3 PBS vehicle (36.5 metre road train) access, by permit through the National Heavy Vehicle Regulator (NHVR).

The existing crossroad intersection has in the past 5 years experienced an unacceptably high accident history, including a high 7 casualty crashes and 8 property damage crashes - a total of at least 15 crashes. The proposed upgrade to a roundabout configuration will significantly improve the road safety at this busy intersection.

The Barossa Council has previously provided a letter of support to Light Regional Council for the intersection upgrade to a roundabout. Refer attached letter.

Discussion

It is noted that there is no cash budget contribution required from The Barossa Council for the intersection upgrade works. The project does however require a small portion of the Council owned Allotment 801 Atze Parade, Nuriootpa, at the intersection of Greenock Road and Moppa Road South, to be transferred from Community Land Drainage Reserve to Road Reserve to accommodate the roundabout footprint. Refer to the attached general civil construction plans.

As the land is held as community land, Council needs to comply with the provisions of Section 194 of the Local Government Act and undertake the necessary community consultation and consider any representations made before proceeding. If Council, then proceeds with the revocation it must first seek the Minister for Local Government approval and if that is approved then make a resolution to revoke the community land status. The resulting parcel of land can then be created and transfer to the Department to facilitate the road project. The process will take upwards of 6 months.

In The Barossa Council area, some land is also to be acquired from the adjacent Barossa Village precinct and negotiations for this are well advanced with Barossa Village as it is understood.

Summary and Conclusion

The road safety benefits to be gained from this intersection upgrade are significant for The Barossa Council and the wider region's social, tourism and freight connectivity.

The roundabout construction is to be funded by a Black Spot Program grant to Light Regional Council. The project will be managed by Light Regional Council with in-kind advice and support provided by The Barossa Council and provision of support for the revocation, is a very minor investment for the strategic road project being planned.

Ordinary Council Meeting

17 October 2023

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Greenock Road - Moppa Road - Samuel Road - Notification - Email to Elected Members
- Attachment 2 Letter of Support - Light Regional Council - Black Spot Funding 2022/2023 - Samuel Road Nuriootpa roundabout
- Attachment 3 Greenock Road - Moppa Road - Samuel Road - Roundabout - Overview Plan

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity PlanLegislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The roundabout project is funded by an Australian Government Black Spot Program grant and will be managed entirely by Light Regional Council.

The road safety improvements gained by the project are significant to The Barossa Council and the broader region.

Funds will be needed to engage surveyors and legal support to facilitate the revocation and subsequent land transfer if it is approved. Existing resources will support the processes involved.

COMMUNITY ENGAGEMENT

The intersection project is located primarily within the Light Regional Council area, who have undertaken community consultation within their respective budget processes.



Notice is given under section 194(2)(b) of the Local Government Act 1999 that public comment is invited on a Council proposal to revoke the following land from classification as Community Land:

Land Name: Vacant land adjacent to Moppa Road South (eastern road boundary side) and Greenock Road (northern road boundary side)

Address: Allotment 801 Atze Parade, Nuriootpa, SA, 5355

Title Reference: Volume 5983 Folio 23

Council has received an application to remove the Community Land classification for the above land parcel to facilitate the installation of a roundabout by Light Regional Council at the intersection of Moppa Road South, Greenock Road and Samuel Road.

A portion of the land is required to realign the intersection and achieve significant safety upgrades at the intersection.

The land will be incorporated into the adjacent road reserves.

Interested persons may inspect documents, including mapping to assist in knowledge of the location, at The Barossa Council's Principal Office at 43-51 Tanunda Road, Nuriootpa; or on Council's website at www.barossa.sa.gov.au.

Written submissions on the proposed revocation of the Community Land should be addressed to the Chief Executive Officer, The Barossa Council, PO Box 867, Nuriootpa SA 5355 or email to barossa@barossa.sa.gov.au.

Submissions must be received by 5pm Tuesday 9 January 2024.

Martin McCarthy
Chief Executive Officer



Consultation Report

Pursuant to Section 194 of the Local Government Act 1999

PROPERTY DETAILS

Land Name: Vacant land adjacent to Moppa Road South (eastern road boundary side) and Greenock Road (northern road boundary side)

Address: Allotment 801 Atze Parade, Nuriootpa, SA, 5355

Title Reference: Volume 5983 Folio 23

Please see map at the [Attachment](#) for the relevant land location; the parcel of land is highlighted.

1. Reason for proposal

To provide the highlighted (in red crosses on the [Attached](#) map) portion of land to facilitate critical safety upgrades to the intersection of Moppa Road South, Greenock Road and Samuel Road through the installation of a roundabout.

The current designs are provided at the [Attachment](#) to this report.

To achieve the proposal and use the portion of land in support of the road safety project, the full parcel of land requires the revocation of the current community land status.

2. Proposed Management of the Land and Assessment of its Strategic Purpose

The land will be incorporated into the adjacent road reserves, being Greenock Road and Moppa Road South.

The land will remain in the ownership of Council as a road, instead of vacant and undeveloped land.

The Council supports this disposal method as:

1. It is not a viable commercial or useful parcel of land for any appropriate development and has no relative market value.
2. The land is not a parcel of land that would be developed for open space.

3. The Barossa Council is providing the land for public purposes to aid installation of a significant road safety upgrade.

3. Reservation, Dedication, Trust or Known Restrictions

The community land parcel is encumbered at present as it is classified as Community Land pursuant to Section 193 of the Local Government Act 1999 ("the Act").

In order to provide the highlighted land and make it available for the construction it must be unencumbered and provide permanent access to the land for road safety purposes.

There is an easement, marked 'B' on the certificate of title, which shall not be impacted by the proposal. A authorisation for the infrastructure will be provided to the holder of the easement or other legal mechanism instigated to protect the easement holder.

The attachment also provides a copy of the certificate of title.

There are no other known encumbrances or restrictions over the land other than those identified above.

4. Relevance to Community Consultation

Before the community land can be incorporated into the adjacent road reserves, its formal classification as "Community Land" under the *Local Government Act* must be considered and if supported by Council, revoked.

The Act establishes a framework for the classification of land owned by or under Council's care, control and management – this is known as "community land". The framework ensures a consistent and strategic approach to the administration and management of local government land. Its objectives are to protect the interests of the whole community regarding the land for current and future generations.

The Act requires Council to consult with its community over proposals to revoke land from the Community Land classification framework.

Accordingly, Council has approved a consultation process which will start on Wednesday, 13 December 2023 and conclude at 5pm, local time on Tuesday, 9 January 2024. The approved consultation process shall be:

- (1) Public notices in the Leader and Bunyip newspapers.
- (2) Placement of information on website and Facebook.
- (3) Display at Council primary office 43-51 Tanunda Road Nuriootpa.

The consultation period will seek written submissions through email or letter.

After the consultation period, a report will be prepared for Council's consideration including submissions received, to determine if it will proceed with the revocation of the community land status of the parcel of community land and to proceed to incorporate the land into the adjacent road reserves.

5. Future use of Land

The portion of land highlighted in the attachments will be used for the installation of a roundabout and associated infrastructure including approaches and stormwater management.

The remaining land will be unaltered in their practical use as open and undeveloped land.

6. Effect on the Area and Local Community

There will be minor loss of undeveloped land of little value.

The portion of land being transferred will support the generation of significant safety upgrades to the intersection of Moppa Road South, Greenock Road and Samuel Road for all road users. The benefits include:

- Reduced road trauma and injury.
- Reduced loss of damages to vehicle.

