MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 15 April 2025 commencing at 5.30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

M I N U T E S

Welcome and Acknowledgement of Country by Mayor Bim Lange declared the meeting open at 5.32pm.

1. ATTENDANCE RECORD

1.1 Members Present

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

Apologies

Cr John Angas

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 18 March 2025 at 5.30pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Barrett **CARRIED 2022-26/662**

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 de Vries

That the Mayor's report be received.

SECONDED Cr Evans **CARRIED 2022-26/663**

5. COUNCILLORS' REPORTS

Nil

6. MATTERS FOR INFORMATION

6.1 Gawler River Floodplain Management Authority - Minutes of Meeting

6.2 Williamstown and Lyndoch Landcare Group Inc - Minutes of Meeting

6.3 Trees for Life - Bush for Life Report

6.4 Greater Adelaide Regional Plan Update

6.5 Proposed Realignment of the Environment and Food Production Area Boundary

6.6 Representation Review 2024-25 - Final Determination

6.7 Development Applications Report - Quarter 1 2025

6.8 Final Review Report - 2022 Council Elections

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1 CEO ANNUAL PERFORMACE REVIEW 2025
25/24959

Pursuant to Section 120(1) of the *Local Government Act 1999,* Mr Martin McCarthy as Chief Executive Officer, disclosed a Conflict of Interest in the matter 7.1.1 – CEO Annual Performance Review 2025 as it relates to his employment contract.

Mr McCarthy left the meeting at 5.38pm

Cr Jess Greatwich entered the meeting at 5.38pm

MOVED Cr de Vries

That Council:

(1) Appoints Mayor Lange, Deputy Mayor Greatwich and Cr Hurn and Cr Schilling to the Chief Executive Officer Performance Review Committee for the conduct of the 2025 process.

(2) Allocate a budget of up to $15,000 for the purpose of executing the Committee Terms of Reference including the external review of the Chief Executive Officers performance and remuneration.

SECONDED Cr Evans **CARRIED 2022-26/664**

PURPOSE

The CEO Review Committee is responsible for matters that relate to the CEO's employment and performance. This report is for Council to appoint two Elected Member representatives to the Chief Executive Officer Performance Review Committee for the 2025 annual review.

To approve the allocation of budget to enable the Committee to conduct the annual review of the Chief Executive Officer's performance and remuneration as required in accordance with the Contract of Employment and the Section 102, *Local Government Act 1999*.

REPORT

<u>*Introduction*</u>
The *Local Government Act 1999*, along with the Chief Executive Officer's Contract of Employment requires that Council is responsible to review the performance, remuneration and management of the Chief Executive Officer.

<u>*Background*</u>
The previous three years, Council elected to undertake the review process engaging a relevant external agency to undertake the review, utilising external expertise of a HR management consultancy, as required by the *Local Government Act 1999*.

Discussion

As part of the contract of employment with the CEO, the CEO Performance Review Committee is required to conduct the CEO's performance and remuneration reviews. As per Council resolution CO 2022-26/349, the Terms of Reference have been updated to reflect the number of Elected Members that can be appointed to the Committee and presented to you for endorsement as at Attachment 1.

Changes to *The Local Government Act 1999* require that a Qualified Independent Member be appointed to the Committee. Please see below for definition as per the *Local Government Act 1999,* Section 102A(3) of Qualified Independent Member:

102A—Chief executive officer—performance review

(1) A council must review the performance of its chief executive officer—

(a) at least once in each year that the chief executive officer holds office as chief executive officer; and

(b) if relevant, before reappointment of the chief executive officer.

(2) The council must obtain and consider the advice of a qualified independent person on a review under subsection (1).

(3) In this section—

qualified independent person means a person who is—

(a) not a member or employee of the council; and

(b) determined by the council to have appropriate qualifications or experience in human resource management.

The Committee's Terms of Reference is for the purpose of not only undertaking the CEO Performance Review but formalise the terms of the Committee's operation, and to determine the time and frequency of meetings, prepare and distribution agendas, reports and minutes to facility transparency and accountability of the process and to review and make recommendations to Council.

The Representatives appointed to the Committee are contained within in the Terms of Reference and outlined below:

4 MEMBERSHIP

4.1 Members of the Committee shall be appointed by Council and shall comprise of six (5) Members, unless otherwise agreed with the CEO, as follows:

4.3.1 Mayor;
4.3.2 Deputy Mayor;
4.3.3 Two (2) Elected Members; and
4.3.4 One (1) Qualified Independent Member; (a person who is:

- not an Elected Member or Employee of Council; and
- determined by Council to have appropriate qualifications or experience in human resource management)

At the finalisation of the Committee's review, they will provide Council with a full report of review outcomes, assess and make decisions. As Mayor, I may also provide a summary of the process and performance findings.

If more nominations are received than the number of positions to the Committee, a ballot will be conducted as per Council's Code of Practice for Meeting Procedures.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS10 People and Culture - Support to Managers and employees across the full employee lifecycle, including attraction, recruitment and selection, induction and on-boarding, training and performance development, performance management and offboarding.

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 102, Local Government Act 1999.

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Nil

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Nil

3. **FINANCIAL**
   Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Allocating a budget of up to $15,000 for the purpose of executing the Committee Terms of Reference including the external review of the Chief Executive Officers performance and remuneration to engage a relevant external agency to undertake the review, utilising external expertise of a HR management consultancy.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

The Committee is established for the purpose of reviewing and effectively managing the Chief Executive Officer's performance and conduct, reviewing and providing advice to Council on setting the remuneration and conditions of employment for the Chief Executive Officer; and performing the functions of a selection panel pursuant to Section 98(4) of the Local Government Act 1999.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

This decision will ensure Council are meeting requirements under section 102A of the *Local Government Act 1999* ensuring a Chief Executive Officer – performance review is undertaken at least once in each year.

COMMUNITY ENGAGEMENT

Not required.

7.1.2 REVISION OF THE LAND DIVISION GUIDELINES
25/24970

MOVED Cr de Vries

That Council having reviewed the policy settings approve The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division as per (Attachment 1) and Appendix 1: Road Cross Sections (Attachment 2).

SECONDED Cr Hurn **CARRIED 2022-26/665**

PURPOSE

To seek endorsement of The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division as updated.

REPORT

Background
The Land Division Guidelines establish the desired minimum criteria to assist developers and applicants to ensure orderly and economic land supply, facilitating planning and design work and discussions with the council before development applications.

The review process for the purposes of the Concordia development was utilised as an opportunity to ensure the guidelines appropriately reflected Council's future vision for growth in the region. The revision reflects that we will strive to advocate and support a commitment to best practice, quality design and the protection and enhancement of the environmental, landscape, cultural, lifestyle and heritage values of the Barossa region.

Introduction
The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division have been reviewed to reflect current legislated requirements, industry best practice and to drive delivery of council's desired outcomes for future development in the Council area.

Discussion
The Land Division Guidelines (Revision 1.0) were previously endorsed by Council on 18 July 2017. Since the original endorsement, several minor revisions have occurred including incorporation of legislative change through the *Planning, Development & Infrastructure Act 2016* in March 2021 (Revision 2.0) and minor amendments in May 2024 (Revision 3.0).

As per Attachment 1, the revised version constitutes an extensive review of the original guidelines. As such, most sections of the Guidelines have been edited in some regard, along with formatting throughout, with the inclusion of new sections (e.g. Section 12: Council Land, Appendix 1: Road Cross Sections). For ease of review, the proposed revised guidelines (Attachment 1) can be read in parallel (side by side) with the original version (Attachment 3) on a page-by-page basis.

The review of technical content in each section of the guideline was undertaken by both the Development Services and Infrastructure and Environmental teams as appropriate to ensure alignment across the organisation, with consultant input through Town Founders Pty Ltd.

It is noted that the State Government is investigating the development of standardised infrastructure/engineering guidelines for growth areas in South Australia as part of the Premier's Housing Roadmap. Engineering and Development Staff have been engaged in early initiation discussions as a key stakeholder given the development of Concordia Growth Area, along with members of other growth Councils. However, further progression of the guidelines and timing is still to be clearly articulated to Council. As such, it is considered prudent to review Council guidelines so that these may inform the State Government's activity or be ready for use in the event the State Government guidelines are still in development during pre-lodgement discussions and/or at the time of rezoning.

The reviewed guideline acknowledges and continues to allow for localised specific characteristics across the separate communities of the Council area and provides adequate flexibility for continuation of these elements if desired.

Summary and Conclusion
The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division has been extensively reviewed to align Council with current best practice and prepare for future growth.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Revision 4.0 - The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division.
Attachment 2	Appendix 1 - Road Cross Sections.
Attachment 3	Revision 3.0 - The Standards and Requirements for the Design, Construction and Development of Infrastructure Assets - Guidelines for undertaking Land Division.

Supporting references
Link below to Media Release on introduction of statewide Engineering and Design standards announcement.

https://www.premier.sa.gov.au/media-releases/news-archive/single-engineering-standards-to-remove-housing-development-speedbump

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome
- Our places are planned, managed, and sustainable.

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
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services,

including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Endorsement of the Land Division Guidelines as written reduces risk related to delivery of future council managed physical assets, including roads and civil infrastructure included in a land division.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Endorsement of the Land Division Guidelines as written reduces risk related environmental impacts including stormwater, native vegetation, waste, hazardous materials and pollution which have the potential to occur through a land division.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Nil

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Endorsement of the Land Division Guidelines as written reduces risk to Councils reputation through provision of guidelines that meet current industry best practice and improved customer experience through ease of use for stakeholders.

COMMUNITY ENGAGEMENT

Due to the technical nature and legislative requirements contained in the guidelines, it is not deemed prudent to conduct community consultation. The revision covers updates to mandatory requirements.

Once endorsed, it will be updated to reflect the current version on the Council website.

The guidelines will only be applied to applications received after the date of endorsement.

7.1.3 REQUEST FUNDS FROM TANUNDA TOWN RESERVE - RSL SIGNAGE
25/25507

MOVED Cr Hurn

That Council:

(1) Approve the allocation of $1,000 from the Tanunda Town Reserve as requested at Attachment 1, to be invoiced to Council by the Tanunda RSL.

(2) Support the investigation into the replacement and repair of the Tanunda Heritage Trail markers to be funded from the Tanunda Town Reserve, pending final approval from Council in due course.

SECONDED Cr Lane **CARRIED 2022-26/666**

PURPOSE

To consider a request to use funds from the Tanunda Town Reserve to support signage at the Tanunda RSL.

REPORT

Background and Introduction
As outlined in the March meeting of Council, agenda item 7.1.1, various reserves have been held for some years and Council has determined to distribute or allocate funds to specific projects or surviving groups.

One group however did not have a natural successor, the Tanunda Town Committee. I have been liaising with a prior Chair of the Committee and former Councillor who has made two suggestions for its use.

