



## MINUTES OF THE MEETING OF THE BAROSSA COUNCIL

held on Tuesday 20 May 2025 commencing at 5.30pm  
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

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# MINUTES

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

## 1. ATTENDANCE RECORD

### 1.1 Members Present

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

#### Apologies

Nil

#### Not Present

Nil

#### Leave of Absence

Nil

## 2. CONFIRMATION OF MINUTES

### 2.1 Minutes of previous meetings – for confirmation:

**MOVED** Cr de Vries

That the Minutes of the Council meeting held on Tuesday 15 April 2025 at 5.30pm and the Special Council meeting held on Monday 12 May 2025 at 5.30 pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

**SECONDED** Cr Lane

**CARRIED 2022-26/693**

## 2.2 Matters arising from previous minutes

### **2.2.1 VARIATIONS TO PRACTICE DIRECTIONS 8 (COUNCIL SWIMMING POOL INSPECTIONS) AND PRACTICE DIRECTION 9 (COUNCIL INSPECTIONS 2020) 25/26613**

The Chair of the State Planning Commission, Mr Craig Holden, has written to Council, as per Attachment 1, to advise of amendments recently adopted to Practice Directions 8 (Council Swimming Pool Inspections 2025) and Practice Direction 9 (Council Inspections 2020) which become operational from 1 July 2025.

A copy of the adopted Practice Directions are contained in Attachment 2 (Council Swimming Pool Inspections 2025) and Attachment 3 respectively (Council Inspections 2020).

The State Planning Commission issues practice directions to specify procedural requirements under the *Planning, Development and Infrastructure Act 2016*.

Updates have been made as a result of feedback from Councils and other stakeholders to improve consistency and councils' reporting capacity under the Practice Directions. The updates include:

- Clearer definitions and improved consistency;
- Clarification on how and when mandatory inspections are counted;
- Inspection requirements for buildings constructed off-site;
- Inclusion of mandatory inspection requirements for private bushfire shelters;
- Accredited requirements for authorised officers.

The main changes under the Practice Directions for Council is as follows:

- In respect to Practice Direction 8 (Council Swimming Pool Inspections 2025), Councils outside of metropolitan Adelaide will be given 15 business days (instead of current 10 business days) to inspect swimming pools and swimming pool safety features from the date of being notified of completion;
- In respect to Practice Direction 9 for farm buildings and farm sheds, the proportion of developments to be inspected will be altered from 50% to 33% of farm sheds and 75% of farm buildings;
- In respect to Practice Direction 9, introduction of a new category – private bushfire shelters, which requires that 100% of such buildings are inspected.

The Practice Directions do not otherwise alter the current inspection requirements in relation to the percentage of developments required to be inspected by Council under Practice Direction 9 (Council Inspections). These are set as follows:

- 100% of swimming pools, pursuant to Practice Direction 8;
- 66% of class 1 buildings (ie. dwellings) pursuant to Practice Direction 9;
- 90% of class 2-9 buildings.

The State Planning Commission advise that a broader review of Council's obligations to undertaking building inspections is planned to take place in future and there will be further engagement with stakeholders with a view to making more comprehensive changes to Practice Direction 9 over the 2025/26 financial year.

**SUPPORTING REFERENCES***Planning, Development and Infrastructure Act 2016**Planning, Development and Infrastructure (General) Regulations 2017***3. PROCEDURAL ITEMS****3.1 Petitions**

Nil

**3.2 Deputations/Visitors to the meeting**

Nil

**3.3 Notice of Motion**

Nil

**3.4 Questions with Notice**

Nil

**4. MAYOR****4.1 Mayor's Report****MOVED** Cr Evans

That the Mayor's report be received.

**SECONDED** Cr Hurn**CARRIED 2022-26/694****5. COUNCILLORS' REPORTS**

Nil

**6. MATTERS FOR INFORMATION**

- 6.1 Williamstown and Lyndoch Landcare Group - Minutes of Meeting
- 6.2 Draft Accommodation Diversity Code Amendment
- 6.3 Draft Gawler River Floodplain Management Authority Stormwater Management Plan (SMP)
- 6.4 University of Canberra Research Report - Short Term Rentals in Australia
- 6.5 Gawler River Floodplain Management Authority - Minutes of meeting
- 6.6 Disability Access and Inclusion Update
- 6.7 Audit and Risk Committee Meeting Minutes of 19 March 2025
- 6.8 Sister Cities Advisory Committee - Agenda and Minutes - 27 March 2025

## 7. DEBATE REPORTS

### 7.1 Office of the Mayor and CEO

*Cr Preece requested with leave of the meeting, requested 5 minutes to speak to the Chamber to give a personal explanation in relation to items number 7.1.1 to 7.1.5. The leave was granted. Cr Preece provided the Chamber with a personal explanation as outlined below:*

#### PERSONAL EXPLANATION – CR PREECE

I wish to seek leave to give a personal explanation.

(LEAVE GRANTED)

Thank you fellow elected members.

I stand and speak before you tonight to make a personal statement in regard to the following agenda items titled 'Complaint Against Cr Preece Tabling of Investigation, Findings and Recommended Outcomes'.

I do not wish to go into detail in regard to each alleged complaint, as the purpose of my personal explanation to you tonight is to seek your support for procedural fairness in this case.

My simple request of you tonight is to grant me an extension of time for me to fully respond to the allegations made against me using the advice of my principal legal advisor.

Unfortunately, he had a long overseas trip organised and will be away until late June. As you can appreciate, I am not his only client, and to give him some reasonable time to assist me on his return I sought an extension of time to August 8<sup>th</sup>.

Furthermore, after my original responses to the allegations laid against me, the Council's lawyers, Kelledy Jones, took 4 months to respond to my original responses.

Even though that may seem overly long to respond, I accepted this, assuming I would be granted a similar amount of time to respond – this was not the case.

They granted me two weeks. When I asked for an extension it was refused. So, they get four months, and I get two weeks. That was their choice.

I referred this matter to the Ombudsman who asked that the matter be decided by Council before she looked at it.

So, I sought some legal advice on the procedures undertaken by Council's lawyers and was told that I had the right to procedural fairness and that four months was a reasonable length of time taking into account all of the circumstances.

So, I seek your agreement for an extension for me to respond to Kelledy Jones on these matters until August 8<sup>th</sup>.

## PERSONAL EXPLANATION – CR PREECE

Regardless of the outcome of tonight – and that is in your hands, not mine – I will be referring the way this matter has been dealt with by the Council's lawyers and the Administration to the Ombudsman, but that may not occur until next week, or much later this year.

Whilst you are thinking of how to vote on the next few matters, I want to ask each of you what you would want to see happen if you were in my position.

Would you expect procedural fairness and that you were to receive a legal fair go in preparing your case?

Whether you are considering voting totally in line with the lawyers' recommendations, or to vote to reject all of them, or haven't made up your mind, or whatever, you would expect the Council's lawyers, the Council's Administration and the Council itself to give you procedural fairness in listening to your side of the story.

You never know, if one day, though you may be perfectly innocent, you may find yourself under investigation. I hope that day never comes for you.

I believe one of the great pillars of our Australian society and the way our country is run is that we have the rule of law, we have the principle that people are innocent until proven guilty and that those accused of wrongdoing are given procedural fairness in the ensuing investigations.

You would expect it for yourself, and I ask you to provide that to me tonight by voting to give me until August 8<sup>th</sup>, 2025, to respond to the matters brought against me.

Thank you.

### **At beginning of Item 7.1:**

Your Worship, I wish to declare a material conflict of interest in respect to items 7.1.1 to 7.1.5 as they are in regard to investigations and proposed actions to be taken against me as part of Council's Behavioural Standards for Council Members, and therefore I shall leave the Chamber and take no part in the debate.

**7.1.1 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION, FINDINGS AND RECOMMENDED OUTCOMES - COMPLAINT MATTER 1 AND 2**  
**25/36696**

*Pursuant to Section 75 of the Local Government Act 1999, Cr Preece disclosed an Material Conflict of Interest in the matter of Item numbers 7.1.1 to 7.1.5 - Complaint against Cr Preece - Tabling of Investigation, findings and Recommended Outcomes - Complaint Matter 1 to 5, as they are in regard to investigations and proposed actions to be taken against me as part of Councils Behavioural Standards for Council Members and therefore I shall leave the Chamber and take no part in the debate.*

*Cr Preece left the meeting at 5:38 pm.*

*Pursuant to Section 75 of the Local Government Act 1999, Cr Schilling disclosed a Material Conflict of Interest in the matter of Item number 7.1.1 - Complaint against Cr Preece - Tabling of Investigation, Findings and Recommended Outcomes - Complaint Matter 1 and 2, as she is a complainant in the matter and advised the Chamber that she would leave the meeting for this item.*

*Cr Schilling left the meeting at 5:38 pm.*

*Pursuant to Section 75 of the Local Government Act 1999, Cr Greatwich disclosed a Material Conflict of Interest in the matter Item number 7.1.1 - Complaint against Cr Preece - Tabling of Investigation, Findings and Recommended Outcomes - Complaint Matter 1 and 2, and - Complaint against Cr Preece - Tabling of Investigation, Findings and Recommended Outcomes - Complaint Matter 3, as the conflict arises as she is the originator of the complainant and advised the Chamber that she would leave the meeting for this item.*

*Cr Greatwich left the meeting at 5:38 pm.*

*Pursuant to Section 74 of the Local Government Act 1999, Cr Evans advised Chamber of a perceived Conflict of Interest in the matter Item number 7.1.1 - Complaint against Cr Preece - Tabling of Investigation, Findings and Recommended Outcomes - Complaint Matter 1 and 2, as she is named as a witness but advised the Chamber that she will remain in the room as she felt this will not affect the her decision making.*

**MOVED** Cr de Vries

That Council having reviewed the independent investigation report and findings:

- (1) Hereby finds that Cr Preece breached the following clauses under the Behavioural Standards for Council Members for the allegations found proved:
- Clause 1.4 of the Mandatory Standards - Act in a reasonable, just, respectful and non-discriminatory way.
  - Clause 2.5 of the Mandatory Standards - Act in a manner consistent with their roles, as defined under section 59 of the Act.
  - Clause 3.1 of the Mandatory Standards - Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.

(2) To remedy these breaches, the Council resolves that:

- a. Cr Preece be reprimanded;
- b. Cr Preece attend training relevant to his role and responsibilities as an Elected Member within (4) weeks, unless an amended date is otherwise agreed prior with the Mayor which shall include Indigenous and cultural awareness training component; and
- c. Cr Preece issue a public apology to Crs Greatwich and Schilling and acknowledging the offence to fellow Councillors and the Indigenous and wider community at a public meeting of the Council, to be delivered within the next two (2) meetings of Council, and the terms of the apology are to be recorded in the Minutes which shall acknowledge the substance of the complaint being substantiated.

**SECONDED** Cr Troup

**CARRIED 2022-26/695**

**MOVED** Cr Angas

That Council having found Cr Preece has breached the Behaviour Standards for Council Members censures the member for his behaviour and disrespect to Cr Greatwich and Cr Schilling, Council and its community as outlined in the findings.

**SECONDED** Cr de Vries

**CARRIED 2022-26/696**

#### **PURPOSE**

To review the independent investigation process, findings and recommendations pertaining to a complaint about Cr Preece, by Cr Greatwich and Cr Schilling, under the Behavioural Standards for Council Members.

#### **REPORT**

Two separate complaints, alleging similar actions and behaviours, were received in 2024. As prescribed by the Council's *Behavioural Management Policy* as in force at the time, the Mayor, with the support of the Chief Executive Officer and independent legal support from Kellely Jones Lawyers, undertook, first, an Initial Assessment of the Complaints, followed by a formal Investigation.

