



NOTICE OF ORDINARY COUNCIL MEETING
Tuesday 21 July 2026
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa,
commencing at 5:30pm.

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



Martin McCarthy
CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

Welcome by Mayor

1. ATTENDANCE RECORD

1.1 Members Present

Apologies

Nil

Not Present

Nil

Leave of Absence

Nil

2 CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

- 2.1.1 Council meeting held on Tuesday 16 June 2026 at 5:30pm
- 2.1.2 Special Council meeting held on Wednesday 24 June 2026 at 5:00 pm

2.2 Matters arising from previous minutes

- 2.2.1 2026-27 Mandatory and Discretionary Rate Rebates 5

3 PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

Volunteer Recognition: Suzanne Mann (Williamstown Memorial Hall) - 10 years and Louise Mason (Barossa Bushgardens) - 10 Years

3.3 Notice of Motion

Nil

3.4 Questions with Notice

4. MAYOR

- 4.1 Mayor's Report..... 7

5. COUNCILLORS' REPORTS

- 5.1 Cr Kathryn Schilling - Report to Council 13

6. MATTERS FOR INFORMATION

- 6.1 Williamstown & Lyndoch Landcare Group Inc, - Minutes of Meeting 15
- 6.2 Barossa Character Area Project Update and Literature Review 28
- 6.3 SA Top Tourism Town 60
- 6.4 Gawler River Floodplain Management Authority - Minutes of Meeting..... 62
- 6.5 Northern and Yorke Local Government Association (N&YLGA) Waste & Resource Recovery Strategy 2026 - 2031..... 70
- 6.6 Nature and Natter 2025-2026 Summary Report..... 88

6.7	Additional Two Submissions - Talunga Park Consultation	91
6.8	Disaster Management System - Proposed Reforms	95
6.9	Recreation Grounds Act 1931 - Regulations Update	98
6.10	Annual Roadside Workplan - Northern & Yorke Landscape Board	123
6.11	Call for nominations for the South Australian Regional Organisation of Councils (SAROC)	152
6.12	Local Government Finance Authority Annual General Meeting Notice.....	164

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1	Annual Report on Internal Review of Council Decisions 2025/26	171
7.1.2	Update to the Policy Governance Framework.....	175
7.1.3	Complaint Against Cr Preece - Tabling of Investigation Findings and Recommendation to Refer to the Behaviour Standards Panel - Complaint Matter 7	195
7.1.4	Amendment to the Schedule of Council Meetings - Deferred Local Government Elections	420
7.1.5	Talunga Park - Investment and Service Level Amendments Post Business Case Determination.....	423
7.1.6	Recission Motion Talunga Park Business Case	436
7.1.7	Correspondence from the South Australian Ombudsman for All Councils	441
7.1.8	Conciliation Conference - South Australian Civil and Administrative Tribunal - Cr Preece Matter.....	445

7.2 Corporate Services, Strategy and Innovation

7.2.1	Monthly Finance Report as at 30 June 2026	449
7.2.2	Amendments to 2026-27 Fees and Charges Register	453

7.3 Infrastructure and Environmental Services

7.3.1	Revocation of the Barossa Bushgardens S41 Committee	457
7.3.2	Memorial Plaque for Barossa Bushgardens volunteer Lynette Schmidt.....	474

7.4 Development and Community Services

7.4.1	Provisional entry of Strait Gate Lutheran Church Light Pass as a State Heritage Place	477
7.4.2	Accredited Professionals Notification Policy and Process	523
7.4.3	Draft State-Wide Flood Hazard Code Amendment	535

7.4.4	emPoweringSA Community Battery Proposal - Lot 30 Milway Avenue/ Drinkwater Crescent Nuriootpa.....	549
7.4.5	Barossa Vintage Festival Art Collection transfer to The Barossa Council	564
7.4.6	Development Application for land division at Lot 1, Cemetery Road, Eden Valley - State Planning Commission Request for Concurrence	571

8. CONFIDENTIAL REPORTS

8.1 Office of the Mayor and CEO

8.1.1	Supreme Court Case Matter - Quarterly Update	604
-------	--	-----

9. URGENT OTHER BUSINESS

10. NEXT MEETING

Tuesday 18 August 2026 at 5:30pm

11. CLOSURE

MATTERS ARISING FROM PREVIOUS MINUTES

2.2.1 2026-27 MANDATORY AND DISCRETIONARY RATE REBATES

Author: Chief Executive Officer
26/46478

This matter was part of the special meeting agenda of 24 June 2026 – Item 2.1.10 - 2026-27 Mandatory and Discretionary Rate Rebates, however due to the loss of a quorum for the item it was automatically adjourned.

The relevant report is attached now for Council consideration and ratification of the Chief Executive Officers decision post the Council's special meeting.

Due to the timing needs of the production of rates and charges and issuing of the statutory rate and valuation notices, the Chief Executive Officer, after consultation with the Mayor pursuant to Section 58(1)(f) of the *Local Government Act 1999* approved the mandatory and discretionary rebates as tabled at the special meeting under delegation. The communication and engagement with the Mayor is outlined below and goes to the management of rebates to ensure the meeting of necessary deadlines.

RECOMMENDATION

That Council, noting the substance of report "2.1.10 2026-27 Mandatory and Discretionary Rate Rebates" which was adjourned for the want of a quorum at the Special Meeting of Council dated 24 June 2026, has been resolved under delegated powers pursuant to Section 44 and 159 of the *Local Government Act 1999* and receive and note this report as satisfying the Regulation 19(3) *Local Government (Procedures at Meetings) Regulations 2013*.

The timeframe for the production of rates is 1 July, unless you are inclined to call a further special meeting Monday next week pursuant to Section 58(1)(f) of the LG Act, which is the one where we liaise on matters of Council decision making, I propose to address the situation as follows:

- 1. Mandatory rebates, whilst they need Council approval there is no ability for Council not to approve them, therefore subject to point 3 I propose to approve them under delegation.*
- 2. Discretionary rebates, they need Council to approve. However, to raise the rates by the requisite time, we would currently have to raise them without provision of these rebates. That would result in 40 community-based organisations receiving a surprising rate notice, this is obviously not a desirable result for Council, when historically these discretionary rebates have always been approved. Therefore, I propose to approve them under delegation as per point 3.*
- 3. Upon review of the LG Act Section 159(3) is the basis upon which rebates are granted it states "(3) A council may grant a rebate of rates under this Division if satisfied that it is appropriate to do so (whether on application under this*

Division or on its own initiative)." Council has delegated the power to me under section 159(3) of the Act, therefore I have the power to approve these rebates, whilst it is not the norm I think that is the best way to deal with the issue, mitigate political and brand risk by issuing rate notices that would not be received well and will ultimately be approved in any case. Awaiting for Council meeting in July is not an option in my view for reputation reasons. This is an extract of page 719 of the Delegation Register:

Local Government Act 1999				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Executive Officer		
section 156(14a)(a)	Prepare a report on a proposed change to the differentiating factor in relation to land	Senior Accountant, Coordinator Financial Services, Senior Rates Officer, Manager Financial Services, Chief Executive Officer		council
section 156(14a)(b)	Undertake public consultation	Senior Accountant, Coordinator Financial Services, Senior Rates Officer, Manager Financial Services, Chief Executive Officer		council
section 159(1)	Determine the manner and form of an application for a rebate of rates	Senior Accountant, Coordinator Financial Services, Senior Rates Officer, Manager Financial Services, Chief Executive Officer		council
section 159(3)	Grant a rebate of rates	Senior Accountant, Coordinator Financial Services, Senior Rates Officer, Manager Financial Services, Chief Executive Officer		council
section 159(4)	Increase a rebate of rates	Senior Accountant, Coordinator Financial Services, Senior Rates Officer, Rates and Accounts Receivable Officer,		council

Page 719 of 1005

April 2026

Mayor Lange supported this approach, however as the matter is adjourned it must be completed in some form by Council.

Therefore, the revised recommendation for the matter that has been adjourned due to the want of a quorum is as follows.

Revised Recommendation

That Council, noting the substance of report "2.1.10 2026-27 Mandatory and Discretionary Rate Rebates" which was adjourned for the want of a quorum at the Special Meeting of Council dated 24 June 2026, has been resolved under delegated powers pursuant to Section 44 and 159 of the Local Government Act and receive and note this report as satisfying the Regulation 19(3) Local Government (Procedures at Meetings) Regulations 2013.

ATTACHMENTS

Nil

SUPPORTING REFERENCES

[The-Barossa-Council-Delegations-Register-April-2026.PDF](#)

Mayor's Report - July Meeting 2026

26/45540

JUNE AND JULY

- 5/06/2026 Radio interview with ABC regarding the promotion for the Expression of interest of the Angaston Railway Station.
- 12/06/2026 Attended the Northern and Yorke Local Government Association Board Meeting which was hosted by Council at Barossa Park.
- 15/06/2026 Lyndoch Lavender Farm on site meeting with Mat Allanson regarding the Inter-Continental Hotel and Winery Planning approval and conditions with Jake McVicar, Director Development and Community Services.
- 16/06/2026 Presented Cr John Angas with the 25 Years Local Government Service Award.

John is a 6th-generation Barossa Valley local and is active in the local agricultural and community life. John has served on The Barossa Council since 1999 and during this time served as Deputy Mayor. John has been a strong advocate for major local government projects such as the Big Project including Council's recreational facilities and other community initiatives. He has a long history of community service, including involvement with groups such as Leisure Options, Carer's Link, the CFS, Barossa Farmers Market, park committees and other local initiatives. John also chairs Barossa Village Incorporated, a community-owned aged-care provider, and has been a board member since 2006, reflecting his deep commitment to local community support and governance.



Pictured with Councillor John Angas

Presented Sally Goers-Fox with a Certificate of Recognition for her volunteering service to the Barossa Regional Gallery for over 20 years. Sally has been a deeply valued member of both the Gallery Committee and Gallery Management Advisory Group. Her long-standing contribution has made her an important custodian of the Gallery's programming knowledge, operational continuity and cultural heritage.

Sally's generosity, compassion and unwavering support for the Barossa Regional Gallery and Tanunda Soldiers Memorial Hall are a true reflection of her deep love for community, the arts and the Barossa region.



Pictured with Sally Goers-Fox

19/06/2026 Citizenship ceremony was held in the Council Chambers welcoming ten new citizens to our community. This was attended by over 30 family and friends and catered by the SA Country Women's Association – Angaston Branch.