Discussion
The first request for utilisation of $1,000 of these funds from past members of the Tanunda Town Committee who oversaw the Tanunda Town Reserve Fund is to support directional signed for the Tanunda RSL.

The second idea is the replacement or repair of the Tanunda Heritage Trail markers which are deteriorated and in need of funding. To give effect to this request a survey of markers and quotes will be necessary.

The request is aligned with the general improvement of services to the Tanunda Township and at officer level is supported.

The correspondence is at Attachment 1.

Summary
The requests are consistent with the desire of Council to distribute funding and close the accounts and are supportive of improvements for the Tanunda Township.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Correspondence

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- Our places are planned, managed, and sustainable.

Legislative Requirements
Section 123 of the Local Government Act

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Provides support to community service outcomes in heritage and place.

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Nil

3. **FINANCIAL**
   Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

   $1,000 funded from the Tanunda Town Committee Reserve. Will make no material impact to the operating budget outcomes or net financial liabilities.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Support community request and associated services.

COMMUNITY ENGAGEMENT

Nil required or recommended.

Pursuant to Section 73 of the *Local Government Act 1999,* Cr Preece disclosed a Conflict of Interest in the matter Item number 7.1.4 - Correspondence from Minister for Local Government - Adelaide Hills Council request to leave Gawler River Floodplain Management Authority as he is a Committee Member on GRFMA and advised the Chamber that he would leave the meeting.

Cr Preece left the meeting at 5.47pm

7.1.4 <u>CORRESPONDENCE FROM MINISTER FOR LOCAL GOVERNMENT - ADELAIDE HILLS COUNCIL REQUEST TO LEAVE GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY</u> 25/25508

MOVED Cr de Vries

That Council having reviewed the material from the Adelaide Hills Council:

(1) Note their analysis and concur with its conclusions, and authorise the Mayor to respond to the Minister that it has no objection to Adelaide Hills Council request to leave the Gawler River Floodplain Management Authority (GRFMA).

(2) Notwithstanding the Minister's decision, it be put to the Minister that an alternative model should be considered and put to Adelaide Hills Council and other constituent that would:
   a. Limit the extent of the current GRFMA to the prior agreed Bruce Eastick Dam only; and
   b. If determined necessary, a cross-government group be established to address risk and the business case for further stage 2 investment for flood mitigation on the North Para River from Gawler to the Gulf.

c. With the limited GRFMA being of the current six Councils and the alternative body be established with downstream Local Government entities, private sector and State Government to address the future risk mitigation and business case outcomes.

(3) Instruct the Chief Executive Officer to develop and review paper on the benefits, costs and risk of being a member of the GRFMA (in its current form) and consideration of The Barossa Councils future membership with this Authority to meet budget discussions for the 2026-27 financial year.

SECONDED Cr Troup **CARRIED 2022-26/667**

PURPOSE

To consider the Ministers correspondence and endorse a response on Adelaide Hills Council request to withdraw from the Gawler River Floodplain Management Authority.

REPORT

Background
Council is acutely aware that we are a foundation member of the Gawler River Floodplain Management Authority (GRFMA).

The Minister for Local Government the Hon Joe Szakacs has written to the Mayor seeking Councils comment on the application of Adelaide Hills Council (AHC) to withdraw from GRFMA. The correspondence is at Attachment 1.

Introduction
Whilst this matter is solely focussed on the AHC application, for over a decade The Barossa Council has had various conversations about the value, benefit, cost and true risks that are being mitigated, or Council is exposed to, through membership of the GRFMA.

There is one clear component of the membership which is not in doubt and that is no infrastructure funds or mitigation activities of the GRFMA have been dedicated to any works upstream of the Bruce Eastick dam.

Discussion
The AHC has undertaken assessment of its membership and that is best outlined in the documents attached at Attachment 2.

The information is clear and ultimately is a decision of AHC to make the application and the validity of the costs, benefits and risk is for them to determine. The effect of withdrawal of AHC will place additional costs upon the other 5 Councils based on the formula for cost distribution. With any withdrawal of a member it is assumed that a recasting of the existing Charter will be required.

Any review and rewrite of the Charter will again open up the structure for comment. Prior analysis done by Council under the last charter review suggested an alternative structure. The proposal was to limit the GRFMA to managing its existing infrastructure of the *current* Bruce Eastick dam and the processes of future flood mitigation and funding be determined through a different body, State or Local Government led, but not be the responsible delivery of new instructure. This is fundamentally based on the fact the possible future costs are way beyond what is affordable for the Councils, ongoing debate about the actual beneficiaries and the fact it has the capacity to consume the collective budgets and potentially make Council financially unsustainable. The State and Commonwealth need to be at the table, or preferably driving the future strategic needs. This is again suggested as a sound model to present to the Minister; it honours the past commitments made at the establishment of the GRFMA and removes the broader risk when GRFMA started to explore and plan for further downstream mitigation (be it through levies or raising the heigh of the Bruce Eastick dam) which is beyond the capacity of GRFMA and its constituent Councils.

Regardless of the position of Council and the Minister it is sound practice to review our position in such an organisation so that the current and future risks, costs and benefits are questioned, managed and reviewed. This is more so with such an Authority given the potential exposure to financial costs and loss associated with future proposed investments.

Summary and Conclusion
The Minister has sought Council comment on AHC withdrawal application from GRFMA. AHC has undertaken a process of assessment and determined its position. Councils view is now sought to inform a response to the Minister by Mayor Lange.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minister for Local Government Correspondence
Attachment 2 Adelaide Hills Council Correspondence and Analysis

Supporting references
Nil

Legislative Requirements
Section 43 and Clause 29(b) of Schedule 2 of the Local Government Act

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Nil, the current GRFMA provides no tangible services to The Barossa Council.

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

GRFMA strives to support management of risk to assets, economic and environment.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

There would be a annual financial impact of the costs of GRFMA being spread across 5 Councils. To provide a estimated quantum, if the 2025-26 budget was funded by the 5 remaining Councils instead of the six, the $36,469 in the draft budget, using a direct allocation equally across the remaining Councils the budget would need to increase to $43,763.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

GRFMA strives to support management of risk to assets, economic and environment.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

There is a exposure to reputation risk of being associated with and funding GRFMA and the future management of risk and financial cost and benefit.

COMMUNITY ENGAGEMENT

The Minister is engaging with Council for comment, it does not require nor is it recommended to undertaken community engagement.

Cr Preece returned to the meeting at 5.48pm

7.1.5 DRAFT OUTLINE CONCORDIA GROWTH AREA INFRASTRUCTURE SCHEME
25/26139

MOVED Cr Schilling

That Council having review the correspondence from State Government:

(1) Note the Draft Outline of the Concordia Growth Area Infrastructure Scheme.

(2) Having regard to the Draft Outline, authorise the correspondence from the Chief Executive Officer, including feedback and attachments as compiled by administrative staff, to enable a formal response to be provided by the deadline of midnight 16 April 2025.

(3) Authorise the Chief Executive Officer, or delegate, to make minor technical or typographical amendments to the correspondence.

SECONDED Cr de Vries **CARRIED 2022-26/668**

PURPOSE

To consider the correspondence from the Executive Director of the Growth Infrastructure and Coordination Unit within the Department for Housing and Urban Development and endorse a response which includes feedback on the Draft Outline of the Concordia Growth Area Infrastructure Scheme.

REPORT

Background
The State Government has communicated its intention to develop an Infrastructure Scheme to apply to the Concordia Growth Area, as part of the Concordia Code Amendment process. As a key stakeholder, Council have been invited to provide feedback on the Draft Outline of the Concordia Growth Area Infrastructure Scheme.

Introduction
The Draft Outline of the Infrastructure Scheme is intended to outline the land to be included within the Infrastructure Scheme, the reason that the scheme has been proposed, what infrastructure may be included in the future scheme, what investigations are being undertaken, proposed timing for developing the scheme, next steps and any other relevant information.

The State Government has communicated that the Draft Outline for the Infrastructure Scheme was developed to identify scopes of work and further investigations required to develop the funding arrangements that enable the infrastructure and work program. Within the correspondence from the Executive Director of the Growth Infrastructure and Coordination Unit within the Department for Housing and Urban Development, next steps and a link is provided to Frequently Asked Questions.

Discussion
Council staff, with input from Stimson Consulting, have reviewed and compiled feedback on the Draft Outline as per Attachment 1, which also includes the scheme outline. Council staff had previously been requested to provide feedback in response to an initial draft outline in February 2025 as per Attachment 2.

It is noted that upon review of the revised Draft Outline the latest iteration has been markedly reduced. There are still notable areas identified where Council is seeking further clarification and amendment. This includes reprioritisation of a number of interventions (e.g. roads) and inclusion of others (e.g. stormwater.)

It is noted that feedback on the scheme outline is provided, despite the traffic and stormwater infrastructure (and other service) investigations remaining unresolved in terms of schematic detail with the potential for gaps in assumed compared to final infrastructure requirements. Note the Concept Plan within the code amendment process and confirmation of policy to apply under the Code is also still not confirmed.

It is noted that Draft Outline has indicated further evolution of the interventions and components of the scheme, pending further investigations. However, details on the timing, cost and governance of these further investigations is unknown and has been requested.

The State Government has communicated that, once finalised, the draft outline will be Gazetted and published on PlanSA website. The state government will then appoint a Scheme Coordinator to oversee the development of the draft infrastructure scheme. This includes development of an infrastructure funding plan and integrated structure plan.

As noted by State Government, the mechanism by which the Planning and Design Code and the Infrastructure Scheme interrelate is still being resolved. This has been noted in the feedback provided.

Consultation on the draft Code Amendment is anticipated to occur by mid-2025.

Summary and Conclusion
The State Government has sought Council feedback on the Draft Outline of the Concordia Growth Area Scheme.

Return correspondence, including Council's position by way of feedback, has been prepared to be provided no later than midnight 16 April 2025.

Council is requested to endorse the drafted correspondence and authorise the Chief Executive Officer or delegated to make minor technical or typographical amendments to the response, to enable a reply to the Growth and Infrastructure Coordination Unit by the deadline.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Concordia Infrastructure Scheme and Draft Feedback
Attachment 2 Initial Concordia Infastructure Scheme and Officer Level Feedback

Supporting references
As per Correspondence from the Executive Director, there is a link provided to Frequently Asked Questions and Next Steps in the State Government process.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- We have connected transport infrastructure and networks.
- We plan for and deliver infrastructure to enhance our places.

Our Community

Creating a safe and connected community where people have access to sustainable services and service levels and infrastructure they need and feel a sense of belonging.

Strategic Outcome

- We support and advocate for sound planning and community outcomes in the implementation of the Concordia development in alignment with Councils vision, mission and principles for this development.