At the conclusion of the timeframe to respond to the draft Investigation Report, no response was received from Cr Preece. The complainant responses are provided as appendices to the Investigation Report. There being no agreed outcome on the investigation, it is now for Council to make a final determination, pursuant to clause 4.5.4 of the Policy in place at that time (and clause 6.37 of the amended Policy, subsequently adopted by the Council). As required by the past Policy (clause 4.5.5) and current Policy (clause 6.39) this Report, and the Council's consideration and determination of the same, must be whilst the council meeting is open to the public and cannot be considered by Council in confidence.


The relevant materials are provided at [Attachment 1](#).

The Mayor also advises Council that all parties have been provided three opportunities as part of both the informal, and formal, processes under the Policy to consider the allegations and provide information to be taken into account in both the

preparation of the Initial Assessment Report, and then on the investigation and in the preparation of the Investigation Report.

All parties have been afforded procedural fairness as part of this process, including by the granting of extensions of time to respond. The information tabled outlines the extensive processes undertaken in the investigation of these allegations, and deferral of actions for various reasons at times.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Final Report, Findings and Attachments Complaint 1 and 2 

Supporting references

[Elected-Member-Behavioural-Management-Process-Approved-16-April-2024.pdf](#)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Corporate Plan

- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions
- BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Section 262B 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

### 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.*

Costs incurred to date on this, and other complaints managed collectively, and all being reported to the Council meeting at this 20th May 2025 meeting amount to \$47,098.75 being \$35,050 in legal and investigation services and \$12,048.75 in administrative costs of the Chief Executive Officer resource used to date (this equates to an estimated 63.0 hours). This does not include any estimate for the Mayors time costs.

These costs relate to all complaints made against Cr Preece that are currently under processes pursuant to Council policy and processes. This does not include any invoicing for May.

**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.*

Potential impacts are restricted at this time as the matter has been managed confidentiality as required.

**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 processes of the complaints and now the inability to achieve an agreed outcome will result in reputational damage to Council.

<b>COMMUNITY ENGAGEMENT</b>
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Nil required or recommended. As outlined in the report procedural fairness was afforded to the parties to the complaints at all times.

*Cr Schilling returned to the meeting at 5:47 pm.*

*Cr Greatwich returned to the meeting at 5:47 pm.*

Cr Preece having already declared a conflict of interest for agenda item 7.1.2 remained out of the Council Chamber.

**7.1.2 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION, FINDINGS AND RECOMMENDED OUTCOMES - COMPLAINT MATTER 3**  
**25/36700**

**MOVED** Cr Greatwich

That Council having reviewed the independent investigation report, and findings, hereby:

(1) Finds that Cr Preece has breached the following clauses under the Behavioural Standards for Council members for the allegations found proved:

- Clause 1.4 of the Mandatory Standards - Act in a reasonable, just, respectful and non-discriminatory way.
- Clause 2.1 of the Mandatory Standards – Comply with all applicable Council policies, codes, procedures guidelines and resolutions.
- Clause 2.5 of the Mandatory Standards - Act in a manner consistent with their roles, as defined under section 59 of the Act.
- Clause 4.2 of the Mandatory Standards – Not bully Council employees.

(2) To remedy these breaches, the Council resolves that:

- a. Cr Preece be reprimanded;
- b. Cr Preece attend training relevant to his role and responsibility as an Elected Member within (4) weeks, unless an amended date is otherwise agreed prior with the Mayor including bullying and harassment training; and
- c. Cr Preece issue a public apology which shall acknowledge he engaged staff contrary to the Chief Executive Officers instructions and bullied and harassed staff, at a public meeting of the Council to the employees in question (without otherwise naming them), to be delivered within the next two (2) meetings of Council, and the terms of the apology are to be recorded in the Minutes.

**SECONDED** Cr Evans

**VARIATION**

Cr Evans sought leave of the meeting and consent of the Mover, requesting the addition of the word 'with' after the word 'engaged' in item (2)c.

The Mayor put the question of leave of the meeting. Leave of the meeting and consent from the Mover was granted.

The motion was varied and read as follows:

That Council having reviewed the independent investigation report, and findings, hereby:

(1) Finds that Cr Preece has breached the following clauses under the Behavioural Standards for Council members for the allegations found proved:

- Clause 1.4 of the Mandatory Standards - Act in a reasonable, just, respectful and non-discriminatory way.
- Clause 2.1 of the Mandatory Standards – Comply with all applicable Council policies, codes, procedures guidelines and resolutions.
- Clause 2.5 of the Mandatory Standards - Act in a manner consistent with their roles, as defined under section 59 of the Act.
- Clause 4.2 of the Mandatory Standards – Not bully Council employees.

(2) To remedy these breaches, the Council resolves that:

- a. Cr Preece be reprimanded;
- b. Cr Preece attend training relevant to his role and responsibility as an Elected Member within (4) weeks, unless an amended date is otherwise agreed prior with the Mayor including bullying and harassment training; and
- c. Cr Preece issue a public apology which shall acknowledge he engaged with staff contrary to the Chief Executive Officers instructions and bullied and harassed staff, at a public meeting of the Council to the employees in question (without otherwise naming them), to be delivered within the next two (2) meetings of Council, and the terms of the apology are to be recorded in the Minutes.

**CARRIED 2022-26/697**

**MOVED** Cr Greatwich

That Council having found Cr Preece has breached the Behaviour Standards for Council Members censures the member for his behaviour and disrespect to Council and its staff as outlined in the findings.

**SECONDED** Cr de Vries

**CARRIED 2022-26/698**

#### **PURPOSE**

To review the independent investigation process, findings and recommendations pertaining to a complaint about Cr Preece, by Council staff members who requested to not be named, under the Behavioural Standards for Council Members.

#### **REPORT**

A complaint was received from Council staff members and as prescribed by the Council's *Behavioural Management Policy* as in force at the time, the Mayor, with the support of the Chief Executive Officer and independent legal support from Kelledy Jones Lawyers, undertook, first, an Initial Assessment of the Complaints, followed by a formal Investigation.

At the conclusion of the timeframe to respond to the draft Investigation Report, no response was received from Cr Preece. The complainant responses are provided as appendices to the Investigation Report. There being no agreed outcome on the investigation, it is now for Council to make a final determination, pursuant to clause 4.5.4 of the Policy in place at that time (and clause 6.37 of the amended Policy,

subsequently adopted by the Council). As required by the past Policy (clause 4.5.5) and current Policy (clause 6.39) this Report, and the Council's consideration and determination of the same, must be whilst the council meeting is open to the public and cannot be considered by Council in confidence.

The relevant materials are provided at [Attachment 1](#).

The Mayor also advises Council that all parties have been provided three opportunities as part of both the informal, and formal, processes under the Policy to consider the allegations and provide information to be taken into account in both the preparation of the Initial Assessment Report, and then on the investigation and in the preparation of the Investigation Report.

All parties have been afforded procedural fairness as part of this process, including by the granting of extensions of time to respond. The information tabled outlines the extensive processes undertaken in the investigation of these allegations, and deferral of actions for various reasons at times.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Final Report, Findings and Attachments - Complaint 3 

Supporting references

[Elected-Member-Behavioural-Management-Process-Approved-16-April-2024.pdf](#)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Corporate Plan

- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions
- BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Section 262B 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

**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.*

Costs incurred to date on this, and other complaints managed collectively, and all being reported to the Council meeting at this 20th May 2025 meeting amount to \$47,098.75 being \$35,050 in legal and investigation services and \$12,048.75 in administrative costs of the Chief Executive Officer resource used to date (this equates to an estimated 63.0 hours). This does not include any estimate for the Mayors time costs.

These costs relate to all complaints made against Cr Preece that are currently under processes pursuant to Council policy and processes.

This does not include any invoicing for May.

**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.*

This has impacted the two staff involved, they are fearful of impact on them personally and Council senior staff have been ensuring they are adequately supported.

**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 processes of the complaints and now the inability to achieve an agreed outcome will result in reputational damage to Council.

<b>COMMUNITY ENGAGEMENT</b>
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Nil required or recommended. As outlined in the report procedural fairness was afforded to the parties to the complaints at all times.

Cr Preece having already declared a conflict of interest for agenda 7.1.3 remained out of the Council Chamber.

**7.1.3 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION, FINDINGS AND RECOMMENDED OUTCOMES - COMPLAINT MATTER 4**  
**25/36701**

Pursuant to Section 75 of the Local Government Act 1999, Cr Greatwich disclosed an Material Conflict of Interest in the matter Item number 7.1.3 – Complaint Against Cr Preece - Tabling of Investigation, findings and Recommended Outcomes - Complaint Matter 4 as she is the originator of the complaint and advised the Chamber that she will leave the meeting.

Cr Greatwich left the meeting at 5:57 pm.

**MOVED** Cr Angas

That Council having reviewed the independent investigation report, and findings, hereby:

- (1) Finds that Cr Preece has breached the following clauses under the Behavioural Standards for Council members for the allegations found proved:
  - Clause 1.4 of the Mandatory Standards - Act in a reasonable, just, respectful and non-discriminatory way.
  - Clause 2.5 of the Mandatory Standards - Act in a manner consistent with their roles, as defined under section 59 of the Act (namely, to ensure positive and constructive working relations within the Council).
  - Clause 3.1 of the Mandatory Standards – Establish and maintain relationships of respect, trust, collaboration, and cooperate with all Council members.
- (2) To remedy these breaches, the Council resolves that:
  - a. Cr Preece be reprimanded;
  - b. Cr Preece attend training relevant to his role and responsibility as an Elected Member within (4) weeks, unless an amended date is otherwise agreed prior with the Mayor including training on bullying and harassment; and
  - c. Cr Preece issue a public apology at a public meeting of the Council which shall include an apology to Cr Greatwich for a lack of professional conduct and undertaking bullying and harassment, to be delivered within the next two (2) meetings of Council, and the terms of the apology are to be recorded in the Minutes.

**SECONDED** Cr Troup

**CARRIED 2022-26/699**

**MOVED** Cr Angas

That Council having found Cr Preece has breached the Behaviour Standards for Council Members censures the member for his behaviour and disrespect to Cr Greatwich and Council as outlined in the findings.

**SECONDED** Cr Hurn**CARRIED 2022-26/700****PURPOSE**

To review the independent investigation process, findings and recommendations pertaining to a complaint about Cr Preece, by Cr Greatwich, under the Behavioural Standards for Council Members.

**REPORT**

A complaint was received from Cr Greatwich and as prescribed by the Council's *Behavioural Management Policy* as in force at the time, the Mayor, with the support of the Chief Executive Officer and independent legal support from Kelledy Jones Lawyers, undertook, first, an Initial Assessment of the Complaints, followed by a formal Investigation.

At the conclusion of the timeframe to respond to the draft Investigation Report, no response was received from Cr Preece. The complainant responses are provided as appendices to the Investigation Report. There being no agreed outcome on the investigation, it is now for Council to make a final determination, pursuant to clause 4.5.4 of the Policy in place at that time (and clause 6.37 of the amended Policy, subsequently adopted by the Council). As required by the past Policy (clause 4.5.5) and current Policy (clause 6.39) this Report, and the Council's consideration and determination of the same, must be whilst the council meeting is open to the public and cannot be considered by Council in confidence.

The relevant materials are provided at [Attachment 1](#).

The Mayor also advises Council that all parties have been provided three opportunities as part of both the informal, and formal, processes under the Policy to consider the allegations and provide information to be taken into account in both the preparation of the Initial Assessment Report, and then on the investigation and in the preparation of the Investigation Report.