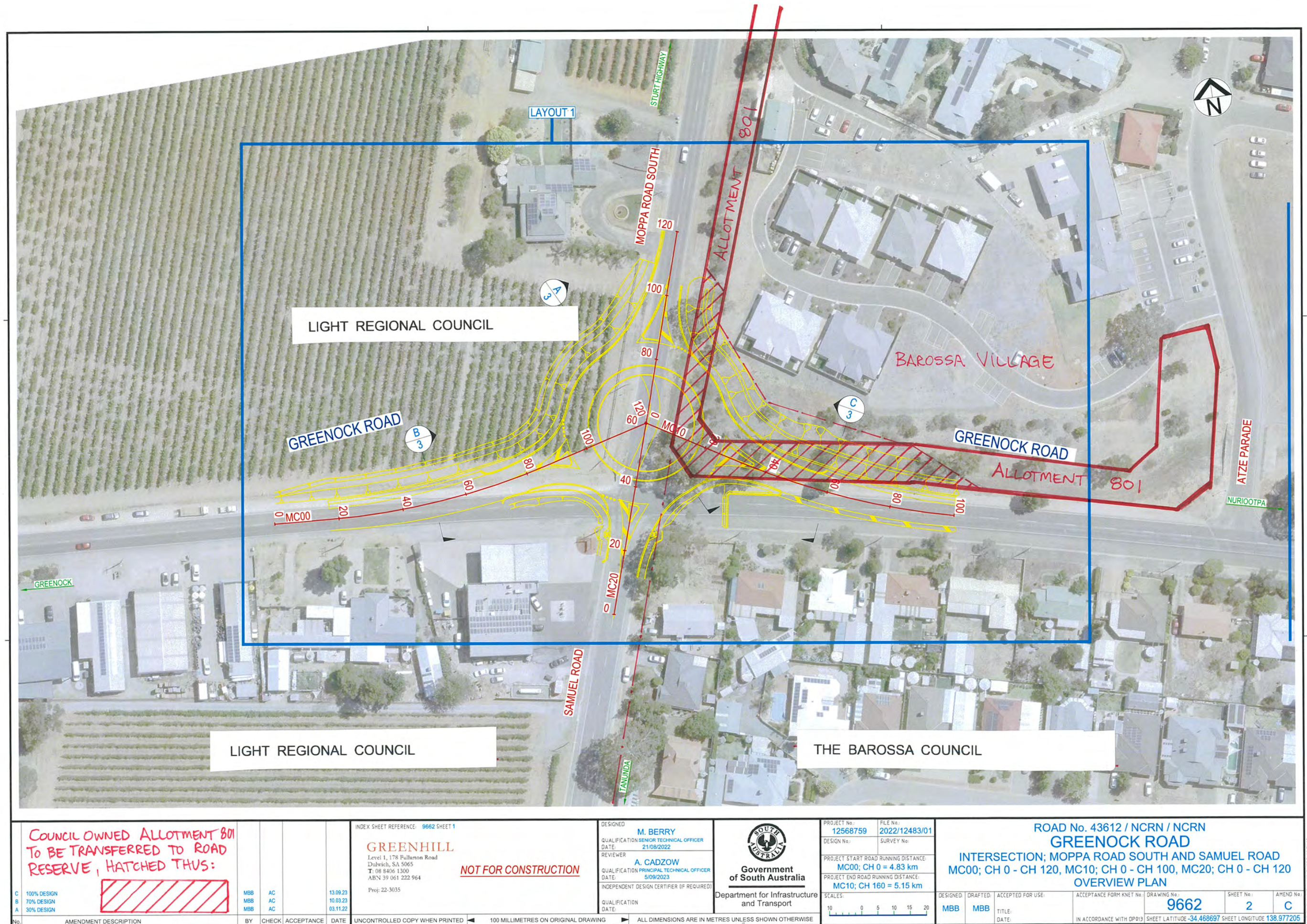
7. Other Key Legislative Considerations

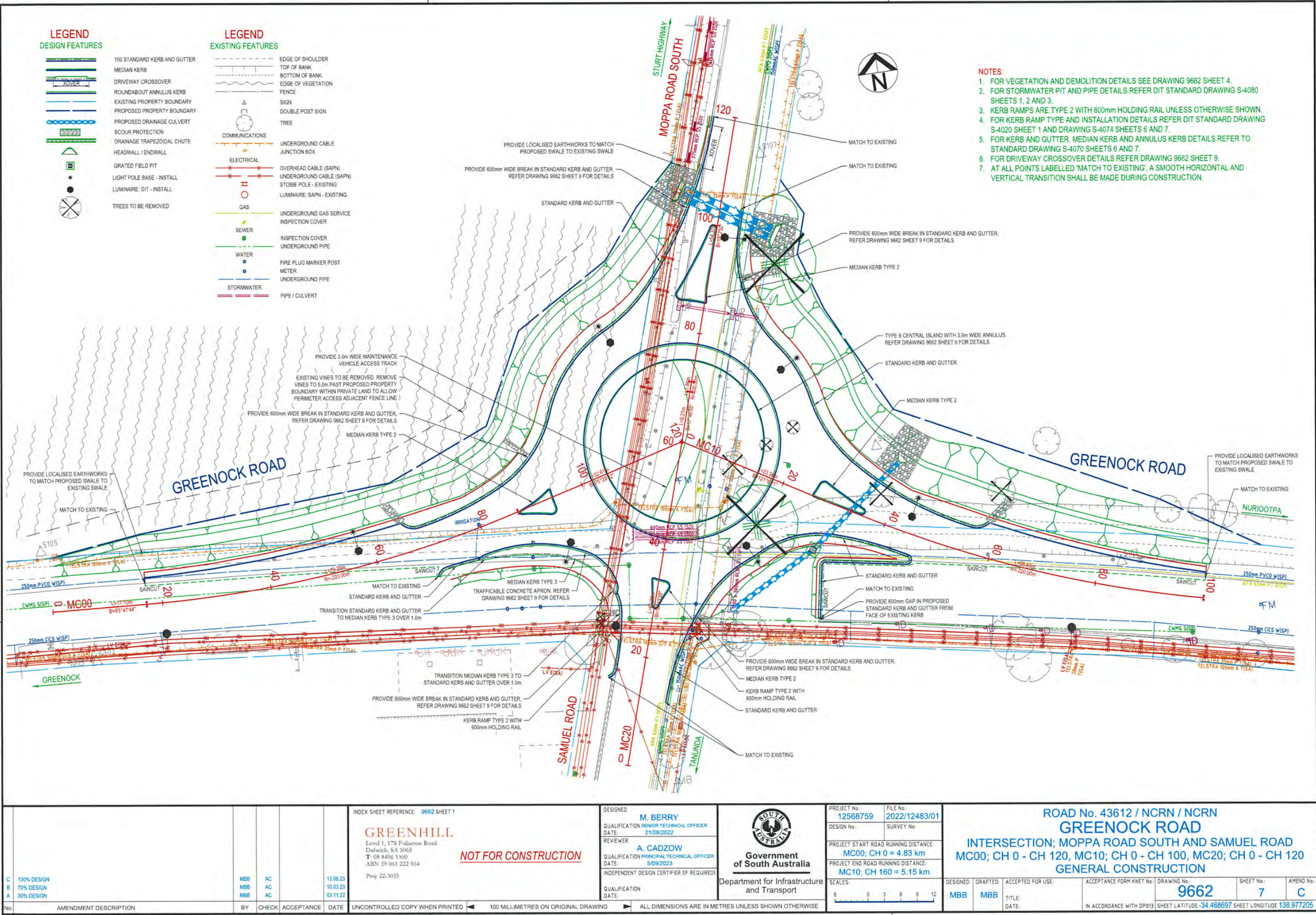
Whilst this report addresses the requirements under Section 194 of the Local Government Act, and that the land is not being disposed of, rather it shall be incorporated as a road reserve under the *Roads (Opening and Closing) Act of 1991*.

At this time Council is satisfied that the incorporation of the land into adjacent road resources is a sound investment in community outcomes and safety.

On approval of community land revocation Council shall:

1. Provide authorisation to use the land for the construction of the roundabout, pursuant to Section 221 of the Act.
2. Commence the road opening processes whilst construction is undertaken to incorporate the land into the road reserves.







Product Register Search (CT 5983/23)
Date/Time 06/11/2023 10:52AM
Customer Reference
Order ID 20231106002573

REAL PROPERTY ACT, 1886



South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5983 Folio 23

Parent Title(s) CT 5967/751
Creating Dealing(s) TG 10553303
Title Issued 20/03/2007 Edition 1 Edition Issued 20/03/2007

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

THE BAROSSA COUNCIL
OF PO BOX 867 NURIOOTPA SA 5355

Description of Land

ALLOTMENT (RESERVE) 801 DEPOSITED PLAN 71226
IN THE AREA NAMED NURIOOTPA
HUNDRED OF NURIOOTPA

BEING A RESERVE

Easements

SUBJECT TO EASEMENT(S) OVER THE LAND MARKED B (TG 10553303)

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes

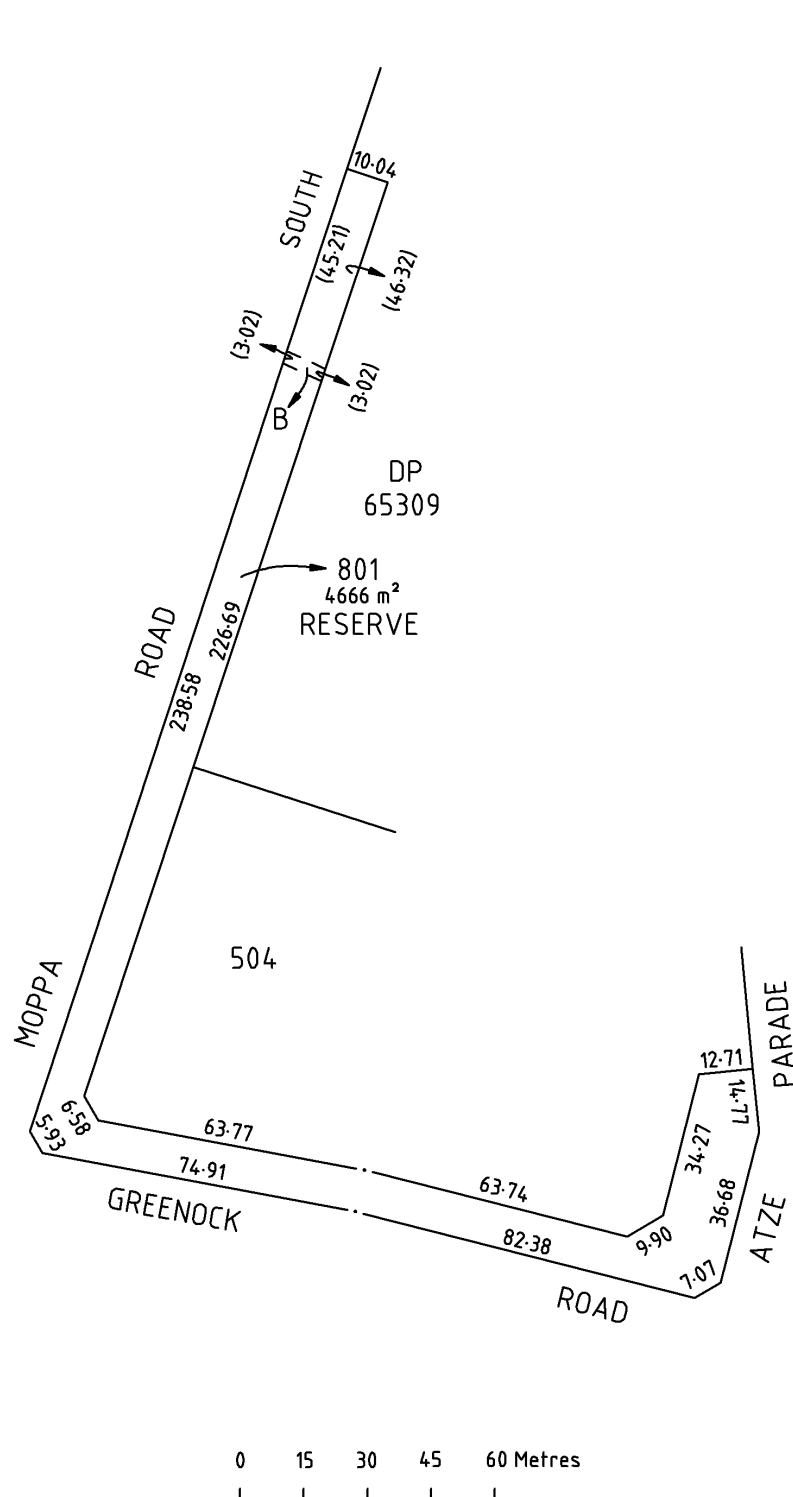
AMENDMENT TO DIAGRAM VIDE 22/2012

Administrative Interests NIL



Product
Date/Time
Customer Reference
Order ID

Register Search (CT 5983/23)
06/11/2023 10:52AM
20231106002573





Product	Historical Search
Date/Time	06/11/2023 10:52AM
Customer Reference	
Order ID	20231106002573

Certificate of Title

Title Reference: CT 5983/23
Status: CURRENT
Parent Title(s): CT 5967/751
Dealing(s) Creating Title: TG 10553303
Title Issued: 20/03/2007
Edition: 1

Dealings

No lodged Dealings found.

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.3 CONCORDIA DEVELOPMENT - MASTER PROJECT PLAN AND SEED FUNDING ALLOCATION FOR 2023/24

**Author: Chief Executive Officer
24/1765**

PURPOSE

To endorse the plan for works related to the Concordia Development and note the update.

RECOMMENDATION

That Council having reviewed the current status of work related to the Concordia Development:

- (1) Approve the project plan and work summary.
- (2) Approve the budget amendments and transfers outlined in the financial assessment of this report in support of the Concordia Development investigations and programmed works for the 2023/24 financial year to project number Q100.
- (3) Approve the allocation of the forecast funding for the 2024/25 financial year to enable continuity of services.
- (4) Note the likely need for amended funding and decision-making as the project proceeds and agree that, where necessary, priority access to Council workshop time will be provided.

REPORT

Background

The Concordia Development has been identified by the State as a priority greenfield land development of strategic importance. In April 2024, the State initiated the process for infrastructure planning and delivery for growth at Concordia. The development has the capacity to deliver in the order of 10,000 allotments and 25,000-30,000 residents.

Currently the location is one of four priority development areas for which the Department for Trade and Investment under the auspices of the Housing Infrastructure Planning and Development Unit (HIPDU) is tasked to plan and deliver.

Introduction

Since the establishment of HIPDU and their resourcing implementation it has been operating in earnest since mid to late 2023. At present the current governance

structure has seen senior staff of relevant Departments and Gawler, Light and Barossa Councils undertaking work and engagement on the critical infrastructure planning needs.

The Mayor and myself, along with relevant staff, have had briefings from the Director of HIPDU on early progress.

I would categorise the current state of the project as gearing up for significant work over the ensuing 18-24 months to mid to late 2025.

Discussion

As a result of foreseen work demands, briefings with the Director of HIPDU and recruitment of our new Senior Strategy Advisor, as approved by Council in July 2023, a high-level project plan has been developed. Many items are estimates based on the best information at hand at present. The plan will provide insight into the work ahead of Council and staff to ensure the best possible outcome for Concordia, the Barossa and the State.

