



MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 19 March 2024 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

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

1. ATTENDANCE RECORD

1.1 Members Present

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

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Cr Hurn

That the Minutes of the Council meeting held on Tuesday 20 February 2024 at 5.30pm, the Special Council meeting held on Wednesday 21 February 2024 at 5.30pm and the Special Council meeting held on Wednesday 6 March 2024 at 5pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Angas

CARRIED 2022-26/379

2.2 Matters arising from previous minutes

2.2.1 ADOPTION OF REVISED NORTHERN AND YORKE LOCAL GOVERNANCE ASSOCIATION CHARTER (PREVIOUSLY LEGATUS) **24/26078**

The Council considered the proposal of the review of Legatus, now named Northern and Yorke Local Government Association (NYLGA) at its February 2024 meeting of Council.

Council feedback was provided to NYLGA prior to its meeting of 23 February 2024. The NYLGA adopted the proposed Charter without any further amendment.

The final Charter is provided for Council information at the Attachment.

SUPPORTING REFERENCES

Nil

Cr Greatwich left the meeting at 5:34pm.

Cr Greatwich returned to the meeting at 5:35pm.

3. PROCEDURAL ITEMS

3.1 Petitions

3.1.1 PETITION - SEALING OF NELDNER ROAD **24/26187**

MOVED Cr Schilling

That Council receive and note the petition and decline to undertake the requested upgrade to a sealed road service level based on the prior assessment of Council and the factors determining that decision remain fundamentally unchanged and request a report with updated data to be brought back to Council within 12 months.

SECONDED Cr Preece

LOST

MOVED Cr Evans

That Council receive and note the petition to consider an upgrade to a sealed road service level and request a report with updated data to be brought back to Council within 6 months for assessment.

SECONDED Cr Angas

CARRIED 2022-26/380

PURPOSE

A petition containing 40 signatories has been received regarding – to have Neldner Road, Tanunda bitumen sealed and to be finally included as a priority in the 2024/25 budget.

REPORT

The petition seeks Council to have Neldner Road, Tanunda bitumen sealed and to be finally included as a priority in the 2024/25 budget has been presented by David Mahlo and Joy Brauer.

This request has been previously debated by prior Council, and the relevant report is provided at Attachment 2. The road service level for Neldner Road at that time is Class 4: Local Collector (Connecting activity nodes) and remains unchanged in its service level classification. Prior Councils did not support advancing this work ahead of the many other priorities. Further the request was raised as new initiatives in 2019 and 2020 and not supported for the same reasons of lower priority to other road priorities. As it currently stands this road ranks 170th in the prioritised list of unsealed roads that could be eligible for sealing.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Petition to seal Neldner Road Tanunda 
- Attachment 2 Neldner Road - Minutes extract - 15 October 2019 - Council declined recommendation to seal Neldner Road - proposed Bushman Street and Short Row 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate 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

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Nil

3.2 Deputations/Visitors to the meeting

Nil

3.3 Notice of Motion

Nil

Cr de Vries entered the meeting at 5.55pm

3.4 Questions with Notice

3.4.1 QUESTION ON NOTICE – COUNCILLOR PREECE - WELCOME TO COUNTRY CEREMONY COSTS **24/29482**

MOVED Cr Preece

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

SECONDED Cr Greatwich

CARRIED 2022-26/381

PURPOSE

To consider a question on notice provided in accordance with the Local Government Act 1999 by Cr Preece at the March 2024 meeting of Council.

QUESTION AND RESPONSE

Question

How much has it cost the ratepayers of The Barossa Council engaging an Aboriginal Elder to perform Welcome to Country at council events from its inception (clarified as the inception of having Welcome to Country at relevant events) until now?

Response

\$9700 exclusive of GST.

From the available records the first formal Welcome to Country was paid for on 25 June 2021.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

4. MAYOR

4.1 Mayor's Report

MOVED Cr Angas

That the Mayor's report be received.

SECONDED Cr de Vries

CARRIED 2022-26/382

5. COUNCILLORS' REPORTS

5.1 COUNCILLOR'S REPORT TO COUNCIL - CR JESS GREATWICH

MOVED Cr de Vries

That the Councillor Greatwich's report be received.

SECONDED Cr Evans

CARRIED 2022-26/383

5.2 COUNCILLOR'S REPORT TO COUNCIL – CR DON BARRETT

MOVED Cr Greatwich

That the Councillor Barrett's report be received.

SECONDED Cr Evans

CARRIED 2022-26/384

6. MATTERS FOR INFORMATION

6.1 CCTV Camera Update

6.2 Trees For Life - Bush for Life Report

6.3 Gawler River Floodplain Management Authority

6.4 Garage Sale Trail - Impact Report for 2023

6.5 State Government Proposed Reforms to Kerbside Waste and Recycling Services

6.6 Initiation of the Site Contamination Development Assessment Scheme Code Amendment

7. DEBATE REPORTS

Pursuant to Section 73 of the Local Government Act 1999, Cr Schilling disclosed an actual Conflict of Interest in the matter Item number 7.1.1 - Conversion of Community Loan - Nuriootpa Futures Association as she a member on the committee and advised the Council that she would leave the meeting.

Cr Schilling left the meeting at 6:05pm.

7.1 Office of the Mayor and CEO

7.1.1 CONVERSION OF COMMUNITY LOAN - NURIOOTPA FUTURES ASSOCIATION. **24/25208**

MOVED Cr Angas

That Council having noted the request of the Nuriootpa Future Association and their minutes, and noting the request aligns with the original approval of Council authorise:

- (1) That council authorise the redraw of \$15,000 or the amount the Nuriootpa Future Association payments are in advance, so long as the resulting loan does not exceed \$100,000.
- (2) The current Cash Advance Debenture provide to the Nuriootpa Futures Association be converted to a 7 (or maximum 10 year if the Chief Executive Officer determines it reasonable after final negotiations) year fixed interest principal and interest loan commencing as soon as possible.
- (3) Authorise the Mayor and CEO to sign and seal all necessary documentation to give effect to part 1 of this resolution.
- (4) That the Cash Advance Debenture of \$100,000 shall be closed.
- (5) The Nuriootpa Future Association enter into a new funding agreement as determined and authorised by the Chief Executive Officer for the principal and interest loan facility.

SECONDED Cr Preece

CARRIED 2022-26/385

PURPOSE

To pass a further resolution as requested by the Local Government Finance Authority for the Nuriootpa Future Association to convert the current Cash Advance Debenture to a 7 year principal and interest loan, as intended by the original support provided.

REPORT

Background

Provided at Attachment 1.

Introduction

The works to restore and commercialise the Coulthard House have been realised by the Nuriootpa Future Association and the long-term tenant is now operating successfully from the house. This provides the anticipated revenue streams.

Discussion

As contemplated by the original approval the Cash Advance Debenture used to assist the works is no longer needed and can be converted to a principal interest loan.

The Local Government Finance Authority have requested that a new set of approvals be passed to convert the loan as originally contemplated and approved by the prior Council.

The Nuriootpa Futures Association wish to redraw the current advanced payments to complete the works at the barn to enable greater use during adverse weather and a greater potential to generate income.

The conversion of the cash advance to the principal interest at \$100,000 for seven years is affordable with the finances of the association on condition they maintain the commercial tenant.

Summary and Conclusion

The Cash Advance Debenture is no longer needed and as aligned with the original loan approval a new set of resolutions is requested.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Prior Minutes, Report and Information from 20 July 2021 

Attachment 2 Nuriootpa Future Association - Relevant Minutes of February 2024 

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.
- 4.2. Continue creating strong and sustainable community networks, and support young people to actively participate in the community and develop the leaders of the future.

- 4.3. Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces and active recreation.

Legislative Requirements

Section 123 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Covered and unchanged from the original approval of 20 July 2021 and does not alter the risk profile of Council, financial outcomes as the funds are already borrowed just through a different financial product and requires no additional internal resources.

COMMUNITY ENGAGEMENT

No required or recommended.

Cr Schilling returned to the meeting at 6:06pm.

Mayor Lange advised the Council that Item 7.1.2 - Internal Review of Council Decision – 18A Elizabeth Street Drainage will be moved to after Item 8.1.1 - Legal Advice – 18A Elizabeth Street Tanunda Drainage Matters.

7.1.3 ANNUAL REVIEW AGAINST THE STRATEGIC POLICY PLATFORM AND EXPECTED BEHAVIOURAL NORMS OF THE COUNCIL AND ITS ELECTED MEMBERS **24/25222**

MOVED Cr Hurn

That Council endorse the Mayor and Deputy to engage a consultant, design and manage the review process as outlined in the report.

SECONDED Cr Evans

CARRIED 2022-26/386

PURPOSE

To set how Council wishes to review its performance against the Strategic Policy Platform and Expected Behavioural Norms of the Council and its Elected Members.

REPORT

Background and Introduction

On the 21 March 2023 Council adopted the Strategic Policy Platform and Expected Behavioural Norms of the Council and its Elected Members (Framework) document. The relevant document is provided at the link.

When Council adopted this strategic document, it did so with two clear intent being:

1. To set the preliminary viewpoints of the newly Elected body to inform decision making and the updates to the Community Plan.

2. To set an expected level of contemporary behaviour norms over and above the expectations of the base level mandatory government set Behavioural Standards.

In adopting the paper it committed "to review its performance against these self-set standards on an annual basis via an internal (or if it chooses and external) process."

Discussion

It has now been 12 months since the framework document adoption and as committed to by Council, a review of our performance against the self-set standards is due.

It is suggested that I, as the Mayor and Deputy Mayor engage, through the Chief Executive Officer, an appropriate consultant to develop a simple survey and request all Elected Members to respond to the survey. They will then collate the information, debrief the Council, write a formal report for Council and depending on the outcomes, suggest ways to address any opportunities. At this time, it is not recommended that anyone other than Elected Members be invited to or respond to the survey and it is not for administration to be involved at this level in the view of the Chief Executive Officer. In essence the review is a self-assessment of our performance and trigger to reflect, assess, discuss and grow as an Elected body.

I am informed there are funds available in the Office for the Mayor and CEO budget to support this simple process, expected to be in the order of \$5,000 to \$10,000.

Summary and Conclusion

The annual review that Council committed to is due and a simple process has been suggested and is now for Council to determine how it will undertake this process.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

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

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Can be funded from existing resources and is sound and industry leading practice.

COMMUNITY ENGAGEMENT

None recommended or required.

7.1.4 NORTHERN AND YORKE LOCAL GOVERNMENT ASSOCIATION - MINUTES AND PROXY MEMBER NOMINATION
24/26081

MOVED Cr Preece

That Council appoint the incumbent Deputy Mayor pursuant to Clause 3.2.2 of the Charter for the Northern and Yorke Local Government Association, as the nominated proxy Board Member of Council.

SECONDED Cr de Vries

CARRIED 2022-26/387

PURPOSE

To appoint a proxy member of the Northern and Yorke Local Government Association (NYLGA) under the newly adopted Charter.

REPORT

As outlined in the 'Matters Arising from Previous Minutes' the new Charter for the NYLGA has been adopted.

The new Charter states:

"Each Constituent Council may appoint one person, who must be an elected member of the Council, to act as a proxy Board Member. A proxy Board Member will act as the nominated Board Member for a Constituent Council only when the principal member of the Council is not present at or taking part in a meeting of the Board or an Annual General Meeting."

The member of the Board is the Principal Member of the Council.

Should Council wish to nominate a proxy it may do so to attend and have voting rights when the Mayor isn't in attendance, this is limited to two times per annum, unless approved by the Chair of NYLGA. The NYLGA has four meetings per annum.

It is recommended if Council wishes to appoint a proxy it do so for the remaining term of Council to ensure continuity.

If there are more than one nomination, the election process is recommended to be by testing the nominations by resolution.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Section 43 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is nil change in financial, resource or risk considerations.

COMMUNITY ENGAGEMENT

Not recommended or required to undertake any engagement nor has any been undertaken.

7.1.5 ANGAS RECREATIONAL PARK - SUPPORT TO ERECT GOAL POST NETS - ANGASTON FOOTBALL CLUB **24/28862**

MOVED Cr Hurn

That Council ratify the Chief Executive Officers letter of support for the Angaston Football Club proposal for the erection of goal post nets, on the conditions outlined within the letter.

SECONDED Cr Barrett

CARRIED 2022-26/388

PURPOSE

To ratify support to erect goal post nets by Angaston Football Club at the Angas Recreation Park at no cost to Council.

REPORT

Background

In 2019/20 and 2021/22 Council considered a request to erect and fund football goal nets at the Angas Recreation Park. These submissions were not supported on the basis it was not a service level Council at that time would fund.

Discussion

The Angaston Football Club have approached Council for a letter of support to seek a Telstra grant for the above purpose. The club has outlined they will pay all costs if they are successful in receiving the grant, acknowledging some minor in-kind support maybe required. As a self-funded and safety initiative a qualified letter of support was

provided as the club approached Council on Friday 1 March 2024 with the grant program closing on Wednesday 6 March 2024.