All parties have been afforded procedural fairness as part of this process, including by the granting of extensions of time to respond. The information tabled outlines the extensive processes undertaken in the investigation of these allegations, and deferral of actions for various reasons at times.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Final Report, Findings and Attachments Complaint 4 

[Supporting references](#)

[Elected-Member-Behavioural-Management-Process-Approved-16-April-2024.pdf](#)

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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**Corporate Plan**

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Legislative Requirements

Section 262B of the Local Government Act (1999)

<b>RISK MANAGEMENT CONSIDERATIONS</b>
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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.*

Costs incurred to date on this, and other complaints managed collectively, and all being reported to the Council meeting at this 20th May 2025 meeting amount to \$47,098.75 being \$35,050 in legal and investigation services and \$12,048.75 in administrative costs of the Chief Executive Officer resource used to date (this equates to an estimated 63.0 hours). This does not include any estimate for the Mayors time costs.

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This does not include any invoicing for May.

**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.*

This has impacted the two staff involved, they are fearful of impact on them personally and Council senior staff have been ensuring they are adequately supported.

**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 processes of the complaints and now the inability to achieve an agreed outcome will result in reputational damage to Council.

<b>COMMUNITY ENGAGEMENT</b>
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Nil required or recommended. As outlined in the report procedural fairness was afforded to the parties to the complaints at all times.

*Cr Greatwich returned to the meeting at 6:02 pm.*

*Cr Preece having already declared a conflict of interest for agenda item 7.1.4 remained out of the Council Chamber.*

**7.1.4 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION, FINDINGS AND RECOMMENDED OUTCOMES - COMPLAINT MATTER 5**  
**25/36703**

**MOVED** Cr de Vries

That Council having reviewed the independent investigation report, and findings, hereby:

- (1) Finds that Cr Preece has breached the following clauses under the Behavioural Standards for Council members for the allegations found proved:
- Clause 1.2 of the Mandatory Standards - Act in a way that generates community trust and confidence in the Council.
  - Clause 1.5 of the Mandatory Standards – When making public comments, including comments to the media, on Council decisions and Council matters, show respect for others and clearly indicate their views are personal and are not those of the Council.
  - Clause 2.5 of the Mandatory Standards – Act in a manner consistent with their roles, as defined under section 59 of the Act.

- (2) To remedy these breaches, the Council resolves that:
- a. Cr Preece be reprimanded;
  - b. Cr Preece attend training relevant to his role and responsibility as an Elected Member within (4) weeks, unless an amended date is otherwise agreed prior with the Mayor including appropriate public conduct; and
  - c. Cr Preece issue a public apology which shall include acknowledgement of misconduct at a Council and community event and to the members of the clubs and community present at the Tanunda Recreation Park redevelopment opening at a public meeting of the Council, to be delivered within the next two (2) meetings of Council, and the terms of the apology are to be recorded in the Minutes.
- (3) Cr Preece, for a period of 12 months, be ineligible for consideration to attend on behalf of the Council, as an Elected Member representative, at community events where the Council is invited to send a representative and that this be published in the Minutes of the Council meeting.

**SECONDED** Cr Greatwich

**CARRIED 2022-26/701**

**MOVED** Cr de Vries

That Council having found Cr Preece has breached the Behaviour Standards for Council Members censures the member for his behaviour and disrespect to the Tanunda community and this present at the Tanunda Recreation Park redevelopment opening as outlined in the findings.

**SECONDED** Cr Troup

**CARRIED 2022-26/702**

#### **PURPOSE**

To review the independent investigation process, findings and recommendations pertaining to a complaint about Cr Preece, by a member of the public who requests not to have their name disclosed, under the Behavioural Standards for Council Members.

#### **REPORT**

A complaint was received from a member of the public and as prescribed by the Council's *Behavioural Management Policy* as in force at the time, the Mayor, with the support of the Chief Executive Officer and independent legal support from Kelledy Jones Lawyers, undertook, first, an Initial Assessment of the Complaints, followed by a formal Investigation.

At the conclusion of the timeframe to respond to the draft Investigation Report, no response was received from Cr Preece. The complainant responses are provided as appendices to the Investigation Report. There being no agreed outcome on the investigation, it is now for Council to make a final determination, pursuant to clause 4.5.4 of the Policy in place at that time (and clause 6.37 of the amended Policy, subsequently adopted by the Council). As required by the past Policy (clause 4.5.5) and current Policy (clause 6.39) this Report, and the Council's consideration and

determination of the same, must be whilst the council meeting is open to the public and cannot be considered by Council in confidence.

The relevant materials are provided at [Attachment 1](#).

The Mayor also advises Council that all parties have been provided three opportunities as part of both the informal, and formal, processes under the Policy to consider the allegations and provide information to be taken into account in both the preparation of the Initial Assessment Report, and then on the investigation and in the preparation of the Investigation Report.

All parties have been afforded procedural fairness as part of this process, including by the granting of extensions of time to respond. The information tabled outlines the extensive processes undertaken in the investigation of these allegations, and deferral of actions for various reasons at times.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Final Report, Findings and Attachments - Complaint 5 

Supporting references

[Elected-Member-Behavioural-Management-Process-Approved-16-April-2024.pdf](#)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Corporate Plan

- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions
- BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Section 262B 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

**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.*

Costs incurred to date on this, and other complaints managed collectively, and all being reported to the Council meeting at this 20th May 2025 meeting amount to \$47,098.75 being \$35,050 in legal and investigation services and \$12,048.75 in administrative costs of the Chief Executive Officer resource used to date (this equates to an estimated 63.0 hours). This does not include any estimate for the Mayors time costs.

These costs relate to all complaints made against Cr Preece that are currently under processes pursuant to Council policy and processes.

This does not include any invoicing for May.

**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.*

This has impacted the relevant member of the public and others who were present at the event.

**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 processes of the complaints and now the inability to achieve an agreed outcome will result in reputational damage to Council.

<b>COMMUNITY ENGAGEMENT</b>
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Nil required or recommended. As outlined in the report procedural fairness was afforded to the parties to the complaints at all times.

Cr Preece having already declared a conflict of interest for agenda item 7.1.5 remained out of the Council Chamber.

**7.1.5 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION, FINDINGS AND RECOMMENDED OUTCOMES - COMPLAINT MATTER 6**  
**25/37102**

**MOVED** Cr Greatwich

That Council having reviewed the independent investigation report, and findings, hereby:

- (1) Finds that Cr Preece has breached the following clauses under the Behavioural Standards for Council members for the allegations found proved:
  - Clause 1.3 of the Mandatory Standards - Act in a manner that is consistent with the Council's role as a representative, informed and responsible decision maker, in the interests of its community.
  - Clause 1.4 of the Mandatory Standards – Act in a reasonable, just, respectful and non-discriminatory way.
  - Clause 2.5 of the Mandatory Standards – Act in a manner consistent with their roles, as defined under section 59 of the Act (being a failure to provide community leadership and guidance).
- (2) To remedy these breaches, the Council resolves that:
  - a. Cr Preece be reprimanded;
  - b. Cr Preece attend training relevant to his role and responsibility as an Elected Member within (4) weeks, unless an amended date is otherwise agreed prior with the Mayor including the impacts of discriminatory behaviour and actions; and
  - c. Cr Preece issue a public apology to the Members of the Gawler River Floodplain Management Authority and Council which shall include acknowledgement of his discriminative behaviour and comments at a public meeting of the Council and write to the Chairperson of the Gawler River Floodplain Management Authority providing a written apology, to be delivered within the next two (2) meetings of Council, and the terms of the apology are to be recorded in the Minutes.
- (3) In accordance with clause 5.6.6 of the Charter, that the Council revokes the appointment of Cr Preece from the GRFMA, and appoint an alternative Member to the Board.
- (4) Note the outcomes of agenda items 7.1.1 to 7.1.5;
  - a) being six (6) formal investigations and findings of multiple breaches of the Behavioural Standards for Elected Members; and
  - b) the impacts and costs on rate payers, residents and employees; and
  - c) damaging Councils reputation;

calls on Cr Bruce Preece to resign from Council forthwith from his position as an Elected Member of The Barossa Council.

**SECONDED** Cr Angas

**CARRIED 2022-26/703**

**MOVED** Cr Hurn

That Council having found Cr Preece has breached the Behaviour Standards for Council Members censures the member for his behaviour and disrespect to the Members of the Gawler River Floodplain Management Authority, Council and its community as outlined in the findings.

**SECONDED** Cr Greatwich**CARRIED 2022-26/704****PURPOSE**

To review the independent investigation process, findings and recommendations pertaining to a complaint about Cr Preece, by a person present at the relevant meeting who requests not to have their name disclosed, under the Behavioural Standards for Council Members.

**REPORT**

A complaint was received from a person present at the relevant meeting and as prescribed by the Council's *Behavioural Management Policy* as in force at the time, the Mayor, with the support of the Chief Executive Officer and independent legal support from Kelledy Jones Lawyers, undertook, first, an Initial Assessment of the Complaints, followed by a formal Investigation.

At the conclusion of the timeframe to respond to the draft Investigation Report, no response was received from Cr Preece. The complainant responses are provided as appendices to the Investigation Report. There being no agreed outcome on the investigation, it is now for Council to make a final determination, pursuant to clause 4.5.4 of the Policy in place at that time (and clause 6.37 of the amended Policy, subsequently adopted by the Council). As required by the past Policy (clause 4.5.5) and current Policy (clause 6.39) this Report, and the Council's consideration and determination of the same, must be whilst the council meeting is open to the public and cannot be considered by Council in confidence.

The relevant materials are provided at [Attachment 1](#).

The Mayor also advises Council that all parties have been provided three opportunities as part of both the informal, and formal, processes under the Policy to consider the allegations and provide information to be taken into account in both the preparation of the Initial Assessment Report, and then on the investigation and in the preparation of the Investigation Report.

All parties have been afforded procedural fairness as part of this process, including by the granting of extensions of time to respond. The information tabled outlines the extensive processes undertaken in the investigation of these allegations, and deferral of actions for various reasons at times.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Final Report, Findings and Attachments - Complaint 6 

[Supporting references](#)

[Elected-Member-Behavioural-Management-Process-Approved-16-April-2024.pdf](#)

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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**Corporate Plan**

- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions
- BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Section 262B of the Local Government Act (1999)

<b>RISK MANAGEMENT CONSIDERATIONS</b>
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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.*

Costs incurred to date on this, and other complaints managed collectively, and all being reported to the Council meeting at this 20th May 2025 meeting amount to \$47,098.75 being \$35,050 in legal and investigation services and \$12,048.75 in administrative costs of the Chief Executive Officer resource used to date (this equates to an estimated 63.0 hours). This does not include any estimate for the Mayors time costs.

These costs relate to all complaints made against Cr Preece that are currently under processes pursuant to Council policy and processes.

This does not include any invoicing for May.

**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.*

This has impacted the relevant member of the public and others who were present at the meeting.

**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 processes of the complaint and the behaviour witnessed at the Board of Council and now the inability to achieve an agreed outcome will result in reputational damage to Council.

<b>COMMUNITY ENGAGEMENT</b>
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Nil required or recommended. As outlined in the report procedural fairness was afforded to the parties to the complaints at all times.

*Cr Preece returned to the meeting at 6:30 pm.*

<b><u>ADJOURNMENT</u></b>
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**MOVED** Cr de Vries

Cr de Vries requested that Item 7.2.1 - Audit and Risk Committee - Appointment of Presiding Member adjourned for 5 minutes to break and resume the meeting at 6.35pm.