Pictured with Councillor Tony Pasin MP, Federal Member for Barker, Ashton Hurn MP, Leader of the Opposition and Member for Schubert, Louise Baldacchino, Darin Kinzie, Nisha Samuel, Damian O'Connell, Neil Middleton, Freya Macauley, Elisha Macdonald-Lind, Guy Bishop, Kerry Urry and Ronald Brown

- 19/06/2026 Invitation to attend Hits of the '60s and '70s by the 60 Four at Barossa Arts Centre which was a fantastic event.
- 20/06/2026 Very privileged to be invited to lead the procession of the Winter Flame to celebrate the winter solstice along with the Leader of the Opposition and Member for Schubert, Ashton Hurn MP and Cr David de Vries, walking the Tanunda main street ahead of bagpipe bands and highland dancers.



Pictured with Ashton Hurn MP, Leader of the Opposition and Member for Schubert and Cr David de Vries.

- 22/06/2026 Meeting with Department of Infrastructure and Transport regarding the Concordia connection to the Sturt Highway. Also attending CEO Martin McCarthy and Gawler Mayor and CEO.
- 23/06/2026 Attended the All-Staff Mid-Year Event at Barossa Park.

The Council has launched a new online platform, the *Barossa Wellbeing Hub*, which brings everything into one centralised location, so, members of the community can find places, spaces, programs, organisations and more that support their health and wellbeing. This new resource has been possible through the collaboration with community partners and we acknowledge funding secured by Enhance Mental Health through the Australian Government's Stronger Communities Programme.



Pictured with Bill Gransbury and Tania Materne

26/06/2026 Attended Keith Riebke's funeral on behalf of Council. Keith commenced employment with the Council in 1961 and for over 45 provided exceptional service operating and maintaining the grader fleet.

1/07/2026 The 30th anniversary of the amalgamation of The Barossa Council is an opportunity to celebrate not just the creation of a council, but three decades of building one of Australia's most recognised regional communities.

On 1 July 1996, the District Councils of Barossa, Tanunda and Angaston came together to form The Barossa Council. The majority of the former Mount Pleasant Council area joined in 1997, creating the council area we know today.

Council amalgamations are rarely easy. Thirty years ago, it required:

- political courage
- community trust
- compromise between proud local communities
- a willingness to think beyond individual town boundaries.

Today, the Barossa is stronger because of that decision.

Since 1996:

- population has grown significantly

- the council area now covers almost 900 square kilometres
- thousands of new homes have been built
- tourism has been challenging but expanded enormously
- infrastructure continues to be upgraded and improved but there is always more to do
- the Barossa has grown its brand and remains an iconic regional destination in the face of growing competition.

The next 30 years will likely be shaped by:

- housing growth
- climate resilience
- water security
- renewable energy
- artificial intelligence
- positioning the Barossa brand and experience in growing the economy
- preserving heritage while embracing innovation.

The Council's challenge is no longer just managing services but helping shape our regional community into the future.

4/07/2026 Invitation to attend the Rotary Club of Barossa Valley Changeover dinner where President-elect Steven Ahrens was inducted as President.



Pictured with Past President James Dunn and President Steve Ahrens.

- 5/07/2026 Invitation to attend Nunga Screen 2026, a short film showcase that shares and recognises First Nations culture, stories and history through film. The event was hosted by Council in celebration of National NAIDOC Week.
- 8/07/2026 Meeting with Board Member of SATC Jess Greatwich on future tourism strategies.
- 10/07/2026 Radio interview with Flow FM promoting the Country Football Championships and the Central Districts v South game at Barossa Park.
- Invitation to attend the SA Country Football Championships Welcome Function at Barossa Park.



Brett Maher Scott Ninnis 36ers basketball players - guest speakers and Nicki Barney SANFL Head of Brand, Media and Communications also attending Crs David DeVries, Don Barrett and Martin McCarthy CEO

- 14/07/2026 Attended on behalf a Council, the funeral for Eric Henke long time Council employee (approx 28 years of service) from the District Council of Angaston and amalgamated Barossa Council.

Cr Kathryn Schilling - Report to Council - July 2026 Meeting

26/46624

JUNE

24/06/2026

Final Section 41 Committee of the Barossa Bush Gardens. It has been a great pleasure to be the Council Representative on this committee for the past 7 ½ years.

The growth and success of this sight is enormous considering its now 25 years since this garden was established. The gardens have also become an important site for connection to indigenous people and their associated activities. Bush medicine, tucker and plants that provide food for wildlife.

I was fortunate to be involved with the first planting under another community role as chairperson of the Nuriootpa Regional Community Association.

This committee has been giving advice to Council since 2010 and now the Friends of the Barossa Bush Gardens, who are an incorporated body and charity, will take on the advisory role. The picture was taken at our last meeting on 21st June (pending Council approval at the July meeting).

On behalf of the Committee, I wish to extend sincere thanks to Chris Kruger who has been the Executive Support Officer, the volunteers, The members of the Friends of the Barossa Bush Gardens and Council staff. In particular, Doreen von Linde, Penny Devlin and Kim Thompson, whose care and passion for all things natural have made a significant impact to the success of this wonderful Council facility.

This year the sales from the nursery have doubled to \$50,000 and it is no longer the Barossa best kept secret, and they are turning away requests for visitations from school groups and other garden groups because we have part-time staff and not enough resources to say yes to everyone! The volunteer numbers are at capacity too. A good problem to have but something that needs to be looked at if we want growth to continue. Some discussion has been to have Council staff on weekends as there is a cohort that work Monday to Friday and would love to volunteer and be part of the gardens. Once a month on a Saturday for a start was suggested.

The meeting ended on a very positive note with an exciting future ahead for the site.

I encourage you all to mark your diaries for the 25th Anniversary on Sunday 25 October 2026 11am – 3pm.

One gum tree in a paddock used for cow grazing to an amazing display of plants, places for people to gather and socialise, learn about nature, The Labyrinth, art installations, to name a few it is a such a beautiful place to walk and breathe!

"From little things big things grow"



MATTERS FOR INFORMATION

6.1 WILLIAMSTOWN & LYNDOKH LANDCARE GROUP INC. - MINUTES OF MEETING

Author: Executive and Project Support Officer
26/43429

Minutes of the Williamstown & Lyndoch Landcare Group Inc. meetings held 28 May 2026 and 26 June 2026, are attached for information.

ATTACHMENTS

- Attachment 1 Minutes - Williamstown and Lyndoch Landcare Group Inc - 28 May 2026 [!\[\]\(223f1a84e0bc2cacb9c165f716817dcc_img.jpg\)](#) 
- Attachment 2 Minutes - Williamstown and Lyndoch Landcare Group 26 June 2026 [!\[\]\(5325e9c836a444f145b8307dfcd1cfab_img.jpg\)](#) 

SUPPORTING REFERENCES

Nil.



Meeting Minutes

PO Box 694
Lyndoch, SA 5351

Purpose General Meeting

Prepared by Terry Redman

Phone No. 0418 857 915

Location Container,
Altona CSR Landcare Reserve,
136 Altona Road
Lyndoch, SA 5351

Date 28 May 2026

Attendees Angus Atkinson (Chair)
Tina Woods
Tracy Sinclair
Don Wegener
Margaret Puddy

Terry Redman
Nelly Van Der Lerssel
Maria Burton
Kym Burton
Peter Henshaw

Quorum

Number of Ordinary members:	20% of Ordinary members	Attendees	Quorum ¹ achieved?
11	2.8 (rounded up) 3	10	Yes

Distribution All current & life members, Chris Kruger (Executive Assistant for the Directorate: Development and Community Services, The Barossa Council) and Kim Thompson (Team Leader Environmental Services, Infrastructure and Environmental Services, The Barossa Council).

File 20260528_GeneralMeetingMinutes.docx

Item		Action by	Date Due
1	<u>Meeting Opened:</u> 10.38 am		
2	<u>Apologies:</u> Nil		
3	<u>Minutes of previous Meeting:</u> held 22 April 2026. Moved: Tracy Sinclair, Seconded: Tina Woods – Carried unanimously		



Meeting Minutes

4	<u>Business Arising last meeting:</u> No business arising.		
4.1	<u>Actions now closed:</u> ACTION: WLLG charity status – Paperwork submitted online. No further action unless ATO advises otherwise. ACTION: Action Plan - Review Objectives and Strategies for 2025 Tina Woods provided a summary to the Action plan for 2025 and proposals for 2026. The plan will be updated to reflect discussion. Moved: Tina Woods, Seconded: Tracy Sinclair, Carried unanimously		
4.2	<u>Actions Still open:</u>		
	ACTION: BBBFM, " Lets chat Barossa" Podcast Tracy Sinclair and Nelly Van Der Ierssel to contact BBBFM	Tracy Sinclair/ Nelly Van der Lerssel	Jun 26
5	<u>New Actions from Business arising this meeting:</u> ACTION: Committee Meeting - determine a date for the 2026 committee meeting as under the constitution the committee ..."shall meet together for the dispatch of business at least yearly..." ACTION: Summary of achievements of the Association's objectives and strategies as stated in the 2022 Management plan – finalise summary of actions undertaken in 2025. ACTION: Hold information stall at Lyndoch Markets – Determine the date of market to attend and organise. ACTION: Hold information stall at Budburst – Determine date for Budburst and organise. ACTION: Non-glyphosate environmental weed control trials – Complete a written report on the trial plots established in 2024 and monitored in 2025. Provide proposed follow-up actions (if any) for consideration by the committee. ACTION: Reptiles & Amphibians - Determine who is the appropriate contact person for the Field Naturalist Society of South Australia – Reptile and Frog Group. Determine any potential future reptiles and amphibian surveys.	Angus Atkinson Tina Woods (with the assistance of all action holders in 2025) Tracy Sinclair Peter Henshaw Peter Henshaw Tina Woods	June 26 July 26 July 26 June 26 June 26 July 26

20260528_General Meeting Minutes.docx



Meeting Minutes

	ACTION: Orchids - Determine who is the appropriate contact person for the Native Orchid Society of South Australia (NOSSA). Touch base and understand any planned visits to the reserve in 2026/2027. ACTION: Native Plants - Determine who is the appropriate contact person for the Native Plants Society of South Australia. Touch base and understand any planned visits to the reserve in 2026/2027.	Tina Woods	July 26
		Tracy Sinclair	July 26
6	<u>Correspondence IN:-</u>		
	Friends of Parks and Nature SA – Weekly update – 29/04/2026, 06/05/2026, 13/05/2026, 20/05/2026 Barossa Council – - Amy Ruediger 22/05/2026 – National Volunteer Day 2026 - Alicia Dahlitz 28/04/2026– Barossa Wellbeing Network Asset Map - MBX Accounts Payable 28/04/2026 - Changes to Invoice processing- - Kim Thompson – 18/05/2026 – Bird Surveys at Altona DEW/Green Adelaide – 20/05/2026 - Green Adelaide News – May 2026 Landscapes SA – 01/05/2026 – Yakka News 01/05/2026 (Prickly Pear Beetle) 18/05/2026 - Elisha Brunton - Regional Plant ID and Seed Collection Workshops Nature Festival – 25/09/2026 to 11/10/2026		
	<u>Correspondence OUT:</u>		
	None		
7	<u>Chair Report:</u>		
	- Pest Animal Control -Altona Woodlands update Pest animal control programme continues. No reports of Deer but some foxes have been identified. - Dicamba has been purchased to target Scabiosa and other broadleaf weeds following the advice of Amanda Pearce, Environmental Weed Control and Revegetation. 2000 updated Altona walking brochures have been re-printed for distribution throughout the local area. - Meetings will revert to the Council Rooms, Lyndoch Library next month.		