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

Planning Development and Infrastructure Act 2016

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**

   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   The Scheme Outline is important in assisting Council in understanding impacts on assets within or nearby Concordia, as well as follow on impacts on service delivery in the provision, renewal and/or maintenance of assets and provision of services to community.

2. **SUSTAINABILITY & ENVIRONMENT**

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

The Scheme Outline will have an impact on Stormwater Management on site and the natural environment where interventions impact existing sites. Providing feedback now is important in understanding the extent of risk and possible mitigating actions.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

The Scheme Outline will inform the infrastructure funding plan and integrated structure plan, which will inform Council's financial forecasts and budgets, to ensure Council can communicate and where necessary deliver on future commitments. Advocating for clarification and amendment of the Draft Outline is necessary to mitigate financial risks.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Minimal impact in so far as future uplift may impact recruitment activities.

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

By submitting feedback, Council seeks to mitigate reputational risk by clearly advocating for clarification and amendment of the Draft Scheme Outline, in alignment with Council's vision for Concordia Growth Area.

COMMUNITY ENGAGEMENT

The State Government is engaging directly with Council for feedback, it does not require nor is it recommended to undertake community engagement. The time imposed by State Government to return feedback also does not permit it.

7.1.6 POTENTIAL FOR 5 YEAR ELECTRICITY SMALL MARKET CONTRACT - PROCUREMENT DELEGATIONS EXTENSION
25/26244

MOVED Cr de Vries

That Council having reviewed the electricity small market contract report and the risk exposures outlined as to the administrative timing of procurement recommendations from Local Government Association Procurement and potential limited time to accept a best and final offer, authorise the Chief Executive Officer or his delegate to complete all necessary procurement needs and contractual arrangements to give effect to the final recommendations of Local Government Association Procurement for the small market electricity procurement process, should those recommendations extend beyond the delegations prescribed by the Clause 3.2 of the Procurement Planning, Sourcing and Selection Process.

SECONDED Cr Greatwich **CARRIED 2022-26/669**

PURPOSE

To authorise the Chief Executive Officer or his delegate to enter into the proposed small market electricity contract which potentially will be greater than the current Procurement Policy limits.

REPORT

Background
The Barossa Council, with all other Councils, purchase electricity through a pooled contract through Local Government Association Procurement. For some components of the three types of contracts the State is also involved. The three contracts we hold through this arrangement are:

- Small market contract less than 160KWH – most of our sites.
- Large market contract above 160 KWH – five sites, Nuriootpa Centennial Park, Nuriootpa Principal Council Office, Tanunda and Nuriootpa CWMS sites.
- Street lighting and other unmetered such as traffic lights – which also includes the State.

Introduction
The current small electricity contract is up for renewal.

Discussion
The management of electricity procurement is undertaken by Local Government Association Procurement who have industry expertise, and by utilising the pooled purchasing power Councils receive much more competitive rates, and significantly so to residential, for instance.

The strategy to purchase through Local Government Association Procurement meets Council's procurement policy as one for the various preferred purchasing methods. The purchasing method is specified as meeting the necessary procurement principles through clause 3.6 of the Procurement Policy, link provided.

The Procurement Planning, Sourcing and Selection Process at table 1 under clause 3.2 Selecting a Market approach authorises procurement limits and approval processes required.

BAROSSA COUNCIL PROCUREMENT METHODOLOGY THRESHOLDS

Table 1 – Except Where Table 2 Applies

Value of Purchase ($)	Method of Procurement	Approver
Up to 20,000	Direct Purchase Based on Advertised Price or Written Quotation	As per Council Delegation Register
$20,001 - $100,000	3 Written Quotations or 1 Written Quotation from Panel	As per Council Delegation Register
$100,001 - $250,000	Open Tender or Select Tender (minimum 3 tenderers) Where Justification Exists or 3 Written Quotations from Panel	Relevant Director Unless determined by the CEO that the tender is of Commercial or Community Sensitivity Whereby Approval Must Be Via the CEO
$250,001 - $1,000,000	Open Tender or Select Tender (minimum 3 tenderers) where Justification Exists	Chief Executive Officer Unless determined by the CEO that the tender is of Commercial or Community Sensitivity Whereby Approval Must Be Via Council
$1,000,001 and above	Open Tender	Council

In the normal renewal processes to these contracts the length of contract is between 1 to 3 years and these thresholds provide the necessary delegation for either a Director or Chief Executive Officer to manage the procurement processes and contractual execution without coming to Council. There is a higher threshold for specific projects in Table 2 of the same clause but it does not apply to this market approach.

Recently I have been informed that due to the current market, it is possible that a 5-year contract may be warranted to lock in lower than expected market pricing.

As I am sure members are aware, the pricing of electricity in the national energy market is extremely volatile and changes not only through the day but can change in 15 minute intervals depending on a raft of market, environmental and production variables. This results in a market that will only price medium to long term contracts for a very short period of time.

Once the process is completed by Local Government Association Procurement (LGAP) and the best and final offers are assessed and approved by the LGAP, signatories to the contract, the Councils, can have less than 12 hours to agree to the contract.

Noting the above, should a five-year contract be the preferred model, the procurement amount will exceed the threshold of $1,000,001 for the Chief Executive Officer to approve it and therefore it would need Council approval. There is insufficient time for officers to develop the necessary reports to call a special meeting and get approval to achieve that requirement if the timeframe is less than 48 hours. The inherent risk is if we do not accept the offer by the deadline you are immediately excluded, there is no tolerance for delay. If that occurs Council will be required to negotiate its own contract outside of the pooled purchasing power arrangements through LGAP. There is absolutely no question this would result in significant cost increases as we simply have no purchasing power in the electricity market in our own right.

The small market contract spend is approximately $225,000 per annum. Assuming a 5% increase in pricing and a 5-year contract this would mean a procurement value of $1,181,250.

To mitigate the significant financial risk exposure, it is recommend Council delegate the power in the circumstance that a greater than 3-year contract is recommended by LGAP to the Chief Executive Officer to accept the offer and enter into the necessary contractual arrangements.

Summary and Conclusion
The electricity small market service is due for renewal. Due to current market conditions it is possible LGAP may recommend a 5-year contract renewal. Such a recommendation would exceed our procurement limits. To mitigate the significant risk of missing the pricing outcomes from the pool market approach delegation to the Chief Executive Officer is recommended to manage any such risk.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Procurement-Policy-Approved-21-November-2023.pdf

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS5 Enterprise Risk and Safety - The management of Council's Enterprise Risk profile including 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

BS6 Finance - Provision of financial and budgetary accounting services, treasury and investment services, management reporting, reconciliation and taxation services, asset accounting, internal control, accounts payable and receivable services

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 49 of the Local Government Act 1999

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Nil, if this contract is not entered into Council will need to enter into a direct contract, therefore services will be unaffected.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

The contract will offer a recommended green energy component which is factored into the base pricing.

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Mitigates the risk of missing industry pricing and being exposed to significant pricing increases due to administrative needs.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Mitigates the risk of missing industry pricing and being exposed to significant pricing increases due to administrative needs.

COMMUNITY ENGAGEMENT

Nil recommended or required, LGAP will be conducting the market approach.

7.2 Corporate Services, Strategy and Innovation

7.2.1 REVOCATION OF COMMUNITY LAND CLASSIFIACTION - ALLOT 8 GEORGE STREET WILLIAMSTOWN
25/24933

MOVED Cr Barrett

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

(1) Proceed, pursuant to Section 194 of the *Local Government Act 1999*, to continue the process to revoke the Community Land classification over Certificate of Title Volume 5532 Folio 961, Allotment (Reserve) 8 Deposited Plan 15967 in the area named Williamstown, Hundred of Barossa.

(2) In accordance with section 194 (3) (a), authorise the Chief Executive Officer to prepare a report and submit it to the Minister for Local Government seeking approval to revoke the Community Land classification over the above parcel, noting that should the Minister support the revocation Council shall be required to formally consider for a final time the actual revocation of Community Land classification.

SECONDED Cr Preece **CARRIED 2022-26/670**

PURPOSE

For Council to consider community feedback in response to its proposal to revoke the Community Land classification over Allotment 8 George Street Williamstown and proceed in in submitting the proposal to the Minister to consider in accordance with Section 194 of the *Local Government Act 1999*.

REPORT

Background
In a report put to Council On 17 December 2024 (Attachment 1) Council resolved to authorise the commencement of a Community Land revocation process pursuant to Section 194 of the *Local Government Act 1999,* for Allotment 8 George Street Williamstown to facilitate a proposed land division that will incorporate new reserves providing for a larger community open space in exchange for the existing Allotment 8.

Introduction
A public notice (Attachment 2) inviting comments on the Community Land Revocation was placed in the Leader newspaper and on Council's website on 10 February 2025.

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

Discussion
No submissions were received during the designated consultation period. Council can now consider whether to submit a report proposing the revocation of the community land status to the Minister for consideration.

Summary and Conclusion
Should the proposal be referred to the Minister and supported, the matter will be referred to Council for final endorsement in accordance with the *Local Government Act 1999* at section 194(3)(b).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Council Report - Item 7.4.5 - 17 December 2024
Attachment 2 Public Notice Community Land Revocation Proposal Allot 8 George Street Williamstown
Attachment 3 Consultation Report - Community Land Revocation - Allot 8 George Street Williamstown

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, Sections 50 and 194

RISK CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Nil

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Nil

3. **FINANCIAL**
Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

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

4. **PEOPLE**
Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

The revocation of the Community Land Classification and exchange for new reserves within the development will allow for the provision of a larger community reserve when the land is developed providing increased opportunities for community enjoyment of open space.

5. **REPUTATION**
Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

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

7.2.2 <u>PROPOSED AMENDMENT TO LEASE, LICENCE AND HIRE PERMIT POLICY FEE SETTINGS</u>
25/25216

MOVED Cr de Vries

That Council approves the introduction of a $10m cap on the written down value of assets for the purpose of calculating base exclusive use and shared use lease fees for non-commercial lease agreements.

SECONDED Cr Greatwich **CARRIED 2022-26/671**

PURPOSE

To seek approval to amend the Lease, Licence and Hire Permit Policy fee settings to introduce a cap on the written down value of non-commercially leased assets for the purpose of ensuring the calculation of base exclusive and shared use fees in a manner that ensures the ongoing financial sustainability of local sporting clubs and community groups.

REPORT

Background
Following a deep review and redesign of Council's framework for managing third party use of community land, buildings and recreational assets throughout 2022/23 and a period of community consultation, Council adopted the current approved Lease, Licence and Hire Permit Policy (see Attachment 1) at its meeting of 18 July 2023.

