



MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 17 December 2024 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

MINUTES

Welcome and Acknowledgement of Country by Mayor Bim Lange 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 19 November 2024 at 5.30pm, the Special Council meeting held on Tuesday 19 November 2024 at 5.00pm and the Special Council meeting held on Wednesday 27 November 2024 at 5.30pm,

as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr de Vries

CARRIED 2022-26/586

2.2 Matters arising from previous minutes

Nil

3. PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

Nil

3.3 Notice of Motion

Nil

3.4 Questions with Notice

Nil

4. MAYOR

4.1 Mayor's Report

MOVED Cr Evans

That the Mayor's report be received.

SECONDED Cr de Vries

CARRIED 2022-26/587

5. COUNCILLORS' REPORTS

Nil

6. MATTERS FOR INFORMATION

- 6.1 Proposal to initiate an amendment to the Planning and Design Code - Tourism Development Code Amendment

The Chief Executive Officer will communicate with the State Planning Commission that the Councils Growth and Investment Strategy is not a completed strategy and remains in draft only.

- 6.2 Mount Pleasant Library Refurbishment - Outcomes Update
- 6.3 Minor Variations Practice Directions - Targeted Engagement
- 6.4 Ancillary Accommodation and Student Accommodation Definitions Review Code Amendment
- 6.5 Special Audit and Risk Committee - Minutes of 25 November 2024
- 6.6 State Government Housing Roadmap - Initiatives
- 6.7 Initiation of the Affordable Housing Code Amendment
- 6.8 Northern and Yorke Local Government Association Minutes of Meetings
- 6.9 Williamstown and Lyndoch Landcare Group Inc. - Minutes of Meeting
- 6.10 Nuriootpa Centennial Park Authority - Board and Audit Committee Minutes
- 6.11 Correspondence from Boundaries Commission - Update on Town of Gawler Proposal

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1 COUNCIL BEHAVIOUR SUPPORT POLICY

24/112473

MOVED Cr Evans

That Council, having reviewed the draft Elected Member Behaviour Support Policy and legal advice:

- (1) Approve the Elected Member Behaviour Support Policy for Public Consultation.
- (2) Approve the public consultation process to begin on Wednesday 8 January 2025:
 - a. With advertisements in The Leader and Bunyip;
 - b. Release on social media;
 - c. Availability of information on the Council website and YourSay Barossa; and
 - d. That the head petitioner from the petition tabled with Council at its meeting of 19 November 2024 shall be made aware of the release of the Policy for consultation;

and that the consultation shall run for 21 days concluding on Wednesday 29 January 2025.

SECONDED Cr Troup

CARRIED 2022-26/588

PURPOSE

To consider the draft Elected Member Behaviour Support Policy for public consultation, as instructed by Council at its meeting of 19 November 2024.

REPORT

Background

Council received a petition at its meeting on 19 November 2024 pertaining to the application of the behaviour standards and policies, and resolved as follows.

MOVED Cr de Vries

That Council receive and note the petition and instruct the Chief Executive Officer to seek legal advice on the question proposed by the petitioners and the use of Section 75F of the Local Government Act 1999, and if legally acceptable, draft the said Council Behavioural Support Policy for presentation at the December 2024 meeting of Council and notify the lead petitioner of this direction.

SECONDED Cr Troup

CARRIED 2022-26/560

Introduction

A preliminary conversation has been had with Kelledy Jones Lawyers and they attested that a Policy can be developed under the *Local Government Act 1999* (the Act) for the purposes sought, of course subject to wording and review of the document.

A draft Policy was therefore developed by reviewing other Council Policies, the LGA model Council Behaviour Support Policy, the Act, the intent of Councils instruction and the basis of the petition and provided to our solicitors for review and advice.

Discussion

The Policy addresses the areas outlined in the petition to the extent considered reasonable in balancing the leadership and representative roles of an Elected Member in the community and their personal activities.

The Policy has been reviewed by Kelledy Jones Lawyers and they have provided their advice and reviewed the Policy. The Policy and advice are at Attachments 1 and 2 respectively.

The Council cannot adopt such a Policy under Section 75F of the Act without first undertaking consultation. Should Council support the Policy for consultation a process will be undertaken in the new year, as it would not be a sound time to undertake consultation prior to festive season break.

The consultation process to meet the Public Consultation Policy is outlined in the report following.

Summary and Conclusion

As instructed by Council a draft Policy and legal review has been undertaken and it is now tabled for Council review and approval for undertaking public consultation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Elected Member Behaviour Support Policy - For Consultation



Attachment 2 Legal Advice for Elected Member Behaviour Support Policy Draft

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions
- BS5 Enterprise Risk - Strategic and operational risk assessment, control and monitoring; internal control and audit; business continuity and disaster recovery planning; organisational emergency management; insurance portfolio management; and Work Health Safety system coordination
- 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 75F of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

No impact on resourcing to development the policy.

Legal advice and review estimated at \$1,500.

The Policy itself is a risk management tool.

Any complaints against Elected Members pertaining to behaviour are not budgeted for.

COMMUNITY ENGAGEMENT

Community engagement is required for at least 21 days. Consultation will take the form, subject to Council approval, as follows:

Public consultation process to begin on Wednesday 8 January 2025:

- With advertisements in The Leader and Bunyip;

- Release on social media;
- Availability of information on the Council website and YourSay Barossa; and
- That the head petitioner from the petition tabled with Council at its meeting of 19 November 2024 shall be made aware of the release of the Policy for consultation.

Consultation will conclude on Wednesday 29 January 2025.

7.1.2 NURIOOPTA CENTENNIAL PARK AUTHORITY - BOARD MEMBERSHIP **24/112785**

MOVED Cr Barrett

That Council having reviewed the nominations and noting they are all continuing appoint the following people to a position on the Nuriootpa Centennial Park Authority for a period of up to two years concluding no later than the September meeting of the Board in 2026:

- (1) Mr Guy Martin
- (2) Mr Steven Bell
- (3) Mr Peter Cooper
- (4) Mr Brett Lydeamore
- (5) Mr Robin Phillips

SECONDED Cr Preece

CARRIED 2022-26/589

PURPOSE

To approve nominations to the Nuriootpa Centennial Park Authority (NCPA) Board of Management.

REPORT

Background

The NCPA is a subsidiary of Council established to manage centennial park including the caravan park, recreational areas and Coulthard Reserve. Council has received correspondence from NCPA to consider Coulthard Reserve future management, however as outlined below the whole of the governance structure and responsibilities are under review of which this request will be managed through that process.

The Board is established under a Charter with nine members an Elected Member (Cr Hurn), senior officer of Council (currently vacant) and up to seven other members as appointed by Council.

Introduction

There are various community member renewals required.

Discussion

Conversation on the future structure of arrangements at Nuriootpa continue with the Board as per prior Council resolution and the legislative need to review the governance structure and charter. This work is proceeding with a view to present more detailed information early in the new financial year.

Therefore at this time is recommended the appointments be made to ensure continuity of services with the existing Board. The nominations have been received in accordance with the Charter and been reviewed and endorsed by the Board. The relevant correspondence, minutes and nominations are at the Attachment.

Summary and Conclusion

The appointment the NCPA Board are in accordance with the Charter and now seeks Council approval.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Nominations 

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 42 of the Local Government Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

There are no legislative or recommended engagement processes required.

7.2 Corporate Services, Strategy and Innovation

7.2.1 VARIATION TO DELEGATIONS REGISTER - UPDATES TO LEGISLATION **24/106666**

MOVED Cr de Vries

That Council, in exercise of the power contained in section 44 of the *Local Government Act 1999*, hereby delegates the powers and functions under the following Acts and specified in the proposed Instruments of Delegation contained in Attachment 1 of the report entitled "Variations to Delegations Register – Updates to Legislation" from 31 October 2024, to the position of Chief Executive Officer except

where otherwise indicated in the Attachment, subject to the conditions and limitations specified in each proposed Instrument of Delegation:

- a. Instrument B – Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority

SECONDED Cr Hurn

CARRIED 2022-26/590

PURPOSE

To provide Council with an opportunity to consider updated and new provisions identified through legislative amendments for delegation to the Chief Executive Officer under various legislation.

REPORT

Background

Council has powers and functions that must be performed under a range of legislation. In most cases, the relevant Acts grant these powers and functions directly to Council. The ways in which Council may exercise its powers and functions are:

- when the Council itself exercises the power or function at a formally constituted meeting; and
- where the legislation enables it, a power or function may be delegated to a Council employee, in most cases being the Chief Executive Officer.

Delegations enable Council to apportion its powers and functions to the Chief Executive Officer (CEO) who in turn may sub-delegate to Council staff who have the relevant expertise and experience to improve the efficiency and timeliness of carrying out Council's decisions.

From time to time, legislation upon which Council's delegations are based change, requiring Council to review its relevant delegations on a periodic basis. Council may review its delegations at any time.

Introduction

In early 2020, the Local Government Association (LGA) advised councils it was undertaking a comprehensive review of the delegations' templates and revised its approach to the service offered to councils. The resulting framework established a simpler and contemporary approach that will improve ease of use, reduce legal risk, and enhance flexibility for Council.