Meeting Minutes

8

Monthly Volunteer Hours Summary:

Tasks	FY26 YTD	APR 26	MAY 26 (to 25/05/26)
1. Admin Duties (Committee Members) ²	31	2	2
2. Meetings, home & away	57	4	
3. Promotions. (Tours, demos, etc.)	28		
4. Propagation (Sowing, planting out, seed collection, etc.)	0		
5. Weed & Pest Control	588	26	69
6. Construction & maintenance (Equipment, fencing, trails, buildings, etc.)	87		
7. Equipment design & manufacture (Seed boxes, displays, jigs, tools, etc.)	17		
8. Monitoring	152	26	5
Totals	959	58	76

9

Treasurers Report:**Moved: Tracy Sinclair – Seconded: Don Wegener. Carried unanimously****Monthly Income & Expenditure – since last General Meeting**

	APR 26	MAY 26 (as at 25/05/26)
Balance Brought Forward	\$ 6,027.76	\$ 6,029.76
Income	\$ 1.98	
Expenses	\$ -	
End Month Balance	\$ 6,029.74	\$ 6,029.74



Meeting Minutes

Account Balances – since last General Meeting

	APR 26	MAY 26 (as at 25/05/26)
Administration	\$ 1,428.31	\$ 1,428.31
Credit Union Share	\$ 2.00	\$ 2.00
Project No.2 (Altona)	\$ 4,599.43	\$ 4,599.43
Total End Month Balance	\$ 6,029.74	\$ 6,029.74

Notes:

1. No expenditure this month.
2. Quotation obtained from The Print Market for reprinting of 2000 brochures for approximately \$900. This quote has been accepted and the printing has commenced. Expected expenditure in June.

10	Petty Cash: Balance: \$156.10 Expenditure: PO Box Renewal - \$53.00		
11	Work Health and Safety: Issue raised by Tina Woods. Barbed wire near entranceway to Reserve. No injury occurred and the barbed wire has been removed posing no further issue. An incident report has been submitted.		
12	Publicity: • Facebook – - o Regular updates continuing. - o 699 Followers • Lyndoch Grapevine - o Standing Advertisement has been modified slightly for June edition and going forward. - o Information provided advertising BirdsSA walk at the reserve. • Willy Wagtail - o Standing Advertisement		



Meeting Minutes

13	General Business: Recent rain has led to the road base being eroded away in several places. Suggested that a future working bee address this issue using the stockpiled road base in the reserve.		
14	Key Dates for 2026: 11 July 2026 – BirdsSA, lead bird walk - TBA – Committee Meeting		
15	Next Meeting: The next Meeting will be 7.30 pm, Wednesday 24 th June 2026, Council Rooms, 29 Barossa Valley Way, Lyndoch, SA, 5351		
16	Meeting Closed: 11.34 am		

Notes-

- Under the Constitution dated 26 June 2025 – A **quorum** (that is the minimum number of members that must be present at a general meeting to make the proceedings of that meeting valid) shall be determined as 20% of the number of Ordinary Members.

	Name	Signature	Date
Member who presided over the meeting which these minutes record:		I confirm that these minutes are an accurate record of the proceedings of the meeting:	
Member who presided at the meeting where these minutes are confirmed:			



Meeting Minutes

PO Box 694
Lyndoch, SA 5351

Purpose General Meeting/Committee Meeting

Prepared by Terry Redman **Phone No.** 0418 857 915
Location Council Rooms **Date** 26 June 2026
 29 Barossa Valley Way,
 Lyndoch, SA 5351

Attendees Angus Atkinson (Chair) Peter Henshaw
 Tina Woods
 Tracy Sinclair
 Don Wegener
 Terry Redman

Quorum

Number of Ordinary members:	20% of Ordinary members	Attendees	Quorum ¹ achieved?
11	2.8 (rounded up) 3	5	Yes

Distribution All current & life members, Chris Kruger (Executive Assistant for the Directorate: Development and Community Services, The Barossa Council) and Kim Thompson (Team Leader Environmental Services, Infrastructure and Environmental Services, The Barossa Council).

File 20260528_GeneralMeetingMinutes.docx

Item		Action by	Date Due
1	Meeting Opened: 7.31 pm		
2	Apologies: Nelly Van Der Lerssel, Pam Cross, Margaret Puddy		
3	Minutes of previous Meeting: held 28 May 2026. Moved: Tina Woods, Seconded: Tracy Sinclair – Carried unanimously		



Meeting Minutes

4	<u>Business Arising last meeting:</u> No business arising.		
4.1	<u>Actions now closed:</u> ACTION: Committee Meeting - determine a date for the 2026 committee meeting as under the constitution the committee ... "shall meet together for the dispatch of business at least yearly..." As all Committee members were present, it was agreed that the Committee meeting would occur tonight.		
4.2	<u>Actions Still open:</u> ACTION: Summary of achievements of the Association's objectives and strategies as stated in the 2022 Management plan. Update: To finalise summary of actions undertaken in 2025 and resubmit. ACTION: Hold information stall at Lyndoch Markets – Determine the date of market to attend and organise. ACTION: Hold information stall at Budburst – Determine date for Budburst and organise. Update: Budburst, 10 October 2026 at Kies Winery. Insurance cover to be clarified prior to proceeding. ACTION: Non-glyphosate environmental weed control trials – Complete a written report on the trial plots established in 2024 and monitored in 2025. Provide proposed follow-up actions (if any) for consideration by the committee. Update: Report tabled. Report is observational and worthy of further use with new trials to commence using "Slasher." Further consultation with similar groups will also be undertaken. ACTION: Reptiles & Amphibians - Determine who is the appropriate contact person for the Field Naturalist Society of South Australia – Reptile and Frog Group. Determine any potential future reptiles and amphibian surveys. ACTION: Orchids - Determine who is the appropriate contact person for the Native Orchid Society of South Australia (NOSSA). Touch base and understand any planned visits to the reserve in 2026/2027. ACTION: BBBFM, " Lets chat Barossa" Podcast Tracy Sinclair and Nelly Van Der Ierssel to contact BBBFM ACTION: Native Plants - Determine who is the appropriate contact person for the Native Plants Society of South Australia. Touch base and understand any planned visits to the reserve in 2026/2027.	Tina Woods Tracy Sinclair Peter Henshaw Peter Henshaw Tina Woods Tina Woods Tracy Sinclair Tracy Sinclair	August 2026 August 2026 July 2026 July 2023 August 2026 August 2026 July 2026 August 2026
5	<u>New Actions from Business arising this meeting:</u> Nil		

20260626_General Meeting Minutes.docx



Meeting Minutes

6	<u>Correspondence IN:-</u>		
	• Friends of Parks and Nature SA – - o Weekly update – 27/05/2026, 03/06/2026, 10/06/2026, 18/06/2026 - o Pam Smith – 15/06/2026 - Friends of Parks 33rd AGM Minutes and Reports • Landcare Association of South Australia - o 22/06/2026 - H5 Bird Flu Detection in Western Australia and PIRSA Webinar, 24/06/2026 • Barossa Council – - o Community Development Team - 22/06/2026– Barossa Wellbeing Network Asset. • Details updated and submitted • DEW/Green Adelaide – - o 09/06/2026 – Gold Pass Nominations - o 17/06/2026 - Green Adelaide News June 2026 • Landscapes SA – - o 05/06/2026 – Members Blast - o 09/06/2026 – Yakka News - o 16/06/2026 – Elisha Brunton – Independent Community Group Insurance Renewal for 2026/27. • Active Tree Service (SAPN) – - o 11/06/2026 – Vegetation on your property needs trimming of removal		
	<u>Correspondence OUT:</u>		
	• Community Groups Insurance renewal form submitted to Landscapes Board SA, Northern and Yorke.		
7	<u>Chair Report:</u>		
	• After receiving notification of a tree down Council was contacted and promptly removed the fallen tree. • Landcare Association of SA issued an email regarding the recent bird flu detection and a PIRSA webinar to be held on the 24/06/2026. Details contained on flyer in Altona Reserve Noticeboard are still current.		



Meeting Minutes

8 Monthly Volunteer Hours Summary

Tasks	FY26 YTD		MAY 26	JUNE 26 (to 24/06/26)
1. Admin Duties (Committee Members) ²	53		6	18
2. Meetings, home & away	67		10	
3. Promotions. (Tours, demos, etc.)	34		6	
4. Propagation (Sowing, planting out, seed collection, etc.)	0			
5. Weed & Pest Control	652		99	34
6. Construction & maintenance (Equipment, fencing, trails, buildings, etc.)	99			13
7. Equipment design & manufacture (Seed boxes, displays, jigs, tools, etc.)	19			2
8. Monitoring	152		5	
Totals	1076		126	67

9 Monthly Income & Expenditure – since last General Meeting

Moved: Don Wegener – Seconded: Peter Henshaw. Carried unanimously

	MAY 26	JUN 26 (as at 24/06/26)
Balance Brought Forward	\$ 6,029.74	\$ 5,095.04
Income	\$ 2.30	
Expenses	\$ 937.00	\$ 131.00
End Month Balance	\$ 5,095.04	\$ 4,964.04



Meeting Minutes

Account Balances – since last General Meeting			
	MAY 26	JUN 26 (as at 24/06/26)	
Administration	\$ 1,430.61	\$ 1,430.61	
Credit Union Share	\$ 2.00	\$ 2.00	
Project No.2 (Altona)	\$ 3,662.43	\$ 3,531.43	
Total End Month Balance	\$ 5,095.04	\$ 4,964.04	
Notes: - Expenditure since last meeting: \$937 - The Print Market for reprinting of 2000 brochures \$131 – reimbursement to T Redman for Kamba 750 Weed control. - Additional Invoice from Environmental Weed Control and Revegetation expected this month.			
10	Petty Cash: Balance: \$174.10 Expenditure: nil		
11	Work Health and Safety: Nil		
12	Publicity: - Facebook – - Regular updates continuing. 701 Followers - Lyndoch Grapevine - Standing Advertisement has been modified slightly for June edition and going forward. - Willy Wagtail - Standing Advertisement		
13	General Business: Nil		
14	Key Dates for 2026: 11 July 2026 – BirdsSA, lead bird walk - TBA – Committee Meeting - Thursday 2 July 2026 - visit by Kim Thompson		

20260626_General Meeting Minutes.docx



Meeting Minutes

15	Next Meeting: The next Meeting will be 7.30 pm, Wednesday 22 nd July 2026, Council Rooms, 29 Barossa Valley Way, Lyndoch, SA, 5351		
16	Meeting Closed: 8.38pm		

Notes-

- Under the Constitution dated 26 June 2025 – A **quorum** (that is the minimum number of members that must be present at a general meeting to make the proceedings of that meeting valid) shall be determined as 20% of the number of Ordinary Members.