Introduction
Council's Lease, Licence and Hire Permit Policy seeks to achieve the following objectives:

1. To ensure that there is flexibility and an opportunity for all community members as individuals, groups and organisations to be able to access Council facilities for a mix of welfare, social, cultural, recreational and community functions, activities and services;
2. To ensure that fees and charges for hire of Council community facilities meet principles of social justice equity and value for money and demonstrates Council's commitment to a fair, accountable and transparent process.
3. To ensure that there is a clear process and criteria in place for the consideration of applications for fee reduction or waiver for the hire of Council facilities.

To this end, the Policy sets out high level principles and policy settings and provides a framework for the use, occupancy and management of Council buildings and land.

The Policy is supported by a suite of Conditions of Use Guidelines for each agreement type, providing granular detail on specific conditions of use, roles and responsibilities, the applicable fee setting methodology and applicable fee subsidies.

Discussion
Since its adoption in July 2023, Council Officers have been rolling out implementation of Lease, Licence and Hire Permit Policy when generating new permits and agreements, including the revised fee settings, generating outcomes consistent with objective 2 outlined in the introduction of this report.

However, the recent completion of Barossa Park has identified the potential for unfavourable and unsustainable financial outcomes for primary lessees of the Clubroom at this site due to base fees being calculated upon 1% of the current written down value of the leased area in accordance with section 3.5.2 of the policy.

The current written down value of the Clubroom at Barossa Park is in excess of $20m which far exceeds the written down value of any other leased asset within The Barossa Council portfolio of community facilities, a result that is largely driven by the regional level of service the precinct seeks to deliver and Council's obligation to meet State government event venue requirements. Based on current fee settings, the base fee for this facility when being occupied under a shared use lease would be $200,000 which is significantly reduced for rebates and capital contributions. In addition to higher base fees, the lessee for this facility is also required to fund maintenance requirements in accordance with Council's standards Shared Use Lease Guidelines.

Due to the nature of this facility, these requirements are far greater in scale and complexity than any expectations across other Council facilities.

The above fees are likely to contribute to unsustainable financial outcomes for any sporting club or community group operating as the primary lease holder in this facility and are at odds with the broader objectives of Council to meet its endorsed objectives for community participation, fairness and equity and broader wellbeing, despite the capacity to generate income associated with events and third-party hire.

To ensure a measure of parity across our recreation park facilities and the clubs that perform a vital role in activating and maintaining these spaces, it is recommended that Council give consideration to introducing a $10m cap on the written down value of non-commercially leased assets for the purpose of ensuring the calculation of base exclusive and shared use fees in a manner that ensures the ongoing financial sustainability of local sporting clubs and community groups (ie base cost is never more than $100,000 prior to the application of relevant subsidies and capital contribution rate which can bring the lease fee down to as low as $15,000 per annum).

Summary and Conclusion

To ensure the ongoing financial sustainability of sporting and community groups engaged in exclusive or shared use lease arrangements for Council owned community assets it is recommended that a cap on the current written down value of assets be introduced for the purpose of calculating base fees.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Lease Licence and Hire Permit Policy - Approved July 2023

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Community

Creating a safe and connected community where people have access to sustainable services and service levels and infrastructure they need and feel a sense of belonging.

Strategic Outcome

- Our services and facilities are accessible.

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- Our places are planned, managed, and sustainable.

Our Council

We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome

- We have strong relationships, and where appropriate, partner with our community, industries, stakeholders, the Local Government sector and Governments.

Corporate Plan

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

Legislative Requirements
Local Government Act 1999
Retail and Commercial Leases Act 1995
Crown Land Management Act 2009
Risk Management Considerations

RISK CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The adopted policy settings fundamentally meet their objective to manage both organisational and stakeholder risks associated with the ongoing management and use of Council infrastructure and assets whilst also providing a framework for fairness, equity and transparency. However, the current fee settings for the calculation of the base fee for exclusive use and shared use lease agreements introduced a high risk of financial unsustainability for local sporting clubs and community groups which, if realised will have a significant impact on Council's operational capacity to assume the maintenance and management responsibilities for impacted facilities.

2. **SUSTAINABILITY & ENVIRONMENT**

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. **FINANCIAL**

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

The proposed capping of the written down value of facilities subject to a non-commercial lease arrangement at $10m will reduce leasing revenue at a value of 1% for each dollar over the threshold. In the case of Barossa Park, the nominal base fee reduction associated with the introduction of the cap is approximately $100,000 prior to the application of subsidies.

Please note however, that the cost for Council to directly maintain and manage the facility would far exceed the value of this loss of income, should a lessee not be secured for the site, or should a lessee terminate their agreement with Council due to tenure at the facility becoming financially unsustainable.

In addition, Council has accepted obligations, with associated funding provisions in the long term financial plan, to deliver an advanced level of service aligned to a regional facility, to not only meet State Government event venue requirements but also to cater for the region's growing needs which should be reasonably compensated for when comparing fees across similar precincts.

It is also important to understand that although Barossa Park offers the lease holder an opportunity to generate income in a manner unique to this facility, Council's own intent around access and utilisation of the site, together with the State Governments' expectations for the hosting of high-profile events, will at times impact the lessee's ability to generate income great enough to sustain uncapped fee settings.

It should be noted that the only facility that would currently meet the threshold for the application of the cap is Barossa Park, with no other recreational clubroom facility across our sporting codes currently exceeding $8m . As such, the lessee of the Barossa Park clubroom will be paying a base fee (prior to subsidies) that is considerably higher than any other sporting club or community group in the Council area.

4. **PEOPLE**

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Council has a vested interested in ensuring ongoing occupancy at the Barossa Park site to meet community wellbeing outcomes and ensure the ongoing viability of local clubs.

5. **REPUTATION**

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Given current sentiment surrounding the financial sustainability of The Summit at Mt Barker and challenges associated with occupancy and capacity for grass roots clubs to fund utilisation of this site, along with community concerns regarding the potential for Barossa Park to experience similar challenges, there is considerable risk of poor reputational outcomes and an erosion of community confidence should Council not take proactive steps to address fee parity and sustainability. This view is of course balanced with the need to ensure that Council's overall operating position is not impacted negatively leading to broader community scrutiny regarding funding priorities.

COMMUNITY ENGAGEMENT

A comprehensive early engagement strategy was implemented during March and April 2023 to assist officers to shape the proposed policy settings. This phase saw the release of website content, a video and FAQs to the general community.

Correspondence was also sent to all current lease and license holders providing a link to the website information and offering face to face meetings along with seeking feedback via the web, email and phone. During this period face to face meetings were held with a significant number of stakeholder groups regarding the proposed reforms and draft policy settings, informing a number of refinements.

To facilitate formal consultation in accordance with requirements under the *Local Government Act 1999*, a period of formal public consultation was held from 24 May to 14 June 2023. A raft of opportunities was made available for the provision of feedback including the Policy being made available at Council's Principal Office and on Council's website, and advertisements being placed in local papers inviting community feedback during the 21-day period.

Since the adoption of the policy, Officers have continued to liaise directly with current lease and licence holders to monitor the effectiveness of the settings and such feedback has led to the identification of the challenges outlined in this report relating to fee settings.

7.2.3 IT HARDWARE PURCHASING MODEL CHANGE PROPOSAL
25/25286

MOVED Cr Preece

That Council having reviewed the financial model and advice set out in this report, approve the strategy to proceed with an outright purchasing model for information technology hardware and approve the Chief Executive Officer to make the necessary budget adjustments to align to the financial model presented at Attachment 1.

SECONDED Cr Evans **CARRIED 2022-26/672**

PURPOSE

To seek council approval to transition Council IT hardware purchasing from a leasing model (operating expenditure) to an outright purchasing model (capital expenditure with depreciation charged to the operating budget) to facilitate cost savings and release operating budget to fund software system improvements.

REPORT

Background
Council has been operating under a third party financed IT hardware leasing model for the renewal of desktop PCs, laptops, surfaces, screens, library IT assets and sundry IT equipment for close to a decade with operating funds budgeted annually to ensure continuity of funding capacity for each refresh cycle. This model was originally implemented to offset risks associated with the insufficient retention of allocated capital funds in out years and limited IT asset planning maturity to support the refresh of infrastructure at regular intervals causing operational vulnerability and growing cyber risk.

Introduction
In line with Council's commitment to continuous improvement and the generation of cost savings to offset investment in more advanced systems, Officers have recently reviewed the IT hardware purchasing model to assess the merits of transitioning from a leasing model to outright purchase under a capital expenditure model.

Discussion
Council's current IT hardware leasing model, which ordinarily consists of three to five year leasing terms, increases the cost of the asset in terms of interest charged over the life of the lease (loan) agreement and residual values to be paid out at the conclusion of the lease term (ie lease cost is 90% of the cost of the asset plus interest per quarter and payout figure is outstanding 10% of the value of the asset plus balloon payment of notionally 20% - costs are quoted at agreement expiry).

Currently balloon payments at end of lease are absorbed via either capital provisions for IT infrastructure or unspent operating funds in the IT operating budget. These payments are marginally offset by the sale of end-of-life items via an auction clearing house upon replacement of existing hardware. It is estimated that Council is able to recoup approximately 20% of the gross cost of the asset prior to lease fees and charges being applied via this disposal method.,

The current leasing model provides continuity of funding year to year with fixed and ongoing funding provision within the long-term financial plan. This mitigates against the absorption of lumpy expenditure within the capital program in out years and offsets risks associated with poor replacement cycle planning, however it does ultimately result in increased costs.

Given the current level of maturity in IT asset replacement planning (with a clear 4 year refresh schedule for desktops and surfaces, 8 year cycle for screens, 2 year cycle for mobile phones and longer term cycle for Library Self Service Scanners) it is proposed that Council's standard IT asset purchasing method transition to outright purchasing via capital expenditure to reduce costs associated with leasing, increase value for money outcomes and to release operating budget to fund software system improvements.

This model will require the allocation of capital funding within the long-term financial plan to facilitate planned hardware/asset refreshes at the nominated intervals.

Cost Impact Assessment

The financial model is provided at Attachment 1.

- OPEX
  - 2024/25 - full utilisation of the existing opex budget for leasing to cover leasing costs to 30 June 2025.
  - 2025/26 and beyond – release of current allocated budget for leasing (1150-61176) to software licensing (1150-61183) – $228,400
  - Depreciation charge of $75,000 per annum for the first cycle of 4 years and adjusted for each future cycle.
- CAPEX
  - 2024/25 – full upfront payment for this year's desktop and hardware refresh – approx. $400,000 (still subject to an RFQ process via vendor panel) to be funded via an increase to the ICT hardware refresh capital budget of $281,880. There is a saving of $118,120 for the Pathway budget allocation in 2024-25 offsetting the $400,000
  - 2025/26 – lump sum payout of all existing lease agreements as at 1 July so that Council assumes full ownership of assets – requiring the allocation of $278,329 within the IT capital budget.
  - LTFP – $25k per annum for mobiles, $400k in 29/30 and every 4 years thereafter for desktops and surfaces, $100,000 in 29/30 and every 8 years thereafter for screens (note – library refresh requirements for scanners to be determined).