Summary and Conclusion

The request is to support the grant application and ratify the Chief Executive Officers conditional support letter.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Conditional Letter of Support 

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

- 7.1. Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil financial management consideration, except potential minor in-kind support from existing resources.

COMMUNITY ENGAGEMENT

No engagement required or recommended.

7.1.6 TOWN OF GAWLER BOUNDARY REFORM PROPOSAL - ENGAGEMENT OF CONSULTANT AND INITIAL WORKS, COMMITMENTS, IMPACTS AND COMMENTS
24/29486

MOVED Cr de Vries

That Council receive and note the report and assessment of impact and resourcing needs and provide the following input for the consultants consideration:

- (1) That the general public consultation processes:
 - a. Be deferred until after the statutory requirements placed upon Council are completed, approximately August 2024 and thus time the engagement to get the best possible engagement from community.
 - b. Must be open to all residents of effected and neighbouring Councils, not just those within the nominated reform area as the changes could have significant impact on broader community and the financial viability of Councils.
 - c. Include multiple methods of receiving input including a mailout to every resident as per item b. above, online survey, personal and written feedback.
- (2) That Elected Members be engaged through a face-to-face meeting, survey and are provided briefings at each relevant decision or data analysis point through a face-to-face meeting with the provision of necessary data and information to inform those meetings.
- (3) That relevant regional associations and industry groups be engaged including Barossa Australia, Regional Development Australia, SA Primary Producers, TICSA and others identified for all Councils by the consultant.

SECONDED Cr Preece

CARRIED 2022-26/389

PURPOSE

To note the appointment of the independent investigator and review initial request and their impact and endorse responses to the investigator.

REPORT

Background and Introduction

The reform proposal of the Town of Gawler has been under consideration now for some 5 years, officially. Recently the Commissions (Boundaries Commission) contrary to Councils request proceed to appoint the independent investigator, BDO has been awarded the contract.

Recently, representatives of BDO briefed me on the initial data requests and consultation specification.

This report deals with the immediate impacts of this information, which is provided at Attachment 1.

Discussion**Work Impact**

The work to support the review is an unknown quantity at present. Preliminary information that is being sought has been preliminarily assessed as follows:

- All financial analysis will take a high level of analysis and interpretation due to the nature of the request being specifically about areas within the reform submission, data is not managed at that level.
- No data collection methodology or counting rules have been provided thus there is a real risk that data will have significant differences across the Councils and require reassessment and analysis during the process, assistance has been sought to set those counting rules so there is significantly less rework and continuity of data which will assist BDO in their task.
- Information on strategy and plans can be readily provided, however the current plans being the fundamental strategic and operational basis of Council are under review as per the legislative requirements. The community plan, asset and infrastructure plans, budget and business plans and corporate plan all are under review during the current period.
- General information sought on a range of other factors like enterprise agreements, human resource information is easily available.

Due to the known workloads on the Executive at present, and critical vacancies in the organisation, this work will impact other work priorities over the coming 6 months.

Current estimates to deliver the simpler information is that can be provided on or about the 31 March 2024. The more complex work, depending on recruitment and commencement of a new Manager, Financial Services the 30 April and updated strategic documents not until August 2024.

In relation to support for the investigation as it proceeds, I have meet with Light Regional Council, Chief Executive Officer and engaged with a relevant consultant. It has been agreed to pursue a proposal from this consultation to assist with the strategic and other responses through the processes. Once this is received and assessed a further report will come to Council.

Governance and Management of the Investigations

As a significant threat to the operations, strategies, and finances of The Barossa Council, this matter will be managed at the Executive level. In relation to managing the investigation, no costs of Council can be recovered (see Matter for Information Report of 23 January 2024 which provides the response of the Commission to Councils latest submission), therefore the impact on workloads will mean an impact other work. This cannot be accurately determined at this time and as the investigations proceeds it will become more apparent.

The prior Council did establish a Section 41 Committee of Council to manage matters of boundary reform, this can be enlivened if Council wishes, however at this time it is recommended that the Executive continue to manage the investigation and report through to full Council at appropriate times.

Consultation Model

The consultation model and identified stakeholders list is provided at [Attachment 1](#), and is sound and appropriate in the main. The methodology of collection and

analysis and ability to review needs is also well defined. The actual detail of questions, scale and how surveys and the like, will be designed will no doubt be developed by BDO as they proceed with the investigations. It is also recommended that alternative pathways for input need to be provided for those who want to provide personal, written or other forms of input and not just a survey.

The information provided is also seeking what engagement methodology would be desired by Elected Members. Members are asked to provide this feedback at the Council meeting. It is suggested that BDO should engage in a meeting and survey and also be present to brief Council at every decision and milestone point. This would be determined by BDO's project plan which at this time has not been provided, nor requested.

It is further considered that appropriate regional bodies should be invited to respond including Barossa Australia, Regional Development Australia, South Australian Primary Producers, SATIC and others Council may identify.

In relation to the public consultation processes, the proposal of the Town of Gawler could have significant community impacts on a broader scale than the nominated area, this is evidenced by multiple commentary and information that the outcomes could be very different from the proposal as it is understood there is no limit to what may occur or be recommended by BDO to the Commission. This in turn could have significant financial viability issues for a range of Councils and thus their communities. For these reasons, the engagement should be open to any residents and ratepayers of the effected Council and those bordering these Councils. Any public consultation will need a wide array of input methods not just an online survey as people may wish to provide responses in person or written not just respond to a predetermined survey.

Further the timing of the work is problematic. The Barossa Council has at least 6 other engagement processes programmed for this period they are:

- Statutory consultation on Community Plan Review – a draft is scheduled to be tabled with Council at the April workshop and April Council meeting, thereafter engagement in late April and early May 2024, subject to Council input to the draft and adoption for consultation.
- Statutory consultation on the budget and business plan – scheduled for late May 2024.
- Statutory consultation on the asset and infrastructure plans – scheduled for July 2024.
- Current growth and investment strategy due to close in May 2024.
- Statutory Elector Representation Review scheduled for August/September 2024 and again in December 2024/January 2025 .
- The recently endorsed Wellbeing Plan partnership work with Wellbeing SA, which has consultation processes as well for the community.

Coupled with the above work of Council there will likely be engagement needs around the Concordia development.

It is therefore problematic as the community is already being asked for significant input and assistance through consultation and engagement and further engagement may see challenges with buy-in and response rates.

Summary and Conclusion

The report outlines the initial assessment of the information request and brings Council up to date with the reform proposal processes. It will impact resourcing and therefore other work will be deferred as a result of the legislative need to provide the information; it is difficult at this time to ascertain what maybe deferred. As Council are aware, due to the Commissions response to our latest submission no costs of Council can be recovered.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Initial Information Requested and Proposed Engagement Document from BDO 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment

Goal

1. The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.
2. The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.
3. We take a proactive approach in responding to key environmental challenges such as climate change, water security and waste management.
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.
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.
6. The Barossa maintains and develops infrastructure that meets the needs of the region and is efficient.
7. Community infrastructure planning is aligned to both current and the future needs of the community

8. To have a connected and safe transport network that meets the needs of our community
9. Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle
10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.
11. The Barossa has a strong local economy that adapts, innovates and thrives on change and strives for a diverse industry base that provides a sustainable range of business and job opportunities for people.
12. We are a visitor destination of choice
13. The Barossa is competitive and in a strong position to attract both private and public investment in the development of new and existing businesses, services and industry.

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.
- 1.2. Support tourism development that is sensitive to the natural environment and ensures that the unique character of the rural landscape is appropriately managed and promoted.
- 1.3. Build on the conservation of the region's natural heritage including bush ecosystems, grassy woodlands, agricultural landscapes and recreational green spaces.
- 2.1. Continue to maintain streetscapes that reflect the character and heritage of the region and facilitate opportunities to repurpose or find alternative uses of built heritage.
- 2.2. Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.
- 3.1. Support community-based sustainability initiatives to help reduce the Barossa's contribution to the climate crisis and build on the capacity of local residents and industry to mitigate negative impacts.
- 3.2. Collaborate with partners and our community to support innovative approaches to waste minimisation, and increase reuse and recycling opportunities.
- 3.3. Ensure long term confidence in the Barossa's capacity to access water to meet its industrial, domestic and environmental needs.
- 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.
- 4.2. Continue creating strong and sustainable community networks, and support young people to actively participate in the community and develop the leaders of the future.
- 4.3. Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces and active recreation.
- 5.1. Support the development of activities that celebrate the history, art and culture of the Barossa and its people.
- 5.2. Create places where people want to live and plan for the future in a coordinated, affordable, appropriate and proactive way.
- 5.3. Create vibrant public spaces that provide places for creative development, cultural interaction and social connections.

- 5.4. Recognising and celebrating the community successes and learning from opportunities.
- 6.1. Advocate for and identify funding opportunities that support the development of community, cultural, health and other facilities and infrastructure to meet personal and commercial needs of residents and businesses.
- 6.2. Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.
- 6.3. The use of new and emerging technologies, alternative and renewable materials where appropriate and cost effective will be trailed.
- 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.
- 8.1. Support opportunities to increase community transport and access to services and facilities.
- 8.2. Ensure a high quality road, shared paths and footpath network throughout the Barossa in partnership with all levels of government.
- 9.1. Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected.
- 9.2. Promote a healthy community through a planned approach to public health, and sustainable access to allied, primary and mental healthcare services and facilities.
- 10.1. Children and young people are supported to feel safe and to engage, thrive and feel empowered within the community.
- 10.2. Advocate for and encourage services that ensure equity and support inclusion and at risk members of the community.
- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.
- 11.1. Work closely with State Government, Federal Government and other key stakeholders to support economic growth, development and job creation.
- 11.2. Support proactive population growth that is incremental, well managed and is backed up by local planning and development opportunities.
- 11.3. Promote the Barossa as a place for business's to thrive, invest, innovate, take measured risks and prosper.
- 12.1. Encourage and support the sector to further promote and develop tourism experiences including ecological, cultural and agricultural tourism.
- 12.2. Support economic development and destination awareness through events, festivals, creative enterprise and attractions.
- 12.3. Provide experiences and infrastructure that continue to support the needs of the tourism market.
- 13.1. Foster small business and industry confidence and growth that translates into innovation and strong employment figures.
- 13.2. Attract investment for new and innovative industries, and facilitate business growth by supporting local industry and their capacity to compete for government contracts.

Legislative Requirements

Part 2 – Reform Proposal under the Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

It is impossible to actually determine the input expectations and needs, potential risk which could be significant financial, political, community and other risks involved. The concerns and issues have been raised in the body of this report.

COMMUNITY ENGAGEMENT

There will be engagement undertaken by the investigator and a plan at high level has been provided. The detail related to questions and how online processes will be managed so they are robust, will no doubt be developed as BDO work through the investigation process.

The significant issue is timing, as outlined in the body of the report.

7.2 Corporate Services and Business Innovation

7.2.1 MONTHLY FINANCE REPORT AS AT 29 FEBRUARY 2024 24/28746

MOVED Cr de Vries

That Council receive and note the Monthly Finance Report as at 29 February 2024 as provided at Attachment 1.

SECONDED Cr Schilling

CARRIED 2022-26/390

PURPOSE

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

REPORT

The Monthly Finance Report (as at 29 February 2024) is Attached. The report has been prepared comparing actuals to the original adopted budget 2023/24.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council February 2024 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS6 - Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity

report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting.

Legislative Requirements

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

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

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

COMMUNITY ENGAGEMENT

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

CEO, Mr McCarthy advised that Item 7.2.2 was originally a duplicate of agenda item 7.1.1 and incorrectly listed in the Contents Page of the Agenda and therefore is not listed in the minutes.

7.3 Infrastructure and Environment Services

7.3.1 THE REX AND COMMUNITY ENERGY UPGRADES FUND ROUND 1 OPPORTUNITY 24/28750

MOVED Cr Barrett

That Council:

- (1) Increase the agreed level of Service for The Rex to include closer monitoring of energy usage through installing a Business Monitoring System (BMS),
- (2) Support the submission of a grant application for Community Energy Upgrades Fund Round 1 for facility upgrades at The Rex, with a cash contribution by Council up to \$242,000 (50% of total project cost), and
- (3) Approve the deferral of heat pump budget and works to financial year 2024 – 2025.

SECONDED Cr Evans

CARRIED 2022-26/391

PURPOSE

The purpose of this report is to provide information about a funding opportunity that will reduce energy bills and carbon emissions¹ at The Rex and seek support for two (2) actions to enable a grant submission to be coordinated.

REPORT

Background

The Department of Climate Change, Energy, the Environment and Water (DCCEEW) has released grant funding to support local governments to improve energy efficiency of council owned and/ or operated facilities. The purpose of releasing this funding is to support the transition of Australia's economy to net-zero emissions by 2050².