	Name	Signature	Date
Member who presided over the meeting which these minutes record:		I confirm that these minutes are an accurate record of the proceedings of the meeting:	
Member who presided at the meeting where these minutes are confirmed:			

MATTERS FOR INFORMATION

6.2 BAROSSA CHARACTER AREA PROJECT UPDATE AND LITERATURE REVIEW

Author: Senior Growth and Strategic Planner
26/46187

At the 21 October 2025 Council meeting, Council endorsed the Draft Barossa Character Area Review Project Scope and associated Terms of Reference to support the creation of a Working Group (WG).

A further report was provided to Council at its 27 January 2026 meeting to appoint five (5) community representatives to the WG. A report was also presented, and endorsed, by the Light Regional Council at its 24 February 2026 Council meeting, as sought by the Terms of Reference.

The endorsed role and function of this project and the WG is to ensure the Barossa Character Area Review Project Scope is progressed and achieved. It is important to acknowledge this project will ultimately feed into the State Planning Commission's consideration of a Code Amendment, to be initiated in 2027 to amend and update the Character Preservation District Overlay within the Planning and Design Code, as committed within the Greater Adelaide Regional Plan. This project is not proposing or seeking changes to the *Character Preservation (Barossa Valley) Act 2012*.

The Barossa Character Preservation Project has been progressing with four WG meetings and one all-day workshop with the WG members already undertaken.

Resulting from the WG's desire for external professional assistance to bring world-wide expertise to the project, Council sought assistance from external consultants to deliver a set scope of works. The scope included:

1. Literature Review of existing work undertaken
2. Strategic Directions
3. Character Statements
4. Design Principles
5. Other key observations that are recommended

Professor Laura Lee, in partnership with EIW Architects, was engaged as a 'contractor' to undertake the scope of works. Professor Lee is known for her time as the Thinker-in-Residence to the South Australian Government in 2009-10, where she developed a great interest to the Barossa region, in addition to consulting to other Australian and international governments. EIW Architects are partnered through their professional connection to Professor Lee and are suitably experienced to provide insight in the place and design elements of the project.

The contractors have been routinely engaging with Council staff and the WG through both email, online meetings, phone discussions and in-person attendance at an all-day workshop. Each step of the contractors' work has been supported by feedback, input and perspectives from the WG members.

The first document prepared is the draft Literature Review synthesising an extensive list of previous investigations and work completed by Council and other bodies/organisations. The purpose of the literature review is to collate all of the previous work into one consolidated document that identifies the clear intent and purpose of the ongoing character preservation project. The draft Literature Review has been considered by the WG and, whilst not in its final form, is substantially progressed and is principally supported by the WG, see [Attachment 1](#).

The contractors have provided an early draft portion of the remaining work, with a complete draft of the 'Final Report' anticipated early-mid July. The intent is for the WG to consider and endorse the draft Final Report prior to formal consideration by Council (subject to a future debate report).

The Final Report is anticipated to be a position piece that draws a clear link between the *Character Preservation (Barossa Valley) Act 2012* and the applicable Overlay within the Planning and Design Code through defining and adding perspective to the Barossa's 'special character'.

The next steps of the project will be to continue collaboration with the relevant Councils, State Government and WG members to ensure the Final Report is translated into a clear and robust planning policy framework, in the form of an updated Character Preservation District Overlay to support and shape future development within the broader Barossa region.

Another phase of the project will be to undertake community engagement to have the broader community's input into the process. The exact timing and form of engagement is still to be determined but will be shaped by the input and influence of the WG to ensure any engagement is meaningful, inclusive and effective. Timing is anticipated to be later this year.

The project plan and timeframes are contained within [Attachment 2](#), but are subject to ongoing review and change.

Council staff are working closely with staff from Light Regional Council and the Department for Housing and Urban Development to ensure a collaborative approach to this project. Council staff have also worked with the City of Onkaparinga given their experience with the McLaren Vale Character Preservation District.

A future Council workshop and report is anticipated in the coming months once the Final Report has been completed and endorsed by the WG.

ATTACHMENTS

Attachment 1 Barossa Character Preservation - Literature Review [!\[\]\(51514032c8ca341817228f39f1307b05_img.jpg\)](#) [!\[\]\(aba7c07a80262aa874bfebb3cd21d047_img.jpg\)](#)
Attachment 2 Attachment Two - Draft - Project Plan - Barossa Character Area
Review [!\[\]\(b2a7c5366eacbb378e6377d12f1df454_img.jpg\)](#) [!\[\]\(a855e31241700f83bc6269687bc50aca_img.jpg\)](#)

SUPPORTING REFERENCES

Nil

Laura Lee + **-eiw**

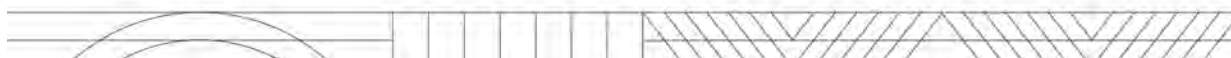
eiwarch.com.au

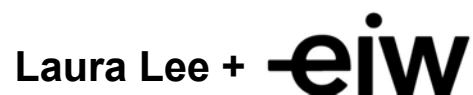
Barossa Character Preservation Literature Review

1.3 Draft – Internal Only

Perth
Level 12 | 109 St Georges Tce
Perth Western Australia 6000
+61 8 9484 4700
ABN 6900 898 0103

Adelaide
Unit 11 | 45 Gilbert St
Adelaide South Australia 5000
+61 8 9484 4780





eiwarch.com.au

DOCUMENT DETAILS

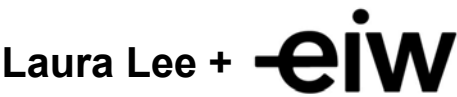
Project	2607 Barossa Character Preservation
Document Title	Literature Review
Prepared By	Susan Powell – EIW
Reviewed By	Laura Lee
File Reference	2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
Distribution	Barossa Council
Classification	Controlled Document
Purpose	This document forms part of the broader Character Preservation Project and has been prepared as a working synthesis of project literature, consultation outcomes and strategic review material. The document remains subject to ongoing review and refinement as part of the project process.

REVISION

Revision No.	Status	Distribution	Date
1.0	Draft – Internal Working Document	Internal only	08/05/2026
1.1	Draft for Review	Issue to Council & Working Group	15/05/2026
1.2	Draft – Internal Working Document	Internal only	22/05/2026
1.3	Draft – Internal Working Document	Issue to Council	19/06/2026

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

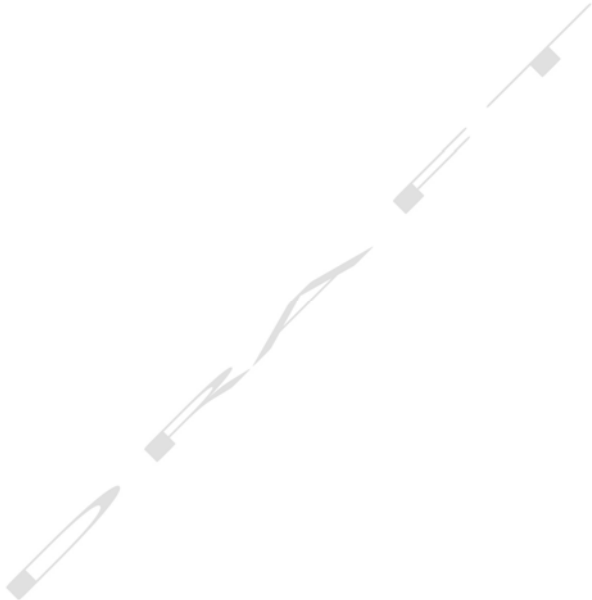
2



eiwarch.com.au

CONTENTS

01. Core Strategic and Policy Review4
Barossa Character Values Community Engagement Report 4
Character Values Policy Statements..... 6
Barossa Valley and McClaren Vale Character Preservation 9
Strategic Planning Review of the Barossa Character Area 13
Strategic Planning Review of the Barossa Character Area 15
Strategic Planning Review of the Barossa Character Area 19
Strategic Planning Review of the Barossa Character Area 22
02. References 26



01. Core Strategic and Policy Review

Barossa Character Values Community Engagement Report

26 February 2013
URS Australia

The five-character values are set. Everything that follows is essentially about unpacking them rather than questioning them:

- landscape and visual amenity
- heritage
- townships
- agriculture/viticulture
- tourism

This frames the entire engagement process. The community isn't being asked what matters, that's already defined, they're being asked to describe and validate what sits under those headings.

The document moves into how engagement was approached. There's a deliberate attempt to:

- be transparent about how decisions will be made
- acknowledge that previous input hasn't always translated into outcomes
- avoid over-consulting while still getting meaningful input

There's also a clear statement that, despite all of this engagement, the final decisions sit with the Minister. That tension between local input and State control is sitting there from the start.

The workshop format is structured around three broad lenses:

- landscape,
- townships, and
- economy

Which loosely group the five-character values. The questions they ask are simple but still quite effective:

- what makes the Barossa what it is
- what needs to be protected
- what should the future look like

What comes out of that isn't consensus, it's themes - that's consistent throughout the document. It's less about agreement and more about identifying recurring patterns in how people think about the place.

When you get into the workshop outputs, the same ideas come up repeatedly, just from different angles.

There's a strong emphasis on the landscape not just as scenery, but as something working, ie. something tied to agriculture, history, and identity. People are clearly concerned about maintaining that balance between human activity and the natural environment, rather than freezing it in time.

Townships are talked about in a similar way. There's support for growth, but only where it feels consistent with what's already there. There's also a lot of sensitivity around edges;

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

4

Laura Lee +

eiwarch.com.au

- how towns meet the landscape,
- how development creeps, and
- how easily that character can shift if it's not handled well.

Heritage isn't framed as something static either. There's a desire to protect it, but also to keep it viable—adaptive reuse comes up, and there's recognition that new buildings will be part of the future character whether people like it or not. The issue is less about stopping change and more about how well it's done.

When the discussion shifts to the economy, it becomes more direct. Agriculture is seen as fundamental, not just economically, but culturally. There's a strong push to protect productive land, but at the same time there's acknowledgement that farming needs flexibility to remain viable. That includes diversification and adapting to changing conditions (hobby farms, horticulture zoning etc.)