Revenue Assessment

- 2025/26 - Sale of end of life hardware following refresh will return approximately $100,000 to Council

Net Change to Long Term Financial Plan

Over the next 10 years the savings are:

- $727,199 in cash outlays. This is significantly lower due to the initial capital set up costs to position the Council for the forward savings.
- $1,551,088 in operating budget improvement.

Over a six-year refresh cycle (21 years) the savings are:

- $2,233,480 in cash outlays.
- $3,848,729 in operating budget improvement.

Summary and Conclusion

Based on the significant savings projected and reduction in risks associated with long term IT asset replacement planning, it is recommended that Council transition to an outright purchasing model for IT assets using capital expenditure to reduce costs associated with leasing, increase value for money outcomes and to release operating budget to fund software system improvements.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Financial Model - Purchasing vs Leasing Proposal

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Council

We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome

- We are financially sustainable and take a planned and long-term approach to investment.
- We have sound asset management services.

Corporate Plan

BS11 Procurement - Management of the acquisition of goods and services in accordance with legislative requirements and Council's procurement principles to deliver value for money outcomes for the community

Legislative Requirements
Local Government Act 1999

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The proposed purchasing model provides continuity of capacity to ensure Council's IT hardware assets meet minimum service levels using the most cost effective strategy.

2. **SUSTAINABILITY & ENVIRONMENT**
Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. **FINANCIAL**

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Financial risks considerations are discussed in the body of this report. The key financial performance indicators are met as outlined in the following table.

The following tables outline the state of the long-term financial plan and financial sustainability of Council from the updated modelling.

2024-25 Q2 Revised Budget	**Revised LTFP $'000**	**Projection including this proposal**	**Change – Positive / (Negative) $'000**	**Indicator**
Operating Surplus / (Deficit)	(803)	(843)	(40)	
Borrowings at 30 June 2025	37,941	33,191	4,750	
Net Cash at 30 June 2025	1,340	1,417	77	
Operating Surplus Ratio 3 Year rolling	(0.2)%	(0.3)%	(0.1)%	
Net Financial Liabilities	82.5%	74.7%	7.8%	
Asset Renewal Funding Ratio – Using Depreciation	124.0%	121.2%	(2.8%)	
Asset Renewal Funding Ratio – Using Infrastructure and Asset Management Plan Forecast	150.2%	148.6%	(1.6%)	

10 Year Long Term Financial Plan	**Revised LTFP $'000 at 6 January 2025**	**Projection including this proposal***	**Change – Positive / (Negative) $'000**	**Indicator**
Operating Surplus / (Deficit) - Cumulative Result at 30 June 2034	10,318	8,246	(2,072)	
Borrowings at 30 June 2034	5,145	4,885	260	

Net Cash at 30 June 2034	17	21	4	
Operating Surplus Ratio 3 Year rolling at 30 June 2034	3.8%	3.2%	(0.6%)	
Net Financial Liabilities at 30 June 2034	16.4%	16.0%	0.4%	
Asset Renewal Funding Ratio – Ave – Using Depreciation	105.4%	106.5%	1.1%	
Asset Renewal Funding Ratio – Ave – Using Infrastructure and Asset Management Plan Forecast	132.5%	130.6%	(1.9%)	

* Includes current draft 2025-26 budget projections.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

The proposed purchasing methodology aligns with Council's principles regarding good governance, strengthening the organisation's reputation as a trusted, responsible and financially sustainable entity.

COMMUNITY ENGAGEMENT

Community consultation is not required.

7.2.4 BAROSSA PARK - ENDORSEMENT OF LEASE AND LICENCE ARRANGEMENTS FOR THE BAROSSA DISTRICT FOOTBALL AND NETBALL CLUB
25/25307

MOVED Cr de Vries

That Council:

(1) Notes that construction of the new Barossa Park sports and recreational facility has now been completed and endorses the intent to activate the facility beyond the *2025 AFL Gather Round* and *Festival of Footy* events.

(2) Endorses the proposal to draft and offer the Barossa District Football and Netball Club Inc. a Shared Use Lease for up to 10 years over the portion of land known as 2 Barossa Valley Way, Lyndoch defined as Allotment 100 in Deposited Plan 134915 and described in Certificate of Title Volume 5677 Folio 210 (the Land), in accordance with Section 202 of the *Local Government Act 1999 (the Act)*.

(3) Authorises Officers to undertake public consultation in accordance with Section 223 of the *Act* and Council's Public Consultation Policy by engaging with the community in the following manner:
   a. Publish an advertisement in the Leader newspaper;
   b. Make public the proposal on Council's website as a public notice; and
   c. Make available a hard copy of the proposal to be collected from the Barossa Council offices located at 43-51 Tanunda Road, Nuriootpa.

(4) Authorises the Deputy CEO & Director, Corporate Services, Strategy and Innovation to sign the agreement with Barossa District Football and Netball Club Inc., should no substantive objections be received. In the event that objections requiring review by Council are submitted, a further report shall be presented to Council for consideration and decision making.

(5) The terms and conditions to be incorporated within the agreements, together with the calculation of fees and charges, shall give due consideration to Council's endorsed Leasing and Licencing Policy and framework, the requirements agreed upon between Council and the State Government in delivery of this project and take note of the nature of this facility, the intent to ensure optimum utilisation and the unique requirements associated with maintenance and management of the buildings and grounds.

SECONDED Cr Schilling **CARRIED 2022-26/673**

PURPOSE

To seek approval to undertake public consultation in accordance with Section 202 of the *Local Government Act 1999* (the *Act*) with the intent to offer a lease for up to 10 years to the Barossa District Football and Netball Club Inc. for the primary use of the Barossa Park Clubroom and shared use of associated recreational spaces.

REPORT

Background
The Barossa District Football and Netball Club was formed in 1979 resulting from the merger between the Williamstown Rovers Football Club (based at the Queen Victoria Jubilee Park in Williamstown) and the Lyndoch Football Club (based at Lyndoch Oval). The club has long provided a platform for members of the local community to engage in sporting and recreational pursuits.

In 2023, South Australia played host to the AFL's highly successful *AFL Gather Round*, a special AFL event where all 18 teams play their matches in one location during a single round of the home-and-away season. The event was hugely successful, bringing significant financial return into the South Australian economy.

In partnership with the AFL and the South Australian Government, the Barossa Council have played an integral part in delivering a state-of-the-art facility at Barossa Park (previously known as Lyndoch Recreation Park), located at number 2 Barossa Valley Way, Lyndoch. This facility is unlike any other sporting and recreational venue in the region and hosted the *2025 AFL Gather Round* between 10th and 13th April 2025.

Introduction
Beyond the *AFL Gather Round*, the facility is intended to transform the Barossa into a hub for sporting and community events. The facility includes a new multipurpose building, clubrooms, and an oval upgraded to AFL standards, along with other amenities like netball courts, a recreation green, and a second oval.

The facility is expected to enhance tourism and visitation, and support arts, culture and festivals within the region, as well as encouraging grass-roots participation in sport and provide a stand-out venue for local community and recreational needs.

The facility is intended to become the home of several sporting and community clubs:

- The Barossa District Football and Netball Club
- The Lyndoch Cricket Club
- The Lyndoch Tennis Club
- The Lyndoch & Districts Little Athletics Centre
- The Lyndoch and Districts Bowling Club
- The Barossa Valley Racing Pigeon Club
- The Southern Barossa Alliance

This report seeks Council's endorsement to undertake the necessary public consultation to draft and execute a lease agreement for the Barossa District Football and Netball Clubs' occupancy at the site, in accordance with the requirements of the *Act*.

Discussion
The Barossa District Football and Netball Club (the BDFNC) are intended to be the principal user of the clubroom facility. The BDFNC have expressed their interest in assuming primary control of the new Clubrooms, charged with the responsibility of ensuring that the facility is properly managed to provide opportunities for utilisation not only for their club, but those clubs mentioned earlier in this report and any other sporting user that may be endorsed by Council to call Barossa Park home.

The BDFNC have also opted to partner with Council and the State Government where required and ensure the facility is able to host local and major events, both sporting and non-sporting in nature.

For their efforts, including significant financial investment, the BDFNC has requested to be offered a lease over the facility for a period up to 10 years.

Officers will also shortly commence the negotiation of leasing and licencing arrangements with other sporting and community clubs who will operating within the precinct for a period of up to 5 years in line with Council's endorsed Leasing and Licencing Policy and framework.

Summary and Conclusion

This report seeks Council's endorsement to enter into a 10 year lease with the BDFNC. The following conditions shall apply:

- Officers to undertake public consultation in accordance with the process set out in this reports' Recommendations in order to meet the requirements of Sections 202 and 223 of the *Local Government Act 1999*;
- The agreement shall be for a period up to 10 years, with the BDFNC having principal responsibility for the maintenance and upkeep of the facility in line with Council's endorsed Lease, Licence and Hire Permit Policy and framework, and any unique conditions that may be negotiated;
- The calculation of fees and charges shall be in line with Council's endorsed Lease, Licence and Hire Permit Policy and framework or as otherwise resolved by Council;
- The agreement shall incorporate one or more "lease review" points, allowing both the BDFNC and Council the opportunity to reassess the nature of the agreement, taking into account the unique set of circumstances surrounding this facility;
- The intent of both Council and the State Government to ensure optimal utilisation of the facility for both local, regional and major events; and
- Any other matters considered relevant to this facility.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- Our places are planned, managed, and sustainable.

Our Council

We strive to be a leader in regional Local Government and are committed to delivering effective, efficient, and valued services to the community.

Strategic Outcome

- We have strong relationships, and where appropriate, partner with our community, industries, stakeholders, the Local Government sector and Governments.

Corporate Plan

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

Compliance with Sections 202 and 223 of the *Local Government Act 1999* is a mandatory requirement. The granting of a lease or licence upon this portion of community land will be reflected in Council's appropriate Community Land Management Register.

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**

   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   The proposal to lease and licence the facility to various sporting and community groups meets Council's objectives to ensure utilisation and community "return" on Council's considerable financial investment into this facility. The lease agreements are intended to assist user groups with developing a sense of identify, ownership and pride within their own club, collectively with other users and in the facility that they have the privilege to share.

2. **SUSTAINABILITY & ENVIRONMENT**

   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Terms and conditions to be established within the leases and licences shall create parameters for both the user groups and Council towards sustainability and utilisation of the Clubrooms and neighbouring buildings as well as enjoyment of the grounds and surrounding environment both for active and passive recreation.