The Community Energy Upgrades Fund will co-fund energy efficiency and electrification upgrades for local governments to deliver reduced energy bills and emissions from local government owned and/or operated facilities. The grant amount is 50% of the eligible expenditure (cash contribution). Applications for the competitive grant close 30 April 2024 and if selected, projects must be completed by 31 March 2027. Attachment 1 provides detailed grant eligibility requirements.

Introduction

The Grant encourages "integrated projects that bring together several activities". The Type 2 Energy Reports completed at The Rex in July 2023 support that it's a combination of initiatives, rather than a primary action, that is needed to improve the energy efficiency of the facility and reduce energy bills. The Rex's total energy use comprised of 64% gas and 36% electricity (2022) and 27% of total electricity consumptions was generated onsite (197.5k AC solar output). The Rex solar system currently generates 10% of its total energy needs (gas & electricity).

The activities that are recommended at The Rex to reduce energy use and carbon impact, and for the Community Energy Upgrades Fund Round 1 application are:

- Upgrade Building Management System (BMS) including lighting controls,
- Structural airlocks to improve the efficiency of HVAC. Heating, cooling, and ventilation equipment contributes to over 60% of the yearly electrical consumption and cost.
- Boiler/ heat pump reconfiguration

The total project value opportunity (bundled) is \$484,000 and would require a co-contribution from Council of \$242,000 (50% of total project cost). This spend would be incurred financial year 2024 – 2025.

Discussion

Prioritising The Rex for this grant opportunity, over other council owned buildings, maximises the funding amount available. The Rex also delivers other economic and social benefits which is an assessment criterion of the grant and will provide us opportunities to talk to community about how Council is improving energy use and reducing carbon impact at a community facility.

¹ Carbon emissions, greenhouse gas emissions and carbon pollution are often used interchangeably to refer to carbon dioxide and methane emissions. Carbon emissions are a primary driver of global warming and climate change.

² [Net Zero - DCCEEW](#)

The boiler/ heat pump reconfiguration makes up a significant component of the financial commitment, however the existing asset's serviceable life and reliability will require maintenance or replacement soon regardless and that is costed at more than the grant co-contribution requirement.

Upgrading the BMS will provide the following benefits: real time measurement to ensure that The Rex operates within its designed energy framework, real time fault detection to ensure minimised energy waste if failures occur, assist decision makers to make informed choices when planning improvements, gather data to verify energy meters and avoid over charges, ensure lighting is only active when required.

Should we be unsuccessful with the grant application and subsequent funding, the reconfiguration of the boiler and heat pumps would proceed as approved and the remaining works deferred for future funding.

Summary and Conclusion

The Community Energy Upgrades Fund Round 1 provides an opportunity at The Rex to complete works at a reduced cost to council that will deliver lower energy bills and carbon emissions at this facility.

To support this grant application, the heat pump budget and works need to be deferred to financial year 2024 – 2025 and the agreed Level of Service adjusted to facilitate an upgrade to the Business Monitoring System.

If successful in obtaining the grant funding, a co-contribution of up to \$242,000, which is 50% of the total project cost, is required in financial year 2024 - 2025. This financial contribution is less than what is expected to be required for maintenance or replacement for just one of the recommended grant activities in the short to medium term.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Community Energy Upgrades Fund Round 1 - Grant opportunity guidelines 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Natural Environment and Built Heritage

Goal

6. The Barossa maintains and develops infrastructure that meets the needs of the region and is efficient.
3. We take a proactive approach in responding to key environmental challenges such as climate change, water security and waste management.

Strategies

- 6.3. The use of new and emerging technologies, alternative and renewable materials where appropriate and cost effective will be trailed.
- 6.1. Advocate for and identify funding opportunities that support the development of community, cultural, health and other facilities and infrastructure to meet personal and commercial needs of residents and businesses.
- 3.1. Support community-based sustainability initiatives to help reduce the Barossa's contribution to the climate crisis and build on the capacity of local residents and industry to mitigate negative impacts.

Corporate Plan

- CS3 Assets - Planning, construction, maintenance, and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)
- BS8 Grants - Support and lead grant applications to lever up budget allocations where appropriate through research, grant writing and letters of support.
- CS17 Natural Resources - Regional development and management of the environment including natural resource management to ensure the region is managed sustainably and the environment is protected and enhanced.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Currently asset number 313388 has a budget of \$340,000 with current expenditure of \$20,205 leaving a remaining budget of \$319,794. This proposal seeks to provide the \$242,000 required for the grant from the remaining budget in 31388.

There is high confidence that the proposed works will deliver reduced energy consumption and cost savings. Solutions are known technology and low risk.

COMMUNITY ENGAGEMENT

No community consultation required; changes are within Administration delegations.

7.3.2 REQUEST TO INSTALL BENCH SEAT AND PLAQUE
24/28819

MOVED Cr de Vries

That Council accepts the donation of and provides consent to Bryony Cook for the installation of a new bench seat with commemoration plaque for Jesse Daly at a Nuriootpa location to be determined by the Open Space Team, subject to compliance with the Memorials on Community Land Policy.

SECONDED Cr Preece

CARRIED 2022-26/392

PURPOSE

To consider a request to accept the donation and installation of a new bench seat with memorial plaque in Nuriootpa.

REPORT

Background

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

Discussion

Bryony Cook has written to Council on behalf of her family, offering to donate a new bench seat in Nuriootpa, to commemorate their nephew, Jesse Daly.

"My name is Bryony Cook and I am the aunt of Jesse Daly, a young man who has been a resident of the Barossa Valley for the past 9 years.

Jesse has been supported by Barossa Enterprises since moving there and has enjoyed a wonderfully full and purposeful life surrounded by amazing carers and friends.

Devastatingly, Jesse received a life-shortening Motor Neurone Disease diagnosis in September: a very aggressive mutation which is expected to end his life in the next 6 months.

Jesse has recently had to relocate from all he has loved and known in the past decade, to Adelaide to best meet his rapidly changing medical needs.

We his family, are planning for a future that will no longer contain our beautifully happy boy and are trying to look forward to how we would like to celebrate and commemorate his life.

Visiting a grave or memory garden in a cemetery doesn't feel fitting and we are searching for an alternative. We would love to be able to sit somewhere in a garden, on a walking trail or path and remember the joy he brought to us.

To that end, would Barossa Council accept a donation of a park bench, located somewhere in one of your beautiful gardens, with a small memorial plaque? We would raise and donate the funds required for all costs associated."

Summary and Conclusion

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

Should Council approve the request, officers will work with the family to determine a mutually agreeable site for the bench seat and the wording for the plaque.

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

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Memorials on Community Land - adopted 17 September 2019 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Cook family will pay all costs associated with the installation of the bench seat and plaque.

The bench seat will be selected by the Open Space team to complement the existing street furniture.

COMMUNITY ENGAGEMENT

Community consultation is not required under legislation or Council Policy.

7.4 Development and Community Services**7.4.1 DOG REGISTRATION FEES 2024-2025**
24/3336**MOVED** Cr de Vries

That Council:

Retains its current dog registration fees and rebates with no increase as detailed in this report for the 2024/2025 financial year for uploading onto the Dogs and Cats Online (DACO) system.

Non-Standard Dog (Not desexed and not Microchipped)	\$88.00
Standard Dog	\$44.00
Working Dog	\$25.00
Racing Greyhound (Registered with Greyhound Racing SA	\$25.00
Assistance Dogs (No charge, per legislation)	Free
Late Registration Renewal fee (if paid after 31 August)	\$25.00
Standard Dog Rebate	50%
Concession Rebate	50%
Training Rebate	10%
Puppy Training Rebate (first year of registration only)	10%
Partial Year Rebate (New Registrations - 1 January to 31 May)	50%

SECONDED Cr Lane**CARRIED 2022-26/393**

PURPOSE

To determine the annual dog registration fees for the 2024/2025 financial year.

REPORTIntroduction

Dog registration fees are set by each council at their discretion under the *Dog and Cat Management Act 1995 (the Act)*. Best practice is to review and consider a schedule of dog registration fees annually, as part of annual budget processes.

Discussion

In accordance with the Act all dogs in South Australia must be registered at 3 months of age in Dogs and Cats Online (DACO).

It is a requirement of Council to set dog registration fees in keeping with this Act. Council have endorsed registration fees until 31 May 2024 and now require fees to be endorsed for 2024-2025 financial year.

DACO has proved successful in simplifying the process to register a dog or cat, allowing owners to complete and manage dog and cat registrations directly into the online database.

Legislation mandates all dogs to be microchipped by three months of age, and all dogs born after 1 July 2018 to be desexed by six months of age, unless the dog is eligible for an exemption.

To provide consistency across council's, the Dog and Cat Management Board introduced and adopted a 'standard' and a 'non-standard' registration category. This forms the basis of council's registration fees.

In setting the registration fees for 2024/2025 it is recommended that due to the current economic climate that fees remain the status quo with no increase. In the prior financial year, Council adopted an increase across all registration categories.

This recommendation has been formed based on current data of all South Australian Councils set dog registration fees for 2023/2024, obtained by the Dog and Cat Management Board, noting particularly where The Barossa Council dog registration fees sit comparably. (see below comparison tables).

Proposed Dog Registration Fees, Rebates and Charges 2024/2025

Registration Category	Fee description	2023-2024	2024-2025 Proposed
Non-Standard Dog	Not desexed and not microchipped	\$88.00	\$88.00
Standard Dog	desexed and microchipped	\$44.00	\$44.00
Working Dog	Working livestock dog	\$25.00	\$25.00
Racing Greyhound	Greyhound registered with GRSA	\$25.00	\$25.00
Assistance Dogs	Free per legislation	\$0	\$0
Late Registration Renewal fee	If renewed after 31 August	\$25.00	\$25.00
Daily Holding Fee	Daily holding and maintenance	\$15.00	\$25.00
Impounding fee	Dogs impounded	\$80.00	\$85.00

	Rebates
Standard dog (both desexed and microchipped)	50%
Training (applies to standard dog only)	10%
Puppy Training (applies to first year registration only)	10%
Concession	50%
Partial year (1 January to 31 May)	50%

The history of fees, together with the proposed fees for 2024/2025 are provided in the following table.

	Maximum Fee (Non-Standard Dog)	Standard Dog
2024/2025 (proposed)	\$88.00	\$44.00
2023/2024	\$88.00	\$44.00
2022/2023	\$84.00	\$42.00
2021/2022	\$84.00	\$42.00
2020/2021	\$80.00	\$40.00
2019/2020	\$80.00	\$40.00
2018/2019	\$80.00	\$40.00

Current 2023-2024 average dog registration fee comparison for South Australia metropolitan council's and rural councils as tabled below, with The Barossa Council falling into the rural council average.

	Non Standard Dog	Standard Dog
SA Council Average dog registration fee	\$78.00	\$39.00
Metro Council Average (18 Councils) 24% Contribution to State Gov. Dog Management Fund	\$92.00	\$46.00
Rural Council Average (50 Councils) 12% contribution to State Gov. Dog Management Fund	\$74.00	\$36.00

Comparisons to neighbouring council's current 2023-2024 dog registration fees tabled below.

	Non Standard Dog	Standard Dog
Adelaide Hills Council	\$106.00	\$53.00
Town of Gawler	\$98.00	\$50.00
Alexandrina Council	\$96.00	\$48.00
The Barossa Council	\$88.00	\$44.00
City of Playford	\$83.50	\$41.70
Mid Murray Council	\$80.00	\$40.00
Light Regional Council	\$77.00	\$38.50

A summary of the number of registrations for each of the registration classes are provided below for the current financial year to date 8 February 2024.

Number Dog Registrations per category – 2023/24 YTD		
Registration Type	Regular	Concession
Standard Dog (Desexed and Microchipped)	3038	1036
Standard Dog (Desexed, Trained and Microchipped)	172	54
Non-Standard Dog (Full Registration)	828	286

Working Livestock Dog	340
Racing Greyhounds (Registered with Greyhound Racing SA)	53
Assistance Dogs (No fee)	0
Late Registration Renewal Fee (if paid after 31 August)	387

Standard Dog

Council is required to provide a rebate off the 'non-standard' fee for a 'standard' dog registration. The Dog and Cat Management Board (the Board) recommends that this rebate be set at 50%.

A standard dog, is a dog that is both desexed and microchipped. Councils are obliged to provide a percentage rebate (deducted from the non-standard dog fee) for a dog that is both desexed and microchipped.

This current year, 4300 dogs have been registered as being desexed and microchipped to 8 February 2024.

Non-Standard Dog

A non-standard dog, is a dog that is neither desexed or microchipped, or a dog that is only desexed (and not microchipped) or only microchipped (and not desexed) is classed as a non-standard dog. The full registration fee applies to this category.

The desexing requirement applies to new generations of dogs and does not apply to dog born before 1 July 2018.

This is designed to encourage dog owners to have their dogs desexed and microchipped in line with the requirements of the State Government, in order to be eligible for a cheaper registration fee.

1101 dogs are registered as non-standard in the 2023-2024 financial year to date.

Concession Card Holders

The Barossa Council have historically offered a further 50% reduction in fees to concession card holders. This rebate shall be applied after other rebates have been calculated as is the present case. DACO has the ability to verify the status of a concession instantly through an interface with federal government databases.