Each power and function now consist of a short description only, replacing the historic approach which substantially replicated the text of the legislation. This framework also expands the number of delegable provisions across Acts that were not previously included as part of the delegations.

Discussion

The statutory power of delegation under section 44 of the *Local Government Act 1999* enables the delegation of the statutory powers and functions vested or conferred on a council. Other statutory delegation powers permit the delegation of powers or

functions vested in a council in a particular capacity (eg as a relevant authority under the *Safe Drinking Water Act 2011* or an enforcement agency under the *Food Act 2001*). A column providing for the capacity in which the Council is acting is included in the tables of delegable statutory powers and functions. This is to assist Governance Officers to identify the powers and functions which are relevant to the Council and which the Council wants to delegate. It will also assist Council in ensuring the correct powers of delegation are referenced in the instrument of delegation.

The framework is not intended to provide a compliance manual for delegates exercising statutory functions and powers. Providing guidance as to the legal requirements for the valid exercise of that delegated power or function is not the purpose of an instrument of delegation or sub-delegation. The purpose is to record formally the delegation of statutory functions or powers. The delegate or sub-delegate is responsible for exercising the delegated power or function lawfully. This requires compliance with:

- any conditions or limitations on the delegation;
- any statutory requirements which apply to the exercise of the power or function; and
- relevant principles of administrative law.

Updates

Periodic updates to legislation are facilitated by the LGA and their legal partners at Norman Waterhouse Lawyers.

In this periodic update of delegations there have been changes to the following piece of legislation being:

Instrument B – Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning and Design Code and Practice Directions of Powers of a Council as a Relevant Authority

- Power to choose how to communicate official notices regarding decisions to applicants

Summary and Conclusion

Council is now asked to review and endorse the delegations as at Attachment 1.

The delegations within this report do not detail the entirety of the delegation framework, only those provisions that have been identified as additional powers and functions not previously recognised as delegable or updates have been made to the wording of the delegation.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Amendments to the Delegations Register - Council Report
Attachment - 31 October 2024 

Supporting references

No further supporting references.

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

Under Section 44(1) of the Local Government Act 1999 a council may delegate a power or function vested or conferred under this or another Act, and it may be made to an employee of the council, a council committee, or an authorised person. Council's Delegations Register is available on Council's website.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

- the exercise of power may fail – i.e. the decision made may be liable to being overturned by a court;
- the cost of a successful challenge to a decision made without lawful delegation will likely be borne by the Council; and
- where the unlawful exercise of the power has caused loss or damage the Council may be liable for such loss or damage.

COMMUNITY ENGAGEMENT

Employees are informed through established internal procedures of any variation to instruments of delegations that affect their position.

Council's Register of Delegations is made available to the public via Council's website www.barossa.sa.gov.au as required by the *Local Government Act 1999*.

Pursuant to Section 73 of the Local Government Act 1999, Cr Greatwich disclosed a Conflict of Interest in the matter Item number 7.2.2 Santos Tour Down Under Ziptrak Men's Stage 1 - Request to Land Helicopter on Queen Victoria Jubilee Park Oval as she is a board member for South Australian Tourism Commission and advised the Chamber that she would leave the meeting.

Cr Greatwich left the meeting at 5.42pm.

7.2.2 SANTOS TOUR DOWN UNDER ZIPTRAK MEN'S SATGE 1 - REQUEST TO LAND HELICOPTER ON QUEEN VICTORIA JUBILEE PARK OVAL **24/109796**

MOVED Cr Evans

That Council approves the request from Specialist DA Helicopters and EMG / Gravity Media to land on the Queen Victoria Jubilee Park Oval, Williamstown for refuelling purposes in relation to the SANTOS Tour Down Under Ziptrak Men's Stage 1, Tuesday 21 January 2025.

PURPOSE

Council has received a request from Specialist DA Helicopters and EMG / Gravity Media to land three (3) helicopters at the Queen Victoria Jubilee Park Oval, Williamstown, for refuelling operations as part of the SANTOS Tour Down Under Ziptrak Men's Stage 1, Tuesday 21 January 2025.

REPORT

Background

The SANTOS Tour Down Under Ziptrak Men's Stage 1 will be taking place on Tuesday 21 January 2025, and the cyclists will travel from Prospect into the Adelaide Hills and through Williamstown before finishing in Gumeracha.

Introduction

Specialist DA Helicopters have requested to land three (3) helicopters at 15-minute intervals (Heli Link 2, 12:15 / Heli Cam 12:45 / Heli Link 13:00) for refuelling at the Queen Victoria Jubilee Park Oval, Williamstown. These times are indicative and may vary slightly as the on-air world coverage needs to break choppers when it can to give the coverage the best cover yet keep the choppers safe regarding fuel provisions. The refuelling will be conducted via a small rigid fuel tank and a qualified refueller and the area will be cordoned off with access restricted by Ground Marshalls.

Discussion

The proposed landing site is located on Local Government Land and use of the land is controlled by Council By-Law 4. *The By-Law stipulates under Part 4, that "a person must not, without permission, on local government land....subject to the Civil Aviation Act 1988, land or take off any aircraft on or from the land".*

The power to grant the required permission for the land use has not been delegated to any Council Officer, and as such, a decision needs to be made by resolution of Council.

In support of their request, Specialist DA Helicopters have provided Council with the following documentation, which is included at Attachments 1 and 2:

- Job Safety Analysis ("JSA")
- Public Liability Certificate of Currency

The information supplied is considered satisfactory to meet Council's minimum risk and safety requirements.

Summary and Conclusion

Specialist DA Helicopters and EMG / Gravity Media have submitted a request to land (3) Helicopters at varying times on the Queen Victoria Jubilee Park Oval on Tuesday 21 January 2025 for refuelling purposes for the SANTOS Tour Down Under Ziptrak Men's Stage 1 requiring Council approval. Having met Council's minimum requirements, it is recommended that the request be approved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Specialist DA Helicopters - Job Safety Analysis - TDU Heli Landing Site
- Queen Victoria Jubilee Park Williamstown - 21 January 2025 
- Attachment 2 ABS Aviation - Memphis Securities - Certificate of Currency - Aircraft
Hull and Liability Insurance - 02 i01 0066965 - Public Liability Insurance
- Expires 13 March 2024 

Supporting references

NIL

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

- CS11 Events - Management of community development projects and events, including enquiries and logistics. Event management supporting a variety of internal service areas and community that support the delivery of successful, community focused events.
- CS12 Facility and Community Land - Management of buildings, maintenance and occupancy, including inspections and advice to enable safe, accessible, fit for purpose and well managed community facilities, office spaces and community land

Legislative Requirements

Local Government Act 1999

Civil Aviation Act 1988

Council By-Law 4.

Financial, Resource and Risk Management Considerations

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Specialist DA Helicopters have appropriate risk management provisions in place to mitigate risks to the public and assets during helicopter landing, refuelling and take-off operations.

Access to the Queen Victoria Jubilee Park Oval, Williamstown, will be restricted during the window of usage by Specialist DA Helicopters.

COMMUNITY ENGAGEMENT

Not required.

Cr Greatwich returned to the meeting at 5.42pm.

7.2.3 REVIEW AND UPDATE OF THE INTERNAL REVIEW OF COUNCIL DECISION POLICY AND PROCESS **24/112161**

MOVED Cr de Vries

That Council adopts the draft Internal Review of Council Decision Policy and associated Process as at Attachment 1 & 2.

SECONDED Cr Greatwich

CARRIED 2022-26/592

PURPOSE

The Internal Review of Council Decision Policy and associated Process have been reviewed and are presented to Council with a recommendation for adoption.

REPORT

Background

A full review of the Internal Review of Council Decision Policy and the associated Internal Review of Council Decision Process has been undertaken and given in principle support by the Executive Leadership Team.

Under Section 270 of the *Local Government Act 1999* Councils are mandated to establish procedures for the internal review of their decisions. This provision ensures that people have a formal avenue to request a review of council decisions, promoting transparency and accountability within local government operations.

Council would not ordinarily approve process document reviews, but as Council acts as the Reviewer for Section 270 Review Applications where it made the original decision (ie and it was not made by an Officer of Council under delegation), it is relevant for Council to have oversight of and approve the Process.

Council also has a *Complaint Handling Policy* which, as a general rule, will be promoted in the first instance where appropriate, to offer the potential for immediate resolution.

Introduction

The Internal Review of Council Decision Policy and Process outlines the procedure for managing complaints or requests for internal reviews of council decisions under Section 270 of the *Local Government Act 1999*.

Discussion

The recent review focused on the Policy and Processes alignment with the relevant legislative framework, its effectiveness in promoting accountability and transparency, and its operational efficiency.

The review process included;

- Assessment of legislative requirements under Section 270 of the Local Government Act.
- Benchmarking against similar policies from other councils.
- Consultation with key Officers.
- Analysis of feedback and trends from previous internal reviews.

Policy

The Internal Review of Council Decision Policy was last adopted on 20 August 2019 and has been reviewed to redefine the scope, clarify exceptions as per 2.2 *When decisions are not subject to review under this Policy* noting there was some duplication of information that was available via the Process.