Our strategy regarding our role and work, is to be a collaborative and active critical partner to the State. This will involve sharing work on critical needs including, but not limited to:

- Councils vision and policy position for the development.
- Critical infrastructure needs including road connectivity, power, water, wastewater, telecommunications, transport services.
- Community and contemporary infrastructure including carbon neutral and smart cities technologies, open spaces, recreation and sporting needs, cultural and community needs.
- Ongoing service needs which support communities including health and wellbeing (at State and Local level), safety, local road networks, education, the range of services Council supplies.
- Building the new Concordia community spirit, its connectivity and identity.

There is undoubtedly a need to ensure we work in partnership with the State, developers, landowners and community and share resources where appropriate. There are various works identified that offer a collaborative and shared outcome with the State. In this regard, pooling of funding, resources and sharing of investigations can deliver the desired working model and efficient use of limited funds and resources. The first identified critical piece of work is an update the 2016 study into the Community Needs and Social Infrastructure work from AECOM. We are collaborating with HIPDU on their specification to include any other items and needs with the intent to jointly support the work which will include:

1. In-kind support such as using our Community Development team to assist research and engagement; and
2. Providing funding support in the order of \$30,000 once the costs are known.

Other foreseen shared work will be centred on:

- Economic and financial modelling of the development.
- Infrastructure investigations (which are underway and will also be funded by other stakeholders).

- Master planning and land division design.
- Governance and service delivery needs.

Other works Council may specifically need assistance with will be land use policy development as the Code Amendment is designed, our own financial and asset management modelling and legal support. To assist in delivery, a very preliminary budget estimate for support work has been identified in the project plan. With transfers and adjustments to the 2023/2024 budget a further \$60,000 is requested to support the work over the next 6 months, with further investment forecast for 2024/2025.

Resource support will be provided through the addition of the Senior Strategy Advisor role as approved by Council (outlined above). This resource has now commenced and will be dedicated to managing and delivering the plan, supported by the Executive Team, the internal working group and staff generally. The role has other strategic work priorities, the two for the foreseeable future are the requested Housing Study and the long-standing Caravan Park review and policy development. Whilst there are additional and valuable strategic tasks in the list identified to Council when it approved the role, this resource, the Executive Leadership Team and organisation cannot absorb significantly more work at this time. As strategic work is delivered, new projects will be added, noting the new resource will be driving the Concordia work in conjunction with myself for the foreseeable future (2-3 years) and the workload is extensive for Concordia alone.

Presented at Attachment 1 is the high-level project plan. At this time, it is an estimate as best can be developed on the known information. The plan is indicative and will change as the work of HIPDU and all stakeholders proceeds. The plan sets our internal program and provides seed funding to start sharing with the State to enable critical works and investigations. It will vary as the project proceeds.

Our current governance framework for this work has been recommended as (with the internal group established by the Executive Leadership Team) as follows:

- An internal working group to meet regularly and proceed on matters of investigations, policy and advocacy discussion.
- The Executive Leadership Team as the internal Steering Committee.
- The Mayor as the Change Champion.
- The Council as the oversight and policy decision maker.

It is recommended that Council not establish a 'Council Committee'. The Concordia development is of high strategic importance and presents extensive opportunities and risks. It is envisaged that where policy requires determination and direction it should be with the full Council. A Committee would simply add a layer of administrative burden, in circumstances already necessitating a report be required to Council and need to direct limited resources to the core needs of the project. Further, to achieve decision making through this journey, there will likely be need for additional and dedicated workshops and possibly special Council meetings. This will be managed as we proceed through the next 18-24 months.

At Attachment 2 is the Terms of Reference for the working group. The working group will also have support from our wider staffing expertise as the work moves forward to ensure subject matter experts are engaged when required. For instance, when road connectivity is being designed our Manager Engineering Services will be involved,

when community services are being designed our relevant Managers such as Manager Library Services will be involved.

The working group has come together in November 2023 and to date has:

- Been briefed on the strategic direction of the State.
- Developed the initial project plan.
- Undertaken preliminary works and discussion on risks, needs and general thinking for the future of the development.
- Commenced design of a vision and policy statement.
- Met with the full HIPDU team and had a briefing from the Director and staff.
- Commenced understanding and planning for the need and risk associated with the raft of issues under the *Planning Infrastructure and Development Act 2016*, the two main areas requiring extensive work being the Code Amendment and the design of the Infrastructure Scheme.

The first and most important point for the working group is to develop a vision and policy statement for Council consideration. This will anchor decision making, advocacy and design through the journey. This work is targeted to come to the February 2024 workshop and then February Council meeting for endorsement.

It is the intent to provide a formal quarterly update to Council on works and progress, in addition to specific reports that require Council policy direction.

Summary and Conclusion

The work on the Concordia Development is underway. Governance and project arrangements are recommended to Council for approval to support the development planning, design and implementation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Project Plan [!\[\]\(20b7026a9853040ad64b861668f7214a_img.jpg\)](#) 
Attachment 2 Terms of Reference [!\[\]\(a6b74a2c480d27d7b87620cf8f12fb80_img.jpg\)](#) 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure

Goal

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

5. We are a strong community that is welcoming, safe and enjoys a quality lifestyle that celebrates our local identities, diversities, cultures and histories including our Aboriginal heritage.
7. Community infrastructure planning is aligned to both current and the future needs of the community.

Strategies

- 1.1. 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.
- 5.2. Create places where people want to live and plan for the future in a coordinated, affordable, appropriate and proactive way.
- 7.1. Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.
- 7.2. Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.

Legislative Requirements

Section 123 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Current initial estimates for funding support. Please note this is preliminary and is likely to be subject to change.

Item	Amount	2023-24	2024-25
Community needs analysis – Opportunity to Partner with State Community and Social Planner – Shared cost	50,000	50,000	0
Financial and Rate Modelling and Revenue Policy generation assessment	30,000	10,000	20,000
Council organisational service needs assessment – based on staging – required internal and external support	50,000	25,000	25,000
Council related infrastructure needs assessment – based on staging and community need analysis – requires internal and external support	50,000	25,000	25,000
Support for Code Amendment needs – majority of costs to be borne by State	20,000	0	20,000
Other General Support – Contingency, Legals, Minor Administrative Costs	50,000	25,000	25,000
Total	250,000	135,000	115,000
Funding in Budget and LTFP	125,000	75,000	50,000
Increase – Minimum	125,000	60,000	65,000

There are extensive risks highlighted in [Attachment 1](#). These risks will be explored and addressed through the detailed work outlined in the project plan.

Resourcing is outlined in the body of the report and through the working party commitment.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS			
Financial Considerations			
(where additional funding outside adopted budget is required)			
Items Being Considered in this Agenda		Concordia Development	
Net operating costs (incl depreciation)		\$60,000.00	
Total project cost (ex GST)		\$60,000	
Grant / Other Income (ex GST)		\$0	
Funding required by Council		\$60,000	
Where funding is sourced from:		Borrowings	
DDR provided		Not required	
Business Assessment Tool Score Cut Off Comparison		Not assessed as part of budget development - assessment is pursuant to Clause 3.5 of the Annual Business Plan and Budget Policy	
If approved – a BAR or NI will be included in the:		December 2023 Quarterly Budget Update	
KPI	Current Adopted or Revised Budget \$'000**	Budget Result for 2023/24	Result
Operating Surplus / (Deficit)	(\$2,121)	(\$2,181)	Increase of \$60K
Operating Surplus / (Deficit) - Adjusted (removes effect of Grants upfront payment)	(\$36)	(\$96)	
Operating Surplus Ratio (Target: -2% to 10%)	-4.66%	-4.80%	Increase of 0.14%
Operating Surplus Ratio - Adjusted (removes effect of Grants upfront payment) (Target: -2% to 10%)	-0.08%	-0.21%	Increase of 0.13%
Net Financial Liabilities Ratio (Target: >0 to <100%)	79.98%	80.11%	Increase of 0.13%
Asset Funding Renewal Ratio (Target: >80% to <110%)	160.0%	160.0%	No change
* Assumes all are approved and presented in order of the agenda and all other components of budget will be achieved.			
** Adjusts for changes approved since the last updated budget but not yet processed in the next quarter update.			

Please note the above analysis as it relates to the net financial liabilities is predicated on the quarter 1, September 2023 financial and budget review. The review of the full suite of financial statements will be undertaken as part of the quarter 2, December 2023 financial and budget review and due to much lower borrowings than that predicted at the conclusion of the 2022/2023 financial year the net financial liabilities will reduce once the updated balance sheet is undertaken as part of the quarter 2 review.

COMMUNITY ENGAGEMENT

None required or recommended for the establishment of the internal governance and working arrangements. The State, and at appropriate times Council, will be undertaking community engagement requirements for the development.

	Concordia Township Development – Project Scope	
	Strategic Policy Setter	Council
	Change Champion - Council:	Michael (Bim) Lange, Mayor
	Change Champion – Administration:	Martin McCarthy, CEO
	Project Coordinator:	Natasha Weedon, Senior Strategy Advisor
	TRIM Ref:	23/115623

Description of Project
Planning, implementation, and governance of the Concordia Township Development.

Objectives and Benefits of Project
- To coordinate investigations, provide advice and plan for the development known as Concordia by considering, researching, planning and making recommendation to, and advocate for, the needs of building a new community including but not limited to: - Environmental, social and governance-based sustainability. - Council direct service provision. - Economic development opportunities. - Critical support infrastructure Council, State and private. - Financially sustainable needs. - Management of strategic and operational risks. - Other matters, needs and issues that are relevant to the long-term success of the Concordia development. - To foster cross organisational strategic thinking and analysis, governance, engagement, collective effort and customer focussed outcomes to deliver the Concordia township development. - To identify a detailed project plan, including necessary investigations and other work, resourcing needs and other matters to inform a strategic and tactical pathway for the Concordia development to be considered by the Executive Leadership Team and Council by January 2024 - To implement the approved plan. - To identify opportunities for the broader Barossa that can be catalysed through the Concordia township development

Cost (High Level)
- Unknown – extensive - Planning costs over current budget see Appendix 3.

Project Team		
Name	Position	When Required
Jo Moen	Director, Corporate Services and Business Innovation	Continuous
Ben Clark	Director, Infrastructure and Environmental Services	Continuous

Jake McVicar	Director, Development and Community Services	Continuous
Carly Hennessy	Manager, Community Development	Continuous
Glen Carter	Manager, Infrastructure and Environmental Services	Continuous
Braden Austin	Manager, Strategic Asset Services	Continuous
Luke Culhane	Manager, Financial Services	Continuous
Aaron Curtis	Manager, Development Services	Continuous
Natasha Weedon	Senior Strategy Advisor	Continuous
Martin McCarthy	Chief Executive Officer	Continuous
Janine Harding	Executive Business Partner	Continuous
Subject experts (internal)		As required
Consultants/Contractors		As required
Members of HIPDU		As required
Mayor Lange		As required

Or in the absence on leave or termination of the employment of above officers those acting or appointed to the position.