In line with the recommendations of the Board, the holder of the following concession cards will be eligible for the concession discount.

- Department of Veteran Affairs – Gold or White Card
- Pensioner Card
- Senior Health Care Card
- Health Care Card

All concessions, except the Health Care Card, will be a permanent concession. The Health Care Card is a temporary concession and will be required to be validated each registration year.

There have been 1376 concession rebates applied to date in this current financial year.

Training Rebate

The Board no longer provides a recommendation or guidance about the training rebate for dog registrations, and has left it to individual councils. Traditionally, a training rebate has been provided to encourage responsible dog ownership via a 10% rebate off the dog registration fee to owners who train their dogs.

As in previous years, it is recommended that this remain to encourage dog owners to attend obedience training by providing a discount on the registration fee. The rebate is calculated as a percentage of the maximum fee.

The following is the currently endorsed standard for the training rebate to apply. Council officers must be satisfied that the dog has been trained to an appropriate level and can:

- Walk on a loose lead in a distracting or unfamiliar environment; and
- Recalls on command while off lead in an unfamiliar environment; and
- Sit, drop and advanced stay on command; and
- Remains calm and easily controlled around other people and other dogs; and
- Displays greeting manners.

Once the dog demonstrates that it meets these requirements it will be deemed to be trained for life, or until Council Officers form the view that the dog no longer meets these standards.

To encourage attendance at puppy pre-school classes, it is proposed that Council will continue to provide a training rebate for the first year of registration to owners that have completed puppy pre-school.

A total of 226 dogs received this training rebate this current year.

Working Livestock Dog

Working livestock dogs are those that are kept *primarily* for the purpose of herding, droving, protecting, tending or working stock. It is proposed to continue to provide a set fee for registering working livestock dogs. No other rebates apply.

Working Livestock Dogs are exempt from the desexing requirements. DACO provides a process to validate a working dog's status.

To date, there are 340 working dog's in the council area.

Partial Year Registration Rebate

A partial year rebate is currently offered for new registrations received after 1 January. This rebate acknowledges new ownership and provides incentive to new owners registering their recently acquired dogs during the second half of the registration year.

This rebate is applied after all other applicable rebates have been applied and is currently set at 50% of the fee otherwise payable. It is proposed that this rebate remains at 50% for 2024/25 and does not apply to registration renewals.

66 new partial year registrations have been registered from 1 January 2023 to 8 February 2024.

Late renewal fee

A \$25 late registration renewal fee per dog is applied mid-September, this fee is to cover costs associated with ensuring that all known dogs are registered in DACO and to encourage owners to register their dogs within the renewal period of July and August.

This current year to date, 387 late fees have been applied.

Dog Management Fund

All South Australian councils are required to pay to the State Government, via The Board, a percentage of every dog registration received. For rural councils, which includes The Barossa Council, this contribution is set at 12% rural councils; and 24% for metropolitan councils.

Council's contribution to The Board, to date, is \$32,348.

Exemptions

The legislation enables veterinarians to exempt a dog from microchipping or desexing requirements for reasons which relate to the health, well-being, growth and development of a dog. Council must accept these exemptions.

Exemptions do not alter the registration fees otherwise payable. Meaning that a dog with a veterinary exemption from the requirements to be microchipped or desexed, will attract the relevant fee for a non-standard dog. Owners are exempt from being compliant with the mandatory microchip / desexing requirements as per the Act.

Dog Business Registrations

Section 35 of the Act requires Council to offer the option for owners to register their dogs under a business registration. Which allows owners to register a set number of dogs, rather than individual dogs. In the past this has been used for dog breeders and trainers, but is not commonly used since the inception of DACO.

Other Revenue

Council collects revenue for expiation notice, fines recovered by Fines Enforcement and Recovery Unit and pound fees under the provisions of the Act. These are variable revenue sources and dependent on animals impounded and offences being committed.

22 expiations notices have been issued for owning or keeping an unregistered dog since August 2023.

Summary and Conclusion

Based, in part, on the current economic landscape for 2024-2025, this report recommends no changes to the current dog registration fee structure for the coming financial year.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

- CS1 Animals - Management of animal issues including attacks, harassment, complaints, lost companion animals, registration, cage hire and collection, wandering animals, breeders
- CS8 Compliance, Monitoring and Enforcement - Conducting compliance, monitoring and responding to non-compliance associated with planning, building, swimming pool, fire safety, public health and safety
- 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

Dog and Cat Management Act 1995

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A significant effort by officers throughout the course of the 2023-2024 financial year has seen an increase in dog registration revenue. A compliance focus will continue to maximise registrations. As at 8 February, council has 1% unrenewed dogs.

The table below highlights dog management revenue, expenditure and registration numbers since 2020-2021.

	2020-2021 Actual	2021-2022 Actual	2022-2023 Actual	2023-2024 YTD – Feb 24
Registrations Numbers	5,809	5,907	5,754	5859
Registration Revenue (100%)	(\$227,070)	(\$240,000)	(\$257,345)	(\$267,664)
Other Revenue (Dog Pound, expiations)	(\$8,020)	(\$9,150)	(\$8,935)	(\$4,407)
Total Revenue	(\$235,090)	(\$249,150)	(\$266,280)	(\$272,071)
Operational Expenses	\$516,015	\$498,972	\$459,855	\$245,895
Net	\$280,925	\$249,882	\$170,244	\$26,176
Included in above:				
State Government Contribution (12%)	\$27,248	\$28,800	\$31,312	\$32,348

Resourcing

Council's Regulatory Services team continues to receive high numbers of Animal related requests for service. A four-year comparison on the number of dog and cat related requests requiring some level of service provision is provided below.

Dog and Cat related requests

2023-2024	558 (to date 8 February 2024)
2022-2023	802
2021-2022	657
2020-2021	676

Risk Considerations

Increasing registration fees raises the risk of adding to financial hardship for some dog owners and an increased possibility of dog owners choosing to not

renew their dog registration, this has potential for additional pressure on resources to follow up compliance, and therefore additional compliance costs.

COMMUNITY ENGAGEMENT

Nil

7.4.2 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS 24/25279

MOVED Cr Hurn

That Council having reviewed the minutes of the Barossa Bushgardens S41 Committee meeting held 14 February 2024, adopt the resolutions contained therein.

SECONDED Cr Troup

CARRIED 2022-26/394

PURPOSE

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

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 1999*. The relevant minutes received in the past month are therefore presented for Council adoption.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minutes of Barossa Bushgardens Committee - Wednesday 14 February 2024 

Supporting references

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Health and Wellbeing

Goal

3. We take a proactive approach in responding to key environmental challenges such as climate change, water security and waste management.
10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.

Strategies

- 3.1. Support community based sustainability initiatives to help reduce the Barossa's contribution to the climate crisis and build on the capacity of local residents and industry to mitigate negative impacts.
- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

Corporate Plan

- CS17 Natural Resources - Regional development and management of the environment including natural resource management to ensure the region is managed sustainably and the environment is protected and enhanced
- CS19 Social Inclusion - Advocate and work in collaboration with core service providers to ensure vulnerable people have increased access and inclusion.
- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions

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

COMMUNITY ENGAGEMENT

Not required by Council.

7.4.3 TOY LIBRARY PROPOSAL
24/25975
MOVED Cr Greatwich

That Council approve the proposal for a Toy Library to be operated by The Barossa Council Public Library, subject to obtaining external funding.

SECONDED Cr Troup

CARRIED 2022-26/395
PURPOSE

To seek Council endorsement for a Toy Library service to be provided by The Barossa Council Public Library, subject to grant funding application being successful.

REPORT

Background

In November 2023 Barossa Libraries held an early childhood conference for 28 local health and allied health professionals to discuss and interpret the Australian Early Development Census (AEDC) data for the Barossa community. The AEDC data is collected to provide evidence to support policy, planning and action for health, education and community support for early childhood. The conference day and subsequent working group and Council lead outcomes were a key recommendation in the Library Services Review 2022.

The AEDC data provides a snapshot of school readiness on a range of domains. Children who start school 'on track' (as opposed to 'vulnerable') across the five domains are more likely to go on to achieve academically, have increased well-being and positive life course outcomes (e.g. fewer negative events, improved health) (AEDC Research Snapshot, 2014 - [The impact of socio-economics and school readiness for life course educational trajectories \(aedc.gov.au\)](https://aedc.gov.au)). Children who begin school developmentally behind their peers are unlikely to catch up and often fall further behind (summarised in Hertzman et. al., 2011). Taken together this means that improving child development in the early years has positive life-long individual, family and community outcomes.

Important local findings from the 2021 census were that 25.8% of children starting school had special needs or were identified by their teacher as requiring further assessment; and 18% were vulnerable on one or more AEDC developmental domains. Discussion at the conference focussed on what local children and families need to thrive, and identifying the barriers in our region to achieving this.

Generating projects and programs to decrease the number of children vulnerable on the emotional maturity domain (currently 11.9%) was identified as a priority at the conference. Emotional maturity measures a child's ability to self-regulate, form relationships in a pro-social way and empathise with others. Strong skills in this domain in early childhood predict success, wellbeing and mental health in adults. Family level factors, such as parents playing with their children, help support the development of emotional maturity by allowing children to express and cope with feelings, and role play situations which may generate strong emotions of fear, excitement or anxiety. At the community level, inequitable access to services, materials and programs can contribute to emotional immaturity (Dept of Education Western Australia, 2017).

Introduction

Toy Libraries facilitate child development by providing low-cost access to play resources such as toys, games, puzzles and dress ups ([Visit a toy library : Words Grow Minds](#)). There are over 280 toy libraries registered with Toy Libraries Australia ([Home | Toy Libraries Australia](#)). Requests for a local Toy Library have been received during previous library consultations. There is currently no Toy Library operating in the Barossa Council area, meaning the families of the 3,362 children aged under 12 years in the region (2021 Census) must travel to other Council areas to access equivalent services.

Toy Libraries operate by providing quality educational items for loan to local families for a small annual fee. Items in the collection are selected to cover a range of growth and development stages and informed by knowledge of local requests and needs (e.g. in the Barossa region, toys that encourage emotional maturity). They enable

families to 'try before they buy' expensive toys, borrow rather than purchase toys that might only be used for a short period of time or are large and cumbersome to store, and give children access to a curated range of new to them toys at a very low cost. The latter is particularly relevant given the increase in cost of living experienced by the community. Toys Libraries include items used for active or outdoor play, performing arts, sensory play, imaginative play, science and technology education, fine and gross motor skill development, language and numeracy skills, construction and building, and family games.

Toy Libraries also have sustainability and environmental benefits. It is estimated that 27 million toys are thrown out every year in Australia ([Toy recycling program to reduce plastics in landfill launched by Big W and TerraCycle - ABC News](#)). Toy Libraries are an example of the sharing economy, of which public libraries are leaders. In a sharing economy the focus on individual ownership of items is replaced with access to goods via borrowing, hiring or sharing. The sharing economy reduces waste, increases use per item, facilitates equitable access to goods, and reduces the need for storage (Baden et al, 2020). The Barossa Toy Library will also provide opportunities to educate the community on toy recycling, and teaching young children the value of sharing, rather than purchasing, consumer items.

Proposal

The Barossa Library is proposing a Toy Library for families with children aged 0-12 years at the Lyndoch and Mount Pleasant Library branches. These locations have been selected for practical reasons (they have sufficient space to store and access the toys) and the need due to a lack of toy shops in those areas.

The Toy Library will be available to all current and new public library members residing in the Barossa region for a small annual fee (e.g \$20 to \$30, with a reduced fee available to Health Care Card holders). Members will initially be able to borrow up to 3 toys at a time, for up to 4 weeks. Borrowing limits will form part of a Barossa Toy Library lending policy which will be regularly reviewed and adjusted based on toy numbers and service use.

The Toy Library will be established using grant funding to purchase toys, storage containers, and shelving units. An ongoing fee of \$20/year for registration with Toy Libraries Australia will be covered from the existing library budget. Additional toys and the repair of toys or purchase of replacement parts will be funded through various avenues including grant opportunities, donation of quality toys in good working order, community toy drives, and the annual membership fee. This means the Toy Library will be cost neutral to Council.

Toys will be selected in collaboration with the allied health and education professionals network arising from the AEDC conference day. These professionals have expertise in child development, and specific experience with the needs of children and families in the Barossa region. Consideration will be given to the toy's emotional maturity benefits (such as items that encourage role play, taking turns and interacting with others), size and cost (e.g. large toys that are difficult for families to store), quality (for longevity and sustainability), cultural significance (e.g. traditional Aboriginal or German games) and benefit to specific development stages and/or children living with a disability (e.g. sensory items, language based toys). Community requests for toys will also be considered. Preference will be given to developing partnerships with and supporting local toy retailers where possible.