Examples have also been updated to ensure the *Planning Development and Infrastructure Act 2016* was correctly referenced and definitions updated under 2.6 *Matters that are frivolous or vexatious, related to employment, or where the applicant does not have sufficient interest in the matter.*

Process

The Internal Review of Council Decision Process was last adopted on 19 July 2022 and has been reviewed to incorporate a general revision of 3.5 *Assignment of Application to Reviewer*, to be succinct and improve readability.

Summary and Conclusion

The review confirms that the Internal Review of Council Decision Policy and Process are effective and compliant with legislative requirements noting they have been reviewed for readability and transitioned to new templates. Changes in the organisation structure incorporating the role of Deputy CEO and who is responsible for the documents have also been included.

Implementation of the changes will enhance the policy's efficiency, transparency, and compliance.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Internal Review of Council Decision Policy 
Attachment 2 Internal Review of Council Decision Process 

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

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Officers report to Council on an annual basis on the cost of administering the Policy.

Resource

Wherever possible internal resources are used to administer the Policy and Process.

Risk Management

An appropriate Internal Review of Council Decision Policy should support Council and Officers in identifying process improvements when conducting Section 270 Reviews and managing Council's reputational risk.

COMMUNITY ENGAGEMENT

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

7.2.4 MONTHLY FINANCE REPORT AS AT 30 NOVEMBER 2024
24/112263

MOVED Cr de Vries

That Council receive and note the Monthly Finance Report as at 30 November 2024 as provided at Attachment 1.

SECONDED Cr Lane

CARRIED 2022-26/593

PURPOSE

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

REPORT

The Monthly Finance Report as at 30 November 2024 is attached. The report has been prepared comparing actuals to the original adopted budget 2024/25.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council November 2024 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCorporate 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 monthly high level financial report is provided.

COMMUNITY ENGAGEMENT

Community consultation was part of the original budget adoption process in June 2024, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

7.2.5 ENTERPRISE RISK MANAGEMENT POLICY AND THE ENTERPRISE RISK MANAGEMENT FRAMEWORK **24/112431**

MOVED Cr de Vries

That Council approves the Enterprise Risk Management Policy at Attachment 1, and the draft Enterprise Risk Management Framework at Attachment 2.

SECONDED Cr Troup

CARRIED 2022-26/594

PURPOSE

To consider and approve the Enterprise Risk Management Policy and the Enterprise Risk Management Framework.

REPORT

Background

The *Local Government Act 1999* mandates Councils implement systems for managing risks associated with their functions. To meet these requirements and align with the *Work Health Safety Act 2012*, Council has developed an Enterprise Risk Management Framework and Policy.

A full review of the Enterprise Risk Framework and the Enterprise Risk Policy has been undertaken and given in principle support by the Executive Leadership Team.

Introduction

Council's current Enterprise Risk Framework and Enterprise Risk Policy was approved in 2020 and is due for review in 2024.

The Enterprise Risk Management Framework and Policy have been reviewed and updated to incorporate amendments to s99, s125, s126, s126A and s134 of the *Local Government Act 1999*.

The review includes alignment to the Local Government Risk Services Model Risk Management Framework and Policy documents but has been customised to reflect the strategic and operational environment of The Barossa Council.

Of note is the inclusion of updated risk appetite statements that were developed via workshop with both Elected Members and the Executive Leadership Team, reviewed by the Audit and Risk Committee and endorsed by Council in June 2024 which will further support strategic decision making and operational efficiency.

The risk matrices have also been revised to include psychological consequence as per the Work Health and Safety (Psychosocial Risks) Amendment Regulations providing further mechanism to support activities to manage psychosocial risk and create a mentally healthy workplace.

The development and review of the Enterprise Risk Management Framework and Policy involved:

- Internal meetings with department heads and all staff review.
- Consultation with the Audit and Risk and WHS Committees for oversight.
- Benchmarking against risk management practices in other councils and the Local Government Risk Service.

Summary and Conclusion

The Enterprise Risk Management Framework and Policy provide a comprehensive approach to managing risks, ensuring Council fulfills its legislative obligations while delivering on strategic objectives. Endorsement is recommended to enhance Council's governance, operational resilience, and service delivery.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Enterprise Risk Management Policy-DRAFT 

Attachment 2 Enterprise Risk Management Framework-DRAFT 

Supporting references

Model Code of Practice: Managing Psychosocial Hazards at Work

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS5 Enterprise Risk - Strategic and operational risk assessment, control and monitoring; internal control and audit; business continuity and disaster recovery planning; organisational emergency management; insurance portfolio management; and Work Health Safety system coordination

Legislative Requirements

Local Government Act 1999

Work Health Safety Act 2012

Work Health and Safety (Psychosocial Risks) Amendment Regulations 2023

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Addressed within the Report

COMMUNITY ENGAGEMENT

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

7.2.6 2025/26 ANNUAL BUSINESS PLAN AND LONG-TERM FINANCIAL PLAN TIMETABLE AND ASSUMPTIONS
24/111866

MOVED Cr de Vries

That Council:

- (1) Note and approve the assumptions outlined in the report to be used in drafting the 2024/25 Annual Business Plan and Budget.
- (2) Note the timetable for Council workshops and Council Meetings for the preparation and review of the 2025/26 Annual Business Plan and Budget and Long-Term Financial Plan for 2025/26 to 2034/35.
- (3) Agree that no new initiatives will be assessed in the 2025/26 year.

SECONDED Cr Schilling

CARRIED 2022-26/595

PURPOSE

To consider the assumptions and timetable for the preparation of the 2025/26 Annual Business Plan and Budget and updated Long-Term Financial Plan for 2025/26 to 2034/35.

REPORT

Background and Introduction

The annual development of the budget commences in December and this report forms the foundation of the work for budget calculations.

Discussion

Indexation and Assumptions

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

The main assumptions and indexation being considered during this early stage of budget preparation is the income and expenditure indexation. As included in the

draft timetable, following receipt of updated valuation data, Council will review the proposed options for rate increases to ensure they are reasonable and ensure indexation for operational expenditure is appropriate.

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

The amended Q2 Budget from 2024/25 will be used as the base for the 2025/26 draft budget and each budget manager will then review to actual costs and trends to meet the existing service provision. If the actual costs are reduced from the base budget, it is a requirement that unless there were extenuating circumstances for the underspends, that next year's budget is also reduced. Due to budget performance year to date and ensuring we continue to work to achieve efficiencies, all non-contract-based expenditure budgets will only be indexed by less than the prevailing indexation rate. Expenditure linked to contractual and legal arrangements (like salaries and wages) will be indexed as required by those agreements.

The LGPI (Local Government Price Index) is used as a base for the LTFP and considers local needs and requirements to meet service levels. The Local Government Price Index (LGPI) increase for the 12 months to September 2024 was 3.4%; (noting the quarterly Adelaide CPI for September 2024 period was 3.2%). It is recommended at this point in time, to ensure prudent budget management and to remain within the parameters of the current adopted LTFP, that in the absence of a contractual arrangement, general operating indexation will be limited to 1.5%.

The following indexation base information is sourced from the adopted LTFP for the 2025/26 year.

Operating Income

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

General rate revenue increases to existing ratepayers for the 2024/25 year were 4.16%, additional revenue for the growth in assessment numbers from last year is currently at 1.12% noting the rural sector had a rate freeze. For future operating results, as detailed in Council's adopted LTFP, general rate revenue was forecast to increase at 4.3% in 2025/26 plus growth in assessment numbers of 1%. During the preparation of the 2025/26 draft budget, management will review the revenue and expenditure requirements and report this to Council. Council will then assess and approve the general rate revenue increases required to ensure Council's financial sustainability in the annual review of the LTFP.

For 2024/25, there was a 5.8% service charge increase for waste collection and disposal across the three waste services as a result of significant increases in disposal and collection costs with high inflation present in the economy at that time. Community Wastewater Management Systems (CWMS) service charge indexation rates in the adopted LTFP were budgeted to increase in 2024/25 at 3.5%.

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

The Regional Landscape Levy, collected on behalf of the state government, will be determined and advised by the Northern and Yorke Landscape Board and rose by 5.9% for the 2024/25 financial year.

Other income indexation has a base increase of 2.0%.

Operating Expenditure

Operating expenditure indexation will be assessed individually for internal and external factors. All indexation quoted is from the adopted LTFP for 2024/25 and will be reviewed.

- Employee costs for 2024/25 set in the LTFP increased by 3.11%. The draft budget will use enterprise bargaining agreements which are 4.5% or CPI (whichever is the lower) for our AWU – outside staff and the ASU – inside staff is currently subject to renegotiation and a provision of 2.5-3% has been made in the long-term financial plan. Superannuation guarantee also increases from 11.5% to 12% from 1 July 2025, the last of the legislated increases lifting contributions from 9% to 12%.
- Contractor, materials and other expenses will be reviewed to meet service requirements. The increase for these costs in 2025/26 is set at 2.5% (based on the October 2024 monthly CPI being 2.1%. Indexation will be adjusted to meet existing service requirements:
 - selected costs are increased by indexation where agreements, contracts, licensing, arranged service charges, etc. provide for that option.
 - for such costs outside of our control, these will be considered where the relevant service provider(s) initiates the increases i.e. fuel and postage.
 - where costs will increase but the quantum is unknown a default increase in line with LGPI. Some areas of expenditure may actually be the same or less the expected; and for changes to service provision, ie. increased number of services provided (eg. number of waste collection(s)) or usage (eg. water usage at parks and gardens).