Tourism sits slightly differently. It's clearly valued, but even at this stage there are hints of concern, particularly around how it's managed, how it integrates with the landscape, and whether it risks undermining the very qualities people come for.

As the document moves into the summary of themes, it starts to consolidate what's been said, but nothing particularly new emerges, it just reinforces the same tensions:

- protect vs evolve
- consistency vs diversity
- local identity vs external pressures

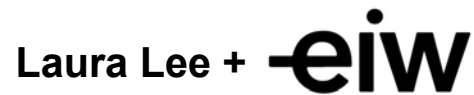
One thing that does come through more clearly at this point is the idea that the Barossa isn't a single condition. There are sub-areas, different landscapes, different townships, and that variation is part of the character. It's not something to smooth out.

When the draft character statements are introduced later in the document, they formalise a lot of what's been said earlier. The language becomes more structured, but the underlying ideas don't really change;

- The landscape is described as a blend of natural systems and human activity.
- Heritage is tied to both built form and ongoing cultural practices.
- Townships are acknowledged as layered and evolving.
- Agriculture is positioned as central but needing to adapt.
- Tourism is recognised as important but something that needs to be carefully integrated.

What is noticeable, though, is that while the document is quite strong at describing character, it doesn't really resolve how to deal with competing pressures. It identifies them clearly, particularly around land use, development, and economic change, but stops short of providing a clear mechanism for managing them.

By the time you get to the end, it's clear that the output of this process was always intended to feed into State planning policy, specifically the Planning Strategy and Development Plans. The role of the community was to inform that, but not to control it.



eiwarch.com.au

Character Values Policy Statements

16 April 2013
The Barossa Council

Council is trying to formalise what came out of that engagement into something that can sit in policy.

The opening pages are procedural. It's essentially a Council report recommending that the draft character value statements and mapping be endorsed and progressed into the Planning Strategy. It states that the statements are:

- representative of community views from earlier consultation, and
- intended for inclusion into State planning frameworks

Rural landscape and visual amenity

This section reads quite strongly. It describes the Barossa as:

- distinct from metropolitan Adelaide
- defined by its settlement pattern and open rural structure
- made up of a mix of fields, vines, orchards and settlements

There's also a clear acknowledgement that character comes from sub-regions, not just the whole.

The policy direction is very clear and quite protective:

- maintain separation from suburban Adelaide
- protect biodiversity and natural features
- protect key views
- ensure built form responds to landscape
- reinforce the rural character through land use

It's not just about stopping things, it still allows for:

- reuse of rural structures
- continued farming activity

Scenic and tourism attributes

It recognises:

- the Barossa as an international tourism destination
- the combination of wine, food, heritage and landscape as the drawcard

There's a clear push to:

- broaden the tourism base
- enable investment in tourism infrastructure

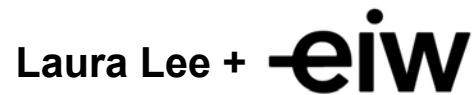
So unlike the landscape section, this one is more enabling.

But then it does highlight:

- don't lose agricultural land
- don't compromise heritage
- maintain the integrity of place

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

6



eiwarch.com.au

This highlights a tension within the same section:

encourage tourism → but don't let it undermine what it depends on

Built form of townships

It describes townships as:

- distinct from each other
- loosely arranged
- tied closely to surrounding agriculture

The policies are quite specific:

- maintain separation between towns
- avoid suburban-style subdivision
- reinforce existing development patterns
- keep edges low scale
- focus higher density toward centres

At the same time, there is still allowance for:

- mixed use
- increased density in selected areas

It's not anti-growth, but it is trying to control where and how it happens.

Viticulture, agriculture and associated industries

It reinforces that:

- agriculture is central to identity
- not just economically, but visually and culturally

It also acknowledges:

- diversity beyond wine (livestock, cropping, forestry)
- that monoculture is not desirable

The policies try to balance:

- protecting productive land
- allowing flexibility for farmers

Key points:

- avoid loss of high-value agricultural land
- allow farming to adapt to market/environment
- avoid new uses that undermine existing operations
- support value-adding activities

Heritage attributes

It frames heritage as:

- both built and landscape-based
- something that reflects economic and social history
- something that continues to evolve

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

7

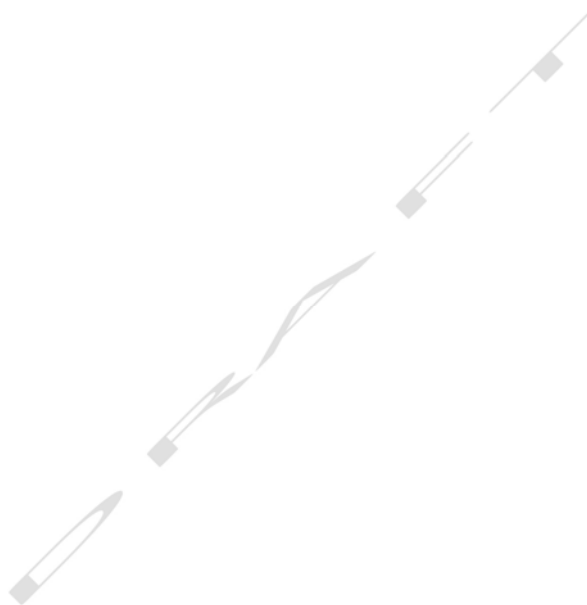
Laura Lee + **-eiw**

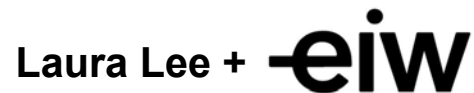
eiwarch.com.au

There's strong support for:

- protecting historic fabric
- integrating new development appropriately
- adaptive reuse

The approach is not don't change anything, but more, change it in a way that still reads as Barossa.





eiwarch.com.au

Barossa Valley and McClaren Vale Character Preservation**Addendum to two volumes of the South Australian Planning Strategy: The 30 Year Plan for Greater Adelaide and Murray Mallee Region Plan**

December 2013

Department of Planning, Transport and Infrastructure, Government of South Australia

Right from the introduction, the document establishes that the Character Preservation Acts were not intended as pure heritage lock-up legislation. The wording is more balanced than that. It talks about:

- recognising
- protecting
- and enhancing

special character *while also providing for economic, physical and social wellbeing*.

The document makes it clear that the legislation was specifically intended to stop urban sprawl extending north and south of Adelaide by restricting additional residential development in rural areas.

Even this early document acknowledges that "character is continuous" and extends beyond the mapped boundaries. The structure of the document is then built entirely around the five legislated character values:

- rural and natural landscape
- heritage
- township built form
- agriculture and viticulture
- scenic and tourism attributes.

As the document moves into the Barossa-specific section, the first thing that stands out is how carefully it describes the Barossa as a *diverse landscape*, not a singular one.

It describes:

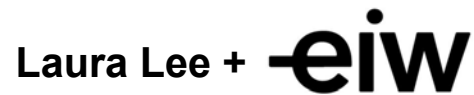
- open grazing country
- broad hectare farming
- escarpments and ranges
- valley floor viticulture
- conservation areas
- wooded eastern areas
- watercourses
- forestry
- and different landscape characters across the district.

The document formalises this through the "Barossa Directions Inset Map", which identifies five broad landscape character areas:

- Barossa Range
- Barossa Valley Floor
- Eastern Barossa
- Western Barossa
- Watershed.

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

9



eiwarch.com.au

The next section on rural landscape and visual amenity starts establishing some of the key philosophical foundations that keep reappearing throughout all the later literature.

The Barossa is described as:

- distinct from metropolitan Adelaide
- defined by village townships within rural landscape
- shaped by open countryside
- and valued for expansive views and visible landscape structure.

The language is less about rules and more about:

- transitions
- settlement pattern
- views
- relationship between built form and landscape
- and harmony between natural and cultural systems.

That becomes even clearer in the policy section, where the document repeatedly talks about:

- preserving clear transitions between townships and rural landscape
- protecting important views
- ensuring development harmonises with landscape
- and reinforcing the rural landscape while still allowing diverse farming practices.

The document is not anti-change. It explicitly supports:

- re-use of buildings
- mixed farming
- economic viability of primary production
- and development needed to sustain agriculture.

The heritage section also feels broader than simple built heritage protection. It talks about:

- Indigenous custodianship
- settlement history
- economic history
- collective streetscapes
- farming practices
- stone walls
- and infrastructure patterns.

The policies reinforce this by encouraging:

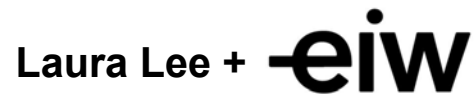
- adaptive reuse
- integration of new and old
- and balancing heritage with new development.

The Barossa is described as:

- a "tapestry" of well-separated townships
- each with distinct identity
- village feel
- human scale
- and irregular edges.

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

10



eiwarch.com.au

The policies then become very direct:

- maintain separation between towns
- retain township identity
- avoid homogeneous suburban subdivisions
- reinforce low-scale edges
- and promote density only within selected township centres.

This is the backbone of many later concerns around:

- Concordia
- suburbanisation
- township merging
- edge conditions
- and codified development outcomes.

The Barossa is described not just as a wine region, but as a: "working agrarian landscape".

The document repeatedly reinforces:

- diversity
- flexibility
- and evolution of farming systems.

It specifically says: "Local diversity enriches the district and avoids monoculture."

The document openly acknowledges:

- climate adaptation
- changing farming practices
- and changing environmental conditions.

The policies in this section reinforce:

- balancing visual amenity and productive land use
- protecting agricultural land
- allowing flexible farming transitions
- and enabling value-adding activities connected to production.

The tourism section clearly supports tourism growth and investment. It openly talks about:

- broadening the economic base
- enabling tourism activities
- accommodation
- hospitality
- events
- arts
- retreats
- and visitor experiences.

It consistently qualifies this through:

- local context
- landscape quality
- scenic attributes

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

11

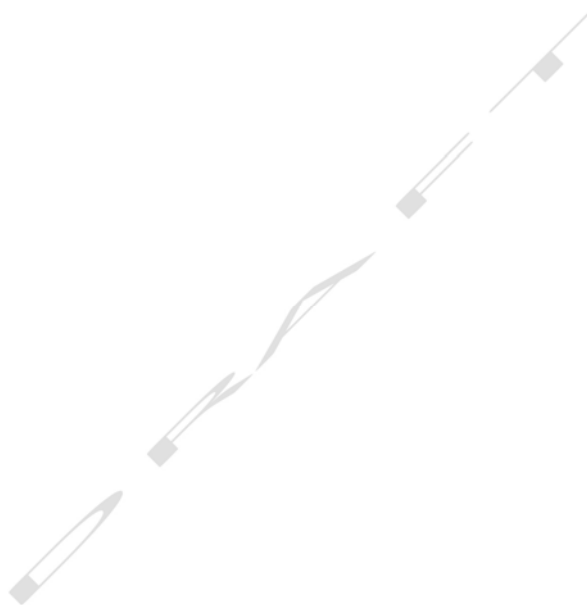
Laura Lee + **-eiw**

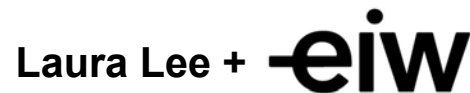
eiwarch.com.au

- and complementing special character.