**SECONDED** Cr Greatwich

**CARRIED 2022-26/705**

*Council adjourned at 6.30pm*

*Meeting resumed at 6.35pm*

## **7.2 Corporate Services, Strategy and Innovation**

### **7.2.1 AUDIT AND RISK COMMITTEE - APPOINTMENT OF PRESIDING MEMBER** **25/27676**

**MOVED** Cr Angas

That Council approve the appointment of Mr Peter Brass as Independent Presiding Member of the Audit and Risk Committee, concluding on 28 January 2026

**SECONDED** Cr Barrett

**CARRIED 2022-26/706**

**PURPOSE**

To approve the proposed appointment of the Audit and Risk Committee Presiding Member

**REPORT**Introduction

The Audit and Risk Committee, at the meeting held on 19 March 2025 nominated Peter Brass as the proposed presiding member.

Discussion

As per the terms of reference of the Audit and Risk Committee, the appointment of the chair is to be nominated by the committee and approved by resolution of Council.

Peter is a long serving member of the Audit and Risk Committee and has previously held the position of chair. He has extensive experience in leading Finance, Risk Management & Internal Audit business functions.

He has a strong skill set in evaluating strategic and operational objectives of various businesses from a financial, risk management and internal control focus.

Summary and Conclusion

The Committee is to appoint a chairperson in accordance with the Terms of Reference. A nomination must be approved by resolution of Council.

Peter's nomination was supported by all members of the Audit and Risk Committee. Peter's expertise and experience makes him an ideal candidate to chair the Audit and Risk Committee

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Minutes - Audit and Risk Committee Meeting - 19 March 2025 

Supporting references

Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS****Corporate Plan**

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

Legislative Requirements

Section 126 of the Local Government Act 1999

<b>RISK MANAGEMENT CONSIDERATIONS</b>
---------------------------------------

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.*

The sitting fees for the Audit and Risk Committee, including the provision for chair is already included in current 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.*

Nil

<b>COMMUNITY ENGAGEMENT</b>
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Not required.

**7.2.2 OFFICE CLOSURE - ALL STAFF MID YEAR EVENT**

25/38938

**MOVED** Cr de Vries

That Council:

- (1) Pursuant to Section 45(2) of the *Local Government Act 1999*, approves the Principal Office and other offices of the Council to open at 10.30am on Tuesday, 24 June 2025.
- (2) Makes the following alternative arrangements to enable the local community to access the services of the Council which are ordinarily available at the Principal Office of the Council:
  - Email: [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au)
  - After Hours Service: Answering Adelaide 8563 8444
  - Website (Online Services and Make a Payment): [barossa.sa.gov.au](http://barossa.sa.gov.au)

**SECONDED** Cr Lane**CARRIED 2022-26/707****PURPOSE**

To consider and adopt a proposal for late Council office opening in order to facilitate all staff access and inclusion in an organisation-wide professional development event.

Specifically, to consider and adopt the following late opening times for Tuesday, 24 June 2025:

- 10.15am opening for the Lyndoch Library and Williamstown Depot
- 10.30am opening for Council workplaces that provide direct service to the public

**REPORT**Background

Twice per annum organisation-wide professional development events are held in support of Council's ongoing commitment to the implementation of modern people and culture strategies and the development and retention of staff, with a strong aim to continuously improve the quality of services to our community through the professional development of our staff.

Introduction

An all-staff professional development event is scheduled to be held on Tuesday, 24 June 2025 from 8am to 10.00am. To allow as many staff as possible to attend and return to the workplace, the timing of the event will commence at 8am, before normal working hours, and will run to approximately 10.00am. To facilitate this timeframe, support is being sought to allow Council workplaces providing direct services to the public to open 75/90 minutes later than normal at 10.15/30am, allowing staff to attend the event in its entirety.

Discussion

This event has been designed to promote knowledge sharing and connection of staff from various departments and work sites. It also provides a pivotal opportunity for new

and existing staff alike to broaden their understanding and appreciation for the positive impacts that Council makes within our community.

Whilst face to face service delivery will be impacted for 75/90 minutes due to the delayed opening of Council workplaces, online services will continue to be available, along with email enquiries and Council's after-hours telephone contact service.

#### Summary and Conclusion

Council support is being sought to approve the amendment of the opening times of Council's Principal Office and other offices to 10.15/30am to support staff attendance at an organisation-wide professional development and recognition event on Tuesday, 24 June 2025.

### **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.

#### 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.*

Whilst face to face service delivery will be impacted for 75/90 minutes due to the delayed opening of Council workplaces, online services will continue to be available, along with email enquiries and Council's after-hours telephone contact 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.*

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.*

Council's professional development events are designed to facilitate the retention of employees along with ongoing skills and knowledge development.

**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 staff development event will be held early morning to ensure as little disruption to service delivery as possible and we will promote the late opening to mitigate any inconvenience to community.

<b>COMMUNITY ENGAGEMENT</b>
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No consultation required given the amendment is minor in nature, although promotion and awareness to the community of the late opening will occur via social media, public notices and signage at relevant sites.

**7.2.3 VARIATION TO DELEGATIONS REGISTER - UPDATES TO LEGISLATION**

25/28286

**MOVED** Cr de Vries

That Council in exercise of the power contained in section 44 of the *Local Government Act 1999*, hereby delegates the powers and functions under the following Acts and specified in the proposed Instrument of Delegation contained at Attachment 1 of the report entitled "Amendments to the Delegation Register - Report Attachment – 20 May 2025," to the position of Chief Executive Officer:

- (1) Instrument A – *Planning Development and Infrastructure Act 2016*
- (2) *Local Government (General) Regulations 2013*

**SECONDED** Cr Troup**CARRIED 2022-26/708****PURPOSE**

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

**REPORT**Background

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

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

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

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

Introduction

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

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

### Discussion

The statutory power of delegation under section 44 of the *Local Government Act 1999* enables the delegation of the statutory powers and functions vested or conferred on a council. Other statutory delegation powers permit the delegation of powers or functions vested in a council in a particular capacity (eg as a relevant authority under the *Safe Drinking Water Act 2011* or an enforcement agency under the *Food Act 2001*). A column providing for the capacity in which the Council is acting is included in the tables of delegable statutory powers and functions. This is to assist Governance Officers to identify the powers and functions which are relevant to the Council and which the Council wants to delegate. It will also assist Council in ensuring the correct powers of delegation are referenced in the instrument of delegation.

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

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

### Updates

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

In this periodic update of delegations there have been changes to two pieces of legislation being:

#### Planning Development and Infrastructure Act 2016

##### New

- Lodgement of Proposal for preparation and amendment of designated instruments
- Consultation requirement prior to minister determination relating to preparation and amendment of designated instruments

##### Changed

- Numbering changes to various State Planning Commission Practice Directions – no impact on actual content.

##### Deleted

- Legislative deletion of a provision relating to complying changes to the planning and design code

Local Government (General) Regulations 2013

*Deleted*

- Legislative deletion of a provision around an employee complaints policy

Summary and Conclusion

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

The delegations within this report do not detail the entirety of the delegation framework, only those provisions that have been recently amended via legislative change.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Amendments to Delegations Register - Report Attachment - 20 May 2025 

Supporting references

No further supporting references.

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Corporate Plan

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

Legislative Requirements

Under Section 44(1) of the *Local Government Act 1999* a council may delegate a power or function vested or conferred under this or another Act, and it may be made to an employee of the council, a council committee, or an authorised person.

Council's Delegations Register is available on Council's website.

## 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.*

Effective delegations enable staff to effectively and legally deliver services to the 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.*

Effective delegations enable staff to manage risks in accordance with legislative requirements and Council's Enterprise Risk Framework.

**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.*

Effective delegations enable staff to align finances to its vision and strategy for ongoing financial sustainability.

**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.*

Effective delegations enable staff to manage risks in accordance with legislative requirements.

**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.*

Effective delegations enable staff to manage risks in accordance with legislative requirements

<b>COMMUNITY ENGAGEMENT</b>
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Employees are informed through established internal procedures of any variation to instruments of delegations that affect their position.

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

**7.2.4 MONTHLY FINANCE REPORT AS AT 30 APRIL 2025**

25/39383

**MOVED** Cr de Vries

That Council receives and notes the monthly finance report as at 30 April 2025, as provided in Attachment 1.

**SECONDED** Cr Hurn**CARRIED 2022-26/709****PURPOSE**

The monthly finance report as at 30 April 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 30 April 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 Council - as at April 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

<b>COMMUNITY ENGAGEMENT</b>
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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.

**7.2.5 NURIOOTPA CENTENNIAL PARK AUTHORITY - AUDIT AND RISK COMMITTEE TERMS OF REFERENCE 2025 REVIEW**  
**25/40357**

**MOVED** Cr de Vries

That Council having reviewed the Terms of Reference for the Nuriootpa Centennial Park Authority Audit and Risk Committee endorse those at Attachment 1 with one modification:

Clause 2.3 shall be replaced with the following wording:

Disclosure Requirements under the Public Interest Disclosure Act 2018

*The Committee will review the Authority's arrangement to ensure compliance with the Public Interest Disclosure Act 2018 and review their effectiveness periodically but at least once in every four years.*

**SECONDED** Cr Troup

**CARRIED 2022-26/710**

**PURPOSE**

The Nuriootpa Centennial Park Authority Audit and Risk Committee (NCPAARC) has written to the Mayor seeking endorsement up their updated Terms of Reference, this report is to review and approve them.

**REPORT**

Background

The NCPAARC is a statutory committee required of a subsidiary of Council. The Terms of Reference govern, along with the Local Government Act, the Committee operations and scope.

Introduction

A review of the Terms of Reference of the NCPAARC have been undertaken by the Committee and are hereby tabled at Attachment 1.

Discussion

The review of the Terms of Reference is sound and align to the purpose of an Audit and Risk Committee. However, Clause 2.3 is referring to a prior legislative framework known as the *Whistleblowers Act 1993*, this Act has been repealed and replaced by the *Public Interest Disclosure Act 2018*. The intent of this clause is sound however just needs revision to reflect the updated legislative framework.

Summary and Conclusion

The revised Terms of Reference are sound with one proposed amendment and are hereby tabled for Council review and approval.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Reviewed Terms of Reference for the Nuriootpa Centennial Park Authority Audit and Risk Committee 

Supporting references

Nil

**COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS****Corporate Plan**

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

Legislative Requirements

Section 126A 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

**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.*

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.

Nil

## COMMUNITY ENGAGEMENT

Nil required or recommended.

### **7.2.6 QUARTER 3 BUDGET REVIEW FOR THE 2024-25 ANNUAL BUDGET - AS AT 31 MARCH 2025** **25/40487**

**MOVED** Cr Angas

That Council, having reviewed the updated budget for 2024-25 as at 31 March 2025 as presented at Attachment 1, adopt the budget variations and updates to the financial reports.

**SECONDED** Cr Lane

**CARRIED 2022-26/711**

## PURPOSE

To review the 2024-25 annual budget as at 31 March 2025 and to adopt the budget variations and updates to the financial reports.

## REPORT

### Background

On a quarterly basis the annual budget of Council is reviewed in accordance with the *Local Government Act 1999* and the associated Regulations.

Budget managers undertake a review of all budget lines and make adjustments where budgets are trending over or under budget and where changes are required for capital programs or new or changed funding conditions.

All budget adjustments are approved by the relevant member of the Executive team, and then reviewed by the Chief Executive Officer and Manager Financial Services prior to being included in the report at Attachment A as a proposed budget variation.

### Discussion

A detailed list of all proposed budget adjustments as at 31 March 2025, and updated financial reports to reflect those variations, is included at Attachment A.

The quarter 3 (Q3) review of the 2025-26 annual budget has resulted in additional operating revenue totalling \$195,000 being budgeted for, offset by \$241,000 in additional operating expenses.

Additional capital expenditure on the renewal and replacement of existing assets totalled \$494,000, offset by a net amount of \$169,000 in additional Local Roads and Community Infrastructure Program funding and a \$676,000 decrease in capital expenditure on new and upgraded assets, largely made up of \$474,000 in carried forward funds for projects to be completed in 2025-26.