New Initiatives/Ideas

It is recommended that no new initiatives be processed for the 2025/26 financial year, unless they are required for legislative or extreme risk purposes, for the following reasons:

- There has been significant increase in forward funding for core infrastructure of roads, open space, recreation, footpaths, buildings and the capacity to deliver additional works is negligible.
- The investment over the past 5 years into The Big Project has been highly successful and 2025/26 will see the bedding in of significant infrastructure in Lyndoch, Tanunda Rugby and Nuriootpa Soccer. The budgets will be absorbing increased service levels as a result of these investments and the costs associated with the increased borrowings required.
- Significant investment has been made into resourcing at all levels of the organisation over the past 3 years with Council approving the most recent investment in events and economic development as practically the last significant reform and service review over the past 5 years.

- The construction of the Barossa Creative Industries Centre will be the key new initiative focus approved by Council for the 2025/26 financial year.

Of course Council can alter priorities in the capital and operating programs within the significant budget allocation if it wishes to address any other priority investments.

If Council elects to have new initiatives it will need to identify areas where these will be funded from. It is recommended that any new initiatives will need to be funded from the existing budget without additional borrowings, which would require deferral of asst management plan and data based requirements or additional rate collections. The process would be as follows:

1. Strategic review meeting.
2. Identification of what priorities and projects Council wishes to have a more detailed assessment completed for.
3. Preliminary assessment for those proceeding to business case development.
4. Review of business cases and determination is to be included in the budget and business plan draft for consultation and how they will be funded.

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

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

Timetable

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

What	Activity	Date
Council Meeting	Endorse ABP&B and LTFP timetable	17 December 2024
Council Workshop	Depends on decision on new initiatives.	23 January 2025

Council - Elected Members	Depends on decision on new initiatives.	Approved at Council meeting 18 February 2025
Administrative Budgets	Staff completion of administrative budgets.	28 February 2025
Council Workshop	Capital Expenditure program from asset management analysis. Prepare Rates report including Rating Analysis of other Councils and consider other Council Rating Strategies.	5 March 2025
Audit Committee	ABP&B and LTFP review To review indexing and assumptions	March 2025
Council Workshop	Depends on decision on new initiatives.	Mid-Late March 2025
Council Workshop	ABP&B and LTFP Review draft Operating Budgets & Capital Works submissions and LTFP	4 April 2025
Council Workshop	ABP&B and LTFP Review final draft Capital Works submissions and LTFP	4 April 2025
Council Workshop	Rating & Valuation Forecasting, valuation changes, rebates, RI General Rate Cap, rating options Final Operating and Capital Works review	7 May 2025
Audit Committee	ABP&B and LTFP review and endorse for consultation - by email	May 2025
Special Council Meeting	Endorse draft Nuriootpa Centennial Park Authority Budget (NCPA endorsed April) Endorse draft ABP&B and LTFP for public consultation.	May 2025
Public Consultation Process	Council internet provision for web submissions, at least 21 days	May – June 2025
	Public Notice (if local papers a Wednesday) Submissions period – 21 days	May to June 2025
Meeting / Other process*	Process for the public to present/provide budget submissions in line with legislative/other requirements. *21 days after the draft A&BP is available on the web	June 2025
Council Meeting	ABP&B and LTFP Consideration of public submissions	17 June 2025
Special Council Meeting	Adopt ABP&B and LTFP, Valuation and Rating (if changes from consultation then this meeting may need to be changed.)	24 June 2025

Summary and Conclusion

With the above settings and program outlined Council is recommended to approve the draft process of the 2025-26 budget and annual business plan development and associated long term financial plan update.

The Executive Leadership Team have reviewed and endorsed the recommendations.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

- BS6 Finance - Transparency and accountability regarding Council activity and expenditure. Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting
- 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
- BS13 Strategic/Legislative Planning and Reporting - Provision of organisational performance report (outcomes), activity report (outputs), a range of statutory reporting (e.g. public health, tax, superannuation), financial reporting. Transparency and accountability regarding Council activity and expenditure provided

Legislative Requirements

Local Government Act 1999 Section 123

Local Government (Financial Management) Regulations 2011

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

There is no resourcing impact as Council is already resourced for this core work.

The Budget and LTFP indexation, assumptions and timetable are integral parts of financial planning to ensure an organised and thorough process is undertaken outlined in the body of the report.

COMMUNITY ENGAGEMENT

Included as part of the draft 2025/26 Annual Business Plan and Budget Plan consultation and adoption process.

7.3 Infrastructure and Environmental Services

7.3.1 ROAD NAMING - LOT 752 MENGE ROAD TANUNDA 24/111570

MOVED Cr Preece

That Council names the new roads within the Allotment 752 Menge Road Land Division as follows:

Road A – Schroeder Road
Road B – Wallace Drive
Road C – Riebe Street

SECONDED Cr Evans

CARRIED 2022-26/596

PURPOSE

The developer of the Allotment 752 Menge Road Land Division, Tanunda, has requested the naming of three new roads within the development (refer attached developer's plan).

REPORT

Introduction

Council staff have received formal application from Justin Fairweather, to name three new roads created within the land division at allotment 752 Menge Road, Tanunda.

At the 15 March 2016 Council Meeting, Council approved the naming of fifteen new roads within the nearby Sovereign Estate (Actium) Land Division to the south, being names of those who served in World War I. These were selected at the time from a list of prospective street names prepared by the former District Council of Tanunda. (Refer relevant minute from the 15 March 2016 Council Meeting attached)

Discussion

Due to various alterations of the Sovereign Estate Land Division layout since 2016 and the resulting reduction in the number of new roads that were required to be named, only twelve of the approved fifteen selected names were used, with three names remaining unallocated.

The developer of the Allotment 752 Land Division to the north requires three names for their three new roads and it seems appropriate to utilise these three unallocated names, being, Riebe, Schroeder, and Wallace.

Section 4.2 of the Policy "Sources for Road Names" states:

- 4.2.1 Sources for road names may include,
- Aboriginal names taken from the local aboriginal language;
 - Early explorers, pioneers and settlers;
 - Elected Members with a term of service greater than 10 years;
 - Local identities of significant achievement in their field;
 - Local history;
 - Thematic names such as flora, fauna etc;
 - War / casualty lists;
 - Commemorative names.

In accordance with Council's Property Identification Policy, these names are warranted because of their "War / casualty" association, being names of Tanunda World War I Veterans.

The proposed names do not duplicate any other street name in The Barossa Council area and have tacit approval from the Developer.

Summary and Conclusion

Public road names are selected in accordance with The Barossa Council "Property Identification Policy" and the associated "Selection of Road and Public Place Names Process".

It is proposed that the three unallocated names from the nearby Sovereign Estate Land Division be used for the three required names in the Allotment 752 Menge Road Land Division, with the following designation:

Road A – Schroeder Road
Road B – Wallace Drive
Road C – Riebe Street

The three names are consistent with Council's Property Identification Policy, in terms of their War / casualty association, being names related to Tanunda World War I Veterans.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|--------------|--|
| Attachment 1 | Allotment 752 Menge Road Land Division - Developers Plan - road naming  |
| Attachment 2 | Council Minutes - 15 March 2016 - pages 25 and 26 - Naming of streets - Sovereign Estate Land Division - Tanunda  |

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure

Goal

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

Strategies

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

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The development approval process requires that the developer be responsible for all costs associated with implementing the name of the road.

COMMUNITY ENGAGEMENT

No formal community consultation has been engaged; however, reference has been made to The Barossa Council "Selection of Road and Public Place Names Process".

7.3.2 DEPARTMENT FOR INFRASTRUCTURE AND TRANSPORT - TRANSPORT STRATEGY - YOUR VISION OUR FUTURE - DRAFT SUBMISSION
24/111838

MOVED Cr Troup

That Council endorse the draft submission prepared responding to the Department for Infrastructure and Transport "Your Vision Our Future" Transport Strategy contained within Attachment 1.

SECONDED Cr de Vries

CARRIED 2022-26/597

PURPOSE

To consider and endorse a draft submission to the Department for Infrastructure and Transport (DIT) responding the "Your Vision Our Future" Transport Strategy which has been released for public consultation.

REPORTBackground

The Department for Infrastructure and Transport (DIT) is developing a Transport Strategy for the next 30 years and beyond, entitled "Your Vision Our Future". DIT are committed to ensuring this strategy is informed by community and stakeholder insights and have released the Strategy for public consultation.

Discussion

The Transport Strategy will outline the 30-year vision for the state's transport network and will transform how people and goods move around the state. It will set the overall direction for future transport planning and guide decisions on which projects to prioritise and invest in. It will help ensure that the State's transport network is ready for the future and that South Australia remains a great place to live and do business.