3. **FINANCIAL**
Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Leasing and licencing fees for the BDFNC and lease and licence holders are proposed to be calculated in line with Council's endorsed Lease, Licence and Hire Permit Policy and framework, or as otherwise endorsed by Council.

4. **PEOPLE**
Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Council has a vested interest in ensuring ongoing occupancy of the entire Barossa Park precinct in order to meet community wellbeing outcomes, ensure the ongoing viability of local clubs and allow the community opportunities for engagement with authorised users and the facility as a whole.

5. **REPUTATION**
Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

There has been much interest in the delivery of the Barossa Park project as it relates to the *2025 AFL Gather Round* activation and ongoing partnering with the State Government around major events.

Of fundamental importance is the future of the facility to service our local sporting and community groups and provide a recreational precinct that the Barossa Valley community can be proud of. Ensuring the appropriate establishment of leasing and licencing agreements for utilisation of this facility is a fundamental step in that direction.

COMMUNITY ENGAGEMENT

Public Consultation for any lease on community land longer than 5 years is required in accordance with section 223 of the *Local Government Act 1999* and Council's own Public Consultation Policy.

As such, Council Administration staff propose to engage with the community regarding the intent to offer the Barossa District Football and Netball Club a lease up to 10 years in the following manner:

a. Publish an advertisement in the Leader newspaper;
b. Publish the proposal on the Barossa Council website as a public notice; and
c. Make available a hard copy of the proposal to be collected from the Barossa Council offices located at 43-51 Tanunda Road, Nuriootpa.

Feedback is welcome, and any submissions will be assessed on merit. Should responses likely to impact the proposal be received, a further report will be presented for Council's consideration if required.

Leases up to five years in length are not required to undertake public consultation in accordance with the *Act* and shall be negotiated with the various user groups on a case-by-case basis.

7.2.5 MONTHLY FINANCE REPORT AS AT 31 MARCH 2025
25/25320

MOVED Cr Hurn

That Council receives and notes the monthly finance report as at 31 March 2025, as provided in Attachment 1.

SECONDED Cr Barrett **CARRIED 2022-26/674**

PURPOSE

The monthly finance report as at 31 March 2025 provides information on the financial position and performance of the Council, including notes on material trends and transactions.

REPORT

The monthly finance report as at 31 March 2025 is attached. This report has been prepared comparing the year-to-date actuals at the end of the period, to the original adopted 2024-2025 budget, as well as revised quarter 2 budget.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report to Council - as at 31 March 2025

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

BS6 Finance - Provision of financial and budgetary accounting services, treasury and investment services, management reporting, reconciliation and taxation services, asset accounting, internal control, accounts payable and receivable services

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY

Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Monthly monitoring of financial performance ensures Council is in a position to ensure budget and expenditure are aligned to meet approved levels of service.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

To enable Council to make effective and strategic decisions, a high-level monthly finance report is provided for Council's noting.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Community consultation was undertaken as part of the original budget adoption process for 2024-2025, as required by the relevant legislation. This report is advising Council of the monthly finance position compared to that budget.

7.3 Infrastructure and Environmental Services

7.3.1 <u>EDEN VALLEY - PUBLIC TOILET - GIFTING OF ASSET</u>
25/24954

MOVED Cr Evans

That Council having considered the Disposal of Assets Policy and noting the initiative has repurposed an asset that was likely to be written off as a result of the Barossa Park investment and the ongoing community benefit the asset will provide over the ensuing 10 years:

(1) Approve the gifting of the Eden Valley Toilet Block to the Eden Valley Institute including the necessary accounting and budget adjustments to give realisation to this decision.

(2) Authorise the Chief Executive Officer to develop and enter into an agreement for a minimum of 10 years that delivers the following key strategic outcomes:
   a. Council will provide servicing of the asset including cleaning and provision of consumables to ensure the public access to the facility.
   b. Council will provide general maintenance to the asset to ensure the public access to the facility.
   c. Council will cover the asset under Council's Public Liability as the major beneficial is the public.
   d. Eden Valley Institute will insure the asset with Council compensating for the cost annually, as Council will not be able to insure the asset directly as it will not longer in its ownership
   e. That any claims Council will cover the cost of any excess payment
   f. That public access be maintained during reasonable hours, at a minimum between 8:00am and 6:00pm daily and;
   g. Council provide a financial amount to be agreed to contribute to the annual costs for insurance, power, water and future repainting of the facility that does not exceed actual costs incurred.

SECONDED Cr Preece **CARRIED 2022-26/675**

PURPOSE

To approve proceeding with transfer of the Eden Valley Toilet Block to the Eden Valley Institute.

REPORT

<u>Background and Introduction</u>
Council have had numerous requests for the provision of public toilet facilities to be available within the Eden Valley Township. As a part of the Barossa Park Project – a pre-cast toilet became available for repurposing.

<u>Discussion</u>
As a part of the Barossa Park Project a pre-cast toilet that was providing public amenities on the site. After inspection of the asset it was determined that the existing toilet was still in satisfactory condition and was suitable and safe to be transported. It was determined that installing at the rear of the Eden Valley Institute in consultation

with the committee was an appropriate location. Council undertook the works which included the provision of access paths, connection to power and sewer as well as transport and site preparation works.

In consultation with the Eden Valley Institute Committee their preference was that the asset was gifted to the Institute with Council providing for the ongoing maintenance and servicing of the asset including providing cleaning and consumables as well as financial contribution for the costs incurred in relation to water, power and insurances.

In discussion with the Institute it was also determined that for the above to be able to be provided the facility would need to be made available to the public at a minimum between the hours of 8:00am and 6:00pm daily subject to an agreement being entered into for a minimum of 10 years.

Summary and Conclusion
That Council agrees to gift the asset to the Eden Valley Institute and enter into minimum 10 year agreement that outlines the ongoing responsibilities of both Council and the Eden Valley Institute.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome
- We plan for and deliver infrastructure to enhance our places.

Corporate Plan

CS3 Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. SERVICE DELIVERY
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Council will be increasing the level of service in the Eden Valley township by providing the toilet however there will be no provision for renewal of the asset as it is being gifted to the Institute.

2. SUSTAINABILITY & ENVIRONMENT
Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL
Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

That Council will be required to the fund the ongoing cleaning and consumable provision along with covering agreed costs in relation to power, water, insurances and re-painting of the facility. This is estimated at $3,000 per annum and provides a service not provided in the main township.

The value of the asset at replacement cost is $34,000 of which $26,520.87 is the written down value and this is the amount to be written off of Councils assets base. It effects the Statement of Comprehensive Income below the operating result line, that is it will not impact the performance outcome for Councils 2024-25 operating result and will have a no material impact on the net financial liabilities of Council. This will result in a reduction of the asset off of Council balance sheet, minor reduction on depreciation aligning to the operating cost.

On balance the changes to the ongoing financials of Council are not material and the operating outcome is relatively neutral.

4. PEOPLE
Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION
Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Meeting and email correspondence has been undertaken with the Eden Valley Institute Committee in relation to the public toilet.

7.3.2 RECOGNITION OF JULIE ANN COMBE
25/24971

MOVED Cr Preece

That Council:

(1) Place a plaque on a park bench within the Coulthard Reserve precinct, Nuriootpa, in recognition of the significant volunteer community achievement of the late Julie Ann Combe, and

(2) Name the final street in Kalimna Estate to Combe Street or Avenue.

SECONDED Cr Lane

Cr Preece called for a **DIVISION**

The motion was set aside.

The division was taken with:
FOR the motion - Cr Barrett, Cr Schilling, Cr Preece, Cr Lane
AGAINST the motion - Cr de Vries, Cr Hurn, Cr Troup, Cr Evans, Cr Greatwich, Cr Thompson

The Mayor declared the motion **LOST**

MOVED Cr Greatwich

That Council place a plaque on a park bench within the Coulthard Reserve precinct, Nuriootpa, in recognition of the significant volunteer community achievement of the late Julie Ann Combe.

SECONDED Cr Evans **CARRIED 2022-26/676**

PURPOSE

Following the meeting of The Barossa Council on 18 February 2025 an appropriate street/road or open space/garden be named in recognition of the late Julie Ann Combe.

REPORT

Background
At the meeting of The Barossa Council on 18 February 2025, it was approved that Council instruct the Chief Executive Officer to nominate an appropriate street/road

or open space/garden to be named after the late Julie Ann Combe who was a devoted Barossa Area Fundraisers for Cancer Chairperson and during her management oversaw and contributed to raising $800,000 for cancer services in the Barossa and that the nomination be table by the April meeting of Council.

Introduction

Memorials on Council land are considered in accordance with The Barossa Council "Memorials on Council Land" Policy.

With reference to Section 4.1.1 of the Policy, Memorials on Community Land may be approved for persons who had a significant connection to The Barossa Council (eg resident, volunteer, community leader, as determined by a report to Council.

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".

With reference to Section 4.2.1 of the Policy, 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.

Discussion

Memorialising the name "Combe" either on a memorial on council land or as a public road name has warrant in terms of Julie Combe's significant volunteer community achievement.

There is no other existing Combe related road name in The Barossa Council area.

Summary and Conclusion

Consideration of memorials are in accordance with the "Memorials on Council Land Policy". 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".

Given the nature of the significant volunteer community achievement of the late Julie Combe, a plaque in an open space/garden orientated commemoration would be appropriate, perhaps placed on a park bench or another place of solitude and reflection. A plaque would allow additional wording, if desired, for a greater understanding and appreciation of Julie Combe's volunteer community service, which is not able to be achieved with a street name sign.

If a street/road name commemoration is preferred, the next land division requiring road names to be determined is expected to be for new residential development north of Kalimna Road, Nuriootpa.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS3 Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   Nil

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   Nil

3. **FINANCIAL**
   Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

   All costs associated with implementing a memorial infrastructure on Council land would be the responsibility of Council. All costs associated with implementing naming a road and the associated would be the responsibility of the land division developer.

4. **PEOPLE**
   Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

   Nil

5. **REPUTATION**
Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

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

7.3.3 BAROSSA RUGBY PRECINCT - INTERCHANGE SHELTERS
25/25449

MOVED Cr de Vries

That Council approve financial support to Barossa Rams Rugby Club of $16,000 towards the provision and installation of two (2) 10 person interchange benches on condition they are added to the value of assets and the lease fee adjusted accordingly at the next annual review.

SECONDED Cr Evans **CARRIED 2022-26/677**

PURPOSE

To seek Council approval for financial support to the Barossa Rams Rugby club for the provision of two (2) 10 person interchange benches and the associated installation.

REPORT

Background and Introduction
Barossa Rams have been using the new Barossa Rams facility for over 12 months and have identified an improvement to support adequate space and seating for players and officials to be positioned for interchange/officials purposes.