Each Toy Library will be open at set times during existing library open hours and staffed by Library volunteers. Times will be selected based on community needs, volunteer availability, and to coincide with library children's program delivery. This volunteer role will also be promoted to people living with a disability and their carers via Barossa Enterprise and other local disability support organisations. Benefits to volunteers in the program include development of digital skills and social interaction. Toys and items will not be moved between library branches; customers will need to visit the Lyndoch or Mt Pleasant Library to borrow and return.

Budget

Establishment costs for the Toy Library depend on the number of items purchased and the cost of each, with the addition of some set costs. Estimations are provided in Table 1. Initially the Library will apply for funding from the Libraries Board Innovation Fund (applications close 31 March 2024). If this is unsuccessful other sources of funding will be sought.

Table 1: Estimates of budget to establish Toy Library

Expense detail	Estimated cost
Collection items	\$5000 (approx. 100 toys)
Registration and annual fee with Toy Libraries Australia	\$220 (assuming 100-149 library members)
Shelving units	\$1000
Bags/boxes for accessible storage	\$1600 (for approx. 100 toys)
Marketing	In kind
Total	\$7,820

Ongoing costs, including Toy Library Australia fee (approx. \$200 annually, final figure based on number of members), new toys, repairing broken items, and replacing lost parts, will be covered by the membership fee and additional grants.

Summary and Conclusion

In summary, early childhood is an optimal time for community interventions that improve child development, and flow on to benefit wellbeing, mental and physical health, and academic outcome trajectories. The Barossa Toy Library is an excellent and appropriate Council lead response to the vulnerabilities identified in the Australian Early Development Census Data. It will provide accessible, low-cost borrowing of toys for families in the Barossa region and is a natural extension to the existing public library service.

Based on the information contained in this report it is recommended that Council supports the Toy Library proposal and the submission of subsequent grant applications to fund the initiative.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Further information on the Australian Early Development Census is available at [Australian Early Development Census \(aedc.gov.au\)](https://aedc.gov.au), including a User Guide for Local Government [User Guide: Local Government \(aedc.gov.au\)](https://aedc.gov.au) and the research snapshot of lifecourse educational trajectories [The impact of socio-economics and school readiness for life course educational trajectories \(aedc.gov.au\)](https://aedc.gov.au)

Hertzman et. al., 2011. Measuring in support of early childhood development. [Measuring in support of early childhood development - PMC \(nih.gov\)](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Health and Wellbeing

Goal

10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.

Strategies

- 10.1. Children and young people are supported to feel safe and to engage, thrive and feel empowered within the community.
- 10.2. Advocate for and encourage services that ensure equity and support inclusion and at risk members of the community.
- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

Corporate 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

Safety

The Toy Library will be established with a relevant risk assessment and strict criteria for item inclusion in each collection sub-category. The risk assessment will be informed by Toy Libraries Australia recommendations and the experience of other Toy Libraries operated by South Australian Public Libraries. Examples including avoiding choking hazards for toys intended for children under 3 years, and not including items with button batteries in the collection.

Hygiene

Toy Libraries Australia provide evidence-based recommendations for cleaning toys that have been borrowed. These guidelines will be adopted by the Barossa Toy Library, including recommendations if family members have been unwell whilst using the toys, and specific information on how different toy types can be cleaned.

Council Policies

A collection and lending policy, and associated processes, will be developed for this service.

COMMUNITY ENGAGEMENT

Community consultation is not required under Legislation or Council Policy.

Pursuant to Section 73 of the Local Government Act 1999, Cr Evans disclosed a Conflict of Interest in the matter Item number 7.4.4 - Budget Allocation for Independent Engineers Report on behalf of The Barossa Assessment Panel as she is a Member of the Barossa Assessment Panel and advised the Council that she would leave the meeting.

Cr Evans left the meeting at 6:30pm.

7.4.4 BUDGET ALLOCATION FOR INDEPENDENT ENGINEERS REPORT ON BEHALF OF THE BAROSSA ASSESSMENT PANEL
24/28893

MOVED Cr Angas

That Council:

- (1) Agrees to commission and fund an independent report by a qualified and experienced engineer in relation to Development Application 23035013, Construction of 160ML Irrigation Dam at Lot 4 Duck Ponds Road, Stockwell, as per the resolution of the Barossa Assessment Panel at its meeting 5 March 2024.
- (2) Approve a budget variance of up to \$5,000 to the support the report.

SECONDED Cr Greatwich

CARRIED 2022-26/396

PURPOSE

To consider a decision of the Barossa Assessment Panel, at its meeting of 5 March 2024, to defer development application 23035013 in order to request an independent engineering report, subject to allocation of funds by Council to commission the independent report.

REPORT

Background

The Barossa Assessment Panel (the Panel), being a Relevant Authority in its own right under the *Planning, Development and Infrastructure Act 2016*, is charged with assessing certain types of development applications.

Pursuant to Section 83 of the *Planning, Development and Infrastructure Act 2016*, the Council is responsible for “the costs and other liabilities associated with the activities of the Panel”.

At the 5 March 2024 meeting, the Panel resolved to defer a matter for further independent advice. The decision of the Panel is subject to expenditure of funds to commission the independent report.

Introduction

On 5 March 2024, the Barossa Assessment Panel considered a Development Application (DA 23035013) for the construction of a 160ML irrigation dam (with

maximum fill of 11 metres and maximum cut of 6.5 metres) at Lot 4 Duck Ponds Road, Stockwell.

A copy of the Panel agenda and associated plans are contained within Attachment 1.

The Panel resolved to defer the application for further information, with consent of the applicant, as per the following resolution and minutes contained within Attachment 2:

PANEL DECISION

Moved: J Evans

Seconded: M Wohlstadt

Deferral of Planning Consent

The Barossa Assessment Panel, having considered the application for consent to carry out development of land and pursuant to the provisions of the *Planning, Development and Infrastructure Act 2016* resolves to DEFER Planning Consent with the consent of the applicant, for Application No. 23035013 by Access Planning (SA) Pty Ltd to undertake the Construction of a 160 ML irrigation dam, with maximum fill of 11 metres and max cut of 6.5 metres at Lot 4 Duck Ponds Road Stockwell (CT 5229/947 for a period of two months in order to enable, under delegation of the Panel through the Assessment Manager:

- undertake an independent assessment by a suitably qualified geotechnical engineer of the Dam Hazard and Consequence Category Assessment and all other design documents associated with construction of the dam, noting its proximity to the township of Stockwell; and
- Advise of any other information that may be relevant to assist in mitigating the risk associated with the construction of the dam.

CARRIED

There is no budget allocation for the proposed expenditure. The Council is therefore requested to consider whether to allocate funds.

Discussion

The Development Application for a 160ML irrigation dam is proposed to support ongoing and future vineyards within the Stockwell environs. The application was deferred for further information, with consent of the applicant, as per the above resolution.

Prior to reaching decision to defer the application, the Barossa Assessment Panel heard from, and asked questions of, the applicant as well as their technical advisors.

In addition, technical advice was also provided by Councils Manager – Engineering Services regarding the adequacy of the Dam Hazard and Consequence Category Assessment commissioned by the applicant. Comments were received in relation to the structural adequacy of the proposed dam, the proposed monitoring program to ensure any breach and/or leaks can be detected and rectified as early as possible and the hydraulic flow downstream in event of a catastrophic failure.

A summary of the Engineering Services comments as contained within the agenda report are as follows:

Engineering Services have reviewed the report. We note that the summary of results and risk associated with the dam development. We believe a turkey nest dam has scope for better control and mitigation of risk than a naturally filled dam.

Further information and civil work design is required for the site development, which Engineering Services will need to review. A Reserved Matter is recommended.

The primary concern of the Panel was the risk to the township of Stockwell in the event of a catastrophic breach of the dam. Despite the applicant's report that outlined the residual risk level and the advice of Council's Engineering Services team, the Panel requested an independent assessment to verify the adequacy of the risk assessment and maintenance methodology proposed by the applicant.

As there is no budget for this report, Council is being asked to allocate funds to support the Panel's decision. It is estimated that the cost to commission the report would be in the order of \$2,500 to \$5,000. In event that Council were to fund the report, the independent report would be commissioned and upon completion, would be presented back to the Panel for a decision whether to approve or refuse the application.

While Section 83 of the *Planning, Development and Infrastructure Act 2016* states that the Council is responsible for "the costs and other liabilities associated with the activities of the Panel", the *Local Government Act 1999* also requires that funds can only be expended where allocated for within the current budget. The allocation of funds to commission an independent assessment of a report is subject to expenditure of funds that do not have a budget allocation and therefore can only be granted by Council.

Should Council choose not to allocate budget in accordance with the resolution of the Panel, the application will simply be returned to the 2 April 2024 Panel meeting and the panel will be asked to make a decision. The decision would need to be made in the absence of an independent report but based on the technical report provided as part of the application and informed by the advice from Council's Engineering Services staff.

In reviewing the merit of this request, it should be noted that an independent review may aid in the resolution of this matter. Regardless, it is arguable that the requested report may have little to no influence on the outcome of the application with respect to how much weight can be placed on a report of this type, from a planning development assessment perspective. In event of an appeal, there will be costs incurred by Council in defending an appeal and in funding reports by suitably qualified experts such as in the nature of geotechnical and hydrology.

However, it should also be noted that the decision of the Panel to request an independent report does raise question of precedent. It is not a normal practice for Council to expend resources associated with review of a report that has been commissioned by an applicant by an appropriately qualified professional and reviewed by Council's engineering resources.

The other implication of Council requesting a further independent assessment is that it may transfer risk to Council should it proceed. In event that Council commissions an independent report and it advises the proposal is satisfactory, in event of a breach at

a later time, there may be questions of liability attached to Council as well as the engineer undertaking the review.

When considering all of the above discussion, it is ultimately recommended that Council allocate funds associated to the resolution of the Barossa Assessment Panel.

Summary and Conclusion

Council is requested to fund an independent engineering report associated with Development Application 23035013. For reasons outlined in this report, it is recommended that Council agree to fund the independent report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Report Item 6.2 presented to the 5 March 2024 Barossa Assessment Panel 
- Attachment 2 Minutes of the 5 March 2024 Barossa Assessment Panel 

Supporting references

Bil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Goal

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

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.

Legislative Requirements

Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

A budget allocation of between \$2,500 - \$5,000 is required to facilitate the resolution of the Barossa Assessment Panel.

COMMUNITY ENGAGEMENT

Not required.

Cr Evans returned to the meeting at 6:43pm.

7.4.5 BAROSSA STOBIE POLE COMMUNITY ART PROJECT 24/28906

MOVED Cr Thompson

That Council:

- (1) Endorse The Barossa Stobie Pole Community Art Project, subject to a Community Engagement Plan being developed and implemented for the whole of the southern Barossa community prior to project commencement;
- (2) Endorse an in-kind contribution of \$1,915 for The Barossa Stobie Pole Community Art Project for use of the Rowland Flat Community Centre for a period of two years, and that a Licence Agreement with Southern Barossa Alliance be prepared to reflect this;
- (3) Endorse the project on condition that there will be no support for ongoing maintenance and management of the art works and all damage, graffiti and future replacement will be at the cost of the Southern Barossa Alliance or another party as the Alliance determines and negotiates with, as the artwork is not located on Council assets;
- (4) Appoint Cr de Vries to the project's Design Approval Team.

SECONDED Cr Preece

CARRIED 2022-26/397

PURPOSE

To seek Council endorsement of the Barossa Stobie Pole Community Art Project and in-kind support for the project through use of the Rowland Flat Community Centre.

REPORT

Introduction and Background

A local group of budding mosaic artists is seeking Council's support to deliver an exciting community art project that will beautify the area and provide increased opportunities for social connection and creative expression that will enhance wellbeing for participants.

In 2023, the Seeds of Hope Suicide Prevention Network secured funding from Black Dog Ride to create three "Reflection Sofas" on Council reserves in Angaston, Mount Pleasant and Lyndoch.

Council provided the concrete foundations upon which the Hebel block 'sofas' were constructed. A local mosaic artist was contracted by Seeds of Hope to provide artistic direction and to lead a group of community members in each town to embellish their sofa with mosaic artwork. Most had never attempted mosaic work before, and as a direct result of the project, have developed new skills and made new friends.

Following the official launch of the Reflection Sofas in November 2023, a number of community members expressed interest in maintaining connection with each other and in continuing to develop their artistic skills through involvement in another community art project, hence the "Barossa Stobie Pole Community Art Project" was developed.

The group approached Southern Barossa Alliance (SBA) who readily agreed to auspice the Barossa Stobie Pole Community Art Project, subject to Council's approval and in-kind support.

The group has secured donations of mosaic materials, equipment and storage lockers that can be utilised for the project. The group will seek further donations of materials. Mosaic artists from the region have expressed interest in being involved through providing expertise for the project.

It is proposed that, as a pilot, the project be confined to Lyndoch during the initial stage. This will achieve better "placemaking" outcomes through using art on stobie poles to create an impact by enhancing and linking public spaces in a confined area. This would not be possible if the project was spread randomly across a large geographical area early in the project.