The strategy will cover all forms of transport, from cycling, driving, and walking to public transport and freight. It will also align to other key state priorities, like the Greater Adelaide Regional Plan, to ensure DIT maximise the benefits of other changes happening in South Australia.

The Transport Strategy outlines high level vision and strategies. The Barossa Council priority is for identification of land use and regional transport demands, and development of a transport network which complements this, and the existing network. A priority focus is integrated transport networks associated with the Concordia Growth Area.

A public consultation period is open now, until 5pm on Monday 16 December 2024.

Officers have sought and been granted an extension to submit to enable the draft submission to be presented to the Elected Members for consideration and endorsement.

Summary and Conclusion

The Transport Strategy will provide a plan to ensure DIT are well prepared for the future and can make the most out of future opportunities.

DIT have asked everyone from everyday South Australians to local Councils and businesses to contribute, as they aim to make sure the transport network works for everyone.

Of specific importance to The Barossa Council are future transport networks associated with the Concordia Growth Area.

If endorsed, the submission will be taken into consideration by DIT to give them an understanding of our transport priorities to assist them to make sure the transport network works for everyone. The feedback will be used to better understand how we move, to shape the strategy, to balance priorities, and to tailor solutions to assist them to design a better transport network.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Submission - DIT - Transport Strategy - Your Vision Our Future 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Business and Employment

Goal

- 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
- 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.

Strategies

- 6.2 Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.
- 7.2 Ensure both current and future infrastructure needs are met in a proactive rather than reactive way.
- 11.1 Work closely with State Government, Federal Government and other key stakeholders to support economic growth, development and job creation.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

Public consultation has is being undertaken by DIT.

7.4 Development and Community Services

7.4.1 PROPOSAL - PUBLIC PLACE 10C CONTAINER DEPOSIT RECYCLING TRIAL **24/108519**

MOVED Cr Greatwich

That Council endorse a trial to partner with up to two (2) community groups for twelve (12) months to strategically place 10c container deposit recycling bins in the public space, with a report and future recommendations to be delivered to Council for further consideration before the end of the trial.

SECONDED Cr Barrett

CARRIED 2022-26/598

PURPOSE

To seek Council support to set up a twelve (12) month trial project to partner with up to two (2) local community groups and strategically place 10c container deposit recycling bins in some public locations. This initiative aims to boost recycling in public spaces, in a low-risk and sustainable way, that financially benefits local non-for-profit groups. Towards the end of the trial, an outcomes report with future recommendations will be presented to Council for further consideration.

REPORT

Background

All public place bin infrastructure is maintained by Council and bin servicing is facilitated by the kerbside bin contractor, Solo Resource Recovery. There is currently no public place recycling. The organisation of public place bins and service level delivery is loosely linked to the Waste Management Services Policy and is an area of

opportunity for future engagement at another time.

Two (2) community groups within the last 12 months, one in Mount Pleasant and the other from Lyndoch, have made enquiries about Council increasing public place recycling, particularly supporting 10c container deposit recycling.

State Government has also shown increasing interest in enhancing recycling in public spaces, specifically organics recycling. The recent discussion paper reviewing the Environment Protection (Waste to Resources) Policy 2010 asked whether the 3-bin system used at home should be adopted for public spaces also. The Single-use and Other Plastic Products (Waste Avoidance) Act 2020 has also driven gradual changes, such as requiring single-use takeaway cups to be compostable. These changes are varying the composition of waste generated in public spaces and increasing the focus on green organic bins.

The 10c container deposit recycling scheme is well established and understood in South Australia. People are accustomed to separating these containers from other recyclables, often collecting them at home or through sporting groups to claim the 10c refund available. Some Councils have already added 10c container collection systems to the side of bins to make it easier for informal recyclers to freely access the cans, reducing the need for them to rummage through the bins. Other Councils, such as the Copper Coast Council in Moonta Bay, have set up dedicated bins for 10c container deposits.

Some councils have also started trialling green organics bins in main streets and precincts to address the growing amount of compostable items found in public bins, that are being lost to landfill, but could be turned into compost. The administration will monitor these trials to assess potential fit and longer-term opportunities for the Barossa.

Discussion

The proposed trial will partner with up to two (2) community groups for twelve (12) months to strategically place 10c container deposit recycling bins in the public space. The trial was considered by the Executive Leadership Team to have merit and will be jointly coordinated by Sustainability and Infrastructure and Environmental Services.

A framework will be established as part of the proposed trial that will make community groups responsible for collecting and recycling materials at a frequency that maintains the good amenity of the public space. In return, they will keep the income from the materials they collect and recycle. If Council were to coordinate the emptying of these recycling bins, it would be more costly than the material value. Participating groups will be required to sign an agreement or statutory declaration that funds collected will be used to benefit the community group.

Council will maintain control of placement locations, approving and maintaining infrastructure, and provide instructions for community groups to perform this task safely and manage risk like contamination. Insurance and liability specifics will be confirmed. It is expected that an investment of up to \$3000 will be required to establish the trial, largely for purchasing bin housing, signage, and communications. This investment will be funded from within existing budgets of Infrastructure and Environmental Services and Development and Community Services.

The trial will be monitored, and an outcomes report will be delivered to Council before the trial end. If the trial is deemed successful, recommendations will be presented to

Council to strategically expand the locations and explore how contracting collections to groups can be achieved equitably. The approach will aim to recognise township groupings while being mindful of administration and coordination workload.

This initiative aims to boost recycling in public spaces, in a low-risk and sustainable way and that financially benefits local non-for-profit groups. High contamination is not expected because of the strong affinity that the public already have with the 10c container deposit recycling scheme. Considered bin enclosures, bin opening designs and labelling will also reduce the risk of contamination.

Introducing container deposit recycling in the public space will contribute to a more sustainable Barossa without introducing the complexities of managing contamination and increased cost that is synonymous with yellow commingle recycling bins in public places.

Summary and Conclusion

Council already encourages the community to take the 'waste less, recycle more' challenge in their homes, and this proposed trial is a low risk, strategic extension of bringing this message and recycling infrastructure into the public space. Connecting this recycling initiative with local community groups is likely the most effective and sustainable way to bring recycling to key public places. Administrative controls will ensure that community groups can collect the materials safely and that revenue generated is used to benefit the community group. The investment to establish the trial will be funded from within existing budgets. A limited reach and 12-month trial, with the community groups that have expressed interest in supporting greater recycling, will test this idea and supporting frameworks, without any long-term commitments.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Barossa Council Waste Management Services Policy.

COMMUNITY ENGAGEMENT

No community consultation planned. Administration will work directly with the 2 community groups that have reached out to Council to establish the trial.

7.4.2 BUILDING AND CONSTRUCTION INDUSTRY REVIEW**24/109491****MOVED** Cr Greatwich

That Council endorse the draft Building and Construction Industry Review submission contained in Attachment 1.

SECONDED Cr Hurn**CARRIED 2022-26/599****PURPOSE**

To seek Council endorsement of the draft submission prepared in relation to the Building and Construction Industry Review consultation.

REPORTIntroduction

The State Government are reviewing laws that govern the building and construction industry. The review will look for opportunities to:

- Better protect consumers;
- Enhance industry compliance; and
- Support workers and businesses to deliver quality homes and infrastructure.

A Discussion Paper has been prepared that outlines a number of proposals that were identified at a series of roundtables convened by the Minister for Consumer and Business Affairs and Consumer and Business Services with key industry bodies, State Government agencies and training providers.

The *Factsheet: Overview of the Building and Construction Industry Review* is contained in Attachment 2.

Discussion

There are some interesting proposals identified within the Discussion Paper including the introduction of Certificate of Occupancy for pools, who can undertake building inspections and mandatory inclusions for contracts for pools and dwellings in respect to smoke detectors, fire water tanks/infrastructure and swimming pool fencing.

A number of the proposals are supported. The draft submission outlines that:

- Swimming pool safety barriers should be required to be installed by licensed installers;
- The Practice Direction for building inspections should be clearer in terms of what it is seeking to achieve;
- Timeframes for building inspections to be undertaken by Councils are not practical and should be reviewed;
- Notification requirements for builders/developers should be simplified to improve the level of notifications for Councils;
- Building inspectors should be suitably qualified, maintain professional standards and have insurance to protect consumers;
- Insurance should be mandatory for owner builders;

- Common infrastructure should be assured within the framework of the *Community Titles Act 1996*;
- Engineered stormwater systems should be required to be installed by licensed plumbers;
- Building work supervision requirements should require certificates for key stages of construction such as waterproofing, footings and framing.

Summary and Conclusion

It is recommended that Council endorse the draft Building and Construction Industry Review submission, contained within Attachment 1.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft submission - Building and Construction Industry Review 
Attachment 2 Factsheet - Overview of the building and construction industry review 

Supporting references

[Building and Construction Industry Review | YourSAy](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS15 Land Use and Development - Assessment of development applications for construction, alteration or demolition of buildings, and the division of land and changes in land use.

Legislative Requirements

Building Work Contractors Act 1995

Planning, Development and Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY ENGAGEMENT

The Building and Construction Industry Review is a state-led consultation and is open to everyone in the community. Therefore, the consultation did not trigger Council's Public Consultation Policy.