### Summary and Conclusion

The Q3 review of the 2025-26 annual budget as at 31 March 2025 has been completed and is ready for Council consideration and endorsement.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Annual Budget and Business Plan 2024/25 - Update as at 31 March 2025 

## **COMMUNITY PLAN / CORPORATE PAN / 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
- 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 122 of the Local Government Act 1999

Section 123 of the Local Government Act 1999

Regulation 9 of the Local Government (Financial Management) Regulations 2011

## **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.*

Detailed quarterly reviews of the annual budget ensure that the budget and expenditure/revenue 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.*

Detailed quarterly reviews of the annual budget ensure that the budget and expenditure/revenue are aligned to meet approved levels of service.

**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

<b>COMMUNITY ENGAGEMENT</b>
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Community consultation was part of the original 2024-25 budget adoption process in June 2024.

**7.3 Infrastructure and Environmental Services**

**7.3.1 ROAD NAMING - LAND DIVISION - 53-57 KALIMNA ROAD NURIOOTPA - ALLOTMENT 200 RESEARCH ROAD - 771, 785 AND 795 RESEARCH ROAD NURIOOTPA 25/27384**

**MOVED** Cr de Vries

That Council name the new roads within the land divisions north of Kalimna Road, Nuriootpa - being 53-57 Kalimna Road, Allotment 200 Research Road, 771, 785 and 795 Research Road, Nuriootpa at Allotment 300 and 302 Kalimna Road, Nuriootpa - as follows:

- Road marked "Road A" be named King Way
- Road marked "Road B" be named Burgemeister Drive

- Road marked "Road C" be named Riedel Avenue
- Road marked "Road D" be named Bahnisch Street
- Road marked "Road E" be named Habib Street
- Road marked "Road F" be named Noack Court
- Road marked "Road G" be named Klimowicz Avenue
- Road marked "Road H" be named Plush Court

**SECONDED** Cr Hurn

**CARRIED 2022-26/712**

## PURPOSE

The developer of new land divisions north of Kalimna Road, Nuriootpa – being 53-57 Kalimna Road, Allotment 200 Research Road, 771, 785 & 795 Research Road, Nuriootpa - has requested the naming of eight new roads within the development. (Refer *attached* General Locality Plan and Land Division Proposal plans.)

## REPORT

### Background and Introduction

Council staff have received formal application from Ian Grosser to name the roads created within the new land divisions north of Kalimna Road, Nuriootpa – being 53-57 Kalimna Road, Allotment 200 Research Road, 771, 785 & 795 Research Road, Nuriootpa. A total of eight (8) new road names are required within the overall land division precinct.

### Discussion

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".

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

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

At the meeting of The Barossa Council held 17 February 2015, the name **King** Street was selected for the most northern road of the adjacent Falland Avenue land division. This road is proposed to continue through to the current land division and, as such, the name King should be continued by extension. In the future this road will eventually link Kalimna Road to Old Sturt Highway with a curvilinear internal road connectivity. As a result, the previously allocated suffix of "Street" would now more appropriately be "Way", making the name "King Way".

Other road names required are proposed to be selected from the road name list collated by Council from suggested names for street/road naming received from community groups and other individual sources over the years.

The following names were short listed from existing nominations and the Nuriootpa World War I & II Honour Rolls, and are suggested for the Nuriootpa area:

- **King** – Existing approved road name, extending from the adjacent land division.
- **Burgemeister** – Nominated by Rhoda Schiller in 2009. The Burgemeister family has a long association with the Nuriootpa area, including land adjacent Research Road.
- **Riedel** – John Bert Riedel was a World War I veteran.
- **Bahnisch** – Carl Albert Bahnisch was a World War II veteran.
- **Habib** – Madeleen and Barbara (sisters) and their father Arthur Habib, were World War II veterans. Arthur was also a World War I veteran.
- **Noack** – Arthur John Noack was a World War II veteran.
- **Klimowicz** – nominated by past Elected Members Chris Linke and Scotty Milne in 2007. Mr Edward Klimowicz died 29 June 2006 and is regarded by the Nuriootpa RSL as the most decorated local veteran World War II veteran. At the time of compiling this report additional information for inclusion in this report was solicited from Mr Klimowicz's family, but has not yet been received.
- **Plush** – John Eric Casper Plush was a World War I & II veteran

Name nomination letters of support for the names Burgemeister and Klimowicz, and supporting documentation for the names Riedel, Bahnisch, Habib, Noack and Plush from the Australian War Memorial, is *attached*.

#### Summary and Conclusion




It is proposed that Council name the new roads within the land divisions north of Kalimna Road, Nuriootpa - being 53-57 Kalimna Road, Allotment 200 Research Road, 771, 785 & 795 Research Road, Nuriootpa at Allotment 300 and 302 Kalimna Road, Nuriootpa - as follows:

Road marked "Road A" be named King Way  
Road marked "Road B" be named Burgemeister Drive  
Road marked "Road C" be named Riedel Avenue  
Road marked "Road D" be named Bahnisch Street  
Road marked "Road E" be named Habib Street  
Road marked "Road F" be named Noack Court  
Road marked "Road G" be named Klimowicz Avenue  
Road marked "Road H" be named Plush Court

In accordance with Council's Property Identification Policy, these names are warranted because of their association to "Early explorers, pioneers and settlers" and "War / casualty", being names of the Nuriootpa RSL and World War I & II veterans.

The proposed names do not duplicate any other street name in the Nuriootpa area, however, there is a Noack Road at Rosedale.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1    General Layout Plan - 53-57 Kalimna Road - Allotment 200 Research Road - 771, 785 and 795 Research Road Nuriootpa - road naming 
- Attachment 2    Australian Virtual War Memorial - road naming - Nuriootpa - research - Plush - Riedel - Bahnisch - Habib - Noack 
- Attachment 3    Road naming - Nuriootpa - Research - Burgemeister - Klimowicz 

### 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.
- We have connected transport infrastructure and networks.



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.

### 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.*

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.*

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".

<b>COMMUNITY ENGAGEMENT</b>
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No formal community consultation has been undertaken. Council continues to receive and consider suggested names for street/road naming from community groups and other individual sources.

**7.3.2 STURT HIGHWAY - STORMWATER INFRASTRUCTURE INSTALLATION AND MAINTENANCE - SECTION 211 DEED OF AGREEMENT**  
**25/27623**

**MOVED** Cr Angas

That Council approves the Deed of Agreement between the Council and Commissioner of Highways as outlined at Attachment 1 and authorise the Mayor and Chief Executive Officer to affix the seal and sign the Deed as relates to Stormwater Infrastructure Installation and Maintenance at RN 7200 Sturt Highway MM 69.42 approximately, being discharge stormwater pipework from Mickan Road, Stockwell.

**SECONDED** Cr Evans

**CARRIED 2022-26/713**

<b>PURPOSE</b>
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That approval be provided for the Mayor and Chief Executive Officer to sign and seal the Section 211 Deed of Agreement (*attached*) between Council and the Commissioner of Highways for the Installation and Maintenance of Infrastructure on a highway.

<b>REPORT</b>
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Background and Introduction

As part of north Stockwell land division stormwater drainage works, constructed around 2005, a drainage outfall was installed from the Mickan Road detention basin, under Sturt Highway, to the open stormwater drainage swale on the northwestern side of Sturt Highway (general layout plan *attached*). This extends 30 metres into the Light Regional Council area.

Discussion

The Sturt Highway crossing infrastructure is a 600mm Reinforced Concrete Pipe (RCP) and requires routine desilting and operational maintenance for proper function. Whilst pipe crossings under Department Infrastructure and Transport (DIT) roads are generally the maintenance responsibility of DIT, this crossing has specific function as an express drain outfall for the North Stockwell residential precinct, making it the responsibility of The Barossa Council to maintain.

The Section 221 Deed of Agreement between The Barossa Council and the Commissioner of Highways outlines the ongoing infrastructure maintenance responsibilities as follows:

*The Council must maintain the stormwater infrastructure at all times to ensure free flow of stormwater from the system in accordance with the provisions of DIT Master Specification Part M10 - Sealed Roads.*

*This is inclusive of, but not limited to, vegetation maintenance and control on the RN7200 Sturt Highway verges, to ensure free flow of stormwater from the Stockwell land division, and regular maintenance and monitoring of all concrete elements associated with the disposal system.*

*This can be inclusive of, but not limited to:*


- a) Grass slashing on Sturt Highway verges*
- b) Clearing debris from all pipes and culverts, Pits and Junction Boxes.*
- c) Filling scoured road shoulder/verges with PM2 pavement material and compact.*

Summary and Conclusion

The required operational maintenance measures for proper function of the stormwater drain are deemed the responsibility of The Barossa Council due to residential development within The Barossa Council being the primary beneficiary.

The Deed of Agreement outlines drainage maintenance measures that are consistent with the level of service provided by Council's routine drainage maintenance interventions.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Section 211 Deed of Agreement - Commissioner of Highways - Installation and Maintenance of Infrastructure on a Highway - stormwater pipework from Mickan Road Stockwell 
- Attachment 2 Section 221 Deed of Agreement - General Layout Plan - RN 7200 Sturt Highway MM 69.42 - Mickan Road Stockwell 

### Supporting references

Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Our Environment

Supporting a sustainable Barossa.

### Strategic Outcome

- We support actions that manage our environment for future generations.



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

- 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.*

The Deed of Agreement outlines a level of service consistent with the level of service provided by Council's routine drainage maintenance interventions.

**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 required drain maintenance ensures full unrestricted function of the stormwater drainage asset, with resulting reduction in localised flood and erosion risks.

**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 maintenance would be included in Council's routine operational drain maintenance 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.*

Nil

<b>COMMUNITY ENGAGEMENT</b>
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Nil

**7.3.3 TREE REMOVAL - ANGAS STREET TANUNDA**  
**25/39229**

**MOVED** Cr Hurn

That Council approves the removal of the Claret Ash tree adjacent to 44 Angas Street, Tanunda within 3 months of recommendation being approved, and covers all associated costs, including removal, replacement planting, and reimbursement for the independent engineering assessment.

**SECONDED** Cr Barrett

**CARRIED 2022-26/714**

**PURPOSE**

To seek Council approval for the removal of a mature Claret Ash street tree adjacent to 44 Angas Street, Tanunda, based on structural damage identified in an independent engineering report, and to confirm Council's responsibility for associated costs and replanting.

**REPORT**Background

Residents of 44 Angas Street raised ongoing concerns with Council regarding the physical and structural impacts of the Claret Ash tree on their property. These concerns included pavement lifting, cracking, and the potential for future damage to the dwelling. Council officers visited the site on several occasions to assess and discuss the concerns directly with the residents. Due to the visible signs of structural disruption and to assist in an informed decision making process, Council Officers requested that the residents commission an independent structural assessment by a suitable qualified engineer. The assessment was conducted by Chris Schmidt Consulting Engineers Pty Ltd 29 November 2024, with the report dated 1 December 2024 (attached).

Introduction

This report outlines the basis for the proposed removal of a mature Claret Ash street tree located on the council verge adjacent to 44 Angas Street, Tanunda. The recommendation follows multiple engagements between council staff and the property owners, Mr. George Badrice and Ms. Chris Frentsch, and is supported by a structural assessment report completed by Chris Schmidt Consulting Engineers Pty Ltd.

Discussion

The structural report identifies the following key findings:

- The Claret Ash tree is mature, with a canopy estimated at approximately 20 metres.
- Significant mounding of the adjacent lawn area and vertical displacement of perimeter pavement has occurred, including sections rising above the damp course.
- Cracking and lifting are evident along the eastern driveway, with no underground services contributing to the movement.
- The pavement movement is assessed as being directly attributable to tree root activity - not due to reactive soil.
- While the residence itself shows limited signs of structural cracking at present, failure to address the cause may result in more serious damage in the future.