Project Stakeholders	
<i>Stakeholder</i>	<i>Expectations / Impact</i>
Internal: All Staff	New and expanded services. Building new community. Infrastructure delivery.
External: Land Owners	Land supply, engagement, managed development.
State Government	Housing supply needs for the State, planning framework, land use management, project governance. Infrastructure, community services and building new communities.
Regional Development Australia	Infrastructure, advocacy support and economic development policy support.
Town of Gawler and Light Regional Council	Assessment of impacts, opportunities and long term integrated management.
Community	Assessment of impacts, opportunities and long term integrated management and community development.

Project Communication and Governance		
<i>Who</i>	<i>Method</i>	<i>Frequency</i>
Council	Reports to Council as required	Quarterly update

Concordia Development Working Group	Operations under terms of reference.	Meet at least monthly. Communications as necessary.
Executive Leadership Team	ELT meetings and oversight committee of the Working Group	
State Government	Regular meeting with Director HIPDU Council briefings. State infrastructure and planning group engagement. Ongoing development governance when determined and enacted.	Target monthly – CEO and Director At appropriate policy development junctures. Not controlled by Council Not controlled by Council.

Deliverables & Milestones

See detailed timeframes as outlined at Appendix 1

Record Management Containers

<i>Required?</i>	<i>Container Type</i>	<i>Record Number</i>	<i>Scope Note</i>
Yes	Project Governance – Working Group Minutes and Agenda	B13957-01	Permanent Project Records - Activities involving a defined series of actions including planning, implementing, monitoring and the final assessment and report at completion of a project.
Yes	Project Governance – Working Group Confidential Matters	B13957-03	Permanent Project Records - Activities involving a defined series of actions including planning, implementing, monitoring and the final assessment and report at completion of a project.
Yes	Project Management – Plans, Status Reports etc	B13957-02	Permanent Project Records - Activities involving a defined series of actions including planning, implementing, monitoring and the final assessment and report at completion of a project.
			Others to be added as project develops.

Related Documents:

<i>Document</i>	<i>TRIM Ref</i>	<i>Document Contents</i>
Terms of Reference for Working Group	23/111047	Governance framework
Project Plan	23/111623	Timings, milestones and Gantt chart

Project Constraints, Assumptions and Dependencies

- Resourcing
- Budget needs
- State government project progress
- Infrastructure needs for building the community (external to Council)
- Diversion of senior resourcing

Environmental and Risk Scan – see notes at Attachment 3.**Project Evaluation/Post Implementation Review**

1. Outcomes against project success measures
2. Lessons Learned:
 - What worked well?
 - What did not?
3. Check all documentation has been captured, notify records of TRIM containers to be closed
4. Document and save in TRIM a review of assessments, lessons learned and outcomes
5. Update contractor register with to complete active contracts, add comments and review

APPENDIX 1 – Detailed Project Plan**APPENDIX 2 – Environmental and Risk Scan****APPENDIX 3 – Project Budget****Project Scope Sign-Off**

Approved by Council at its ordinary meeting of 23 January 2024, resolution number XXX.

APPENDIX 1 - Detailed Project Plan

	Key Target Actions and Dates	BY WHOM	COMMENCE BY	BY WHEN
1	Working Group initiation	CEO	N/a	Completed
2	Project Plan, Schedule and Works Identified Preliminary 2023-24 and 2024-25 budget needs identified	Working Group	Underway	Completed
3	Report to Council for approval of plan and project funding needs.	CEO	Underway	Completed
4	Council development vision and policy foundation approval	SSA	Underway	22 February 2024
5	State Target	State	N/a	February 2024
6	Community Needs Analysis – Social Planning (internal and external resourcing)	State/ Council	February 2024	May 2024
7	Structure and Infrastructure Planning preliminary – including staging	State	Underway	June 2024
8	Council related infrastructure need analysis – contingent on 5 above (internal and external resourcing)	Council	April 2024	June 2024
9	Financial modelling (internal and external resourcing) – phase 1 – develop preliminary model for service and infrastructure needs assessments	Council	June 2024	July 2024
10	Council work on Code Amendment needs	Council	June 2024	July 2024
11	Development of policy on governance model for development for input to State and internal governance needs.	Council	August 2024	September 2024
12	State Target	State / Council	N/a	February 2025
13	Financial modelling (internal and external resourcing) – phase 2 – retest the model against final scheme and infrastructure plan	Council	March 2025	April 2025
14	State Target	State	September 2024	December 2024
15	State Target	State	N/a	March 2025
16	Pre-applications expected to commence	State / Council	N/a	May 2025
17	State Target	State	N/a	July 2025
18	State Target	State		September 2025
19	Estimate when development applications may commence	State / Council	N/a	December 2025
20	Estimate of possible construction commencement	Developers	N/a	March 2026
21	Reassess community, infrastructure and financial modelling against applications and activities	Council	May 2026	June 2026

APPENDIX 2 – Environmental and Risk Scan

The relevant strategic scan and prioritisation notes is at [23/112336](#).

Concordia Township Development Working Group

NOTES

Monday 13 November, 12noon
in the Ngadjuri Room (Council Chambers)

Financial / Risks

- Poor strategy plan
- Wide variety of infrastructure standards/features ✓✓✓
- LTFP impact – Economic Analysis✓
- Expectation management re Los – Developer versus council & Concordia versus 'Old Barossa'
- Community connectivity to Barossa Brand / identity ✓✓✓✓
- Able to service new /current infrastructure
- Poor design / character – built form / structure plan ✓✓✓✓✓✓✓
- First nations / political impact
- Enforceability of deeds and / or scheme conditions✓✓
- Workforce Plan✓✓✓✓✓
- Planning Policy
- Differential Rating
- Boundary Reform

(ESG) Environment – Social – Governance

- Project Governance✓✓
- Aboriginal Heritage✓
- Native Veg / Ecological importance✓✓
- Inclusion / Accessibility / Universal Design✓✓✓✓✓
- Co-production – Aboriginal (Kaurna Nations) ✓

- Council Representations
- Youth Engagement
- Identity – History – Culture – Arts / Storytelling etc ✓✓✓✓
- Horticultural / Viticulture / Agriculture Labour supply
- Efficient + infrastructure – smart cities ✓✓✓
- Design / urban design
- Rural interface arrangements
- Staffing ✓✓✓✓✓
- Public Housing

Infrastructure

State/Federal	Council	PrV
Water ✓✓✓✓✓	Open Space ✓✓	Schools ✓✓✓✓
Sewer	Civic Buildings ✓✓✓✓	Sewer
Access – Road	Way Finding/Interpretation	Corrections
Freight	Signage	Power
Public Transport	Transport – Cycle/Ped	NBN
Smart City	Stormwater ✓✓✓✓	Gas
Health Services	Recycled Water ✓	Retail Precincts
NDIS	Smart City	
	Design Standards ✓✓✓	Hospitality
North Para Dam	Impact on Old/Interfacing	
	Infrastructure	
	Waste	

Service Provisions – Council

- Community meeting space/s
- Sporting Facilities / Clubs ✓✓✓✓✓
- Depot ✓✓
- Event Spaces – Multi-purpose ✓✓✓

- Water sensitive urban design (WSUD) ✓✓✓
- Community Centre / Hubs / Library ✓✓✓
- Trails / Paths
- Regional open space – open space strategy ✓✓✓✓✓✓
- Playgrounds / Dog Parks

ECO Development

- Retail ✓✓✓✓✓✓
- Good transport network ✓✓✓✓✓✓✓✓
- Tourism?
↑
Accommodation
- Enough land with right zoning and right place ✓
- Events / Markets ✓
- Disability – NDIS (Employment) ✓
- First Nations ✓✓✓✓✓✓✓
- Business Open past 5pm – Evening Economy

APPENDIX 3 – Project Budget

The budget will be managed through project number Q100 by the Office for the Mayor and CEO.

Item	Amount	2023-24	2024-25
Community needs analysis – Opportunity to Partner with State Community and Social Planner – Shared cost	50,000	50,000	0
Financial and Rate Modelling and Revenue Policy generation assessment	30,000	10,000	20,000
Council organisational service needs assessment – based on staging – required internal and external support	50,000	25,000	25,000
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Support for Code Amendment needs – majority of costs to be borne by State	20,000	0	20,000
Other General Support – Contingency, Legals, Minor Administrative Costs	50,000	25,000	25,000
Total	250,000	135,000	115,000
Funding in Budget and LTFF	125,000	75,000	50,000
Increase – Minimum	125,000	60,000	65,000

This budget is aligned to the project plan deliverables and is associated with the support of the planning need of the Concordia Township Development. The estimated budget in no way reflects the ongoing costs and revenues associated with the development.

THE BAROSSA COUNCIL

TERMS OF REFERENCE OF THE CONCORDIA TOWNSHIP DEVELOPMENT WORKING GROUP



1. ESTABLISHMENT

- 1.1 The Concordia Development Working Group is established as the internal administrative Working Group to undertake the necessary governance, investigations, and cross organisational coordination to plan for and deliver the Concordia township development.

2. OBJECTIVE

- 2.1 To coordinate investigations, provide advice and plan for the development known as Concordia by considering, researching, planning and making recommendation to, and advocate for, the needs of building a new community including but not limited to:
- a. Environmental, social and governance-based sustainability.
 - b. Council direct service provision.
 - c. Economic development opportunities.
 - d. Critical support infrastructure Council, State and private.
 - e. Financially sustainable needs.
 - f. Management of strategic and operational risks.
 - g. Other matters, needs and issues that are relevant to the long-term success of the Concordia development.
- 2.2 To foster cross organisational strategic thinking and analysis, governance, engagement, collective effort and customer focussed outcomes to deliver the Concordia township development.
- 2.3 To identify a detailed project plan, including necessary investigations and other work, resourcing needs and other matters to inform a strategic and tactical pathway for the Concordia development to be considered by the Executive Leadership Team and Council by January 2024.
- 2.4 To implement the approved plan.
- 2.5 To identify opportunities for the broader Barossa that can be catalysed through the Concordia township development.

	Approval date: 1/11/2023	Review date: 1/11/2025	Approved by: ELT	CD/23/26	Page 1 of 4
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3. SCOPE

- 3.1 The Working Group is established to undertake the necessary work and advise the Executive Leadership Team on the implementation of a new township at Concordia and has the authority to make recommendations necessary to enact the objectives including seeking resource support, from internal stakeholders.

4. MEMBERSHIP

- 4.1 Members shall be:

- Chief Executive Officer, Office of the Mayor and Chief Executive Officer (OMCEO) as Chairperson
- Senior Strategy Advisor, OMCEO
- Director Development and Community Services (DDES)
- Director Corporate Services and Business Innovation (DCS&BI)
- Director Infrastructure and Environmental Services (DIES)
- Manager, Development Services, DDES
- Manager, Community Development, DDES
- Manager, Strategic Asset Management, DIES
- Manager, Infrastructure and Environmental Services, DIES
- Manager, Financial Services, DCS&BI
- Executive Business Partner, OMCEO as Executive Officer (non-voting).

- 4.2 Proxy members shall not be appointed, however relevant officers may be invited to attend, contribute and present depending on topics on the agenda.

5. DELEGATED POWERS

- 5.1 The Working Group has no delegated powers and provides strategic, tactical and operational advice, and reports to, the Executive Leadership Team.

6. GOVERNANCE AND MEETINGS**Meeting Conduct**

- 6.1 The Working Group shall meet monthly or more frequently to achieve the Objectives.
- 6.2 A quorum is 5 members attending. If a Member is on leave an Acting officer assumes the role and responsibility of the Member.
- 6.3 The Working Group shall keep formal minutes and make decision as follows:
- 6.3.1 There a consensus position of those present at the meeting.
- 6.3.2 If a consensus cannot be reached a vote shall be made with each member present having one deliberative vote. For the avoidance of doubt there is no casting vote for the Chair.
- 6.3.3 Where a decision cannot be reached it shall be escalated to the Executive Leadership Team or Council for determination.
- 6.4 The Chair shall be the Chief Executive Officer.