The document already anticipated:

- tourism pressure
- balancing investment and protection
- flexible agriculture
- township growth
- adaptation
- design quality
- and changing economic conditions.





eiwarch.com.au

Strategic Planning Review of the Barossa Character Area

Document Review

23 January 2022

Paul Mickan, Consultant

The document starts by setting up why the review was needed. It looks back over roughly 20 years of planning work affecting the Barossa, including;

- State-led changes,
- urban boundary decisions,
- the 30-Year Plan,
- the Character Preservation legislation and
- the later planning reforms.

The main point early on is that Council has not been sitting still, it has responded to State processes, prepared its own studies, and tried to resolve character-related issues over time.

The review makes an important distinction. Some previous issues were addressed through the new Planning and Design Code, but others were not. In some cases, the Code has also created new issues. The document calls out that more land uses are now enabled through less restrictive assessment pathways, but there is not enough attention given to scale, built form and character impact, particularly in rural areas. Tourist accommodation is used as an example where the Code lacks clear direction.

Character Preservation legislation

It confirms the five established character values:

- rural and natural landscape,
- heritage,
- township built form,
- viticulture/agriculture and associated industries, and
- scenic/tourism attributes.

These remain the foundation of the whole framework. The issue is not really whether those values are right, it is whether the planning system gives enough detail to apply them properly.

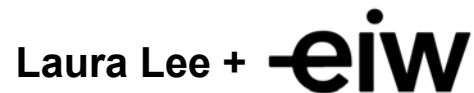
It then explains that the original Character Preservation Overlay in the former Development Plans was only ever a high-level, stop-gap measure. Council and Light Regional Council later started Development Plan Amendments to strengthen the policy, but those processes were put on hold because the new Planning and Design Code was expected to address the gaps. The review is quite clear that this expectation was not met.

The Character Preservation District Overlay has been applied without enough analysis of the underlying zones and provides so little policy direction that it is difficult to see how it could be used to refuse a proposal. It also identifies inconsistencies, such as the Overlay allowing more earthworks than general policy, and different treatment of renewable energy facilities across zones despite both being within the Overlay.

The review then turns to the 2017 legislation review. This section is useful because it shows that many issues were already known. Council had raised concerns about hobby farms, lifestyle dwellings, boundary realignments, limitation of design guidance, rural living provisions, and the need for better

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

13



eiwarch.com.au

awareness of the Act across State Government. The document's tables show that many of these issues were either not addressed, not progressed, or remained unresolved.

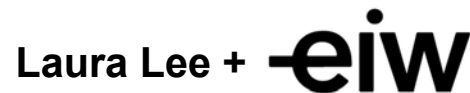
The State Planning Policy section then shows another gap. The State Planning Policies only carry forward a small number of directions from the Planning Strategy Addendum. They refer to supporting primary industry, protecting landscape and encouraging tourism investment, but the review notes that the Code still does not provide enough clarity around value-adding, tourism activities, boundary realignments, design guidance or land-use interfaces.

The document then reviews the 2013 Strategic Directions Report. This is where you can see that a lot of the current issues are not new. The earlier report had already identified the need to review rural dwellings, wineries and ancillary development, tourism accommodation, higher density housing, township character, visual impact, ridgelines, farm buildings and design responses. Some matters were addressed, but many of the character, design and scale-related issues were either not addressed adequately or did not carry through into the Code.

The Rural Areas and Character Review section follows on from this. That earlier work had tried to combine the rural economy and character preservation into one policy response. It considered landscape character, building siting and design, interface/buffer management, primary production diversification, wineries, land division, rural dwellings and tourism. Council started a DPA from this work, but again it was paused because of the incoming Code. The review's conclusion is that many of the practical recommendations, especially around design guidance, panoramic views, farm building scale, strategic building envelopes and a possible Barossa design code, were not implemented.

As the document moves through the remaining review sections, the same pattern continues. The issues are not isolated. They keep coming back to the same practical problem: the Barossa has strong high-level intent, but the tools sitting underneath it are too generic. The Code may allow development more easily, but it does not always explain what form, scale or siting is appropriate for the Barossa.

The overall takeaway from this document is that the vision has not really been lost. The values are consistent, the issues have been well documented, and Council has already tried to resolve many of them.



eiwarch.com.au

Strategic Planning Review of the Barossa Character Area

Discussion Paper for the State Planning Commission

17 May 2022
Paul Mickan, Consultant

The document opens by acknowledging that the Planning and Design Code reforms did remove many barriers to value-adding, tourism and hospitality in rural areas. However, the immediate concern raised is that these changes were applied generically across the Barossa without enough regard for the uniqueness of the Character Preservation District.

Very early on, the paper establishes an important point that keeps resurfacing later: the original Character Preservation policies introduced in 2013 were always intended as an interim or “holding” measure pending more detailed policy work. The expectation at the time was that future planning reform would properly resolve these issues, however the paper argues that this never really occurred.

The opening sections then move into a review of the broader planning history affecting the Barossa over the last 20 years:

- urban boundary discussions
- the 30-Year Plan
- Character Preservation legislation
- Development Plan Amendments
- Planning and Design Code reform

What stands out is the repeated pattern of studies, submissions and strategic work identifying similar concerns, but implementation not fully translating those concerns into workable policy tools. The paper references multiple previous reviews and notes that many earlier recommendations were effectively paused or deferred on the assumption that the new Code would eventually address them.

The document then categorises issues into three broad groups:

- straightforward anomalies/errors
- issues with partially developed solutions
- and larger unresolved strategic matters requiring stakeholder input

That distinction becomes important because much of the paper is really focused on the third category — the unresolved strategic gaps.

Unlike earlier engagement documents focused on broad community values, this process deliberately targeted industry, business and community stakeholders around four practical themes:

- character preservation
- township and settlement planning
- tourism/value-adding
- winery and beverage production

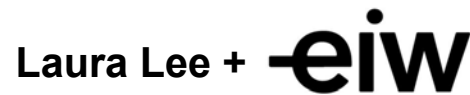
The draft vision section starts framing the Barossa less as a static heritage landscape and more as a working agrarian and economic system.

Several ideas emerge repeatedly through this section:

- the Barossa as a working agricultural landscape rather than a preserved museum

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

15



eiwarch.com.au

- balancing preservation with economic adaptability
- maintaining "right to farm"
- climate resilience and water security
- supporting creative and circular economies
- acknowledging different landscape units across the district
- and directing major future housing growth outside the Character Preservation area where possible.

There is also a very noticeable shift toward language around:

- adaptation
- regenerative agriculture
- renewable energy
- distributed systems
- and future economic transition

Importantly, the vision also starts identifying tensions the existing system struggles to reconcile:

- protecting productive land while still allowing economic diversification
- encouraging tourism while preventing landscape erosion
- allowing development without losing township distinction
- supporting housing without fragmenting rural land

The rural dwellings discussion becomes one of the strongest examples of this tension later in the paper.

As the document moves into the Character Preservation section itself, it raises significant concerns regarding the current Overlay. The central argument is essentially that: *despite the Character Preservation legislation, Planning Strategy Addendum and State Planning Policies, the actual day-to-day development tool — the Overlay is perceived as providing limited practical guidance for consistent assessment.*

The paper repeatedly points out that:

- the Overlay is only a few pages long
- most policies are generic
- very little is truly specific to the Barossa
- and there is limited guidance for applicants or planners to consistently assess proposals.

This becomes one of the strongest recurring themes of the whole paper: *there is a disconnect between high-level intent and practical implementation.*

The legislation review section identifies several structural gaps:

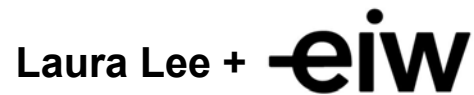
- still evolving review mechanisms
- ambiguity around boundary realignments
- less clearly articulation of Character Preservation intent within major project pathways
- and concern that State Planning Policies may provide limited influence over assessment outcomes.

Then the document moves into conflicts between Overlays and Zones, where it argues that some current Code pathways enable development outcomes inconsistent with Character Preservation intent.

Examples raised include:

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

16



eiwarch.com.au

- large-scale warehousing
- industrial activities
- renewable energy infrastructure
- significant earthworks
- and conflicting landscape overlays.

What becomes increasingly clear through these middle sections is that the concern is not necessarily development itself, but lack of calibration around:

- scale
- siting
- landscape response
- and cumulative impact.

That issue becomes even more pronounced in the sections on tourism and value-adding.

The tourism/value-adding section acknowledges that relaxing policies has supported investment opportunities, but argues the Code now provides less clearly defined control over:

- scale
- intensity
- built form
- infrastructure expectations
- and spatial direction.

A major recurring concern is that: *tourism uses are now broadly envisaged across rural areas without enough distinction between genuinely small-scale integrated tourism and more intensive commercial outcomes.*

The paper repeatedly refers to the earlier intent around “small-scale” tourism and argues that this language has largely disappeared from the Code.

The winery and beverage production section follows a similar line of thinking. It notes that wineries were previously treated as unique regional land uses with carefully developed policies tied to:

- vineyard connection
- production scale
- separation distances
- and protection from encroachment by sensitive uses.

The paper argues these specific protections were largely lost when wineries became grouped into generic “beverage production” categories under the new Code.

The rural dwellings section is probably one of the strongest concerns raised through the review. It outlines stakeholder concern that previous controls limiting rural dwelling proliferation were reduced during the transition to the Planning and Design Code, with potential implications for productive land, landscape character and land-use conflict. The concern isn't only visual character, but also:

- fragmentation of productive land
- interface conflict
- infrastructure pressure
- creation of de facto rural living
- and long-term cumulative erosion of rural character.

Laura Lee + **-eiw**

eiwarch.com.au

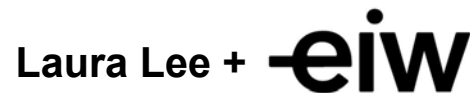
The paper repeatedly frames this as a cumulative issue rather than a single-development issue. That same cumulative concern appears again in the buffers and interface section, particularly around:

- vineyards adjacent to cropping
- wineries adjacent to housing
- tourist accommodation near primary production
- and broader rural land-use conflict.

Toward the end, the document consolidates the major unresolved issues into several broad themes:

- inadequate implementation tools
- uncertain clarity around tourism and value-adding scale
- loss of previous rural dwelling protections
- limited interface controls
- less clearly defined design guidance
- and lack of spatial direction for future growth.