It is important to note that the engineer's report and on-site discussions with the resident do not clearly establish the construction standards used for the driveway and associated infrastructure. If the pavement was not built to appropriate specifications for the local soil conditions, intended use and potential street tree root interactions, as

would be expected in a residential environment, this may have contributed to the observed damage. While this uncertainty should be acknowledged and considered in future infrastructure planning and assessments, the current observed damage, combined with the tree's proximity to the structure and ongoing risk of further deterioration, supports the recommendation for removal in this instance.

Although the engineer's report attributes the damage to root activity, alternative management strategies such as root pruning, the installation of root barriers, or structural root zone investigations have not been explored as part of this process. It should be noted that under The Barossa Council's draft Street Tree Management Policy, the proactive consideration of such options is expected before any removal is approved and will not typically apply to minor infrastructure such as retaining walls, driveways and footpaths. This policy direction will aim to balance asset protection with the preservation of urban canopy.

Council officers estimate the total cost of tree removal, tree replacement, and reimbursement of the engineering report costs to be approximately \$7,000, which can be accommodated from the tree operations budget.

### Summary and Conclusion

The claret ash street tree adjacent to 44 Angas Street has been assessed as causing structural damage to private infrastructure. Although there is currently no endorsed policy position and alternative root management options have not been explored, an independent engineering report supports removal due to the extent of impact. Based on this assessment, removal is considered appropriate and supported by Council Officers. Council will cover the costs associated with tree removal, replacement planting, and reimbursement for the cost of the engineering report.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 44 Angas Street Tanunda - Chris Schmidt Consulting - Structural Assessment 

### Supporting references

Nil

## **COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS**

### **Community Plan**



Our Environment

Supporting a sustainable Barossa.

### Strategic Outcome

- We support actions that manage our environment for future generations.
- We sustainably manage our resources and encourage sustainable practices.

### Legislative Requirements

Nil

<b>RISK MANAGEMENT CONSIDERATIONS</b>
---------------------------------------

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.*

Meets the service delivery and policy positions of 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.*

In considering tree removals, it is also important to recognise the environmental impact of such an action. The loss of a mature tree of this scale would result in a measurable reduction in local canopy cover, which contributes to urban cooling, biodiversity, and overall amenity. Replacement planting, while beneficial, will take years to provide comparable environmental 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.*

Funded through existing budgets.

**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.*

This issue is having an impact on the wellbeing of the affected residents. Council officers acknowledge the stress and frustration the situation has caused and are sympathetic to the resident's concerns. Officers have aimed to communicate respectfully and supportively and will continue to work with the resident in a fair and understanding way as the matter progresses.

**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.*

Tree related matters can be highly contentious, often involving conflicting community views between the value of retaining mature trees and the

need to remove them to prevent property damage or safety risks. In such cases, it is important that Council makes a balanced and well informed decision that considers both the technical evidence and broader community expectations. Transparent and consistent application of policy helps maintain public trust and Council's credibility. The draft Street Tree Management Policy, which seeks to provide clearer guidance on such matters, will be presented to Council for review and endorsement in the coming months.

## COMMUNITY ENGAGEMENT

Consultation has been limited to discussions with the resident directly impacted by this tree.

### **7.3.4 PROPOSED ROAD CLOSURE - MSS SAFETY RALLY BAROSSA 25/39530**

**MOVED** Cr Evans

That Council advise the Commissioner of Police that Council endorses the road closures of:

- 1) High Eden Road, Mount Crawford between Springton Road and Frenchs Road, and, High Eden Road between Frenchs Road and Corryton Park Road, and Corryton Park Road between High Eden Road and Trail Hill Road, and Trial Hill Road between Corryton Park road and a point 2km east of the junction of Trial Hill road and Barossa Valley Way  
**On Saturday 2 August 2025 from 5.15pm to 9.30pm, to host the "Lazer Lamps Trial Hill" Stage of the 2025 MSS Safety Rally Barossa.**
- 2) McBeans Range Road, Springton between Springton Road and Glen Devon Road, and Glen Devon Road between McBeans Range Road and Mc Bean Road  
**On Saturday 2 August 2025 from 5.45pm to 10.00pm to host the "Lazer Lamps Devon Glen" Stage of the 2025 MSS Safety Rally Barossa.**
- 3) Lindsay Park Road, Angaston between Stott Highway and Lamb Tail Corner Road, and Lamb Tail Corner Road between Lindsay Park Road and Hutton Vale Road, and Hutton Vale Road between Lamb Tail Corner road and Stone Jar Road, and Stone Jar Road between Hutton Vale Road and Boundary Road, and Boundary Road between Stone Jar road and Rattaeay Road (Light Regional Council)  
**On Saturday 2 August 2025 from 6.30pm to 10.30pm and Sunday 3 August from 8.45am to 12.15pm to host the "Lazer Lamps Lid" Stage of the 2025 MSS Safety Rally Barossa**
- 4) H Muellers Road, Mount Pleasant between a point approximately 700 metres northeast of Cromer Road and Whites Boundary Road, and Whites Boundary Road between Cricks Mill Road and Cromer Road, and Cromer Road between

Whites Boundary Road and Peek Road, and Peek Road between Cromer Road and Blackwood Road, and Blackwood Road between Peek Road and Hissey Road, and Hissey Road between Blackwood Road and a point 400 metres south of the junction with Muster Road

**On Sunday 3 August 2025 from 11.15am to 3.00pm to host the “Remorc” Stage of the 2025 MSS Safety Rally Barossa**

- 5) Trial Hill Road, Lyndoch between a point 2km east of Barossa Valley Way and Wirra Wirra Road, and Wirra Wirra Road between Trial Hill Road and Blockers Road

**On Sunday 3 August 2025 from 7.15am and 10.45pm, and from 11.15am to 2.45pm to host the “Uphill” Stage of the 2025 MSS Safety Rally Barossa**

- 6) High Eden Road, Mount Crawford between Springton Road and Corryton Park Road, and Corryton Park Road between High Eden Road and Brownes Road, and Brownes Road between Corryton Park Road and Heggies Range Road, and Heggies Range Road between Brownes Road and Seven Steps Road

**On Sunday 3 August 2025 from 7.30am to 11.30am, and from 11.55am to 3.15pm to host the “Corryton” Stage of the 2025 MSS Safety Rally Barossa**

- 7) Para Wirra Road, Barossa Goldfields between Humbug Scrub Road and Green Gully Road, and Green Gully Road between Para Wirra Road and Goldfields Road, and Goldfields Road between Green Gully Road and Woodlands Road, and Woodlands Road between Goldfields Road and Allendale Road, and Allendale Road between Goldfields Road and Balmoral Road

**On Sunday 3 August 2025 from 9.45am to 4.45pm to host the “Field of Gold” Stage of the 2025 MSS Safety Rally Barossa**

- 8) Steingarten Road, Rowland Flat between Barossa Valley Way and Trial Hill Road, and Trial Hill Road between Steingarten Road and a point 2km east of the junction of Trial Hill Road and Barossa Valley Way

**On Sunday 3 August 2025 from 11.15am to 4.15pm to host the “Steingarten” Stage of the 2025 MSS Safety Rally Barossa.**

**SECONDED** Cr Angas

**CARRIED 2022-26/715**

## **PURPOSE**

Mr Ivar Stanelis, on behalf of Rally One, has written to The Barossa Council requesting road closures for the 2025 MSS Safety Rally Barossa, which will be held on the weekend of Saturday 2 and Sunday 3 August 2025.

## **REPORT**

### Background

The MSS Safety Rally Barossa will be held on 2 and 3 August 2025 and is a round of the South Australian Rally Championship (SARC) and the South Australian Regularity Series.

### Discussion

The MSS Safety Rally Barossa is a night – day State gravel Rally event which builds on the award-winning event of 2022 (Rally of the Year), the popular 2023 and 2024 events and the many successful years of Rally SA in the Barossa region.

The Service Park and Rally Headquarters will be in Rowland Flat, and, taking in iconic sections of road from Rally's SA of old, the 2025 MSS Safety Rally Barossa will deliver a ceremonial start, followed by three-night stages, then nine stages the next day, totalling a competitive distance of approximately 160 km.

This event hopes to continue to deliver direct economic benefit to the region, with over 40 competing cars and crews, along with service crew teams and spectators attending the local area.

#### Summary and Conclusion

Rally organisers have committed to:

- Fully indemnify the Barossa Council from any potential claims associated with this event (including personal and property)
- Reinstate any or all damage caused because of the event including fences and other property damage
- Participate in pre and post event road inspections with a nominated Council staff member as required
- Personally correspond with all property owners on the proposed closed roads
- Place at their cost the appropriate advertisements regarding pending road closures within the local paper and "Advertiser" newspapers two weeks before the event.
- Erect advance notice warning signs on affected roads three weeks approximately before the event takes place
- Attend debrief sessions on request of Council staff
- Provide an event evaluation and economic impact statement in relation to this year's event as soon as practicable following the conduct of the event.

#### **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Nil

#### 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
- CS20 Tourism - Provision of a range of tourism services, including; managing the nationally accredited Barossa Visitor Centre, development and maintenance of tourism resources both digital and printed, customer service delivery encouraging longer stays, dispersal throughout the region, and maximising visitor yield and investment in our region, Tourism Business Support, capacity building, training, product development, marketing

## **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 officers, together with MSS Safety Rally Barossa staff, inspect the roads involved prior to the event and if required again after the event to ascertain any dilapidation due to the event.

### **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.*

Organisers are and have been planting out trees along the Murray for many years as part of their desire to offset the use of carbon during the running of the event. They are aware of sensitive native areas to be protected along the road verges and make certain that the areas are taped to reduce the chance of any damage by all involved in the event.

### **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 cost of the road closures and associated advertising will be met by event organisers.

### **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.*

In the interest of public and participant safety, sections of road are required to be closed for up to 8 hours. Resident movement in this period can be facilitated by arrangement through the Rally office. Driveways are close off with safety tape to ensure that vehicles do not accidentally drive on to the road during competition. Property owners are also provided with emergency contact details for organisers should an emergency arise.

**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.

<b>COMMUNITY ENGAGEMENT</b>
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MSS Safety Rally Barossa will be actively promoting the event on their social media platforms.

Organisers will personally correspond with local property owners regarding the event, and advisory advance notice signage will be erected approximately three weeks before the event.

The event and associated road closures will be promoted and advertised by organisers in local newspapers and The Advertiser.

Council will support notification of the closures via placement of the SAPOL Section 33 Notice on Council's website.

**7.3.5 ROAD NAMING - LAND DIVISION - KEITH STREET TANUNDA**  
**25/39899**

**MOVED** Cr de Vries

That Council:

- 1) Name the new road within the land division at Allotment 742 Keith Street, Tanunda as Keith Street, and
- 2) Rename Keith Street Extension to Petras Street, in accordance with the process outlined in Council's Property Identification Policy and Public Consultation Policy.

**SECONDED** Cr Greatwich

**CARRIED 2022-26/716**

<b>PURPOSE</b>
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The developer of a non-residential land division at Allotment 742 Keith Street, Tanunda, has requested the naming of a new road within the development. (Refer *attached* General Locality Plan and Land Division Proposal plans.)

**REPORT**Background and Introduction

Council staff have received formal application from Justin Fairweather to name a road created within the new land division at Allotment 742 Keith Street, Tanunda. A total of one (1) new road name is required.

Discussion

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".

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

4.2.1 Sources for road names may include,

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

The new road required to be named extends directly on from the existing Keith Street and so it would be logical to continue the name of Keith Street for the new road.