7.4.3 PROPOSED CHANGE TO NURIOOTPA LIBRARY OPENING HOURS **24/110858**

MOVED Cr Angas

That Council endorses the permanent change to Wednesday open hours at Nuriootpa Library starting 1 February 2025 to:

- a. 9am to 8pm on one Wednesday each month, and
- b. 9am to 5pm on all other Wednesdays.

SECONDED Cr Evans**CARRIED 2022-26/600****PURPOSE**

To seek Council endorsement to change the Barossa Library pattern of opening hours on Wednesday evenings.

REPORTBackground

The 2022 Library Service Review included a recommendation to change Nuriootpa Library to be open from 9am to 7pm each Wednesday night (before this it was open 9am to 5.30pm) to enable community members to access library services after usual business hours. This change was prompted by community feedback and the night was selected to meet operational requirements and general knowledge of other activities available in the wider community on that night.

Introduction

Late opening (to 7pm) of Nuriootpa Library was introduced in November 2022. In a four-week rotation, activities have included an adult art class, a children's program (process art class or bedtime storytime) and a 1:1 local history help program. The fourth Wednesday has not had a program scheduled.

Discussion

In the 2023/2024 financial year the average number of library attendees from 5pm to 7pm on Wednesday evenings was 14. This rose to 24 on evenings a library program was delivered, and fell to 8 on evenings with no scheduled program.

To build on the success of Wednesday program nights we propose changing the hours, whereby the Nuriootpa Library is only open late only on one Wednesday each month, and increasing this to being open to 8pm (rather than 7pm). A minimum of one child and one adult program will be delivered that evening, and will be accompanied by promotions encouraging community members to come in to borrow and return collections items and obtain reading advice. The later opening will allow for adult programs to begin at 6pm (rather than 5pm), making it easier to attend after work.

The savings by only opening once a month will be re-directed into ensuring the Wednesday night programs provide for a better experience for our customers and worthwhile for all involved.

Programming for the evening will promote wellbeing and provide opportunities for social connection. Examples are introductory skill-based workshops for adults, teens and/or children, story and play sessions for young children, robotics and digital literacy workshops, and history help. Program content will be informed by the Wellbeing Plan data and feedback from community members. It is anticipated that combining the programs into one evening will provide a more vibrant, inviting library space and encourage casual visitation and social connection.

Summary and Conclusion

It is recommended that Elected Members endorse the change in opening hours of Barossa Library to open from 9am to 8pm on one Wednesday each month, and 9am to 5pm on all other Wednesdays.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislative Requirements

Libraries Act 1982

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONSFinancial

Currently over a four-week period the library is open 8 hours on Wednesday evenings (4 x 5pm to 7pm) staffed by a casual Level 1 library team member, and a permanent member of staff. The latter adjusts their hours to start later that morning, so the only additional salary cost for that staff member is loading for 5.30-7pm.

In the proposed model, the library will be open 3 hours on Wednesday evenings over a four-week period (1x 5pm to 8pm). This will be staffed by two casual Level 1 library team members, and 2 permanent members of staff (only additional salary cost is loading for 5.30-8pm).

The reduction of two casual staff hours per four-week period will be utilised by them starting at 4pm on Wednesday evenings to allow permanent staff time for program preparation.

There will be a nominal decrease in consumable costs (e.g. lighting, heating/cooling) associated with the library being open 5 fewer hours over a four-week period.

COMMUNITY ENGAGEMENT

This slight reduction in opening hours will have minimal impact on the community due to the current lack of library patronage at that time. Community members will be informed of the change via social media, printed material and Council/Library websites. A community consultation is not advised.

7.4.4 REQUEST FOR FUNDING - LUHR'S COTTAGE PRESERVATION SOCIETY INC. - DIGITIZE THE BAROSSA NEWS PROJECT
24/111225

MOVED Cr de Vries

That Council:

- (1) Endorses the request for funding support for the Luhrs Cottage Preservation Society Inc. 'Digitize the Barossa News' Project.
- (2) Approves a budget variance of up to \$5,000.00 to support the project.
- (3) Should funding be approved, require Luhrs Cottage Preservation Society Inc. to appropriately acknowledge The Barossa Council as a funding source for the project through social media, signage, website, and promotional material.

SECONDED Cr Barrett

CARRIED 2022-26/601

PURPOSE

To consider a request for financial support from Luhrs Cottage Preservation Society Inc., to assist with the 'Digitize the Barossa News' Project.

REPORT

Background

Luhrs Cottage Preservation Society Inc. submitted an application for funding (\$5,000.00) to Round One of the Community Assistance Scheme Committee to assist with the "Digitize the Barossa News" Project. The application forms Attachment 1.

The proposed project is a joint project by the Barossa Heritage Network of which Luhrs Cottage is a participant.

The project is supported by the Barossa, Light, Gawler and Mid Murray Heritage Network which is a group of twenty local historical groups and includes business units from three local Councils – the Gawler Cultural Heritage Centre, the Barossa Library and the Light Visitor Information Centre.

The Barossa News was a weekly newspaper published in Tanunda, and was established in 1908 by John Birdseye Cant, a West Australian printer and newspaperman. Initially just 500 copies were printed, but after a few years the circulation had risen to 2,500.

It was the first English newspaper to provide significant local news coverage to the region including Angaston, Tanunda, Truro, Nuriootpa, Greenock, Stockwell, Keyneton, Moculta, Eden Valley and Murray Flats District. The newspaper was printed each Saturday and initially sold for one penny.

The newspaper has been microfilmed and the project aims to have it digitized at the State Library of South Australia and added to Trove. Electronic access to this archive will broaden the understanding and complexity of the Barossa's multicultural community and the impacts of the events such as both the World Wars had on the community.

Introduction

Following the review of the Community Grant Application at the meeting of the Community Assistance Scheme Committee held on 19 November 2024, the Committee resolved to refer the Application to Council for consideration, as it was felt that this was a more appropriate avenue for the Application, and that opportunities may be possible for a joint collaboration with Council's Library Services.

The resolution is included below:

MOVED Cr Angas

That Community Assistance Scheme Committee refers the Application for funding to Council for decision, to be considered at the meeting of Council to be held 17 December 2024.

SECONDED Cr de Vries

CARRIED CA 2022-26/67

Discussion

Since the advent of Trove in 2009 most Australian newspapers from 1803 to 1954 are freely available for historians and interested community members to access online.

Currently there is no local newspaper version on Trove for the period 1908 to 1919, a key gap in time which was a period that saw significant changes.

The Barossa News documented the challenge to social cohesion that arose during both World Wars when anti-German sentiment saw the closing of Lutheran Schools and the renaming of towns with German names.

Summary and Conclusion

The total cost of the project has been quoted as \$20,189.00 At the time of writing, Luhrs Cottage Preservation Society Inc. have raised approximately \$3,250 via Go Fund Me, and have also applied for a FRRR grant of \$10,000.00 to assist with the project.

The project can be completed in stages as funding allows.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Community Grant Application - Luhrs Cottage Preservation Society Inc - Redacted - 5 November 2024 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

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

Legislative Requirements

Local Government Act 2009

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

As per the report.

COMMUNITY ENGAGEMENT

Not required.

**7.4.5 REQUEST FOR REVOCATION OF COMMUNITY LAND - LOT 8 GEORGE STREET
WILLIAMSTOWN
24/111637**

MOVED Cr Hurn

That Council:

- (1) Authorise the commencement of a Community Land revocation process pursuant to Section 194 of the *Local Government Act 1999* in respect of Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967 on condition all costs associated with the revocation process shall be borne by the applicant.
- (2) Authorise the Chief Executive Officer to remove rights of way over Allotment 9, George Street, Williamstown post land division approval.
- (3) Agree to transfer the land, subject to land revocation being approved, to the current landowner as the only possible landowner that could purchase the land, due to it being land locked and that the land shall be transferred in support of the land development proceeding, and not until land division approval is achieved.

SECONDED Cr Angas

CARRIED 2022-26/602

PURPOSE

To present a request from NEPCO Group Pty Ltd to commence a revocation of community land process applying to a land-locked reserve, formally described as Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967, at George Street, Williamstown and request to relocate and/or remove rights of way over Allotment 9, George Street, Williamstown.

REPORT

Background

Allotment 8 was created in 1997 and the Minutes of The Barossa Council Advisory Committee, dated 23 December 1997, indicate that *"This land was acquired as open space when the allotments on George Street were developed and was taken in this portion as part of a larger Reserve to be created when other land in this locality is developed"*. The recommendation adopted in the Minutes was *"That the Reserve be Retained"*.

Introduction

The applicant, NEPCO Group Pty Ltd, have requested Council support to commence a revocation of community land process applying to a land-locked reserve, described as Allotment 8, Certificate of Title Volume 5532 Folio 961, Deposited Plan 15967, at George Street, Williamstown and request to relocate and/or remove rights of way over Allotment 9, George Street, Williamstown.

A copy of the request is contained in Attachment 1.