Discussion

History of Stobie Pole Art in SA

This year marks 100 years since James Cyril Stobie invented the "stobie pole" that has become a South Australian icon, built to withstand termites, fire and flood.

Often described as ugly, the stobie pole has become a blank canvas for many artists and community groups.

In 1983 SA's first artist-in-residence, Ann Newmarch, pioneered stobie pole art in the City of Prospect. Since then, many councils have followed suit. During 2013-2021, Campbelltown Council supported the Ripple Community Arts Inc group to deliver the "Drainwaves" project that involved installing mosaic art works on ugly bio-retention pits in the Lochiel Park Village development. The Hindmarsh Greening group has been actively involved in beautifying the City of Charles Sturt through decorating stobie poles and flowerpots with mosaics and painting for over 30 years. (Attachment 1)

Artists and community groups can apply online to SA Power Networks to paint or mosaic a stobie pole. It's a tradition in the state that has been supported by various councils who often facilitate these activities as they recognise the value of art in public spaces. These councils have clear guidelines and the community groups involved have extensive experience in engaging with their communities in producing stobie pole art. Their experience can inform The Barossa Council's approach to supporting the delivery of the Barossa Stobie Pole Community Art Project.

Art and Wellbeing

The relationship between art and wellbeing is well documented "...In recent decades, we have come to understand the intrinsic health benefits to artistic and leisure activities. Art can help us to emotionally navigate the journey of battling an illness or injury, to process difficult emotions in times of emergency and challenging events. The creation and enjoyment of the arts helps promote holistic wellness and can be a motivating factor in recovery....." World Health Organisation (Attachment 2).

This wellbeing impact was confirmed through a survey of participants of the Reflection Sofa Project, who stated they enjoyed the project as it enabled them to:

- Create a piece of art for my community
- Meet new people and socialise
- Learn new skills
- Be creative
- Have something to look forward to each week

Through the Barossa Wellbeing Plan in partnership with Wellbeing SA (approved at the February 2024 Council meeting), Council will develop a tool to measure wellbeing outcomes. This tool will be applied to the Barossa Stobie Pole Community Art Project so that the impact of the project can be measured and promoted.

Council's In-kind Contribution

As much of the interest in the Barossa Stobie Pole Community Art Project has come from residents who live in southern Barossa, SBA is seeking Council approval to use the underutilised Rowland Flat Community Centre for the project. (Note participation in the project will be open to anyone who is interested). The undercover area of the Community Centre would be an ideal location in which to place lockers that would be used to store art materials. It would also serve as an ideal location in which to create the art pieces during fine weather. The back 'laundry' area of the Community Centre is large enough to accommodate a work bench that could be used during inclement weather and has flooring that would withstand this use. The Centre is also wheelchair accessible.

Council approval is sought to waive 100% of the licence fee for the use of Rowland Flat Community Centre for the Barossa Stobie Pole Community Art Project. Council's Lease, Licence and Permit Policy only allows for a 40% reduction as SBA is a not-for-profit organisation. Only those organisations with Registered Charity or Registered Not for Profit status are eligible for 100% fee waiver. The licence would be for 18 hours per week for 2 years and on specific days and times of the week so that the Centre would be available for use by other community members on other days when required. The value of this in-kind contribution would be \$1,915.

This in-kind investment will return widespread community benefit through beautifying State-owned infrastructure that is maintained by Council, and through providing wellbeing outcomes for project participants and residents and visitors who enjoy experiencing visual art. Beautification of stobie poles will enhance tourism and residents will identify more with their local area.

Project Governance

The Barossa Stobie Pole Community Art Project will be auspiced by SBA who will provide \$20m Public Liability Insurance.

If approval and support from Council is forthcoming, a Barossa Stobie Pole Community Art Project Committee will be established, comprised of members of the mosaic group and at least one member from SBA. The Project Committee will be responsible for overseeing delivery of the project that will involve liaison with Council and SA Power Networks, consulting with community and seeking donations of materials. It will report to SBA on a regular basis.

In the longer term, the group aims to become incorporated as an Association in its own right, similar to Ripples Community Arts Inc in Campbelltown. (Attachment 3)

Design Approval Process

SA Power Networks provides details of the approval process required by them on their website (Attachment 4).

As an example of best practice, the City of Charles Sturt has actively supported public art on stobie poles for 30 years and refers to the SA Power Networks website in its own guidelines (Attachment 5). The Council and SA Power Networks have a long-standing relationship of trust with Hindmarsh Greening, a group of artists, who have beautified many stobie poles and public spaces over the years.

The Barossa Stobie Pole Community Art Project Committee will follow SA Power Network's guidelines and a process that will involve:

- Identifying suitable stobie poles in the pilot project region.
- Consulting with residents/businesses directly adjacent to selected stobie pole sites to gain approval and design ideas.
- Developing designs.
- Seeking approval for the selected stobie poles and designs from both Council* and SA Power Networks.
- Creation of mosaics to industry best practice standards.
- Installation of artworks following safety guidelines.
- Finishing works with an anti-graffiti coating product.
- Providing images of the finished works, artists' names and details for Council's and SA Power Networks' records.
- Maintaining the finished artwork should it be damaged.

*To ensure the designs comply with Council's image and branding, a small Council Design Approval Team will be formed comprised of:

- Manager Community Services
- Team Leader Communications and Engagement
- An elected member – to be nominated

This team will meet as required with the Project Committee to view and approve batches of proposed designs within an agreed turnaround timeframe to prevent project delays.

The group has been advised that generally SA Power Networks readily approves applications for public art on stobie poles if the relevant local council is supportive.

Summary and Conclusion

This grass roots community art project will provide an opportunity for social connection for residents through the development of creative skills whilst beautifying infrastructure in the Council area. The link between art and wellbeing is well established and this will be demonstrated through the Barossa Stobie Pole Community Art Project. Other Councils have successfully facilitated similar projects, generating outcomes in both community wellbeing and placemaking.

In addition to aligning with Council's Community Plan, the project is relevant to the Regional Public Health Plan that has Mental Health and Suicide Prevention as one of the Lighthouse Projects. It also complements Council's Creative Industries Project and will add value to tourism activities through enhancing public spaces and creating attractions. Other benefits are that art works on stobie poles generally deter unlawful graffiti and mosaic works generally have a life expectancy of at least 50 years.

Council's endorsement of the project and provision of in-kind support will enable this exciting community art initiative to proceed and succeed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

- (1) [Hindmarsh Greening Facebook site](#)
- (2) [World Health Organisation- Arts and Health](#)
- (3) [Ripples Community Arts](#)
- (4) [SA Power Networks – Stobie Pole Art Approval Process](#)
- (5) [City of Charles Sturt Stobie Pole Art Guidelines](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing

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.
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.
9. Our community has fair and equitable access to the resources and services they need to lead a safe, healthy, inclusive and connected lifestyle
10. Our region enjoys the benefits of sustainable community groups, networks and facilities that encourage everybody to participate in the community.

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.
- 4.3. Embrace place-making principles when developing community infrastructure and regulate planning and development in public spaces and active recreation.
- 5.1. Support the development of activities that celebrate the history, art and culture of the Barossa and its people.

- 5.3. Create vibrant public spaces that provide places for creative development, cultural interaction and social connections.
- 5.4. Recognising and celebrating the community successes and learning from opportunities.
- 9.1. Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected.
- 10.3. Build on the capacity of community members to participate in cultural, creative, recreational, sporting and learning opportunities.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

- Following the prescribed approval process will reduce risk.
- Southern Barossa Alliance is the auspice for the project and has \$20m Public Liability Insurance.
- There were no reportable incidents during the Reflection Sofa Project.

COMMUNITY ENGAGEMENT

This report has been developed following consultation with interested community members and Southern Barossa Alliance. Consulting with residents/businesses directly adjacent to selected stobie pole sites is a requirement of SA Power Networks approval process and will be undertaken prior to the design and installation of art works.

7.4.6 DRAFT ANCILLARY ACCOMMODATION AND STUDENT ACCOMMODATION DEFINITIONS REVIEW CODE AMENDMENT **24/29305**

MOVED Cr Greatwich

That Council endorse the draft submission on the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment contained within Attachment 1.

SECONDED Cr Angas

CARRIED 2022-26/398

PURPOSE

To endorse a submission prepared in relation the draft Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment.

REPORT

Introduction

On 4 March 2024, the Minister for Planning Nick Champion MP, released the Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment for public submissions.

A copy of the letter from Planning and Land Use Services, advising notice of the proposed Code Amendment is contained within [Attachment 2](#). A copy of the fact sheet summarising the Code Amendment is contained within [Attachment 3](#).

The code amendment will review the technical definitions for 'ancillary accommodation' and 'student accommodation' to enable self-contained accommodation.

The code amendment is on public consultation until 15 April 2024. Importantly, the Code Amendment has come into interim effect which means the definitions come into immediate effect.

Discussion

The Code Amendments seeks to amend the technical definitions for both ancillary and student accommodation to enable self-contained style accommodation options.

Under the current Planning and Design Code, ancillary accommodation cannot comprise of a self contained residence whilst student accommodation requires common facilities for shared use, such as kitchen and laundry facilities.

The proposed amendments would no longer require ancillary accommodation buildings (granny flats) to share kitchens, bathrooms, laundries etc. with the main dwelling, whilst student accommodation would also be able to include self-contained facilities.

The proposed amendment seeks to go some way to address current market housing conditions, by providing for a greater range of housing options to support both affordability and ageing in place.

The Code Amendment is supported in that it provides greater certainty in terms of what is permitted within ancillary accommodation. Currently, there is uncertainty as to what facilities are permitted within buildings.

Staff have prepared a submission contained within [Attachment 1](#) that provides support to the Code Amendment as it provides greater clarification to residents and provides opportunity to diversify housing options within the Council area.

Summary and Conclusion

It is recommended that Council endorse the submission contained in [Attachment 1](#), which provides support for greater clarification and options for housing supply to be embedded into the Planning and Design Code.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Draft Submission 
Attachment 2	Advice Planning and Land Use Services - Notice of consultation - Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment 
Attachment 3	Fact Sheet - Changing the Definition of Ancillary and Student Accommodation 

Supporting references

www.yoursay.sa.gov.au/ancillary-student-accommodation-code-amendment

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Natural Environment and Built Heritage

Goal

1. The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.
2. The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

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.
- 2.2. Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Legislative Requirements

Planning, Development & Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

The community have the opportunity to provide public submissions as part of the current consultation process which concludes on 11 April 2024.

7.4.7 BUILDING INDEMNITY INSURANCE REVIEW

24/29444

MOVED Cr Preece

That Council endorse the draft submission in relation to the Building Indemnity Insurance Review contained within Attachment 1.

SECONDED Cr Schilling

CARRIED 2022-26/399

PURPOSE

To endorse a submission prepared in relation to the Building Indemnity Insurance Review.

REPORTBackground

Under the *Building Work Contractors Act 1995* and associated Regulations, it is compulsory in South Australia for builders to take out a Building Indemnity Insurance (BII) policy on all domestic construction projects that require Development Approval and have a value of \$12,000 or greater.

The scheme protects homeowners against a builder not completing the works and the subsequent defect liability period, which in South Australia continues for five years post completion. BII protects homeowners against losses relating to non-completion and breach of statutory warranty where a builder has died, disappeared or become insolvent up to a value of \$150,000 per project.

Introduction

Consumer and Business Services (CBS) and Treasury are reviewing the BII scheme to understand if it is fit for purpose. This includes examining what is covered by BII, the minimum thresholds for cover, maximum cover limits and identification of gaps in consumer protection and awareness.

A round of stakeholder interviews were completed in late 2023, prior to the release of a consultation paper on 12 February (refer [*Attachment 2*](#)). Consultation runs until 25 March 2024. Following the review of feedback through the consultation, recommendations to the State Government will be made in June/July 2024.

Discussion

BII is a statutory consumer protection requirement and CBS is the authority responsible for the compliance and enforcement of the *Building Work Contractors Act 1995*. Local Government is not typically responsible for statutory consumer protections, however, the BII scheme overlaps with Council's responsibilities relating to construction work as set out in the *Planning, Development and Infrastructure Act 2016*.

Council's responsibilities relating to the administration of BII under the *Building Work Contractors Act 1995* are set out under the *Planning, Development and Infrastructure (General) Regulations*. Regulation 36 prescribes that a BII certificate must be lodged with the Relevant Authority during the assessment of Building Consent (where a building work contract has been entered into) or otherwise prior to or at time of giving notice of the intended commencement of building work.

Under the *Regulations*, Council or a Private Accredited Professional is obliged to request the BII certificate at time of Building Consent or otherwise where a building work contract has not been entered into, request the BII Certificate as a Condition of Consent. Upon Council receiving notification of commencement of building work, Council will assess whether the BII Certificate has been lodged.