Further, however, the existing street layout in the area has the road connecting Keith Street and Petras Street formally named "Keith Street Extension" by default. This road segment was upgraded as part of the current land division development, including significant road widening works to enable compliant two-way traffic movements, not previously possible. For clarity of road identification and future street addressing in the area, it would be appropriate to rename the section of road known as "Keith Street Extension" to "Petras Street", being a natural extension of this existing street.

There are currently no existing properties with an address on Keith Street Extension, making the change more administrative in nature. If this road name change was to be pursued, Council's Property Identification Policy would be implemented parallel with the Public Consultation Policy.

Summary and Conclusion

It is proposed that Council name the new road within the land division at Allotment 742 Keith Street, Tanunda, be named **Keith Street** as an extension of the existing street.

It would then also be appropriate to pursue a change of the existing road named Keith Street Extension to **Petras Street**, in accordance with Council's Property Identification Policy and Public Consultation Policy.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1    General Locality Plan - Keith Street - Tanunda 

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.
- We have connected transport infrastructure and networks.



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.

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.*

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.*

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".

<b>COMMUNITY ENGAGEMENT</b>
-----------------------------

No formal community consultation has been undertaken. Council continues to receive and consider suggested names for street/road naming from community groups and other individual sources. Road re-naming is required to be undertaken in accordance with Council's Public Consultation Policy.

### **7.3.6 MINOR AMENDMENTS TO THE NON-CURRENT ASSET ACCOUNTING POLICY** **25/40326**

**MOVED** Cr Angas

That Council noting the Policy itself if not amended, agree that the review to the Asset Classification Schedule be authorised and that the Chief Executive Officer update the schedule and associated Asset Management System to reflect the policy changes to be applied from the 2024-2025 financial year:

- 1) Transport Asset – Road – Earth, Pavement Surface and Seal, Footpath, Kerbing and Carparks – Sealed Roads to increase class 2 components from "Up to 750 years" to "Up to 780 years" this applies to some road paving and kerbing assets.
- 2) Transport Asset – Road – Earth, Pavement Surface and Seal, Footpath, Kerbing and Carparks – Sheeted Roads to increase class 2 components from "Up to 500 years" to "Up to 530 years" this applies to some road paving and earth assets.
- 3) Bridges, Floodways and Major Culverts – Bridges, Floodways, Major Culverts and Footbridges – Floodways, Major Culverts to increase class 1 components from "Up to 100 years" to "Up to 130 years" this applies to a range of assets in this class.

**SECONDED** Cr Greatwich

**CARRIED 2022-26/717**

<b>PURPOSE</b>
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To approve minor variations to the schedule attached to the Non-Current Asset Accounting Policy to useful lives for three assets classes.

<b>REPORT</b>
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Background

The Non-Current Asset Accounting Policy provides the framework for managing asset accounting, realisation, depreciation and disposal processes.

With the newly adopted Asset Management Plan work continues now in better aligning the condition and asset data that is reflected in the annual depreciation charges. This work is necessary to better align the two and thus represent the utilisation of assets in the financial accounts that more accurately reflects the asset management modelling. Presently there is a material difference between the two sets up data. The work to review and improve the linkages is ongoing.

Discussion

A recent review of some asset depreciation rates and their useful lives for:

- Pavement (the substructure of roads).
- Floodways and major culverts; and
- Kerbing;

Has been undertaken and recommendations for minor amendments to extend useful lives based on asset performance.

It is recommended that the following amendments be made to the Asset Classification Schedule of the Non-Current Accounting Policy to reflect the minor amendments which will better align depreciation rates with the asset management plans and reduce depreciation by approximately \$450,000 per annum. This does not impact the asset management plans, and the investment cycle embedded in those plans.

- Transport Asset – Road – Earth, Pavement Surface and Seal, Footpath, Kerbing and Carparks – Sealed Roads to increase class 2 components from “Up to 750 years” to “Up to 780 years” this applies to some road paving and kerbing assets.
- Transport Asset – Road – Earth, Pavement Surface and Seal, Footpath, Kerbing and Carparks – Sheeted Roads to increase class 2 components from “Up to 500 years” to “Up to 530 years” this applies to some road paving and earth assets.
- Bridges, Floodways and Major Culverts – Bridges, Floodways, Major Culverts and Footbridges – Floodways, Major Culverts to increase class 1 components from “Up to 100 years” to “Up to 130 years” this applies to a range of assets in this class.

Summary and Conclusion

That with the review and noting more work continues to better align the two sets of data, the amendments to the Non-Current Accounting Policy Asset Classification Schedule be support and applied from the 2024-2025 financial year.

<b>ATTACHMENTS OR OTHER SUPPORTING REFERENCES</b>
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Nil

*Supporting references*

[Non-Current-Asset-Accounting-Policy.pdf](#)

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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**Corporate Plan**

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

Part 3 of the Local Government Act 1999 – Accounts, financial statements and audit

<b>RISK MANAGEMENT CONSIDERATIONS</b>
---------------------------------------

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.*

Will have no impact on service delivery.

**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.*

Better aligns the financial estimates of depreciation to the asset management data for these asset classes.

**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

<b>COMMUNITY ENGAGEMENT</b>
-----------------------------

Nil required or recommended.

**7.4 Development and Community Services****7.4.1 BUILDING INSPECTION POLICY REVIEW****25/39305****MOVED** Cr Lane

That Council receive and adopt the draft Building Inspection Policy contained in Attachment 1.

**SECONDED** Cr Hurn**CARRIED 2022-26/718**

<b>PURPOSE</b>
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To amend the Building Inspection Policy contained in Attachment 1.

<b>REPORT</b>
---------------

*Introduction*

The Building Inspection Policy, endorsed 16 March 2021, is due for review.

The Building Inspection Policy is proposed to be updated to align with recent updates to Practice Directions established under the *Planning, Development and Infrastructure Act 2016* and to discontinue the current practice of inspecting swimming pools as part of property transactions.

Discussion

The Building Inspection Policy seeks to monitor the standard of construction work within The Barossa Council and sets out the Council's policy for the mandatory and non-mandatory inspections of buildings and structures associated with development assessment activities in accordance with the *Planning, Development and Infrastructure Act 2016*.

Amendments have been drafted to the Building Inspection Policy and are presented for adoption as contained in Attachment 1. The following amendments are recommended:

- Delete reference to inspection requirements in Section 2 on page 2 which are in excess of Practice Directions adopted under the Act and which cannot be presently met based on current resourcing levels. For example, the Building Inspection Policy requires inspection of 100% of structural framing of dwellings and 100% of dwellings at completion in a High Bushfire Risk Zone whereas Practice Direction 9 – Council Inspections only requires that Council inspect 66% of dwellings at one stage of the construction process (ie. during or at completion).
- Delete reference to undertaking of inspections of swimming pools on page 4, Section 3.2 as part of a sale of a property. These inspections are not mandatory for councils and represent a significant liability risk. Councils generally have ceased this practice as the private sector can meet the needs of landowners who are obligated to make historic swimming pools (pools built before 1 July 1993) comply with current requirements as part of a property transaction pursuant to the *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019*.
- Minor updates to the Policy where marked.

The changes are considered to better align the expected service levels for inspection of buildings with the resourcing levels available, to maintain compliance with the Act and Regulations and to mitigate risks associated with the inspection of buildings.

Summary and Conclusion

The Building Inspection Policy is presented to Council for adoption as part of periodic review. The changes proposed reflect current legislative requirements, are aligned with Council's current resourcing levels and address changes to discontinue swimming pool inspections as part of property transactions which are high risk and not required to be delivered by Councils as part of legislative requirements.

**ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 Building Inspection Policy with Track Changes - May 2025 

Supporting references

[Inspections and compliance | PlanSA](#)

<b>COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS</b>
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**Corporate Plan**

- CS8 Compliance, Monitoring and Enforcement - Conducting compliance, monitoring and responding to non-compliance associated with planning, building, swimming pool, fire safety, public health and safety
- CS15 Land Use and Development - Assessment of development applications for construction, alteration or demolition of buildings, and the division of land and changes in land use.

Legislative Requirements

*Planning, Development and Infrastructure Act 2016*

*Planning, Development and Infrastructure (General) Regulations 2017*

<b>RISK MANAGEMENT CONSIDERATIONS</b>
---------------------------------------

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.*

It is proposed to delete reference to inspection requirements in Section 2 on page 2 of the Building Inspection Policy that are in excess of Practice Directions established under the Act and which cannot presently be met based on current resourcing levels.

**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.*

It is proposed to discontinue the current position of inspecting swimming pools prior to the sale of a property as these inspections are not mandatory for Councils and represent a significant liability risk. Councils generally have ceased this practice as the private sector can meet the needs of landowners who are obligated to make historic swimming pools (pools built before 1 July 1993) comply with current requirements as part of a property transaction pursuant to the *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019*.

Council will inspect swimming pools established under the most recent swimming pool standard (ie. post 1 July 1993) pursuant to a new Swimming Pool Compliance Process adopted to guide staff in managing the risks associated with swimming pools.

#### 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 proposed changes to the Building Inspection Policy are in alignment with with Practice Directions established under the Act and align Council's inspection targets with current resourcing levels.

#### 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 changes to the Building Inspection Policy mitigate risk for Council for inspections that can be met by the private sector and set achievable inspection targets for Council that builds confidence in the community and are in the public interest.

### COMMUNITY ENGAGEMENT

The extent of proposed changes to the Building Inspection Policy are considered such that public consultation is not warranted.

#### **7.4.2 APPOINTMENT OF OFFICERS TO THE BUILDING FIRE SAFETY COMMITTEE** **25/26619**

**MOVED** Cr Evans

That Council appoint the following officers to the Building Fire Safety Committee, pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016*, for a four year term commencing 1 July 2025 and concluding 30 June 2029:

- a) Mr Jeff Shillabeer as the consultant building surveyor;
- b) Mr Darren Chapman, Deputy Commander – Building Fire Safety as the CFS member;
- c) Mr Jon Pearce, Fire Safety Officer as the MFS Member;
- d) Mr Grant Hewitt, Senior Assessment Officer – Building, as the Council Member.

**SECONDED** Cr Angas

**CARRIED 2022-26/719**

<b>PURPOSE</b>
----------------

To appoint members to the Building Fire Safety Committee for the next four year term, commencing 1 July 2025 and concluding 30 June 2029.

<b>REPORT</b>
---------------

### Background

Council appointed members to the Building Fire Safety Committee at the meeting of 16 March 2021. The following staff members were appointed pursuant to Section 157(17) of the *Planning, Development and Infrastructure Act 2016*:

### Committee

- Mr Julian Aggiss, Country Fire Service
- Mr Jonathan Pearce, Metropolitan Fire Service
- Mr Peter Xerri, Senior Assessment Officer – Building
- Mr Peter Harmer, consultant

### Deputy Members

- Mr Colin Paton, Country Fire Service
- Mr Darren Chapman, Country Fire Service
- Mr Tom Antal, Council member

A number of changes occurred to the composition of the Committee during the four year term as a result of staff changes. Reports were presented to the Council for appointment of a new council member at the meetings of 19 April 2022 and 18 February 2025.

### Introduction

The *Planning, Development and Infrastructure Act 2016* (PDI Act) requires Council to establish and designate a body to act as an appropriate authority under section 157(17) of the PDI Act. The "appropriate authority" is charged with authority to enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate.

Pursuant to Clause 2.1 of the Building Fire Safety Committee Terms of Reference, the Council shall appoint members to the Committee for a period of 4 years (refer Clause 2.4). Given the upcoming conclusion of the four year term of the Committee on 30 June 2025, the Council is required to appoint members to the Committee for the new four year term.