	Approval date: 1/11/2023	Review date: 1/11/2025	Approved by: ELT	CD/23/26	Page 2 of 4
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- 6.5 The Executive Business Partner will manage all governance matters including agenda, minutes and actions and shall table all minutes the next available Executive Leadership Team meeting once issued.
- 6.6 Meetings can be held in confidence depending on the material being considered in the Agenda.
- 6.7 Agendas shall be issued at least 3 days prior to scheduled meetings. Special meetings maybe called by the Chair by providing an Agenda with at least 1 days' notice.
- 6.9 Minutes shall be issued within 3 days of the meeting.

Strategic Context and Accountability

- 6.10 Whilst the structure of the agenda and how it undertakes tasks is for the Working Group to determine but must at least include revision of minutes and action items at each meeting.
- 6.11 Progress against the endorsed project plan.
- 6.12 On an annual basis, all Working Group members should complete an anonymous self-assessment that evaluates the Working Group's performance to promote continuous improvements in performance and ensure that its actions are aligned with its intended purpose managed by the Executive Business Partner.

7.	ROLES AND RESPONSIBILITIES
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- 7.1 The Chair is to ensure all members are engaged in consensus decision making and that agenda processes allow for distribution of the agenda and minutes as outlined in these terms of reference.
- 7.2 Members are to engage in the processes and cross organisational collaboration and achievement of strategic outcomes by among other things:
 - 7.2.1 Attendance and engagement at meetings.
 - 7.2.2 Timely and prompt undertaking of actions arising from meetings allocated to a Member.
 - 7.2.3 Ensuring processes allow sufficient time to properly engage with Members and their teams regarding the annual plans, cross organisational asset investment investigations and implementation.

8.	RESOURCES
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- 8.1 The Executive Business Partner will provide executive support including the coordination of agendas, minutes, distribution thereof, management of action items, research tasks or any *other relevant executive support*.
- 8.2 The Senior Economic and Strategy Advisor shall provide project management, advisory and other professional, research and policy services to the Working Group.

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9. TRAINING

- 9.1 Training will be provided where needs are identified by the Working Group or Working Group members through normal annual review and training needs analysis processes.

10. DOCUMENT CONTROL

Community Plan Link:	All	Next Review Date:	1/11/2025
Document Owner:	Chief Executive Officer	Document Control Officer:	Director Infrastructure and Environmental Services
Version history			
Version No.	Date	Description of Change	
1.0	1/11/2023	New Terms of Reference	

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DEBATE REPORT

7.2 Corporate Services and Business Innovation

7.2.1 AUTHORISATION UNDER THE ROAD TRAFFIC ACT 1961

**Author: Governance and Information Management Officer
23/116464**

PURPOSE

Pursuant to the Minister for Transport and Infrastructure's Instrument of General Approval and Delegation to Council (the Instrument), as at [Attachment 1](#), Council is required to approve the names of officers who are experienced traffic engineering practitioners who can prepare and endorse:

- Traffic Impact Statements when dealing with traffic control devices; and
- Traffic Management Plans when dealing with traffic control devices for events.

With staff movements occurring, an update to Council's experienced traffic engineering practitioners is required.

RECOMMENDATION

That Council, in accordance with the Instrument of General Approval and Delegation to Council:

- (1) Authorises the following persons pursuant to Clause A.7 of the Instrument to endorse Traffic Impact Statements for the purposes of Clause A:
 - a. Steven Kaesler
 - b. Richard Cocker
 - c. Neil Dien
- (2) Is of the opinion that the following people are experienced traffic engineering practitioners for the purpose of preparing a Traffic Impact Statement pursuant to Clause A.7:
 - a. Steven Kaesler
 - b. Richard Cocker
 - c. Neil Dien
- (3) Is of the opinion that the following people have an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans pursuant to Clause E.2:
 - a. Steven Kaesler
 - b. Richard Cocker
 - c. Neil Dien

REPORTBackground

Pursuant to Sections 11 and 12 of the *Road Traffic Act 1961* (the Act), the Minister may provide approval for, or, delegate any of the powers or functions under the Act that have been assigned by the Minister, to a council.

Introduction

On 22 August 2013, pursuant to Sections 11 and 12 of the Act, the Minister for Transport and Infrastructure issued an Instrument of General Approval and Delegation to Council, which empowers councils to use traffic control devices, close roads and grant exemptions for events.

The Instrument specifically empowers Council's Chief Executive Officer to authorise council employees to exercise powers regarding:

- Traffic Control Devices;
- Speed limits at works on roads;
- Traffic Control Devices on roads;
- Temporary Parking Controls;
- Traffic Control Devices for events; and
- Grant approval to another road authority for the above actions.

Pursuant to Clauses A.7 and E.2 of the Instrument, officers preparing and endorsing Traffic Impact Statements and Traffic Management Plans must be authorised by Council to do so and, must, in Council's opinion:

- be experienced traffic engineering practitioners (see highlighted section on pages 2 and 3 of the Instrument); and
- have an appropriate level of knowledge and expertise in the preparation of Traffic Management Plans (see highlighted section on page 7 of the Instrument).

Council most recently endorsed officers to be authorised under Clauses A.7 and E.2 of the Instrument on 21 February 2023.

Discussion

Following staff movements, the Director of Infrastructure and Environmental Services, Ben Clark has reviewed the names of those officers appointed by Council and proposes the following staff to be recognised by Council:

- Steven Kaesler: Manager, Engineering Services (continuing)
- Richard Cocker: Engineer (continuing)
- Neil Dien: Graduate Civil Engineer (new appointment)

Summary and Conclusion

Council is now asked to approve the named officers, who are experienced traffic practitioners and who can prepare and endorse Traffic Impact Statements and Traffic Management Plans in accordance with Clauses A.7 and E.2 of the Instrument.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Instrument of General Approval and Delegation to Council [↓](#) 

Supporting references
Road Traffic Act 1961

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan**Infrastructure**

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

To have a connected and safe transport network that meets the needs of our community.

Corporate Plan

BS7 – Governance: Output 2 – Delegations and Authorisations Management

Legislative Requirements

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial**

There are no financial considerations.

Resource

Facilitation of these authorisations to the officers will be undertaken according to officer's existing duties, as required.

Risk Management

Risks are mitigated by the approval of appropriate authorisations which allow those who have the necessary qualifications and experience to undertake necessary functions on behalf of Council in a compliant and efficient manner.

COMMUNITY ENGAGEMENT

There is no legislative requirement to consult the community on this matter.

SCANNED 20130910 113605



Government of South Australia

Department of Planning,
Transport and Infrastructure

In reply please quote
Enquiries to Ingrid Hunt
Telephone 08 83432818

2013/08231



Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

**TRANSPORT SERVICES
DIVISION**

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

Telephone: 08 8343 2222
Facsimile: 08 8343 2768

ABN 92 366 288 135

Dear Mr McCarthy

INSTRUMENT TO COUNCILS FOR THE USE OF TRAFFIC CONTROL DEVICES

Please find enclosed the latest Instrument to Council signed by the Minister for Transport and Infrastructure on 22 August 2013 for the use of traffic control devices and to close roads and grant exemptions for events.

This Instrument replaces the Notice to Council dated 27 April 2009 signed by the Minister for Transport.

The Instrument refers to the *Code of Technical Requirements* (formerly known as the *Code of Technical Requirements for the Legal use of Traffic Control Devices*). A revised version of the *Code of Technical Requirements* ('the Code') is available on the DPTI website (<http://www.dpti.sa.gov.au/standards/tass>).

The list of devices excluded from Council's General Approval previously contained in Clause A8 of the Notice now forms part of the Code. These devices require separate approval from the Commissioner of Highways or authorised delegate and are listed in Appendix A of the Code.

The Instrument has also been updated to refer to the new *SA Standards for Workzone Traffic Management* and reflects the new requirements for Workzone Traffic Management training and accreditation.

Please distribute the enclosed Instrument to the relevant officers within your Council. Should you have any questions, please contact Ingrid Hunt on 8343 2818 or ingrid.hunt@sa.gov.au.

Yours sincerely,

Stephen Pascale
Manager, Traffic and Access Standards

9 September 2013

Document #7869044

1

INSTRUMENT OF GENERAL APPROVAL AND DELEGATION TO COUNCIL**USE OF TRAFFIC CONTROL DEVICES, ROAD CLOSURE AND GRANTING OF EXEMPTIONS FOR EVENTS****ROAD TRAFFIC ACT 1961 (SECTIONS 17, 20 & 33)****MINISTER FOR TRANSPORT AND INFRASTRUCTURE****REVOCATION OF PREVIOUS INSTRUMENT**

I, Tom Koutsantonis, Minister for Transport and Infrastructure in the State of South Australia, in accordance with the powers conferred on the Minister by the *Road Traffic Act 1961*, **REVOKE** the previous Instrument issued by the Minister entitled "Notice to Council to use Traffic Control Devices and to close roads and grant exemptions for events" dated 27 April 2009.

INSTRUMENT OF GENERAL APPROVAL**GENERAL APPROVAL FOR THE INSTALLATION, MAINTENANCE, ALTERATION, OPERATION OR REMOVAL OF TRAFFIC CONTROL DEVICES**

I, Tom Koutsantonis, Minister for Transport and Infrastructure in the State of South Australia, pursuant to section 12 of the *Road Traffic Act 1961* ("the Act"), hereby grant the following **GENERAL APPROVALS** to Council:

A. Traffic Control Devices

For the purpose of sections 17(1) and (2) of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate, or remove, or cause to be installed, maintained altered, operated, or removed any traffic control device on, above or near a road which is under its care, control and management subject to the following conditions **EXCEPT** those traffic control devices specified in Clause A.8 or those dealt with in other clauses of this instrument:

A.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause A of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by any Officer in accordance with Clause A must be done so "for, and on behalf of the Council". Records must be kept of any Authorisations made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

A.2 Conformity with the *Road Traffic Act*

All traffic control devices used pursuant to Clause A must conform to the requirements of the Act and any Rules and Regulations made under the Act.

A.3 Conformity with the Australian Standards and the Code

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the applicable Australian Standards, and the provisions contained in the Code and the applicable Australian Standards, as amended from time to time.

The Code refers to and invokes the applicable Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

A.4 Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or is otherwise likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of another Council.

Where a Council uses a traffic control device to effect section 32 of the Act, that is, closing a road for traffic management purposes, and the road runs into the area or along the boundary of another Council, each affected Council must concur with the road closure or part road closure.

A.5 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

A.6 Consultation on traffic signals

If Council wishes the Commissioner of Highways to maintain Council's:

- (a) traffic signals at intersections;
- (b) emergency services traffic signals;
- (c) mid-block traffic signals (pedestrian actuated crossings);
- (d) signals at Koala crossings; or
- (e) signals at Wombat crossings with flashing lights,

then Council must consult with the Commissioner of Highways when proposing to install the said signals for the purpose of standardising the equipment and establishing a uniform maintenance program.

A.7 Traffic Impact Statement

Before any traffic control device is installed, altered or removed, a Traffic Impact Statement must be prepared by a person, who in the Council's opinion is an experienced traffic engineering practitioner.