The request is tied with a proposed land division to develop the vacant site into 52 residential allotments, together with proposed public road and reserves. This land is Zoned Township Neighbourhood and represents the last remaining large undeveloped land parcel in Williamstown.

A copy of the plan of division is contained in Attachment 2.

The location of the existing reserve, measuring 22m x 25m (550m² in total), can be seen on the plan of new division and the reserve is proposed to be realigned with other reserve land under the land division, subject to development approval and approval under Section 194 of the *Local Government Act 1999*.

The request seeks that new reserves proposed within the land division are exchanged for the existing Allotment 8, which is located such that it will conflict with the proposed alignment of a public road. The applicant advises the land division is difficult to design without relocating the reserve land. The applicant proposes that the land division will provide reserve allocation in excess of what is required by Section 198 of the *Planning, Development & Infrastructure Act 2016* of 12.5%, such that financial consideration in support of the reserve exchange in their view should not be applicable. Ultimately, this consideration will be for Council to determine.

Discussion

Given that Allotment 8 is held as community land, Council needs to comply with the provisions of Section 194 of the *Local Government Act 1999* and undertake the necessary community consultation and consider any representations made before proceeding. If Council then proceeds with the revocation, it must first seek the approval of the Minister for Local Government and if that is approved, then make a resolution to revoke the community land status. The resulting parcel of land can then be created and Council will need to consider whether it wishes to accept the proposed exchange of reserves as outlined, pursuant to The Barossa Council Disposal of Land and Other Assets Policy. The process will take upwards of 6 months.

The applicant submits that new reserves proposed by the land division in exchange for Allotment 8 will fulfil the intent of the minutes of The Barossa Council Advisory Committee, 1997 in that a larger reserve will be created when the land is developed. The present Allotment 8 is of little current value, due to it being land locked by the

surrounding Allotment 9 which is to be developed. A land exchange to facilitate the provision of a larger area of reserve will be far more beneficial for community use.

The applicant also seeks support to alter and/or remove rights of way over Allotment 9, George Street, Williamstown, which presently extend from George Street up to the reserve. The right of way is identified on the Certificate of Title for Allotment 9 and is 15m wide. Stage 1 of the land division will involve construction of a public road in alignment with portion of the right of way. The applicant would seek that the right of way is extinguished where duplicated by the new road and the balance of the right of way would remain until such time as the land exchange were to occur.

Summary and Conclusion

The land division is proposed upon the last remaining large undeveloped parcel of zoned land in Williamstown. The existing reserve was designated for provision of future open space and in its current configuration, is of little current value. The revocation of the community land classification will enable the applicant to proceed with a proposed land division that will incorporate new open space and the applicant proposes an exchange in reserves to fulfil the intent of the minutes of The Barossa Council Advisory Committee, 1997.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Application for Revocation of Community Land - Lot 8 George Street Williamstown 
- Attachment 2 Development Application 24039820 - Proposed Plan of Division 

Supporting references

[Guidance Paper No. 5 - Community Land Revocations](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Business and Employment

Goal

- 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.

Strategies

- 11.2 Support proactive population growth that is incremental, well managed and is backed up by local planning and development opportunities.

Legislative Requirements

Local Government Act 1999

Planning, Development & Infrastructure Act 2016

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

In this case, the costs associated with the land revocation process shall be covered by the applicant. In addition, Council will need to resolve whether to support the proposed land disposal as outlined in the form of a land exchange, should the community land classification be revoked.

COMMUNITY ENGAGEMENT

Following completion of a report on the proposal prepared containing the matters prescribed by Section 194(2)(a) of the *Local Government Act 1999*, Council must undertake public consultation on the proposal in accordance with the relevant steps set out in its public consultation policy.

7.4.6 DEPARTMENT OF HUMAN SERVICES COMMUNITY TRANSPORT SA TENDER 24/112058

MOVED Cr Preece

That Council:

- (1) Proceed with the Tender for Barossa and Light Regions Only; submitting a tender limited to the Barossa and Light regions aligns with existing operational capacity and mitigates risks related to unknown demand in Gawler and Adelaide Plains. This approach ensures continued service to current clients without overstressing resources.
- (2) Continue to provide transport for under-65 residents attending cancer-related appointments. This targeted service would ensure the continuity of a critical community benefit while avoiding the significant resource demands of a broader service expansion.

SECONDED Cr Hurn

CARRIED 2022-26/603

PURPOSE

To seek a decision on the open tender for the Department of Human Services Community Transport Program. The tender submission deadline is January 17, 2025. The Barossa Council's current contract, originally set to conclude in February 2025, has been extended until August 2025.

REPORT

Background

Community Transport and Home Assistance (CTHA) under Community Services are funded to provide services under two separate funding agreements:

Department of Human Services (DHS) (State Government Funding):

The Council operates under a funding contract with the Department of Human Services (DHS) valued at approximately \$90,000 and is in effect through February 2025*. This contract is for the Council to provide transport either directly in a vehicle with a worker or volunteer or indirectly by utilising vouchers or referral to another transport service to support South Australians under 65 who are experiencing transport disadvantages or cannot access existing transport options.

**Council has received confirmation that the DHS funding contract will be extended until August 31, 2025, to facilitate the successful tender applicant's transition into the new program.*

Department of Health and Aged Care (DoHAC) (Commonwealth Funding):

The Department of Health and Aged Care's Commonwealth Home Support Program is valued at approximately \$580,000 through to June 2025 to provide home assistance, social support, and community transport to our cohort of over 65 years and 50 years of Aboriginal and Torres Strait Islander people.

The current fleet includes 10 vehicles: 8 cars and 2 buses, with two of the cars provided by Barossa Area Fundraisers for Cancer to support cancer-related appointments.

Although this report is focused on the DHS (Under 65) program tender, it is important to note that our current operational model does not separate the two programs. This means that state and federally funded clients are transported in the same vehicles for administrative and operation efficiency.

Introduction

The DHS program funds transport for under-65 residents experiencing transport disadvantages, complementing federally funded services for seniors. The Council currently delivers 950 one-way trips annually across Barossa and Light regions, leveraging a shared fleet and volunteer resources for operational efficiency. Proposed tender changes include an expanded service area to Adelaide Plains and Gawler, likely presenting operational and financial challenges.

Discussion**New Tender Requirements:**

The base funding for the DHS program has been increased to \$128,000 annually, representing a \$40,000 increase compared to the prior year.

- The due date of the tender is January 17, 2025.
- The tender will expand service area boundaries to align with state requirements.
- The current service area will be expanded to include the Adelaide Plains and Gawler regions.

- CTSA will be integrated into the Community Connections Program, strongly focusing on social connection transport within this framework.
- CTSA must achieve measurable outcomes per the Participant Level Theory of Change for its participants and volunteers.
- CTSA must achieve system-level outcomes as part of the DHS System Level Theory of Change.

Council staff have engaged in discussions with DHS regarding the service area change and have received confirmation that Council may choose to submit tenders only for our current regions when completing the application.

Summary and Conclusion

This report provides an analysis of The Barossa Council's engagement in the DHS Community Transport Program and the potential implications of the upcoming tender process. The proposed changes in the new tender, including expanded service areas and increased funding, present both opportunities and challenges. While the funding increase to \$128,000 annually is notable, the operational and financial risks associated with expanding to the Adelaide Plains and Gawler regions are significant, given the uncertainty of demand and resource requirements.

This report highlights the importance of maintaining transport services for under-65 residents who face transport disadvantages, given the limited availability of alternative options. Reputational risks of reducing services, coupled with operational pressures of aligning volunteer and fleet resources to expanded service areas, underscore the need for a focused and sustainable approach.

Recommendation

Based on this evaluation, it is recommended that The Barossa Council retender solely for the current Barossa and Light regions. This approach aligns with the Council's operational capacity, maintains service continuity for existing clients, and mitigates risks associated with unknown demand in Gawler and Adelaide Plains.

Additionally, continuing cancer transport services for under-65 residents ensures ongoing support for a critical community need while maintaining relationships with key community stakeholders.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	P353 Delivery of the Community Transport SA Program - Part A ITS Procurement Process Guidelines 
Attachment 2	P353 Delivery of the Community Transport SA Program - Part B - Attachment 1 - CTSA Program Guidelines 
Attachment 3	P353 Delivery of the Community Transport SA Program - Part B ITS Specification 
Attachment 4	P353 Delivery of the Community Transport SA Program - Part C(a) NFP Sector Funded Services Agreement example 
Attachment 5	P353 Delivery of the Community Transport SA Program - Part C(b) Standard Goods and Services Agreement example 
Attachment 6	P353 Delivery of the Community Transport SA Program - Part D ITS Supplier Response Form 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Health and Wellbeing

Goal

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

Strategies

- 9.1 Work towards combating loneliness and social isolation and ensuring that people enjoy a sense of inclusion and feel connected.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

The Community Services team has reviewed the previous and current DHS Community Transport Program tender. This evaluation identified considerations to guide decision-making regarding the upcoming tender process. The analysis highlights potential risks and opportunities associated with the proposed service expansions and operational adjustments required under the new tender framework.