### Discussion

Clause 2.1 of the Terms of Reference of the Building Fire Safety Committee, approved 18<sup>th</sup> February 2025 states:

2.1 Pursuant to Section 157(17) of the PDI Act, the Committee shall consist of:

2.1.1 A person who holds prescribed qualifications in building surveying appointed by the Council;

2.1.2 An authorised officer under Part 3 Division 4 or Section 86 of the *Fire and Emergency Services Act 2005*, who, depending on the location of the

*council area, has been approved by the Chief Officer of the relevant fire authority to participate as a member of the appropriate authority;*

*2.1.3 A person with expertise in the area of fire safety appointed by the Council;*

*2.1.4 If so determined by the Council, a person selected by the Council who shall be appointed to the Committee by Council.*

Clause 2.3 further states that:

*2.3 The Committee will, at its first meeting appoint an independent Presiding Member for a term of 4 (four) years. The Presiding Member may be reappointed at the expiration of the term.*

The incumbent Presiding Member, Mr Peter Harmer, does not wish to seek reappointment. The Terms of Reference require that a person holds prescribed qualifications in building surveying appointed by the Council. While this member may be a member of staff, it is recommended that an independent consultant continue to be appointed to the Committee to support the Council member and provide continuity for the Committee in event that the Council member is on leave or resigns.

Independent consultant and Level 1 Accredited Building Surveyor, Mr Jeff Shillabeer of Pathway Development Consultants has expressed an interest in appointment to the Building Fire Safety Committee. Mr Shillabeer is an experienced Building Surveyor with in excess of 15 years experience in building surveying in both private and public practice. Mr Shillabeer is also a member of the State Government's Building Technical Panel. Mr Shillabeer's expression of interest and CV are contained in Attachment 1.

Mr Shillabeer holds the appropriate qualifications, accreditation and experience to be appointed as a member of the Committee. As such, it is recommended that Council appoint Mr Jeff Shillabeer as the consultant member.

In addition to the consultant member, Mr Grant Hewitt, Level 1 Building Surveyor is recommended for appointment. Mr Hewitt is employed as the Senior Assessment Officer – Building of Council and was appointed by Council as the Council Member of the Building Fire Safety Committee at the meeting of 18 February 2022. This appointment further strengthens the expertise and experience of the Committee and aligns with Clause 2.1.4 of the Terms of Reference which seeks appointment of a Council member to the Committee.

The Council is also recommended to appoint a CFS member and MFS member pursuant to Clause 2.1.2 of the Terms of Reference. The SA Country Fire Service and SA Metropolitan Fire Service have assigned an authorised officer to Council pursuant to the *Emergency Services Act 2005*. Attachment 2 (CFS) and Attachment 3 (MFS) outline the current members assigned to Council to act as the authorised delegate to the Committee. The current members are Mr Darren Chapman (Deputy Commander – Building Fire Safety, CFS) and Mr Jon Pearce (Fire Safety Officer, MFS). In event that these members are unable to attend, the Terms of Reference permit a proxy.

#### Summary and Conclusion

The Council is requested to appoint members to the Building Fire Safety Committee for the next four year term. Appropriate members are recommended for appointment as outlined within this report who are qualified, accredited and experienced to serve as members of the Committee to support its effective performance as outlined within the Terms of Reference.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Pathway Development Consultants - Delivery Scope and CV 
Attachment 2	SA Country Fire Service Contact Officer 
Attachment 3	Appointment of SA Metropolitan Fire Service Officers to Building Fire Safety Committee 

### Supporting references

[Building Fire Safety Committee • The Barossa Council](#)

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



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

- CS13 Fire Prevention - Fire prevention activities including issuing fire prevention notices and working with fire agencies to reduce fire risks
- 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
- BS4 Council and Committees - Provision of support to Council and Committees through the provision of required information, agendas, and minutes. Council and Committees are provided with support to enable informed decisions
- 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

*Section 157, Planning, Development and Infrastructure Act 2016*

*Planning, Development and Infrastructure (General) Regulations 2017.*

## 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 appointment of members to the Committee is necessary under the Terms of Reference to ensure the effective function of the Committee. Appropriately qualified, accredited and experienced members are recommended for appointment.

## **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.*

An existing budget allocation exists for the ongoing activities of the Building Fire Safety Committee, which are not impacted by this appointment. A service agreement will be required to be established with Mr Jeff Shillabeer, pursuant to Council's Procurement Policy.

## **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 appointment of a consultant building surveyor to the Committee is recommended to support the effective operation of the Committee and to ensure continuity in event that the Council member is on leave or resigns.

## **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 Building Fire Safety Committee is charged with authority to enter and inspect any building for the purpose of determining whether the fire safety of a building is adequate. Appointment of appropriately qualified, accredited and experienced members to the Committee is critical to the successful operation of the Committee. The effective operation of the Committee fulfils Council's statutory obligations and builds confidence in the council's role in oversight of building safety.

<b>COMMUNITY ENGAGEMENT</b>
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Nil

**7.4.3 BAROSSA BUSHGARDENS STRATEGIC PLAN 2025-2030**

25/40110

**MOVED** Cr Greatwich

That Council adopt the Barossa Bushgardens Strategic Plan 2025-2030 as included within Attachment 1.

**SECONDED** Cr Schilling**CARRIED 2022-26/720****PURPOSE**

The Barossa Bushgardens S41 Committee at its meeting held 7 May 2025, endorsed the revised Strategic Plan 2025-2030, which is now presented to Council for adoption.

**REPORT**Background

The Barossa Bushgardens S41 Committee have reviewed the Barossa Bushgardens Strategic Plan to ensure its relevance to the operations of the Barossa Bushgardens in accordance with the Terms of Reference set for the Committee in managing the Bushgardens on behalf of Council.

Introduction

Following amendments, the updated Strategic Plan was presented to the S41 Committee for endorsements at its meeting held 7 May 2025. (Refer Attachment 1).

**MOVED** L Mason

That Barossa Bushgardens Committee:

- (1) Endorse the revised Barossa Bushgardens Strategic Plan 2025-2030 as presented and recommend its adoption by Council.

**SECONDED** T Waldhuter**CARRIED**Discussion

The structure of the 2025 update varies slightly from previous versions and aligned with Council's Community Plan.

The Plan has been updated to include the revised SWOT analysis and purpose identified for the Bushgardens.

Each of the Key Result Areas and Strategies have been updated based upon feedback received at recent Committee meetings.

Summary and Conclusion

The Barossa Bushgardens Strategic Plan has been updated for 2025-2030 and has been endorsed by the Committee at its meeting held 7 May 2025. It is now presented to Council for adoption.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Barossa Bushgardens Strategic Plan 2025 - 2030 for Council adoption May 2025 

### Supporting references

Barossa Bushgardens S41 Committee Terms of Reference

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Our Environment

Supporting a sustainable Barossa.

### Strategic Outcome

- We support actions that manage our environment for future generations.
- We sustainably manage our resources and encourage sustainable practices.

### 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

CS17 Natural Resources - Regional development and management of the environment including natural resource management to ensure the region is managed sustainably and the environment is protected and enhanced

### Legislative Requirements

Nil

## 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.*

Delivery of the Strategic Plan is undertaken in accordance with the adopted budget and resources for the programs and services delivered at the Barossa Bushgardens.

**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

<b>COMMUNITY ENGAGEMENT</b>
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Not required.

**7.4.4 CONSIDERATION AND ADOPTION OF COMMITTEE RESOLUTIONS - BAROSSA BUSHGARDENS**  
**25/40125**

**MOVED** Cr Schilling

That Council having reviewed the minutes of the Barossa Bushgardens S41 Committee meeting held 7 May 2025, adopt the resolutions contained therein.

**SECONDED** Cr Troup

**CARRIED 2022-26/721**

<b>PURPOSE</b>
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The Minutes of Councils Section 41 Committees are presented here for consideration and adoption by Council.

<b>REPORT</b>
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Discussion

The consideration and adoption of recommendations of Council Committees to Council requires assessment by Council to ensure compliance obligations under

section 6(a) of the Local Government Act 1999. The relevant minutes received in the past month are therefore presented for Council adoption.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Minutes - Barossa Bushgardens Committee Meeting - 7 May 2025 - pdf 

Supporting references

Nil

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Supporting a sustainable Barossa.

Our Environment

#### Strategic Outcome

- We sustainably manage our resources and encourage sustainable practices.
- We support actions that manage our environment for future generations.

### Corporate Plan

CS17 Natural Resources - Regional development and management of the environment including natural resource management to ensure the region is managed sustainably and the environment is protected and enhanced

#### 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.*

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.*

Expenditure identified in the body of the minutes is included within Councils endorsed 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.*

Nil

**COMMUNITY ENGAGEMENT**

Not required.

**8. CONFIDENTIAL REPORTS****8.1 Office of the Mayor and CEO**

*Pursuant to Section 75 of the Local Government Act 1999, Cr Preece disclosed a Material Conflict of Interest in the matter Item 8.1 - Claim of Defamation Against Council as he is the complainant and advised the Chamber that he would leave the meeting.*

*Cr Preece left the meeting at 6:56 pm.*

**8.1.1 CLAIM OF DEFAMATION AGAINST COUNCIL  
25/39974**

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 Council is receiving a legal claim and review our legal advice and response.

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:

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

legal advice;

- (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 Council is receiving a legal claim and review our legal advice and response.

**SECONDED** Cr Hurn

**CARRIED 2022-26/722**

*The meeting moved into confidence at 6.56pm*

**MOVED** Cr Evans

That Council:

- (1) Council resolution
- (2) Having considered this matter in confidence under Sections 90(2) and 90(3)(h) 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 20 May 2025 in relation to item 8.1.1 Claim of Defamation Against Council from Elected Member be kept confidential and not available for public inspection and authorise the Chief Executive Officer to release the information upon receiving legal advice that concurs with the release.

**SECONDED** Cr Greatwich

**CARRIED CO 2022-26/725**

Resumption of open council meeting at 7.26pm

Cr Preece could not be located and therefore he left the meeting at 7.26pm

## 8.2 Corporate Services, Strategy and Innovation

### 8.2.1 ENTERPRISE RESOURCE PLANNING SOLUTION BUSINESS CASE

25/39295

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 Council is conducting commercial negotiations for a long term 10 year core systems contract.

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, Business Improvement Partner 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)(b) of the *Local Government Act 1999*:

information the disclosure of which-

- (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and
  - (ii) would, on balance, be contrary to the public interest;
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that Council is

conducting commercial negotiations for a long term 10 year core systems contract.

**SECONDED** Cr Angas

**CARRIED 2022-26/726**

THE MEETING MOVED INTO CONFIDENCE AT 7.26PM

**MOVED** CR TROUP

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)(B) OF THE LOCAL GOVERNMENT ACT 1999, MAKES AN ORDER PURSUANT TO SECTION 91(7), THAT THE MINUTES, AGENDA REPORT AND ATTACHMENTS OTHER THAN THE MINUTES RELATING TO THIS CONFIDENTIALITY ORDER OF THE CONFIDENTIAL COUNCIL MEETING HELD ON 20 MAY 2025 IN RELATION TO ITEM 8.2.1 ENTERPRISE RESOURCE PLANNING SOLUTION BUSINESS CASE BE KEPT CONFIDENTIAL AND NOT AVAILABLE FOR PUBLIC INSPECTION AND AUTHORISE THE CHIEF EXECUTIVE OFFICER TO REVIEW AND REVOKE THE ORDER.

**SECONDED** CR BARRETT

**CARRIED CO 2022-26/727**

RESUMPTION OF OPEN COUNCIL MEETING AT 7.30PM

**9. URGENT OTHER BUSINESS**

Nil

**10. NEXT MEETING**

Tuesday 17 June 2025 at 5.30pm

**11. CLOSURE**

Mayor Lange declared the meeting closed at 7.30pm.

Confirmed at Council Meeting on 17 June 2025

Date:.....

Mayor:.....