The Traffic Impact Statement must be endorsed by a person authorised by Council.

The Traffic Impact Statement summarises the investigations undertaken to justify the installation, alteration or removal of traffic control devices and must address road safety issues and the traffic management effects for all road users, including cyclists and pedestrians. It need not be a lengthy document. The Code provides further guidance on the preparation of Traffic Impact Statements.

A Traffic Impact Statement is not required for the installation, alteration or removal of traffic control devices on road-related areas that do not constitute a public place.

A.8 Traffic control devices requiring separate approval

General approval does not apply to those traffic control devices:

- (a) specifically listed in the Code requiring separate approval; or
- (b) not contained in or referred to in the Australian Standards or the Code; or
- (c) not complying with clause A.3.

Council must obtain separate approval to install, maintain, alter, operate or remove, or cause to be installed, altered, operated or removed, any traffic control device specified in this clause.

Council must address applications for approval under this clause to the Commissioner of Highways who will consider the application as the Minister's delegate. The application must include a Traffic Impact Statement, any plans, and relevant supporting documentation.

B. Speed Limits at Works on Roads

For the purpose of section 20(2) of the Act, I grant Council **GENERAL APPROVAL** to place signs on a road for the purpose of indicating the maximum speed to be observed by drivers while driving on, by or towards

- a work area; or
- a work site

where workers are engaged, or works are in progress at the direction of Council, subject to the following conditions:

B.1 Authorisation of other Officers

Council may authorise any Officer to exercise the powers conferred on it pursuant to Clause B of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause B must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

B.3 Conformity with the *Road Traffic Act*

The maximum speed to be indicated by signs must be in accordance with section 20 of the Act.

B.4 Conformity with the SA Standards

All traffic control devices must conform to the requirements of and be installed in accordance with the provisions contained in the SA Standards.

B.5 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

- (a) an employee of Council; or
- (b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

B.6 Training and Accreditation

At all times when a worker is present at a work area or work site at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

B.7 Record Keeping

Any person acting on behalf of Council pursuant to Clause B must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

C. Traffic Control Devices at Works on Roads

For the purposes of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove, any traffic control device in relation to an area where persons are engaged in work or an area affected by works in progress, or in relation to part of a road temporarily closed to traffic under this Act or any other Act. This approval is subject to the following conditions:

C.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause C of this Instrument. Any Authorisations to any officer must be by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause C must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to

this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

C.2 Conformity with the Road Traffic Act

All traffic control devices must conform to the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

C.3 Conformity with the Code, and SA Standards

All traffic control devices must conform to the requirements of and be installed, displayed, altered, operated or removed in accordance with the provisions contained in the Code, the SA Standards and the applicable Australian Standards.

C.4 Persons who may act on behalf of Council

For the purposes of this clause, the following people may act on behalf of Council:

- (a) an employee of Council; or
- (b) an employee of a contractor or sub-contractor engaged to carry out works on a road on behalf of Council.

C.5 Training and Accreditation

At all times when a worker is present in an area where persons are engaged in work or an area affected by works in progress at least one worker must:

- have gained accreditation in the DPTI Workzone Traffic Management Training Program; and
- carry a card or certificate certifying accreditation in this course when engaged at a work area or work site; and
- have undertaken re-training in the DPTI Workzone Traffic Management Training Program within the last 3 years.

C.6 Record Keeping

Any person acting on behalf of Council pursuant to Clause C must comply with the SA Standards that outline the procedures and guidelines for record keeping required for the overall safety and smooth operation of a traffic guidance scheme.

D. Temporary Parking Controls

For the purpose of sub-section 17(3) of the Act, I grant Council **GENERAL APPROVAL** to install, display, alter, operate, or remove a traffic control device for the purposes of imposing, varying or abolishing a parking control on a temporary basis on a road which is under its care, control and management, subject to the following conditions:

D.1 Authorisation of other Officers

Council may authorise any Officers to exercise the powers conferred on it pursuant to Clause D of this Instrument. Any Authorisations to any Officer must be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that Officer in accordance with Clause D must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause. Council may attach any conditions to such Sub-Authorisations that it considers appropriate.

D.2 Conformity with the Act

All temporary parking controls must conform with the requirements of, and be installed, displayed, altered, operated or removed in accordance with the Act and any Rules and Regulations made under the Act.

D.3 Conformity with Australian Standards and the Code

All temporary parking controls must conform to the requirements and be installed, displayed, altered, operated or removed in accordance with the provisions contained in any applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

D.4 Information on Signs

A temporary parking control used in accordance with Clause D must display the words "TEMPORARY PARKING CONTROL" in a prominent position.

D.5 Limitation of Temporary Parking Controls

A temporary parking control used in accordance with Clause D cannot have effect for a period exceeding 35 days.

D.6 Records of Temporary Parking Controls

Council must keep records of any use of temporary parking controls.

E. TRAFFIC CONTROL DEVICES FOR EVENTS

For the purposes of section 17 of the Act, I grant Council **GENERAL APPROVAL** to install, maintain, alter, operate or removed, or cause to be installed, maintained altered, operated, or removed, a traffic control device for the purpose of an event other than those specified in Clause A.8 of this Instrument, on, above or near a road which is under its care, control and management subject to the following conditions:

E.1. Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause E of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

E.2. Conformity with Plan

All traffic control devices must be installed in accordance with a Traffic Management Plan prepared by a person who in the opinion of the Council has an appropriate level of knowledge and expertise in the preparation of traffic management plans.

Council need not comply with Clause A.7 of this Instrument where using a traffic control device for the purpose of an event.

E.3. Notification to adjoining Councils

Council must notify an adjoining Council before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council.

E.4 Notification to the Commissioner of Highways

Council must notify the Commissioner of Highways before installing, altering or removing a traffic control device on a road that runs into or intersects with, or otherwise is likely to affect traffic on a road (including its flow, speed and composition) that is under the care, control and management of the Commissioner of Highways.

INSTRUMENT OF DELEGATION

I, **Tom Koutsantonis, Minister for Transport and Infrastructure** in the State of South Australia, pursuant to section 11 of the *Road Traffic Act 1961* ("the Act") hereby **DELEGATE** the powers as detailed in the following clauses –

F. GRANT APPROVAL TO ANOTHER ROAD AUTHORITY

I **DELEGATE** to Council the power conferred on the Minister pursuant to section 17 of the Act to **SPECIFICALLY APPROVE** the installation, maintenance, alteration, operation or removal of a traffic control device in the municipality or district of Council by a road authority on, above or near a road under the care, control and management of the said road authority subject to the following conditions:-

F.1 Sub-Delegation and Authorisation to other Officers

This delegation cannot be sub-delegated without my express approval. Council may, however, authorise any officers to exercise the powers conferred on Council pursuant to Clause F of this Instrument.

Any Authorisations to any Officer should be made by instrument in writing and approved by the Chief Executive Officer on behalf of Council. All actions carried out by that officer in accordance with Clause F must be done so "for, and on behalf of the Council". Records must be kept of any authorisation made pursuant to this clause.

F.2 Conformity with the Road Traffic Act

All traffic control devices used pursuant to Clause F of this Instrument must conform to the requirements of the Act, and any Rules and Regulations made under the Act.

☐ **F.3 Conformity with the Australian Standards and the Code**

All traffic control devices must conform to the requirements of and be installed, maintained, altered, operated or removed in accordance with the provisions contained in the applicable Australian Standards and the Code.

The Code refers to and invokes the Australian Standards. The Code must be read together with, but takes precedence over, all applicable Australian Standards.

F.4 Power of approval subject to same Conditions in Clause A

The power of Council to grant approvals under Clause F is subject to the same conditions that apply to Council under Clause A where Council itself is the road authority.

F.5 Record Keeping☐ Council must keep accurate records of any approval granted to another road authority pursuant to Clause F of this Instrument.**G. CLOSE ROADS AND GRANT EXEMPTIONS FOR EVENTS**

I **DELEGATE** to Council my power in sub-section 33(1) of the Act to declare an event to be an event to which section 33 applies and make orders directing:

- (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Council, should be closed for the purposes of the event) be closed to traffic for a specified period; and
- (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe the Australian Road Rules specified in Clause G.4 subject to the conditions in Clause G.5

G.1 Sub-Delegation to other Officers

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Council may sub-delegate the power delegated to Council pursuant to Clause G of this Instrument subject to the following conditions:

1. Council may only sub-delegate the power to the person for the time being occupying the position of Chief Executive Officer of Council; and
2. Any such sub-delegation must be made by instrument in writing by Council resolution; and
3. The sub-delegate cannot direct the closure of a road or and grant an exemption for an event on a road that runs into or intersects with, or is otherwise likely to affect traffic (including its flow, speed and composition) on a road that is under the care, control and management of another Council or the Commissioner for Highways; and
4. Council's sub-delegate is subject to all conditions that are imposed on Council under Clause G, in relation to the closure of a road or the grant of an exemption for an event; and
5. Council may impose any other conditions deemed necessary on its sub-delegate in relation to the closure of a road or the grant of an exemption for an event; and
6. Council cannot authorise any other person to exercise the powers conferred on Council, pursuant to G of this Instrument.

G.2 Roads and Road-Related Areas to which Delegation Applies

Council may only exercise the powers of the Minister in sub-section 33(1) of the Act with respect to a road under its care, control and management.

G.3 Conformity with the Road Traffic Act

Council when exercising the powers of the Minister in sub-section 33(1) of the Act must comply with the requirements of section 33 of the Act.

G.4 Exemption from Australian Road Rules

Council can only grant exemptions from the following Australian Road Rules and subject to the conditions listed in Clause G.5:

1. Rule 221: Using hazard warning lights;
2. Rule 230: Crossing a road — general;
3. Rule 231: Crossing a road at pedestrian lights;
4. Rule 232: Crossing a road at traffic lights;
5. Rule 234: Crossing a road on or near a crossing for pedestrians;
6. Rule 237: Getting on or into a moving vehicle;
7. Rule 238: Pedestrians travelling along a road (except in or on a wheeled recreational device or toy);
8. Rule 250: Riding on a footpath or shared path;

9. Rule 264: Wearing of seat belts by drivers;
10. Rule 265: Wearing of seat belts by passengers 16 years old or older;
11. Rule 266: Wearing of seat belts by passengers under 16 years old;
12. Rule 268: How persons must travel in or on a motor vehicle;
13. Rule 269: Opening doors and getting out of a vehicle etc;
14. Rule 298: Driving with a person in a trailer.

G.5 Conditions on Exemptions from Australian Road Rules

Council may only grant exemption from the following Australian Road Rules provided any such exemption contains the following minimum conditions:

1. Rule 237: Getting on or into a moving vehicle – provided the speed of the vehicle does not exceed 5 km/h;
2. Rule 264: Wearing of seat belts by drivers – provided the speed of the vehicle does not exceed 25 km/h;
3. Rule 265: Wearing of seat belts by passengers 16 years old or older – provided the speed of the vehicle does not exceed 25 km/h;
4. Rule 266: Wearing of seat belts by passengers under 16 years old – provided the speed of the vehicle does not exceed 25 km/h;
5. Rule 268: How persons must travel in or on a motor vehicle – provided the speed of the vehicle does not exceed 25 km/h;
6. Rule 269: Opening doors and getting out of a vehicle etc – provided the speed of the vehicle does not exceed 5 km/h;
7. Rule 298: Driving with a person in a trailer – provided the speed of the vehicle does not exceed 25 km/h.