Reputational Risks

- Impact on Under-65 Clients: Reduced accessibility to transport services could significantly impact under-65 clients who rely on these services due to limited public transport and other provider options.
- Community Trust: Reducing transport options could harm public perception of Council's commitment to vulnerable groups, potentially damaging trust and relationships built with the community.

Operational Risks

- Service Area Expansion:
 - Adelaide Plains and Gawler: While Adelaide Plains has experience with the DHS program, Gawler does not, introducing uncertainty in service demand and operational needs.
 - Resource Forecasting: Unknown service demand in the new areas complicates forecasting and planning for required resources.
- Operational Capacity Adjustments:
 - Expanding services will strain current fleet, staff, and scheduling resources, requiring significant operational adjustments.

- Volunteer Services Alignment:
 - Current volunteer services are structured for the Barossa and Light regions. Expansion to include Barossa, Light, and Lower North councils introduce logistical challenges.
 - Managing a larger volunteer workforce will require additional training, coordination, and supervision resources, potentially increasing service levels for both CTHA and Volunteer Services

COMMUNITY ENGAGEMENT

Not applicable

7.4.7 BAROSSA ASSESSMENT PANEL - EXPRESSIONS OF INTEREST - INDEPENDENT PANEL MEMBERS
24/109248

MOVED Cr de Vries

That Council:

- (1) Adopts the Barossa Assessment Panel Terms of Reference as contained within Attachment 1.
- (2) Appoints the following Independent Members, who hold or will hold the required Planning Level 2 Accreditation, to the Barossa Assessment Panel, pursuant to Section 83 of the *Planning, Development & Infrastructure Act 2016*, for the period 1 January 2025 to 31 December 2016 unless further reviewed or changed:

Mr Geoff Parsons as the Presiding Member
 Mr Graham Burns as Independent Member
 Ms Rachel Knuckey as Independent Member
 Ms Sarah Elding as Independent Member

Mr Peter O'Dwyer as the Deputy Independent Member

SECONDED Cr Angas

CARRIED 2022-26/604

PURPOSE

To appoint four Independent Members (including one as the Presiding Member) and a Deputy Independent Member to the Barossa Assessment Panel (BAP) for the new term commencing 1 January 2025 until 31 December 2026 and to adopt amended Terms of Reference for the BAP.

REPORT

Background

The Barossa Assessment Panel is appointed by Council (a designated authority) pursuant to Section 83(1) of the *Planning, Development and Infrastructure Act 2016* (The PDI Act), to carry out its duties and functions as a relevant authority pursuant to Section 83 of the PDI Act.

The PDI Act provides that the membership must comprise not more than five members, only one of which may be a member of a Council. Cr Jane Evans has been appointed as the Council Member for the term of Council, and Cr Tony Hurn as the Deputy Council, also for the term of Council.

At the 20 August 2024 Council meeting, Council resolved to:

1. *Authorise the Director, Development and Community Services to advertise an Expression of Interest for appointment of members to the Barossa Assessment Panel, pursuant to the Planning, Development and Infrastructure Act 2016 for the next term of the Barossa Assessment Panel, 1 January 2025 – 31 December 2026, having regard to the need for accreditation (or eligibility for accreditation) pursuant to this legislation.*
2. *Appoints a selection panel for the purpose of conducting interviews of candidates for independent membership of the Barossa Assessment Panel, comprising the Director, Development and Community Services, Manager – Development Services, the Mayor, Crs de Vries, Angas and Evans and to make recommendation to the Council regarding the suitability of candidates for appointment to the Barossa Assessment Panel for the new term.*
3. *Sets the remuneration fee for members of the Barossa Assessment Panel (excluding the Council members) for the period 1 January 2025 – 31 December 2026 as follows:*

Presiding Member -	\$550 per meeting
Members -	\$400 per meeting

Introduction

Council must appoint an Assessment Panel pursuant to Section 83 of the PDI Act. A feature of the Act is that all independent members of Assessment Panels must hold Level 2 accreditation. Council Members who are members of an Assessment Panel are exempt from accreditation.

Discussion

Council commenced an expression of interest process for independent members of the BAP between 4 September and 25 September 2024. Council received seven applications, of which three were from incumbent members.

All candidates either have current Level 2 accreditation or will have Level 2 accreditation before commencement of the term. Based on the qualifications and experience of the candidates, all would be suitable for appointment.

Mr Geoff Parsons and Mr Graham Burns were the only candidates that applied for the position of Presiding Member.

The selection panel held interviews with all of the candidates. One of the candidates, Mr Grant Hewitt, following interview, has been appointed as the Senior Assessment

Officer – Building for The Barossa Council, such that he has withdrawn from the selection process.

Distributed under separate cover is a copy of the candidates expressions of interest as well as a summary table containing comments on the candidates suitability for appointment to the Panel and the Selection Panel's comments.

The PDI Act does not require there to be a gender balance on the Panel. However, the Terms of Reference, dated 28 November 2022, states:

3.5 At least one (1) Member of the Panel must be a woman and at least one (1) Member a man, and should, insofar as is reasonably practicable, ensure that the Panel consists of equal numbers of men and women.

Three of the seven candidates are female. The Selection Panel recommends appointment of two female members, Ms Rachel Knuckey and Ms Sarah Elding. Noting the current incumbent Council Member is Cr Jane Evans, the Panel will be comprised of three female members, which satisfies Clause 3.5 above.

The Selection Panel recommends the Council appoint:

- Mr Geoff Parsons as the Presiding Member
- Mr Graham Burns as an Independent Member
- Ms Rachel Knuckey as an Independent Member
- Ms Sarah Elding as an Independent Member

- Mr Peter O'Dwyer as the Deputy Independent Member

Upon appointment, the new Panel will meet for the first time on 22 January 2025.

The appointment of Independent Members for the new term also provides opportunity to review the Terms of Reference, which were last considered by Council on 28 November 2022.

An amended Terms of Reference marked in track changes is presented for the Council's consideration within Attachment 1. Amendments are proposed to the Terms of Reference as follows:

- Insert a New Clause 2 'Functions' to make clear the function of the Panel, including Clause 2.2 *"To provide advice and reports to the Council as it thinks fit on trends, issues and other matters relating to planning or development that have become apparent or arisen through its assessment of applications under the Act"*.
- Clarification within Clause 3.4 that the Panel may appoint a standing Deputy Presiding Member at its discretion.
- New Clause 5.1.3 that members acknowledge and agree to the recording of meetings of the Barossa Assessment Panel as a condition of appointment.
- New Clause 12 that requires the Panel to report to Council on an annual basis, detailing issues for consideration by Council. The report shall include advice on trends, issues and other matters relating to planning or development that have become apparent or arisen through the Panel's assessment of applications under the Act.

Summary and Conclusion

Council is required to appoint members to the BAP under the *Planning, Development and Infrastructure Act 2016* and members must hold Planning Level 2 accreditation under the State Government's Accredited Professionals Scheme. Following an expression of interest, Council received seven applications, one of whom withdrew following the interview process. An interview process was undertaken by the Selection Panel and the Selection Panel has provided a recommendation to appoint a Presiding Member, three Independent Members and a Deputy Independent Member. Amendments to the Terms of Reference are also proposed.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Assessment Panel - Terms of Reference - December 2024 

Supporting references

[Assessment panels | PlanSA](#)

[Accredited professionals scheme | PlanSA](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Infrastructure



Business and Employment

Goal

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

Strategies

- 6.2 Continue to ensure that infrastructure considers place-making is inclusive and accessible for all.
- 11.2 Support proactive population growth that is incremental, well managed and is backed up by local planning and development opportunities.

Corporate Plan

- CS10 Economic Development - Facilitating the economic well-being and quality of life of the local businesses and the community
- CS15 Land Use and Development - Assessment of development applications for construction, alteration or demolition of buildings, and the division of land and changes in land use.

Legislative Requirements

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Council is responsible for the costs and other liabilities associated with the activities of the BAP. The BAP operates in accordance with a budget allocation to account for remuneration fees for independent members which Council resolved to set at the meeting of 20 August 2024 for the period 1 January 2025 – 31 December 2026 as \$550 per meeting for the Presiding Member and \$400 per meeting for Independent Members.

COMMUNITY ENGAGEMENT

Nil

8. CONFIDENTIAL REPORTS

8.1 Office of the Mayor and CEO

8.1.1 SUPREME COURT CASE MATTER - QUARTERLY UPDATE 24/110110

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that it is information that is related to the Supreme Court Case between Councils and TTEG.

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, Acting Director Corporate Services, Strategy and 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)(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 information that is related to the Supreme Court Case between Councils and TTEG.

SECONDED Cr Greatwich

CARRIED 2022-26/605

The meeting moved into confidence at 6.14pm

MOVED Cr Preece

That Council:

- (1) Council resolution.
- (2) Having considered this matter in confidence under Sections 90(2) and 90(3)(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 17 December 2024 in relation to item 8.1.1 Supreme Court Case Matter - Quarterly Update be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Greatwich

CARRIED CO 2022-26/606

Resumption of open council meeting at 6.16pm

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 28 January 2025 at 5.30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 6.16pm.

Confirmed at Council Meeting on 28 January 2025

Date:.....

Mayor:.....