By the conclusion, the paper is essentially arguing that: the strategic intent for Character Preservation largely already exists, but the practical mechanisms needed to consistently support implementation continue to evolve.



eiwarch.com.au

Strategic Planning Review of the Barossa Character Area

Strategic Directions Paper

15 September 2022
Paul Mickan, Consultant

Right from the introduction, the document explains that the original brief was intended to:

- establish a 2050 vision
- identify policy challenges and opportunities
- and recommend pathways for aligning planning policy with that vision.

The paper notes that discussions with the State Planning Commission led to an acknowledgement that: ***“the Character Preservation District Overlay does require change.”***

Many of the issues consistently identified throughout the literature and now the Working Group discussions are effectively validated here:

- the Overlay may not be operating as effectively as originally intended.
- there are gaps between legislation and implementation; and
- the transition into the Planning and Design Code appears to have created gaps between strategic intent and practical implementation

The paper then becomes less about defining values and more about: *repairing the system*.

One of the strongest recurring themes through this document is integration. It repeatedly stresses that:

- the Overlay cannot be looked at in isolation
- planning policy needs to work across Zones, Overlays and broader Code structure
- and collaboration between Councils and State Government is critical.

The “Vision” section is interesting because it openly admits the Vision had never really found a formal home within the Code structure. That aligns very strongly with what the Working Group has been discussing recently:

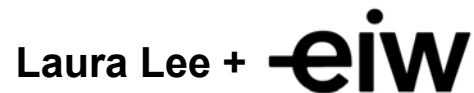
- the limited of clarity
- inconsistency in interpretation
- and planners/applicants not understanding what “good” looks like.

The paper even suggests there may be merit in embedding Vision statements directly into the Overlay or Code itself to provide clearer direction.

The community engagement section also stands out because it directly acknowledges consultation fatigue.

As the paper moves into the recommended strategic directions, it becomes much more specific and technical. One of the biggest recommendations is to split the Character Preservation District Overlay into:

- a Barossa Overlay
- and a McLaren Vale Overlay.



eiwarch.com.au

That reflects a recurring concern throughout the literature that: the regions are fundamentally different landscapes, economies, and settlement patterns, yet are currently being regulated under largely shared overlay logic.

The paper repeatedly pushes for:

- more specificity,
- more local tailoring,
- and clearer definitions.

A huge amount of attention is given to:

- value-adding
- tourism
- hospitality
- and rural development pressures.

The paper openly recommends:

- clearer location-based guidance
- differentiation between tourism scales
- and potentially restricting larger-scale tourism to designated tourism areas.

This is one of the strongest examples so far of the literature acknowledging: ***the issue is not tourism itself, but scale, fit, and context.***

Another major theme is the concern around rural dwellings and fragmentation of productive land.

The document pushes for:

- stronger dwelling controls
- clearer links between dwellings and primary production
- farm management plans
- and reinstating intent around minimum lot sizes.

One of the strongest recurring concerns identified in the paper is around changes to previous policy mechanisms during transition into the new Code.

The document repeatedly calls for:

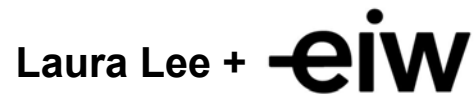
- reinstatement of separation distances
- better buffer policies
- stronger interface management
- and recognition that productive industries need protection from incompatible neighbours.

Again, this is not framed as anti-development. It is framed as: ***protecting long-term viability of the region's productive base.***

The "Thinking and Planning for the Future" section becomes broader again and starts moving back toward strategic regional thinking.

This section strongly argues that future planning:

- cannot just focus on selected townships
- needs to consider the whole region
- and must include detailed land supply analysis for all settlements.



eiwarch.com.au

It also raises uncertainty around how the Barossa fits within Greater Adelaide regional planning processes.

The Summary Report section becomes particularly useful because it simplifies many of the strategic concerns into clearer language.

One of the most important passages is probably: the project was initiated because of: **“perceived gaps between the intent of character preservation legislation introduced in 2013 and new planning policies and processes introduced through the State Government’s planning reforms.”**

The draft vision section starts combining:

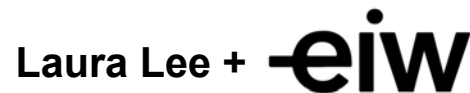
- preservation
- economic resilience
- climate adaptation
- energy transition
- regenerative agriculture
- and community cohesion.

It also starts talking more directly about:

- climate change
- water security
- regenerative agriculture
- sustainable production
- and changing consumer patterns.

The final pages are probably the clearest summary yet of where the policy gaps are perceived to exist:

- Overlay too general
- limited attention to scale and built form
- lack of clarity around appropriate/inappropriate development
- missing translation of planning strategy policies
- limited tourism definitions
- inadequate interface controls
- and loss of winery-specific protections.



eiwarch.com.au

Strategic Planning Review of the Barossa Character Area

Update report including response to character related submissions received during concurrent Barossa Growth and Investment Strategy Issues Paper and Character Consultation

6 December 2023
Paul Mickan, Consultant

The previous document was largely diagnosing the problems in the planning system. This one is more focused on consolidating community feedback, refining strategic directions, and translating those issues into actual implementation pathways and Code Amendment recommendations.

Right from the introduction, the document confirms that the earlier 2022 review had already gained some traction with the State Planning Commission. The important shift here is that the Commission had apparently provided "in principle support" to amending the Character Preservation District Overlay.

The next section explains that this report sits alongside the broader *Barossa Growth and Infrastructure Investment Strategy* work being undertaken by URPS in 2023. What becomes immediately clear is that this document is trying to bridge two conversations simultaneously:

- growth and investment
- and preservation and character.

The report then explains that community engagement was undertaken across:

- township growth
- infrastructure
- housing
- and preserving Barossa character.

This report is not presenting entirely new ideas. Instead, it is testing whether the community feedback aligns with the strategic gaps already identified in the earlier character review work.

As the document moves into the consultation findings, several themes emerge very consistently. One of the strongest recurring themes is overwhelming support for the Character Preservation District itself. The report notes that most respondents considered the CPD critical to protecting:

- heritage
- agricultural land
- rural landscapes
- township identity
- and scenic character.

Again, the feedback is not anti-development in a blanket sense, but rather a consideration of:

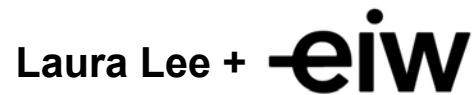
- scale
- intensity
- and relationship to agriculture.

The community appears broadly supportive of:

- small-scale tourism

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

22



eiwarch.com.au

- cellar doors
- wineries
- and low-impact ancillary uses

but strongly opposed to:

- large-scale tourism developments
- major hotels
- oversized function centres
- and suburban-style expansion.

Housing feedback follows a similar pattern.

There is general support for:

- infill
- higher density in appropriate locations
- and growth within existing townships

but concern about:

- suburbanisation
- township sprawl
- and losing distinction between settlements.

Again, this reinforces something that keeps surfacing throughout the literature:

people are not necessarily resisting growth itself, but they are resisting growth that feels generic, metropolitan, or disconnected from place.

The next section moves deeper into township identity and built form. It refers back to the Planning Strategy Addendum policies and highlights several recurring objectives:

- maintaining separation between towns
- preserving individual township identity
- avoiding homogeneous suburban subdivisions
- reinforcing low-scale development at town edges
- and locating higher density within township centres rather than edges.

Stakeholder concern was also raised regarding the Planning and Design Code's ability to meaningfully express 'desired future character'. The report repeatedly references older Development Plans which included detailed desired character statements describing:

- how places should evolve
- what scale was appropriate
- and what future identity should look like.

Stakeholder concern has centred around whether the current Code framework provides sufficient local specificity and is too performance-based to properly articulate those finer-grain local distinctions.

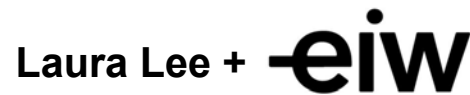
That becomes an important shift in thinking: *the issue is no longer simply "protection"*. It is increasingly about whether the planning system can describe and guide nuanced future character outcomes.

The report then begins talking about the "four-tier" structure of Character Preservation:

1. the Act

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

23



eiwarch.com.au

2. State Planning Policies
3. the Planning Strategy Addendum
4. the Planning and Design Code Overlay.

The report raises concern that the Planning Addendum itself may effectively disappear or lose influence through the new Greater Adelaide Regional Plan structure. Concern is that much of the detailed character thinking could be diluted if it is not explicitly embedded into future planning instruments.

The tourism and land use section then starts refining concerns raised in the earlier 2022 review. The same themes continue:

- uncertain clarity around “small scale”
- not fully articulated control over tourism intensity
- uncertainty around what “ancillary” means
- and concern that tourism uses could incrementally erode productive land.

One of the stronger ideas raised here is that: if dwellings are restricted on certain rural allotments, then perhaps commercial tourism uses should also be subject to similar minimum allotment expectations.

The rural dwellings section continues many of the concerns from the earlier paper. Rather than strongly pushing Restricted Development pathways, the report appears to favour:

- stronger overlays
- clearer justification requirements
- stronger links to primary production
- and more robust assessment criteria.

Bethany and Krondorf discussion:

The report highlights inconsistencies where these settlements are effectively treated as rural areas under the legislation, despite functioning as townships. This has created conflicts between subdivision policies, rural settlement zoning and Character Preservation legislation.

This section reinforces another recurring theme: ***the system currently contains numerous technical inconsistencies and anomalies that create confusion and undermine the intended planning outcomes.***

Extractive industries section - unlike earlier papers heavily focused on tourism and housing, this report acknowledges the long-standing role of quarrying and mineral extraction within the Barossa economy and suggests future growth strategies need to recognise those industries as well.

The recommendations become highly detailed and practical, covering:

- splitting the Character Preservation Overlay into separate Barossa and McLaren Vale overlays
- introducing township character statements
- integrating the Barossa Directions Inset Map
- defining “small-scale”
- strengthening design guidance
- protecting scenic lookouts
- refining tourism policies
- and strengthening interface controls.