G.6 Notification to Commissioner of Highways

Council must notify the Commissioner of Highways of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.7 Notification to Emergency Services and Public Transport Services Division

Council must notify the SA Metropolitan Fire Service, SA Country Fire Service, SA State Emergency Service, the SA Ambulance Service and the Public Transport Services Division of the Department of Planning, Transport and Infrastructure ("DPTI") as appropriate, of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.8 Notification to Traffic Management Centre, Metropolitan Region

Where an event requires intervention by DPTI to ensure the safe and efficient conduct and movement of traffic, Council must ensure that it or the event organiser contacts the Traffic Management Centre, Metropolitan Region (ph: 1800 018 313) no less than 15 minutes prior to the commencement of the event and immediately upon completion of the need for such intervention.

G.9 Notification to Commissioner of Police

Council must notify the Commissioner of Police of any declaration under sub-section 33(1) at least two weeks prior to the date of the event.

G.10 Agreement of Commissioner of Police

If Council proposes to make an order under sub-section 33(1) that involves any motor vehicular traffic, Council must first obtain the agreement of the Commissioner of Police before making an order that exempts a person from any of the following Australian Road Rules: 230, 231, 232, 234 and 238.

G.11 Use of Advance Warning Signs

Where the event will significantly and/or adversely affect a road which is under the care, control and management of the Commissioner of Highways, Council must ensure that the event organisers place advance warning notification signs on the affected roads. The signs must clearly indicate to the public the times and dates of the temporary road closure.

G.12 Effect on Roadside Furniture

Where an event affects any roadside furniture owned or maintained by the Commissioner of Highways or road markings, Council must ensure that it or the event organiser reinstates such furniture or markings to its original condition.

H. DEFINITION OF TERMS

For the purposes of this Instrument, unless a contrary intention appears:
Words defined in section 5 of the Act have the same meaning as in the instrument.

A reference to a road includes a reference to a road-related area unless it is otherwise expressly stated.

Council means a council constituted under the *Local Government Act 1999*;

Code means the Code of Technical Requirements, as amended from time to time (formerly known as the Code of Technical Requirements for the Legal Use of Traffic Control Devices);

Event means event as defined in section 33 of the *Road Traffic Act 1961* namely an organised sporting, recreational, political, artistic cultural or other activity, and includes a street party;

Officer means Council employee

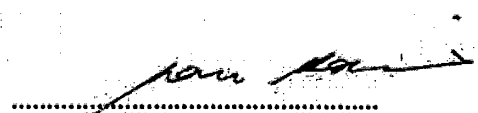
SA Standards means the Department of Planning, Transport and Infrastructure's SA Standard for Workzone Traffic Management;

Work area means work area as defined in section 20(1) of the Act, namely a portion of road on which workers are, or may be, engaged;

Work site means a portion of road affected by works in progress, together with any additional portion of road used to regulate traffic in relation to those works or for any associated purpose.

I. FUTURE VARIATIONS TO THIS INSTRUMENT

This Instrument may be revoked or varied by a subsequent Instrument in writing.


.....
Hon. Tom Koutsantonis MP
MINISTER FOR TRANSPORT AND INFRASTRUCTURE
Dated this 22 day of AUGUST 2013

DEBATE REPORT

7.2 Corporate Services and Business Innovation

7.2.2 MONTHLY FINANCE REPORT AS AT 31 DECEMBER 2023

Author: Senior Accountant
24/1175

PURPOSE

The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

RECOMMENDATION

That Council receive and note the Monthly Finance Report as at 31 December 2023 as provided at Attachment 1.

REPORT

The Monthly Finance Report (as at 31 December 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 December 2023 [!\[\]\(7c160a9e9596030965455caaf8636dc9_img.jpg\) !\[\]\(45d6c2db50b0c2e164cfdf0ff4ef76e7_img.jpg\)](#)

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.

MONTHLY FINANCE REPORT

AS AT 31 December 2023

FOR YEAR ENDING 30 JUNE 2024

	Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) \$'000	Revised Budget (Q1) (Full-Year) \$'000	Actual Result (Year-to-Date) \$'000
Uniform Presentation of Finances					
OPERATING ACTIVITIES:					
		<i>Operating</i>			
Operating Income			45,014	45,480	40,656
					0
Less Operating Expenses		45.75%	(47,359)	(47,544)	(21,665)
Operating Surplus / (Deficit)			(2,345)	(2,064)	18,991
CAPITAL ACTIVITIES:					
Net Outlays on Existing Assets					
		<i>Capital</i>			
Capital Expenditure on Renewal and Replacement of Existing Assets		50.12%	(8,031)	(10,574)	(4,025)
Add back Depreciation, Amortisation & Impairment			10,170	10,170	5,085
					0
Add back Proceeds from Sale of Replaced Assets			224	206	215
Subtotal			2,363	(198)	1,275
Net Outlays on New and Upgraded Assets					
Capital Expenditure on New and Upgraded Assets		41.02%	(14,822)	(23,677)	(6,080)
Add back Amounts Received Specifically for New and Upgraded Assets			2,796	2,838	1,109
Add back Proceeds from Sale of Surplus Assets			0	0	0
Subtotal			(12,026)	(20,839)	(4,971)
Net Lending/(Borrowing) for the Financial Year					
			(12,008)	(23,101)	15,295
Total % Capital Budget Spent		44.22%			

NOTES

1) 2023/24 Capital Expenditure to end of December includes:

- The Big Project - Tanunda Rec Park - \$1.28M
- Upgrade Tanunda Oval - \$1.15M
- Bridges - \$16k
- Road Resheeting \$607k
- Mt Pleasant Caravan Park Upgrade - \$894k
- The Big Project -Barossa Rugby Park - \$2.45M
- Drainage \$183k
- Streetscaping \$99k
- Footpaths & Kerbing \$261k
- Sealed Roads \$1.39M
- Parks and Gardens - \$154k
- The Big Project - Lyndoch Rec Park - \$63k

DEBATE REPORT

7.3 Infrastructure and Environment Services

7.3.1 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS

**Author: Executive and Project Support Officer
23/125811**

PURPOSE

The minutes of Council Section 41 Committees are presented here for consideration and adoption by Council.

RECOMMENDATION

That Council having reviewed the minutes of the Barossa Bushgardens S41 Committee meeting held 13 December 2023, adopt the resolutions contained therein.

REPORT

Discussion

The consideration and adoption of recommendations of Council Committees to Council requires assessment by Council to ensure compliance obligations under section 6(a) of the *Local Government Act*. The relevant minutes received in the past month are therefore presented for Council adoption.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minutes - Barossa Bushgardens Committee Meeting - 13 December 2023 - [!\[\]\(54c3cfed605c4efa103bcf6d13ef70d1_img.jpg\) !\[\]\(41a449b0f23ad4db55b9b0102fb73ab1_img.jpg\)](#)

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 Act and Regulations

Landscape South Australia Act 2019 and Landscape South Australia (General) Regulations 2020.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Identified within the body of the minutes, and is included within endorsed Council budget.

COMMUNITY ENGAGEMENT

Not required by Council.

2023/28

**MINUTES OF THE MEETING OF BAROSSA BUSHGARDENS COMMITTEE**

held on Wednesday 13 December 2023 commencing at 1:05pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

1. ATTENDANCE RECORD

1.1 Members Present

Louise Mason (Acting Chairperson), Trevor Waldhuter, Andrew Fairney (via Teams), Kathryn Schilling, Kate Jenkins, Glen Carter (Manager, Works and Operations), Kim Thompson (Senior Environmental Officer) Doreen Von Linde (NRC Coordinator), Penny Devlin (Nursery Manager) and Chris Kruger (Minute Secretary)

Louise welcomed Kate Jenkins to the meeting. Kate is the Chair of the Friends of Barossa Bushgardens (FoBB) and will be the new representative for FoBB on the Committee, replacing Bryce Lillecrapp.

Apologies

Tracey Davis (Carers and Disability Link), Bryce Lillecrapp and Russell Johnstone.

Not Present

Nil

Leave of Absence

Nil

2023/29

2. CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Mr Waldhuter	
That the Minutes of the Barossa Bushgardens Committee held on Wednesday 11 October 2023 at 1:00pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.	
SECONDED Mr Fairney	CARRIED BB 2022-26/12

2.2 Matters arising from previous minutes

2.2.1 MATTERS ARISING FROM PREVIOUS MINUTES 23/114232

The following actions from previous meetings are in progress as detailed below;

Meeting Date	Resolution/Action	Status	Actioning Officer
8 February 2023	Investigate the efficiency of the existing solar panels on the Natural Resource Centre	Pending	Coordinator, Building and Facility Maintenance
14 June 2023	Drafting of Event calendar, identifying strategies and target audiences Draft Calendar to be included in Agenda for next S41 Committee meeting.	Pending	Manager, Works and Operations Please refer to Agenda Item.
14 June 2023	Future direction of S41 Committee – Manager, Works and Operations to seek input from key stakeholders to enable the development of a Discussion Paper, examining operating models of like-minded organisations. A	Pending	Senior Environmental Officer

The Barossa Council 23/120523

Minutes of Barossa Bushgardens Committee Meeting
held on Wednesday 13 December 2023

2023/30

	report to be presented to a future S41 Committee Meeting.		
11 October 2023	R Johnstone to seek expressions of interest from Barossa Australia in relation to representation from the tourism sector on the Barossa Bushgardens S41 Committee.	Pending	R Johnstone
11 October 2023	NRC Coordinator to explore opportunities for cross promotion with the Arid Lands Botanic Gardens Port Augusta.	Pending	NRC Coordinator
11 October 2023	Engage with Mayor Lange to seek inclusion in cycling trails, with linkage to the Bushgardens.	Pending	R Johnstone
11 October 2023	Review of Barossa Bushgardens Masterplan and Strategic Plan Members are requested to review the current Masterplan prior to the next S41 Committee meeting.	Pending	Committee members Refer to the Attached Masterplan and Strategic Plan.

*The Barossa Council 23/120523**Minutes of Barossa Bushgardens Committee Meeting
held on Wednesday 13 December 2023*

2023/31

11 October 2023	Draft a proposal for the next Council Budget cycle including a review of the Masterplan and possible engagement with a consultant. Key Stakeholders to be engaged prior to a report being presented to Council.	Pending	Director, Infrastructure and Environmental Services
11 October 2023	Northern and Yorke Landscape Board Funding Draft funding applications for up to five proposals and submit for consideration prior to 1 November 2023 deadline.	Proposals attached in Correspondence Section.	NRC Coordinator
13 December 2023	Event Calendar – Template to be amended to include FoBB, and Feedback Forms to be developed.		NRC Coordinator
13 December 2023	Development of Project Team - Review of Strategic Plan and Urban Design Framework		Manager, Works and Operations
13 December 2023	Provision of Seeding Natives Workshop		A Fairney

2023/32

13 December 2023	Feros Care to be approached to ascertain interest in participating in a program similar to Nature and Natter		Senior Environmental Officer
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3. MATTERS FOR INFORMATION

3.1 VISITATION TO BAROSSA BUSHGARDENS

3.2 RISK MANAGEMENT/WORK HEALTH AND SAFETY

3.3 MARKETING INITIATIVES AND SALES OPPORTUNITIES

3.4 CORRESPONDENCE

3.5 PARTNER PROJECTS UPDATE

3.6 STRATEGIC PLAN PROGRESS REPORT

3.7 CHAIRPERSON'S REPORT

4. DEBATE REPORT

4.1 FINANCE REPORT

23/114256

MOVED K Schilling

That Barossa Bushgardens Committee receive and note the report.