Observations of the current situation

There are a number of current issues/gaps with the scheme and the opportunity to review the suitability of the scheme is welcomed. The following issues/gaps are identified:

- The minimum value (\$12,000) for domestic construction, subject of BII, is low and has not kept pace with inflation;

- Experience is that BII claims for building work are predominantly associated with construction of new dwellings or alterations/additions to dwellings rather than construction of outbuildings and ancillary domestic structures;
- Residential flat buildings are a complex type of residential development and it is essential that they are subject of BII. These developments can be highly complex to resolve if a BII claim is made because they are undertaken by residential builders, will involve multiple owners/consumers and work is dependent upon multiple parties (ie. construction of fire-walls);
- Council almost always receives the BII certificate at time of receipt of the commencement of building work, not during assessment of Building Consent;
- It is common that a BII certificate is not provided at time of notification of commencement. Once building work has commenced, it can be time and resource intensive to 'stop works' by way of Enforcement Notice. Delays attributed to absence of the BII can result in lost time for developers and scheduling issues but at the same time places the consumer at risk should a BII Certificate not be in place;
- There are instances where Councils are not advised of the commencement of building work and Council will not know if the BII is in place;
- At time of request for the BII certificate, it is common for builders/homeowners to advise Council that the development is being undertaken as an "owner builder". In some cases, this is to avoid the need to obtain a BII certificate. Some Councils are seeing significant increases in the number of "owner builders". The term "owner builder" is not defined under the *Building Work Contractors Act 1995* but rather is a common term to indicate that the building work is being coordinated by the homeowner, who is not a licensed building work contractor.

Recommendations

The following recommendations are outlined within The Barossa Council's submission as contained within *Attachment 1*:

Scope of BII coverage

It is suggested there should be an increase in the value for domestic building work, noting the current policy limit up to \$150,000 is not sufficient in order to completely rebuild a dwelling if there are issues identified in the construction.

Timing of providing the BII Certificate

It is suggested the BII Certificate should be provided during the building assessment, such that the Certificate cannot be conditioned after grant of Development Approval. Another alternative could be to enable the BII Certificate to be reserved after grant of Building Consent but prior to grant of Development Approval. This would mean that Development Approval could not be issued until the BII Certificate has been submitted.

BII avoidance behaviour and "owner builders"

More rigorous criteria for exemptions from BII should be implemented. Guidelines to define who is an "owner builder" and eligibility criteria etc. would be beneficial. For example, the Victoria Building Authority sets requirements for "owner builder" eligibility, including completion of an "owner builder" eLearning assessment and construction induction training for the project.

Responsibility for compliance

Greater powers for CBS to address instances of construction without the BII Certificate are supported. It may be appropriate for CBS to undertake audits of Licensed Building Work Contractors to assess whether BII obligations are being met.

Summary and Conclusion

It is recommended that Council endorse the submission contained in Attachment 1, which makes recommendations to improve the BII scheme.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Draft Submission - Building Indemnity Insurance Review 
Attachment 2 Building Indemnity Insurance Review Consultation Paper 

Supporting references

<https://yoursay.sa.gov.au/building-indemnity-insurance-review-consultation>

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Goal

1. The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.
2. The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

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.
- 2.2. Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Legislative Requirements

Building Work Contractors Act 1995

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Local Government is not typically responsible for statutory consumer protections but does interact with the scheme through provisions under the *Planning, Development and Infrastructure (General) Regulations 2017*.

The scheme protects homeowners against a builder not completing the works and the subsequent defect liability period, however current issues with the scheme pose risks to consumers in event that a builder has died, disappeared or become insolvent.

COMMUNITY ENGAGEMENT

A consultation paper was released on 12 February and consultation will run until 25 March 2024. Following the review of feedback through the consultation, recommendations to the State Government will be made in June/July 2024.

**7.4.8 DRAFT STATE-WIDE BUSHFIRE HAZARDS OVERLAY CODE AMENDMENT
24/29460**

MOVED Cr Preece

That Council endorse the draft submission on the State-Wide Bushfire Hazards Overlay Code Amendment contained within Attachment 1 and the accompanying Review of Proposed Changes (Attachment 2) and Policy Comparison and Review Table (Attachment 3).

SECONDED Cr Evans

CARRIED 2022-26/400

PURPOSE

To endorse a submission prepared in relation the *draft* State-Wide Bushfire Hazards Overlay Code Amendment.

REPORTIntroduction

The State Planning Commission commenced community engagement on a draft State-wide Bushfire Hazards Overlay Code Amendment, pursuant to Section 73(6) of the *Planning, Development and Infrastructure Act 2016*, on 23 November 2023. The consultation concludes on 5 April 2024.

A copy of the Summary Document explaining the proposed *State-Wide Bushfire Hazards Overlay Code Amendment*, prepared by Planning & Land Use Services, is contained in Attachment 4.

The Code Amendment proposes to update the spatial application of the six hazard (Bushfire Risk) Overlays in the Planning and Design Code based on:

- More current vegetation (2015) data in the hazard modelling;
- More recent grassfire fuel modelling the spatial areas, having regard to farming, cropping, grazing and potential grass fuel;
- Amended forest modelling to identify small-scale spatial data, considering patch sizes, patch shape and contiguous/disparate vegetation.

The Barossa Council has three of the six Hazard (Bushfire Risk) Overlays being Medium, High and Urban Interface. Planning policies within these areas address access, design and siting requirements, clearance to native vegetation and on-site water supply for firefighting purposes.

The spatial application of these overlays also determines bushfire-related Building Rules (under National Construction Code) with reference to Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas and South Australian variations within Ministerial Building Standard (MBS 008).

The proposed mapping changes will result in changes to hazard risk levels in some locations. Where there is an increase in the risk level, the level of bushfire assessment both in terms of planning and building assessment, will increase, to reflect the increased risk from bushfire attack.

In addition to review of the spatial application of the Overlays, the following changes are proposed:

- New Deemed to Satisfy criteria and assessment pathways within the Planning & Design Code for dwellings, dwelling additions and ancillary accommodation;
- Amendment to Practice Direction 12 – Conditions, to specify conditions that must be imposed on a development authorisation issued by a relevant authority;
- Amendment to the *Planning, Development and Infrastructure Regulations 2017* to require development applications in High Bushfire Hazard Areas to be provided with a Bushfire Attack Level assessment completed by the CFS or a person authorised by the CFS.

Discussion

The intent to update bushfire hazard mapping and associated policies and to bring about a consistent approach to bushfire hazard mapping across all parts of the State is supported. Updated mapping based on current data is also supported. However, detailed review of the proposed Code Amendment suggests there are a number of issues with the Code Amendment that require review before implementation.

Identified issues include timing of the Code Amendment, inconsistency with relevant State Planning Policies, inconsistent mapping and policy between Council areas, dated mapping sets which result in irregular zone mapping, unusual and inconsistent outcomes arising from the hazard mapping and policy drafting issues and inconsistencies between proposed overlays.

Other concerns include the resourcing implications of the increase in high hazard risk areas for CFS and ongoing concerns regarding compliance administration.

The following headings are identified as basis of issues contained within the draft submission in Attachment 1:

Timing of Code Amendment

The Greater Adelaide Regional Plan is yet to be drafted. Progressing with the Code Amendment first means that the Code Amendment will precede the Regional Plan which is not consistent with the intent of State Planning Policy (SPP) 15.

Consistency with State Planning Policy

SPP 5 (Climate Change) and 15 (Natural Hazards) which promote avoidance of development in high hazard areas. More consideration should be given to avoidance and whether the proposed policies adequately address sensitive developments such as hospitals, telecommunications towers, major transport infrastructure, energy base stations and water services in bushfire hazard areas.

Impacts on The Barossa Council

The Code Amendment will greatly increase the level of complexity for planning staff in assessing bushfire hazard risk and such changes will increase cost upon applicants in meeting bushfire hazard requirements. Some changes seem to increase level of policy layering unreasonably.

General mapping concerns

The proposed mapping appears to have been generated by artificial intelligence with limited to no subsequent human validation or ground truthing of what changes mean practically when undertaking development using real examples or case studies. The result appears to be an inconsistent approach to how High hazard areas have been applied or extended, or in some cases reversed, and how urban interface boundaries have been determined.

High Bushfire and Hazard Areas

The adopted modelling appears to have inherent limitations with evidence of areas other than *"25 percent forest vegetation; that is, forest/woodland/shrub greater than 1 metre in height"* being shown as a High Bushfire Hazard Area. An example is in the south-east of Lyndoch township where areas that are 95% vineyard are proposed as "High", but surrounding areas that appear to have identical characteristics are zoned "Medium". The modelling appears to capture roadside or railway reserve vegetation in some areas but not others and includes extensive areas of vineyards – eg. In the Light Pass area.

The application of a 100m 'buffer' around small clumps of trees also results in illogical outcomes, likewise the use of outdated 'built up' area information sees random properties in townships designated as 'High' surrounded on three sides by the urban interface overlay. These outcomes result in unnecessary policy layering and complexity and will result in confusion as to how policies should be applied for development assessment.

Hazards (Bushfire – Urban Interface) Overlay mapping

The greatest number of issues identified appear to relate to the Hazards (Bushfire – Urban Interface) Overlay in terms of where it has or hasn't been applied, how it has been removed from some townships but newly applied to others, how it relates to township boundaries and growth areas, and the scope and spatial application or extent of proposed written policies.

A major change is that the 'internal' boundary of the interface overlay has been removed where it applies in Angaston, Lyndoch, Nuriootpa and Tanunda. In those townships, the interface overlay current comprises a 500m band with a 'doughnut' type effect with land more than 500m from the edge of the overlay forming the 'hole' and therefore currently not covered by the overlay and not having any hazard rating. The proposed approach is to remove this internal boundary and for land beyond 500m being included in the overlay. It is noted that the approach proposed to be applied to The Barossa Council appears to differ to other townships such as Mount Barker which is to be within the Hazards (Bushfire – Urban Interface) Overlay for the first time – with the 'doughnut' effect. The rationale behind the change is unclear and results in inconsistency between Council areas.

Hazards (Bushfire – Urban Interface) Overlay policies

The proposal to insert a policy requiring a designated area capable of accommodating the required on-site water supply for land within the interface overlay is logical and is supported. However, the Code Amendment seems to broaden the requirement for water supply and access for emergency vehicles to now cover all land within the interface area regardless of the adjacent bushfire hazard rating, whereas MBS 008 requires water supply within 500m of a high bushfire risk area. The proposed policies apply this requirement to all land within 100m of 'Medium' and 'General' hazard areas which means applicants will be required to provide a designated area capable of accommodating an on-site water supply that is not actually required under MBS 008.

Development areas and proposed growth areas

Council has recently invested significant resources into a *Growth and Infrastructure Investment Strategy* which identifies various opportunities for future residential development within and adjacent to townships. It is noted that the majority of areas identified for future growth opportunities are to be removed from the urban interface overlay and placed in a 'Medium' or 'High' hazard area. These actions will potentially restrict development in previously targeted development areas or restrict Council's future vision for those areas.

Referrals and Bushfire Attack Level Assessments

The Hazards (Bushfire – Urban Interface) Overlay implies that an independent person can supply a relevant certificate relating to land division but Council seeks confirmation if this is possible. If not, the policy needs to be changed. Similar to experience with changes to site contamination, experience is that this will significantly increase cost for applicants in obtaining an independent assessment. In addition, it is unclear if there is a large enough pool of professionals with expertise and capacity to undertake the relevant certificate.

Resourcing of changes proposed

Information within the proposed Code Amendment suggests there will be significant increase in areas within the state subject to High Bushfire Hazard risk, thereby resulting in significant increase in referrals to the CFS. It is understood the CFS are already under resourcing pressure to respond to current workload pressures. With an increase in referrals, the CFS is likely to be overwhelmed by the level of additional work posed by the additional referrals. What additional resources are proposed to be allocated to CFS to administer the additional workload attributed to the Code Amendment.

Compliance Administration

Further, the system relies heavily on the application of conditions of consent to development within bushfire hazard areas. Experience with the current system is that there is too much emphasis on the side of assessment as opposed to follow up compliance to verify adequacy of completed bushfire requirements and compliance with conditions of consent. From experience, there is a high level of non-compliance of development with bushfire requirements and such outcome is likely to undermine the intent of effective bushfire hazard mitigation. More resources are needed to address compliance with the system.

Summary and Conclusion

It is recommended that Council endorse the submission contained in Attachment 1, which identifies a number of issues arising for the Code Amendment which should be

reviewed before it is brought into effect. The submission also supports deferral of the Code Amendment until all Regional Plans have been finalised and approved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Draft Submission - State-wide Bushfire Hazards Overlay Code Amendment 
Attachment 2	Review of Proposed Changes - Draft State-wide Bushfire Hazards Overlay Code Amendment 
Attachment 3	Hazard and Interface Policy Comparison and Review - Draft State-wide Bushfire Hazards Overlay Code Amendment 
Attachment 4	Summary Document - Updating South Australia's Bushfire Hazard Mapping and Planning Rules 

Supporting references

yoursay.sa.gov.au/state-wide-bushfire-hazards-code-amendment

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Goal

1. The Barossa has sustainable farmland providing diverse and stable returns, while protecting the unique natural environment and biodiversity of the region.
2. The history of our region including aboriginal sites is reflected in our streetscapes and our historic buildings are maintained for future generations.