Discussion
Council was approached through the Mayor by the President of Barossa Rams Rugby seeking financial support in the form of a 50% contribution towards the purchase and installation of two (2) 10 person interchange benches at the Barossa Rams Rugby facility.

As part of the Barossa Park development it procured interchange benches and the supplied benches provide was incorrect. This error has resulted in the opportunity to purchase these as at a discounted rate to be repurposed to the Barossa Rams. The assets are fit for purpose for Barossa Rams and they have reviewed them. The supply cost of each 10 person bench is approximately $15,000 (supply and delivery only).

Through negotiation with the supplier an offer has been made to purchase the surplus benches for $10,000 each (supply and delivery only).

As a result, Barossa Rams, through their President has approached Council via the Mayor seeking a 50% split of the costs to supply and install the incorrectly supplied benches. The total estimated cost of the project is $32,000 resulting in a request of $16,000 from Council.

The support will enable the Barossa Rams to take advantage of the supply error and expedite the provision of interchange benches for their players and officials.

Summary and Conclusion
Due to the incorrect supply of interchange benches for the Barossa Park Project, there is the ability to purchase two (2) 10 person interchange benches at a discounted rate. Barossa Rams Rugby Club is seeking a 50% ($16,000) financial contribution from Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Places

Our places and spaces enhance the liveability, retain rural and regional character and diversity of our communities.

Strategic Outcome

- We plan for and deliver infrastructure to enhance our places.
- Our places are planned, managed, and sustainable.

Legislative Requirements
Nil

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

Increase in the level of service provided with the installation of 2 additional assets at the Tanunda Rugby Precinct.

2. SUSTAINABILITY & ENVIRONMENT

Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. FINANCIAL

Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

Increase in Council expenditure for the 2024/25 Financial Year by $16,000.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Nil

COMMUNITY ENGAGEMENT

Council has engaged with the Barossa Rams Rugby Club as it relates to the provision of the 2 interchange benches.

Cr Preece left the meeting at 6:20pm.

7.4 Development and Community Services

7.4.1 LYNDOCH CHRISTMAS STREET PARTY - REQUEST TO OPERATE SCENIC FLIGHTS 25/16137

MOVED Cr Hurn

That Council approve the request from Barossa Helicopters to operate short scenic flights from the Village Green during the Lyndoch Street Party to be held 12 December 2025, subject to the event approval and concurrence of the organising committee in writing.

SECONDED Cr Evans **CARRIED 2022-26/678**

PURPOSE

Council has received a request from Barossa Helicopters for permission to operate short scenic flights from the Village Green during the Lyndoch Christmas Street Party, to be held on Friday 12 December 2025.

REPORT

Background
The Lyndoch Christmas Street Party is planned for Friday 12 December 2025 and will feature family-friendly entertainment, local foods and live music and entertainment for all ages.

To ensure safety, it is proposed that Lyndoch's main street will be closed to traffic from 5pm to 10:30pm.

Introduction
Barossa Helicopters have been operating scenic tours at events across South Australia for 37 years. Their crew are well trained in the operation of taking off and landing Helicopters at large events.

Safety precautions include the use of Flag Bunting, undertaking a Risk Assessment and on-site experienced crew to manage operations, passenger safety and logistics.
Discussion
As the land is 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 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, Barossa Helicopters have provided Council with the following documentation (refer Attachment 1):

- Public Liability Certificate of Currency;
- Off Site Risk Assessment; and
- Off Site Emergency Response Plan

Summary and Conclusion
Barossa Helicopter have submitted a request to operate short scenic flights from the Village Green, during the Lyndoch Christmas Street Party to be held on Friday 12 December 2025.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Application - Barossa Helicopters - Operate Scenic Flights from Lyndoch Village Green

Supporting references
The Barossa Council By-Law 4

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Our Economy

Implementing economic development strategies to support future growth opportunities and a diversified and resilient economy showcasing the Barossa rural and regional character.

Strategic Outcome
- We partner with and support local business.

Legislative Requirements
Local Government Act 1999
Civil Aviation Act 1988
Council By-Law 4

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Barossa Helicopters Ground Crew will be on the ground at the Lyndoch Village Green prior to landings and take offs, to ensure that there are no people or other obstacles (and be in contact with the Pilot via radio to advise when it is safe to take off and land).

The Main Street will be closed to traffic from 5-10:30pm, and CFS and Police will be in attendance.

COMMUNITY ENGAGEMENT

Not required.

7.4.2 BAROSSA CREATIVE INDUSTRIES CENTRE - PROGRESS UPDATE
25/25192

MOVED Cr de Vries

That Council approve the updated drawings, as presented at Attachment 1, noting other minor changes may occur as the build proceeds, and any significant amendments will be reported to Council.

SECONDED Cr Troup **CARRIED 2022-26/679**

PURPOSE

To provide Elected Members with a progress update and also to endorse minor changes to the original plans that have occurred as part of the design review phase.

REPORT

Background
The Barossa Council secured a grant of $6.961M through the Growing Regions Program, and an additional $500,000 from the States Open Space Grant Program to deliver the Barossa Creative Industries Centre (BCIC).

Introduction
The BCIC has been a long-term visionary project for The Barossa Council and is now becoming a reality following the awarding of the Growing Regions and Open Space grants.

Since July last year, the appointed architect Phillips/Pilkington Architects (PPA) have been working alongside the Council's Project Working Group and Agile Stakeholder Group to progress the design of the BCIC to allow detailed design and costings to take place.

As a result of this work variations to the original design have had to take place for a number of reasons.

Discussion
The BCIC will result in the existing Soldiers Memorial Hall and Regional Art Gallery being extended with a new 'L' shaped building to the east, which also create a new large courtyard area. The primary design elements include:

- Front of House, including dedicated Soldiers' Memorial display, admin/ticket counter, casual seating and bar;
- Heritage Centre, including digital and artefact displays, story banks and archives;
- Broadcasting Studio, including radio broadcasting, recording and production facilities;
- Music education, practice and production;
- Extension to existing Concert Hall for Back of House, including a green room and change rooms to facilitate a diverse range of performances;
- Visual Arts education, practice and production, including Artists in Residence Studios, and Workshops;
- Extension of existing gallery spaces for digital art displays and projections;

- Ancillary Spaces, including staff workroom, toilets and storage;
- Kitchen area;
- External event courtyard to host functions such as craft and artisan markets with live amplified music, concerts and recitals, and live radio broadcasts; and
- Landscape, including local provenance vegetation, sculptures, interpretive displays and outdoor performance stages.

As part of the process, and in December 2024, a cost estimate was undertaken that found the cost of the development to be considerably over and above the available budget. As such, a significant value management exercise was undertaken that balanced the need to bring the project back within budget whilst not compromising the functionality, look and feel of the building. A report was considered by Council at its Special Meeting held on 6 January 2025, which outlines, in detail, the value management exercise and budget implications.

Importantly, the building envelope predominantly aligns with the original Development Plan Consent.

The amended drawings are attached in Attachment 1.

Construction of the building was originally proposed to commence in mid-June 2025, however a delay to the works program has occurred due to the need to investigate the need to upgrade the existing Soldiers Memorial Hall to cater for a seismic event. The Project team have worked closely with a Building Certifier who has recommended the building have an 'Importance Level 2' rating which limits the audience size, in the hall, to 300 guests. The building has also been 'engineered' to function as two separable portions, which is achieved by the inclusion of a fire wall with separate Fire Indicator Panels and means of escape. The needs to undertake a seismic upgrade is no longer required due to these amendments.

Cook Building have also prepared an updated program, with the key milestones, as follows:

- Submit variation to Planning Consent	10 April 2025
- 50% Documentation for cost estimate	20 May 2025
- Building Rules Consent lodgement	20 July 2025
- Tendering Trade Packages	31 July – 21 August 2025
- Approval to Proceed	2 September 2025
- Construction Commencement	18 September 2025
- Practical Completion	14 July 2026

The amended program still meets the grant funding requirements of completion by December 2026.

Summary and Conclusion
The BCIC has been subject to an exhaustive design review process to meet budget requirements and also to satisfy seismic upgrade requirements. As a result, minor changes have been made to the layout of the building and the build program has been delayed by 3 months.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Creative Industries Draft Design Plans as at 1 April 2025

Supporting references
Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

CS2 Art and Culture - Organising and facilitating the Barossa gallery, arts culture and events

Legislative Requirements
Local Government Act 1999

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
   Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

   The proposed amendments to the design and construction program align with the budget and funding condition to allow the project to commence and be constructed within a reasonable timeframe.

2. **SUSTAINABILITY & ENVIRONMENT**
   Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

   The design changes are required to avoid the need to avoid a seismic upgrade of the Soldiers Memorial Hall which would have substantially altered the external appearance of the building and eroded its heritage value.

3. **FINANCIAL**
   Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

   The design amendments are required to ensure that the project can be delivered within the approved budget.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

The BCIC has been a long term, visionary project that is subject to significant grant funding. The amendments to the design were necessary to allow the project to progress. Without the design changes to project was at significant risk due to cost implications of the seismic upgrade requirements.

COMMUNITY ENGAGEMENT

Community engagement has been ongoing during the design phase.

7.4.3 DRAFT PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GENERAL) (MISCELLANEOUS) (NO 2) AMENDMENT REGULATIONS 2025
25/25368

MOVED Cr Greatwich

That Council:

(1) Authorise the draft submission to the Department for Housing and Urban Development in relation to the draft *Planning, Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025*, contained in Attachment 1.

(2) Authorises the Chief Executive Officer, or delegate, to make minor technical or typographical amendments to the submission.

SECONDED Cr Hurn **CARRIED 2022-26/680**

PURPOSE

To seek the endorsement of a submission to the Department for Housing and Urban Development in relation to the draft *Planning, Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025.*

REPORT

Background
The Housing Roadmap and the Expert Panel for the Planning System Implementation Review make a number of recommendations for improvements to the South Australian planning system. In order to implement the recommendations, changes to South Australia's general planning regulations are proposed.

Introduction
The draft *Planning, Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025* (**Amendment Regulations**) proposes amendments to the *Planning Development and Infrastructure (General) Regulations 2017* which were released for consultation on 11 March 2025. The proposed changes include:

- Making local council the authority for assessing minor variations;
- Providing that land divisions meet relevant design standards, they do not require council consent for vesting of public land;
- Increasing the timeframe to assess complex applications and gather information to assist decision-making;
- Ensuring planning consent decisions can only be made by accredited planning professionals;
- Clarification that under certain conditions, planning and land division consent can be issued over an allotment that is yet to be created;
- Giving landowners easier access to documentation relevant to their property through local council;
- Providing both public and private schools equal exemptions for performing tree maintenance works;
- Excluding electric vehicle charging stations from the definition of 'development'.