SECONDED K Jenkins**CARRIED BB 2022-26/13**

PURPOSE

To provide progress on budget income and expenditure as at 30 November 2023.

REPORT

Discussion

At the end of November, the expenditure across each cost centre is progressing well.

*The Barossa Council 23/120523**Minutes of Barossa Bushgardens Committee Meeting
held on Wednesday 13 December 2023*

2023/33

Funding for the Disability Support program has now been confirmed for the 3rd and 4th Quarter of 2023/24, and an invoice has been issued,

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Bushgardens Finance Report - November 2023 

Supporting references

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislative Requirements

Nil.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil.

COMMUNITY ENGAGEMENT

Not required under Legislation or Council's Public Consultation Policy.

**4.2 BAROSSA BUSHGARDENS S41 COMMITTEE MEETING SCHEDULE FOR 2024
23/115602**

MOVED K Schilling

That Barossa Bushgardens Committee continue to meet on a bi-monthly basis, commencing February 2024 in The Barossa Council Chambers, commencing at 1:00pm.

SECONDED K Jenkins

CARRIED BB 2022-26/14

PURPOSE

To seek the approval of the Barossa Bushgardens S41 Committee Meeting Schedule for 2024.

REPORTDiscussion

Historically, the Barossa Bushgardens S41 Committee meetings have been held on a bi-monthly basis, beginning in February of each year. The meetings are held in The Barossa Council Chambers, commencing at 1:00pm.

The following Schedule of meeting dates is presented for Committee endorsement:

2023/34

Wednesday 14 February 2024

Wednesday 10 April 2024

Wednesday 12 June 2024

Wednesday 14 August 2024

Wednesday 9 October 2024

Wednesday 11 December 2024

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil.

COMMUNITY ENGAGEMENT

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

5. CONFIDENTIAL AGENDA

Nil

6. URGENT OTHER BUSINESS**Open Space Grant Funding**

K Schilling advised the Committee that the Open Space Grant Program is now open. Applications close at 12:00pm Friday 9 February 2024.

Seedling Sales

The Committee was pleased to note a significant increase in Nursery Sales under the guidance of P Devlin.

Commendations and appreciation

L Mason complimented the standard and content of the FoBB Newsletters.

K Schilling passed on her thanks to the Committee, management team and staff for their enthusiasm and dedication which is achieving great results for the Barossa Bushgardens.

2023/35

7. NEXT MEETING

Wednesday 14 February 2024

8. CLOSURE

L Mason extended Christmas wishes and declared the meeting closed at 2.:44pm.

Confirmed at Barossa Bushgardens Committee Meeting on

Date:.....

Chairperson:.....

DEBATE REPORT

7.3 Infrastructure and Environment Services

7.3.2 RECREATIONAL FACILITIES - ADDITIONAL WORKS

**Author: Director Infrastructure and Environmental Services
24/1716**

PURPOSE

To approve amendments to give effect to new and additional works.

RECOMMENDATION

That Council approve the addition of the three projects as outlined in the body of the report and approve the budget amendments to the Council and Nuriootpa Centennial Park Authority, being a net increase in budget of \$12,000.

REPORT

Background

Council has approved various works as part of its 2023/24 budget. During implementation of decisions there is at times opportunities to make further improvements.

Introduction

There are three key deliverables that can be addressed through budget savings to complete and improve some works underway or near completion. They are:

1. Additional path sealing in Coulthard Reserve.
2. The need to complete ball netting and fencing works adjacent to the Junior Oval at Tanunda.
3. Completion of some sealing works and minor civil works at the Tanunda Recreation Park.

It is recommended these works be undertaken due to urgency as it applies to project 1 and efficiency of completion as it applies to projects 2 and 3.

Discussion

Project 1

Coulthard Reserve is managed by the Nuriootpa Centennial Park Authority. Council identified pathway works in the adjacent parks as part of its annual program, however the adjacent land pathway works under NCPA management was not identified as a priority and not budgeted for in the 2023/24 year. The matter has been raised with Council and with the NCPA as a result. A further inspection of the area located adjacent the ford in a section of path accessing the rear of the Coulthard Reserve

toilet block, identified some sections of path that have significant degradation and requires urgent works to be undertaken.

The works can be coupled with other sealing works in the district still to be done and there is no loss of efficiency in having this work now scheduled, instead of specifically returning for this small job, and it also ties in well with project 3.

The work is estimated at \$12,000 and should be funded from the NCPA budget allocations and this can be directed by Council and included in the quarter 2 review.

On a grander scale of future management of assets it is noted Council is undertaking a review of the NCPA arrangements in the near future and in considering the benefits and costs of options the integration of asset management into one program is a definite benefit in future. In the interim officers will assess the NCPA asset data on an annual basis and ground truth the program as part of the annual budget processes to limit in future any missed opportunities to partner on asset renewal.

Project 2

The final component of the Junior Oval upgrade at Tanunda which was to be monitored for need has come to fruition. The need to erect a ball net and fencing extension, due to the extent of incursion onto the neighbour's property warrants this treatment. Whilst it was highlighted as a potential need it has not been budgeted. An extension to the neighbours fencing has been undertaken as envisaged and budgeted, but has not proved adequate relief.

The erection of a ball fence, as was implemented (by way of example) at the soccer development in Nuriootpa, is a sound long term investment for the management and use of the space, relationships, and limits incursion by balls and people onto private property.

The estimated cost is \$50,000 budget will be funded from savings in the capital budget for the Tanunda Oval reconstruction.

Project 3

The Tanunda Clubs have recently banded together to assist and fully complete the landscaping at the recreational oval. To compliment the work there are various trenches and areas that require final treatment and sealing to complete the work at the recreation park. This was raised with Council as a matter for information October 2023. With the clubs completing the landscaping in-kind, the works to complete the sealing and minor civil works would best be done for efficiency purposes, the final finish and presentation of the recreation park and the fact there are sealing and civil works to do with the oval extension and renovation it is timely to do so. There are sufficient savings in the resealing budget to support the costs of \$95,000.

Summary and Conclusion

The opportunity to complete various and complementary pieces of capital work are noted and recommended to be undertaken and can be coupled together to achieve an efficient infrastructure spend and complete the three projects.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

Goal

7. Community infrastructure planning is aligned to both current and the future needs of the community

Strategies

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

Corporate Plan

- CS3 Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)
- CS12 Facility and Community Land - Management of buildings, maintenance and occupancy, including inspections and advice to enable safe, accessible, fit for purpose and well managed community facilities, office spaces and community land
- CS20 Sport and Recreation - Provide a broad range of sporting, recreational and leisure facilities/ services/programs at a range of facilities, parks and open space areas

Legislative Requirements

Section 123 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Existing resourcing can support the projects.

Savings in capital budgets will support projects 2 and 3 the works and therefore there is no net change to the operating position of Council, net financial liabilities will increase by \$12,000 or 0.03%.

An allocation from the NCPA budget will be made for the sealing works.

The asset renew ratio will decrease marginally but is not material and estimated to drop to approximate 159.5% from 160% and still above the target range.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS			
Financial Considerations			
(where additional funding outside adopted budget is required)			
Items Being Considered in this Agenda		Further Works - 3 Projects	
Net operating costs (incl depreciation)		\$428.57	
Total project cost (ex GST)		\$12,000	
Grant / Other Income (ex GST)		\$0	
Funding required by Council		\$12,000	
Where funding is sourced from:		Borrowings	
DDR provided		Not required	
Business Assessment Tool Score Cut Off Comparison		Not assessed as part of budget development - assessment is pursuant to Clause 3.5 of the Annual Business Plan and Budget Policy	
If approved – a BAR or NI will be included in the:		December 2023 Quarterly Budget Update	
KPI	Current Adopted or Revised Budget \$'000**	Budget Result for 2023/24	Result
Operating Surplus / (Deficit)	(\$2,121)	(\$2,181)	No change
Operating Surplus / (Deficit) - Adjusted (removes effect of Grants upfront payment)	(\$36)	(\$96)	
Operating Surplus Ratio (Target: -2% to 10%)	-4.66%	-4.80%	No change
Operating Surplus Ratio - Adjusted (removes effect of Grants upfront payment) (Target: -2% to 10%)	-0.08%	-0.21%	No change
Net Financial Liabilities Ratio (Target: >0 to <100%)	79.98%	80.14%	Increase of 0.03%
Asset Funding Renewal Ratio (Target: >80% to <110%)	160.0%	159.5%	Reduction of 0.5%
* Assumes all are approved and presented in order of the agenda and all other components of budget will be achieved.			
** Adjusts for changes approved since the last updated budget but not yet processed in the next quarter update.			

COMMUNITY ENGAGEMENT

Officers have engaged with the neighbour adjacent to the Junior Oval and Tanunda Recreation Park Clubs in relation to the landscaping and fencing requirements.

DEBATE REPORT

7.4 Development and Community Services

7.4.1 NOMINATION OF MELISSA WHITROW FOR LIBRARIES BOARD OF SA

Author: Manager Library Services and Director Development and Community Services
23/116632

PURPOSE

To seek endorsement for Melissa Whitrow, Manager Library Services, to nominate as the local government representative on the Libraries Board of SA.

RECOMMENDATION

That Council endorse the nomination of Melissa Whitrow for a position on the Libraries Board of SA.

REPORT

Background

The Local Government Association is seeking nominations to fill one LGA-nominated position on the Libraries Board of SA. Nominees are required to attend up to ten meetings per year, are appointed for a period not exceeding three years, and are paid a nominal sitting fee.

Discussion

Melissa Whitrow, Manager Library Services, meets the stated selection criteria to nominate for this role. She is a librarian, employed in a public library and has local government knowledge and experience. The selection criteria also encourages representatives of regional councils to apply.

Should the nomination be successful, board membership will benefit the Barossa Library and wider community via the connections Melissa will establish with peers, in addition to increased knowledge of public library service strategy, operations and governance, and development of leadership and interpersonal skills.

Summary and Conclusion

Given the professional development and learning opportunities this position provides to staff and broader benefits to the Barossa Council, it is recommended that Council supports the nomination of Melissa Whitrow for the Libraries Board of SA.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate Plan

CS16 Library - Provision of public library services across multiple physical branches, online and via outreach programs. This includes providing access to a physical and online collection

Legislative Requirements

Libraries Act 1982

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The requirements of Board membership are aligned with the scope of the role of Manager Library Services and time commitments can be managed within the existing role.

COMMUNITY ENGAGEMENT

Community consultation is not required under Legislation or Council Policy.

COVER SHEET

CONFIDENTIAL REPORT

23 January 2024

Council Meeting

8.1 Office of the Mayor and CEO

8.1.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW 2023 - CLOSE OUT OF KEY PERFORMANCE INDICATORS

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 it is related to the performance review outcome, key performance indicators, of the Chief Executive Officer and has personal information associated with the report.

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.

RECOMMENDATION

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 and the Minute Secretary, in order to consider in confidence a report relating to being information that must be considered in confidence pursuant to:

Section 90(3)(a) of the *Local Government Act 1999*:

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

- (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 it is related to the performance review outcome of the Chief Executive Officer and has personal information associated with the report.