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.
- 2.2. Ensure clearly defined townships are maintained to manage residential and commercial development that is sensitive to the natural environment and areas of historical significance.

Legislative Requirements

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

The community have the opportunity to provide public submissions as part of the current consultation process until 5 April 2024.

8. CONFIDENTIAL REPORTS

8.1 Office of the Mayor and CEO

8.1.1 LEGAL ADVICE - 18A ELIZABETH STREET TANUNDA DRAINAGE MATTERS 24/28813

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 legal advice in relation to action litigation which is occurring in the Magistrates Court action of which Council is a part, pertaining to the Council service easement.

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

MOVED Cr Preece

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, Director Infrastructure and Environmental Service 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)(h) of the *Local Government Act 1999*:

legal advice; and

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

information relating to actual litigation, or litigation that the council or council committee believes on reasonable grounds will take place, involving the council or an employee of the council;

- (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 legal advice in relation to action litigation which is occurring in the Magistrates Court action of which Council is a part, pertaining to the Council service easement.

SECONDED Cr Troup

CARRIED 2022-26/401

The meeting moved into confidence at 6.50pm.

MOVED Cr de Vries

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Having considered this matter in confidence under Sections 90(2) and 90(3)(h) and (i) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 March 2024 in relation to item 8.1.1 Legal Advice - 18A Elizabeth Street Tanunda Drainage Matters be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Preece

CARRIED CO 2022-26/403

Resumption of open council meeting at 7.06pm.

Item 7.1.2 - Internal Review of Council Decision – 18A Elizabeth Street Drainage has been moved to this section of the agenda as per earlier in the agenda.

7.1.2 INTERNAL REVIEW OF COUNCIL DECISION - 18A ELIZABETH STREET DRAINAGE 24/28803

MOVED Cr Preece

That Council having considered the independent review (under Section 270 of the *Local Government Act 1999* – the Act) of the 24 January 2023 decision of Council, noting the deputation of the landowners (and applicant for the review) at the Council meeting of 20 February 2024 and considering the findings of the independent reviewer, reaffirms the decision of 24 January 2023 being:

That Council:

- (1) Having considered the request for a stormwater drainage level of service increase, resolves to maintain the existing level of service and open drain infrastructure which is consistent with, the drainage arrangements and needs of the location, and, downstream properties.
- (2) Approves additional capital expenditure of \$30,000 to undertake vegetation clearing and remediation works of the existing open channel to compliment the side entry pit upgrade.

noting that part of the resolution has already been carried out.

PURPOSE

To review

- the outcomes of the independent review of Council's decision of 24 January 2023, which improved the quality of the existing level of service to 18A Elizabeth Street, Tanunda drainage utilising Council's easement; and
- to reconsider the merits of this decision.

REPORTBackground

The decision of Council made on 24 January 2023 (as set out in the recommendation above) addressed minor drainage improvements to the Council service easement located in the location of 18 and 18A Elizabeth Street but was the subject of an application for review (under section 270 of the Act) by the residents of 18A Elizabeth Street Tanunda.

An important background point in this matter is that Council had, prior to this time, already budgeted to upgrade the side entry pit which would increase the service level to the general area.

The representations made by the residents of 18A Elizabeth Street to the Mayor and officers was a preference for undergrounding the water flow, which for over a decade and at the time of purchase by them had an overland flow through an undefined flow path via an easement in Council's favour. This service easement existed prior to the purchase of the property by the current landowners.

A separate matter of the stormwater discharge from a neighbour's property into the service easement has, largely, been resolved. The legal proceedings in the Magistrates Court by the owners of 18A Elizabeth Street against the owners of 18 Elizabeth Street, Tanunda, amongst other things, challenged the rights of 18 Elizabeth Street to discharge stormwater to the Council's stormwater service easement. Whilst the discharge of the stormwater now occurs through an alternative pathway and, hence, is no longer an issue, the landowners of 18A Elizabeth Street continue to pursue a claim for damages against the owners of 18 Elizabeth Street for the use of the easement to date. An update on this matter is contained later in the agenda.

The alternative easement discharge of stormwater from 18 Elizabeth Street was agreed by the Council to formalise the overland flow path through a drainage swale, and connection to the rear of the subject allotment which then connects to drainage infrastructure in Julius Street and ultimately discharges to the North Para River.

The Council also agreed to remove the vegetation and this has now been completed.

Previously Council had diverted significant waterflows from the subject area many years prior through works to intercept water upstream of the general location at William Street which is fully underground to Maria Street.

Introduction

The landowners, who provided a deputation to Council of their views on the matter at the February 2024 meeting, object to the overland swale solution for all stormwater flows and submitted a request to review the substantive decision under Section 270 of the Act.

The review has now been completed and the relevant documents are provided at Attachment 1 (the report) and Attachment 2 (supporting papers).

Discussion**January 2023**

The decision of Council at its meeting of 24 January 2023 was as follows.

MOVED Cr de Vries

That Council:

- (1) *Having considered the request for a stormwater drainage level of service increase, resolves to maintain the existing level of service and open drain infrastructure which is consistent with, the drainage arrangements and needs of the location, and, downstream properties.*
- (2) *Approves additional capital expenditure of \$30,000 to undertake vegetation clearing and remediation works of the existing open channel to compliment the side entry pit upgrade.*

SECONDED Cr Hurn

CARRIED 2022-26/121

The findings of the independent review clearly articulate the balance between the service levels, cost and precedent, and has arrived at a conclusion pertaining to the decision that:

"Taking into account all the information as set out in this report, our view is that:

- the decision is lawful;
- the open drainage swale option is the preferred decision".

October 2023

The decision of Council of 4 October 2023 is as follows.

MOVED Cr Greatwich

That Council:

- (1) *Having considered this report, approves the commencement of negotiations with the property owners of 18A Elizabeth Street in accordance with Option 3 with co-contribution of a minimum of 15% and not more than 25% of the construction funding gap presented and authorises the Chief Executive Officer or their delegate to enter into a legal agreement for the agreed works subject to the parameters set out for the compromise position.*

- (2) Approves additional capital expenditure of up to \$175,389 to facilitate the increased scope of works, should the negotiations be successful, which shall be funded by bringing the sum forward from the Long Term Financial Plan from the Stormwater allocation.

SECONDED Cr de Vries

CARRIED 2022-26/249

As Council is aware, the then Acting Chief Executive Officer attempted to negotiate an alternative and higher-level service outcome with the landowners as per the report of 4 October 2023. The Acting CEO (at that stage had reverted to her Director role) and the Director of Infrastructure and Engineering Service met after that decision of Council and had ongoing communications with the landowners. Ultimately, a solution was unable to be negotiated, at that time, that reasonably aligned with the Council decision of 4 October 2023 and it was determined to await the legal review mechanism under the Local Government Act requested by the landowners. To enliven this option now will require consideration of risks associated with maladministration as the independent internal review has highlighted the best option as the open swale some \$175K cheaper than the October 2023 resolution of option 3.

Legal Advice and Update

Legal advice in relation to this matter and an update to recent court proceedings has been provided and is outlined at confidential agenda item "Legal Advice – 18A Elizabeth Street Tanunda Drainage Matters".

It is recommended that Council defer debate on this item until the legal advice, presented later in the agenda, has been considered. The Mayor can alter the agenda order to achieve this outcome by deferring this agenda item until after the confidential item later in the meeting.

Summary and Conclusion

Council is now required to review the materials as they relate to the decision of January 2023 and determine if it reaffirms, varies, or changes the original decision. Due to the operation of Section 270 of the Local Government Act there is no requirement for a notice of motion to change the original decision.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | | |
|--------------|--|---|
| Attachment 1 | Internal Review of Council Decision - Final Independent Report |  |
| Attachment 2 | Attachments to the Internal Review |  |
| Attachment 3 | Further Request from Residents of 18A Elizabeth Street Tanunda |  |

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

- 7.1. Build on sound asset management practices to deliver sustainable services to ensure that infrastructure is adequate to support the community.

Legislative Requirements

Section 270 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The costs of the internal review are provided in detail at Attachment 3:

- Independent review, costs to date \$9,490.
- Staffing resources, costs to date \$5,292.
- Legal support to internal review not the reviewed \$856.
- Additional legal support, costs to date (estimate) \$3,500.
- Total costs to date \$19,138.
- Recovered through application fee \$20.

The costs of other activities, so that Council has full picture to date of managing the matter (these costs do not include Council staffing expenses devoted to this matter):

- Freedom of Information Request (completed) \$11,133.
- Legal Costs – General \$7,991.
- Legal Costs – Legal Case which Council was joined to: \$14,808.
- Removal of Vegetation Works as approved (completed): \$7,850.

Resourcing for the solution will change due to delay in implementation, that will be resolved through a quarter 3 budget adjustment depending on Council's decision.

The general risks are known to Council and are categorised as political risk and alignment with precedent and reasonable investment of community resources. Cost risk of delays and legal risk associated with any further challenges made to the resulting Council decision.

COMMUNITY ENGAGEMENT

Attachment 2 3 outline the engagement undertaken and there has been various site and office meetings with the landowners along with various telephone conversations with elected members with the landowners. There is no expectation or requirement to undertake broader engagement.

8.1.2 ELECTOR REPRESENTATION REVIEW 2024-25 24/29279

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 so as to appoint a qualified consultant to undertake the Representation Review 2024-25 on behalf of Council and that it assess and appoint the consultant who will be appointed under the quotation processes issued to the market requiring maintenance of confidential tender pricing information.

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

MOVED Cr Preece

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, Director Infrastructure and Environmental Service 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)(k) of the Local Government Act 1999:

- tenders for the supply of goods, the provision of services or the carrying out of works;

- (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 so as to appoint a qualified consultant to undertake the Representation Review 2024-25 on behalf of Council and that it assess and appoint the consultant who will be appointed under the quotation processes issued to the market requiring maintenance of confidential tender pricing information.

SECONDED Cr de Vries

CARRIED 2022-26/404

The meeting moved into confidence at 7.08pm

MOVED Cr de Vries

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Council Resolution
- (4) Having considered this matter in confidence under Sections 90(2) and 90(3)(h) and (i) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments and minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 March 2024 in relation to item 8.1.2 - Elector Representation Review 2024-25 be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Hurn

CARRIED CO 2022-26/405

Resumption of open council meeting at 7.09pm

8.2 Infrastructure and Environment Services

8.2.1 NURIOOTPA CWMS TREATMENT PLANT UPGRADE - TENDER 24/28861

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 the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender T0235/2023 - Nuriootpa CWMS Treatment Plant Upgrade-and the Council Report, attachments and associated documentation; and the disclosure would give an unfair advantage to a person with whom Council proposes to do business.

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

MOVED Cr de Vries

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, Director Infrastructure and Environmental Services 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)(k) of the *Local Government Act 1999*:

tenders for the supply of goods, the provision of services or the carrying out of works;

- (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 that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender T0235/2023 - Nuriootpa CWMS Treatment Plant Upgrade-and the Council Report, attachments and associated documentation; and the disclosure would give an unfair advantage to a person with whom Council proposes to do business.

SECONDED Cr Hurn**CARRIED 2022-26/406**

The meeting moved into confidence at 7.10pm

MOVED Cr de Vries

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Council Resolution
- (5) Having considered this matter in confidence under Sections 90(2) and 90(3)(k) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 March 2024 in relation to item 8.2.1 Nuriootpa CWMS Treatment Plant Upgrade - Tender be kept confidential and not available for public inspection until end of all tender works and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Hurn**CARRIED CO 2022-26/407**

8.3 Development and Community Services

8.3.1 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) DRAFT ANNUAL BUSINESS PLAN AND 2024/2025 BUDGET AND TABLING OF CONFIDENTIAL MINUTES 24/28738

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 they are GRFMA Confidential documents.

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

MOVED Cr Preece

That Council:

- (1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services and Business Innovation, Director Development and Community Services, Director Infrastructure and Environmental Service 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)(j) of the *Local Government Act 1999*:

information the disclosure of which-

- (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and
- (ii) would, on balance, be contrary to the public interest;

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order as they are GRFMA Confidential documents.

SECONDED Cr Hurn

CARRIED CO 2022-26/408

The meeting moved into confidence at 7.13pm.

MOVED Cr Preece

That Council:

- (1) Council Resolution
- (2) Council Resolution
- (3) Council Resolution
- (4) Having considered this matter in confidence under Sections 90(2) and 90(3)(j) of the *Local Government Act 1999*, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 19 March 2024 in relation to item 8.3.1 GRFMA Draft Annual Business Plan and 2024/2025 Budget be kept confidential and not available for public inspection until Annual Review and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Hurn

CARRIED CO 2022-26/409

Resumption of open council meeting at 7.18pm.

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 16 April 2024 at 5.30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 7.18pm.

Confirmed at Council Meeting on 16 April 2024

Date:.....

Mayor:.....