Council received written correspondence in relation to the proposed draft amendments as per the letter contained in Attachment 2. Copy of the Amendment Regulations is contained in Attachment 3. Additional resources have also been provided which include:

- Draft complexity criteria, contained in Attachment 4;
- Summary table containing list of the amendments and why they are proposed, contained in Attachment 5.

Discussion
There are a number of significant amendments proposed under the Amendment Regulations. While some of the proposed amendments are supported, there are concerns with a number of the proposed amendments. The draft submission contained in Attachment 1 highlights the following concerns:

Amendment of Regulation 3A – vesting of land

Proposed clause 3(1) removes the requirement that Council must consent to the vesting of land arising from a division of land, where an applicable design standard applies.

The guidance material in Attachment 5 suggests this proposal will benefit people by ensuring that the land division process is not delayed through negotiations over the vesting of land that is in accordance with a design standard.

It is noted there is no evidence shown of how the current process of vesting land has slowed the provision of housing as experience is that typically this is not a reason for delay of land division clearance and thus provision of housing.

The fundamental concerns with this proposal are that:

- Councils will have no discretion to refuse vesting of land or infrastructure such as in circumstances where the infrastructure is inferior or poorly constructed or the land has defects;
- It is unclear how these changes will practically work given context of the existing legislative requirement that council consents to the vesting of land pursuant to Section 223LH of the *Real Property Act 1886*;
- The contents of the design standard are yet to be understood, and it is unclear how the design standard will be written to define the acceptable principles upon which land can be vested.

This regulation is not supported and poses significant risks for Council.

Amendment of Regulation 22 – Power of accredited professionals to issue Planning and Land Division Consent for deemed to satisfy land divisions

This proposal will support private accredited professional surveyors in being able to issue Planning and Land Division Consent for deemed-to-satisfy land divisions. This proposal will extend the current power such that private accredited professionals can issue both consents.

The proposed regulation change introduces a new role for private accredited professionals to make decisions over infrastructure matters that are a critical component of assessments and this proposal risks of incomplete assessment outcomes, such as where there are necessary and specific stormwater discharge needs.

The current deemed-to-satisfy provisions under the Planning & Design Code do not presently define the critical land division consent requirements that must be met by a land division in order to receive a land division consent.

It is therefore suggested this power should be restricted to accredited professionals working in local government. Alternatively, greater deemed-to-satisfy requirements are necessary to address critical components of land division applying both under Section 102 of the Act and the Planning & Design Code.

Regulation 53 – time within which decision must be made

Changes to Regulation 53 are proposed to reduce the timeframe for land division where 10 or less allotments are proposed from 60 to 30 business days. An additional 3 business days is also proposed to enable verification of 'complex' applications and a further 5 business days for assessment of 'complex' applications. In addition, where verification is completed in advance of the statutory timeframe, the surplus time will be added to the timeframe for assessment, or where the verification timeframe is exceeded, the additional time taken will be subtracted from the assessment.

While some of these changes are positive, the main concern is that:

- The reduction in timeframe for simpler land divisions is based upon an arbitrary figure of 10 allotments and which does not acknowledge the complexity of many land divisions involving fewer allotments but where there are inherent site complexities arising from slope, stormwater or infrastructure issues;

- The additional time for 'complex' applications is less than that recommended by the Expert Panel for the Planning System Implementation Review. The recommended time of 10 additional days for assessment of complex development applications should be adopted.

Regulation 85B

This proposed regulation states that "*The development of any land proposed to be held as open space within the relevant division must be approved by, and developed to the satisfaction of, the relevant authority*".

It is recommended this clause be amended to refer to Council rather than the Relevant Authority. It is appropriate that this power sits with local governments, given their ongoing role in maintaining open space for the community.

<u>*Summary and Conclusion*</u>
A draft submission is prepared in relation to the Amendment Regulations which are open for consultation until 22 April 2025. Council is requested to endorse the draft submission as outlined in <u>Attachment 1</u>.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Draft Planning Development and Infrastructure (General)(Miscellaneous)(No 2) Amendment Regulations 2025 - Submission
Attachment 2	Advice from Department for Housing and Urban Development - Draft amendments to General Regulations
Attachment 3	Draft Planning Development and Infrastructure - General-Miscellaneous- Amendment Regulations 2025 for comment
Attachment 4	Draft – Verification complexity criteria - for discussion
Attachment 5	Summary of Amendments - Draft Amendment Regulations - Planning Development and Infrastructure General Regulations 2017

<u>*Supporting references*</u>
<u>Proposed amendments to SA's planning regulations | YourSAy</u>

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
Planning, Development & Infrastructure Act 2016
Planning, Development and Infrastructure (General) Regulations 2017
Planning, Development and Infrastructure (General) (Miscellaneous) (No 2) Amendment Regulations 2025

RISK MANAGEMENT CONSIDERATIONS

These statements are qualitative in nature and designed to provide an indication of Council's general position when deciding to take or retain risk in pursuit of its objectives.

1. **SERVICE DELIVERY**
Refers to the delivery of services to the community, which includes the systems and physical assets that enable provision of these services, including structures (such as roads, buildings and facilities) as well as IT infrastructure, plant, vehicles & other equipment.

The **Amendment Regulations** will provide additional time for staff to assess development applications where defined as a complex application, however, where verification is not completed within the timeframe, the additional time taken to complete will be subtracted from the statutory timeframe for assessment. Land divisions will also be halved in terms of timeframes from 60 to 30 business days where proposing creation of 10 or less allotments without creation of a public road.

2. **SUSTAINABILITY & ENVIRONMENT**
Relates to measures to preserve, protect and minimise impact on the natural environment, including sacred and indigenous lands, flora, fauna, heritage, water, waste, hazardous materials and pollution.

Nil

3. **FINANCIAL**
Refers to planning and control of Council's budget to align with the sustainable achievement of the desired outcomes articulated in its Community Plan.

The principal concern with the proposed **Amendment Regulations** is the removal of the requirement that Council must consent to the vesting of land.

The **Amendment Regulations** also pose significant risk of inferior or poorly constructed infrastructure that may be vested with councils. Communities may be burdened with rectification costs arising from substandard work. These concerns are outlined in the draft submission.

4. PEOPLE

Relates to recruitment, retention, wellbeing and safety of employees and volunteers and engagement and management of contractors as well as the wellbeing and safety of the community.

Nil

5. REPUTATION

Relates to policy, decisions, actions and circumstances that may cause Council to lose credibility with the community, ratepayers, key stakeholders, other levels of government and its own employees and contractors.

Reputational risks may arise in respect to situations where inferior or poorly constructed infrastructure are vested with councils and where communities are burdened with rectification costs.

COMMUNITY ENGAGEMENT

Stakeholders are provided with opportunity to make submissions as part of the consultation process which concludes on 22 April 2025.

8. CONFIDENTIAL REPORTS

8.1 Office of the Mayor and CEO

8.1.1 CONCORDIA POLICIES
25/25015

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 includes references to and informed by confidential information and processes subject to deed of non-disclosure with a Minister.

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 Greatwich

That Council:

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

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

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

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that it includes references to and informed by confidential information and processes subject to deed of non-disclosure with a Minister.

SECONDED Cr Hurn **CARRIED 2022-26/681**

The meeting moved into confidence at 6.39pm

MOVED Cr de Vries

That Council:

(1) Council resolution

(2) Council resolution

(3) Having considered this matter in confidence under Sections 90(2) and 90(3)(j) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 15 April 2025 in relation to item 8.1.1 Concordia Policies 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 2022-26/682**

Resumption of open council meeting at 6.40pm

8.1.2 <u>18A ELIZABETH STREET DRAINAGE EASEMENT AND SERVICE LEVEL - PRETRIAL CONFERENCE REPORT</u>
25/25510

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 a notice of a claim of nuisance has been made and preliminary litigation actions are now underway.

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

MOVED Cr de Vries

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services, 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:

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

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 a notice of a claim of nuisance has been made and preliminary litigation actions are now underway.

SECONDED Cr Greatwich **CARRIED 2022-26/683**

The meeting moved into confidence at 6.42pm

MOVED Cr Schilling

That Council:

(1) Council resolution

(2) Council resolution

(3) Council resolution

(4) Having considered this matter in confidence under Sections 90(2) and 90(3)(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 15 April 2025 in relation to item 8.1.2 18A Elizabeth Street Drainage Easement and Service Level - Pretrial Conference Report be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Troup **CARRIED CO 2022-26/685**

Resumption of open council meeting at 6.51pm

8.2 Corporate Services, Strategy and Innovation

8.2.1 SALE OF LAND FOR NON-PAYMENT OF COUNCIL RATES
25/24941

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 would result in unreasonable disclosure of the personal affairs of the people who own the properties included in the report

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

MOVED Cr de Vries

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of

the Chief Executive Officer, Deputy CEO and Director Corporate Services, Strategy and Innovation, Director Development and Community Services, Director Infrastructure and Environmental Services, Manager Financial 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)(a) of the *Local Government Act 1999:*

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

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that it would result in unreasonable disclosure of the personal affairs of the people who own the properties included in the report

SECONDED Cr Greatwich **CARRIED 2022-26/686**

The meeting moved into confidence at 6.51pm

Moved *Cr Hurn*

That Council:

(1) Council resolution

(2) Council resolution

(3) Council resolution

(4) Having considered this matter in confidence under Sections 90(2) and 90(3)(a) 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 15 April 2025 in relation to item 8.2.1 Sale of land for non-payment of council rates be kept confidential and not available for public inspection until the outstanding debt has been paid or the sale of the property has been settled and authorise the Chief Executive Officer to review and revoke the order.

Seconded Cr Greatwich **CARRIED CO 2022-26/687**

Resumption of open council meeting at 6.54pm

8.2.2 <u>TENDER- CARAVAN PARK MANAGEMENT SERVICES - T0254/2025</u>
25/25505

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

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender – Caravan Park Management Services and the Council report, attachments and associated documents.

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

MOVED Cr de Vries

That Council:

(1) Under the provisions of Section 90(2) of the *Local Government Act 1999*, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate Services, 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:

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

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

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that the disclosure would unreasonably expose commercial in confidence information provided by tenderers through the tender process for the Tender – Caravan Park Management Services and the Council report, attachments and associated documents.

SECONDED Cr Greatwich **CARRIED 2022-26/688**

The meeting moved into confidence at 6.54pm

MOVED Cr Barrett

That Council:

(1) Council resolution

(2) Council resolution

(3) Council resolution

(4) Having considered this matter in confidence under Sections 90(2) and 90(3)(k) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 15 April 2025 in relation to item 8.2.2 Tender- Caravan Park Management Services - T0254/2025 be kept confidential and not available for public inspection until the end of the contract and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Hurn **CARRIED CO 2022-26/689**

Resumption of open council meeting at 6.56pm

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 20 May 2025 at 5.30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 6.56pm.

Confirmed at Council Meeting on 20 May 2025

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