Laura Lee + -eiw

eiwarch.com.au

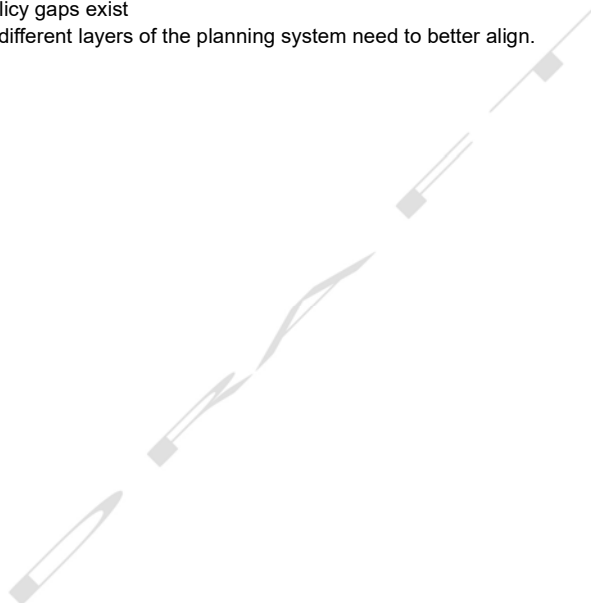
There is also a stronger emphasis here on:

- design review
- built form guidance
- diagrams
- local design standards
- and potentially a Barossa Design Charter.

This document starts recognising that character is not only protected through land use controls, but through design quality and clarity of expectations.

The focus becomes:

- who leads the amendments
- what needs changing
- where policy gaps exist
- and how different layers of the planning system need to better align.



02. References

Core Documents

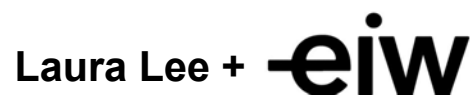
Year	Document Title	Author / Source	Pages	Geography	Type
2013	Barossa Character Values Community Engagement Report	URS Australia for Barossa Valley District Councils	69	Barossa Valley District / multiple LGAs	Community Engagement
2013	Character Preservation – Character Values Policy Statements	Barossa Council	8	Character Area	
2013	Planning Strategy Addendum / Character Preservation Policy Statements	Government of South Australia / DPTI	20	Barossa Character Preservation District	Policy
2022	Strategic Planning Review of the Barossa Character Area – Document Review	Paul Mickan, Consultant	65	Character Area	Document Review
2022	Strategic Planning Review of the Barossa Character Area - Discussion Paper for State Planning Commission	Paul Mickan, Consultant	36	Character Area	Discussion Paper
2022	Strategic Planning Review of the Barossa Character Area – Strategic Directions Paper	Paul Mickan, Consultant	15	Character Area	Discussion Paper
2023	Strategic Planning Review of the Barossa Character Area - Update	Paul Mickan, Consultant	17	Character Area	Discussion Paper

Additional & Supporting Documents

Year	Document Title	Author / Source	Pages	Geography	Type
1993	Barossa Valley Region Strategy Plan	State / Barossa Valley Review Steering Committee	150	Regional	Strategy
2004	Wine Industry Impact Review	Barossa & Light Regional Development Board	51	Regional / GI	Economic Report
2005	Barossa and Light Region Landscape Assessment Study	Dr Andrew Lothian / Scenic Solutions	66	Regional	Landscape
	Barossa Winemakers Design Charter	Planning Advice Services / Hames Sharley / Barossa Winemakers	16	Winery / Regional	Design Guidance

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

26

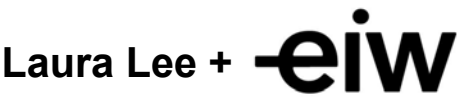


eiwarch.com.au

2011	Can We Have It All? / Peri-urban. Forum material	RDA Barossa / Anne Moroney	1+	Regional / periurban	Forum / Invitation
2009/2011	RDA Seppeltsfield Gathering Mind Maps	RDA Barossa / Seppeltsfield gathering participants	-	Regional / Barossa	Community Workshop Output
2011	Barossa Product Observation Audit	AEC Group / Dept. of Resources, Energy & Tourism / SATC / Tourism Barossa	227	Barossa Tourism Region / GI including Gawler	Tourism Audit
2012	Character Preservation (Barossa Valley) Act 2012	Government of South Australia	8	Character Preservation District	Legislation - Act
2019	Barossa Wine & Its Ecosystem	Barossa Australia / partners		Regional / GI	Economic Report
2019	Aspects of Tourism and Food	Barossa Australia / partners		Regional	Tourism / Food
2019	Think Tank Barossa: Moving from 'or' to 'and'	Barossa / RDA / Laura Lee / Claire Parkinson	12	Regional	Think Tank Summary
2019	Strategic Voice / Barossa Australia's Strategic Voice documents	Barossa Australia / partners		Regional	Strategy / Governance
2021	Barossa Regional Profile – Annual Visitor Summary YE Dec 2021	South Australian Tourism Commission	7	Barossa Valley	Tourism Profile
2022	Barossa Water Security Strategy 2050	Barossa Australia / partners	21	Barossa Valley and Eden Valley	Water Strategy
2022	South Australia Tourism Investment Brochure	South Australian Tourism Commission	23	South Australia	Tourism Investment Brochure
2023	Strategic Planning Review of the Barossa Character Area – Update report including submissions	Paul Mickan, Consultant		Character Area	Update Report
2023	Barossa Growth and Infrastructure Investment Strategy consultation material	The Barossa Council / URPS / community		The Barossa Council area	Consultation / Strategy
2023	Character and Growth raw survey responses / appendices	Council / community respondents		Cross-region	Raw Consultation Evidence

2607_Barossa Character Preservation - Literature Review_Rev 1.3.Docx
June 26

27



eiwarch.com.au

2024/ 2025	Recent Barossa Basin / water consultation with farmers	State Government / water resources / stakeholders	Barossa Basin / agricultural areas	Consultation / Water
2024/ 2025	Destination Management Plan / current tourism destination work	SATC / Barossa Australia	Barossa / SA tourism region	Tourism Strategy
2026	Latest SA Planning and Design Code	Government of South Australia / PlanSA	Statewide / South Australia	Planning Code
	Heritage Trail Map / Barossa Regional Heritage Trails	Barossa Council / tourism partners	Map Regional	Heritage / Tourism Map

The Barossa Character Area Review Project

Project Plan

Task	Work to be undertaken	Who	Timeframe
Working Group formulation and workshop	- Create a Working Group to advise The Barossa Council and Light Regional Council on The Barossa Character Area Review Project. - Set clear purpose and direction of the Working Group. - Schedule further Working Group meetings and other methods of communication for ongoing collaboration. - Set list of actions from meeting minutes to facilitate ongoing review process.	SGSP – TBC Working Group	January – March 2026
Working Group routine meetings	- Regular meetings at least once a month. - Review of progress on actionable items. - Regular communication with State Planning Commission/DHUD.	ALL	Monthly
Engagement of external consultant (design and character)	- 'Request for Quote' document seeking services of an external consultant to consider a literature review, character statements and design principles. - Consider quotes and determine path forward.	TBC	April 2026
Review of external consultant report	- Work with consultant to deliver final report. - Review report and present information back to Working Group for consideration and to inform further amendments prior to finalising. - Council workshops (to be confirmed) - Subsequent Council report and endorsement.	SGSP – TBC SP - LRC	July – August 2026
Draft Policy framework generated	- Drafting of policy framework. - Discussion at next available Working Group Workshop meeting to refine and strengthen draft policy. - Organise State Planning Commission meeting to discuss and ensure transparency in direction of Council on the future Code Amendment process. - Adoption of draft policy framework by Working Group.	SGSP – TBC SP – LRC	August – September 2026

The Barossa Character Area Review Project

Project Plan

Community consultation	- Consultation with community, stakeholders and industry. Form of consultation to be discussed and confirmed within Working Group meeting. - Formal consultation with consideration to the 'Community Engagement Charter'. - Feedback collated and summarised. - Summary to be discussed at next available Working Group Workshop meeting.	SGSP – TBC	September – October 2026
Finalisation of draft policy framework and supporting documentation	- Adopted draft policy framework put to TBC & LRC for consideration and endorsement. - Endorsed documents provided to State Planning Commission and invitation of meeting to assist with understanding the intent and context to the documents and position of both Council's.	SGSP – TBC SP - LRC	November – December 2026
Code Amendment initiated	- Initiation of Code Amendment to amend the Character Preservation District Overlay by the State Planning Commission.	State Planning Commission	January 2027 - onwards

SGSP – TBC Senior Growth and Strategic Planner – The Barossa Council

SP – LRC Strategic Planner – Light Regional Council

TBC The Barossa Council

MATTERS FOR INFORMATION

6.3 SA TOP TOURISM TOWN

Author: Economic Development and Strategy Lead
26/46417

Council has received correspondence from the Minister for Tourism, Hon Emily Bourke MLC, congratulating Tanunda as the winner of the 2026 hello SA Top Tourism Town.

Announced at the SA Tourism Conference, Council's successful submission highlighted Tanunda as a family friendly destination, a central base for exploring the wider Barossa and a town with a strong reputation for delivering high-profile events.

Council is pleased to share this achievement in collaboration with our local business and tourism community, and will represent South Australia at the national Top Tourism Awards in Canberra in September.

ATTACHMENTS

Attachment 1 Top Tourism Town - Correspondence - Hon Emily Bourke MLC, Minister for Tourism [↓](#) 

SUPPORTING REFERENCES

Nil

Hon Emily Bourke MLC

MTOU26/00058

Ms Heidi Helbig
Economic Development and Strategy Lead
The Barossa Council
PO Box 867
Nuriootpa SA 5355
hhelbig@barossa.sa.gov.au


Dear Ms Helbig

It is with great pleasure and pride that I write to congratulate Tanunda on being named the recipient of the 2026 South Australia's Top Tourism Town at the *hello SA Top Tourism Town Awards*.

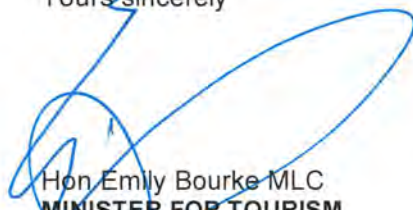
This prestigious award is a true testament to the outstanding community spirit, dedication, and generosity that define Tanunda. Nestled beautifully in the heart of the Barossa, Tanunda perfectly intersects village charm with a contemporary lifestyle, creating an unforgettable experience for every visitor who walks your heritage streets or visits your world-class cellar doors.

The success of your tourism sector does not happen by accident; it is built on the hard work of your local businesses, accommodation providers, volunteers, and the wider community. By offering exceptional local food and wine, preserving your rich history, and extending such warm hospitality, you continue to make South Australia an incredible place to travel and live.

This recognition cements Tanunda's position as a premier destination in our state, and you should all be incredibly proud of the vibrant atmosphere and generosity of spirit you share with visitors from across Australia and the globe.

Congratulations once again on this well-deserved achievement. I look forward to watching Tanunda continue to thrive as one of our state's most beloved destinations.

Yours sincerely


Hon Emily Bourke MLC
MINISTER FOR TOURISM
14/6 / 2026

Minister for Climate, Environment and Water
Minister for Tourism

GPO Box 1047 Adelaide SA 5000
Tel +61 8 429 4000 | Email minister.bourke@sa.gov.au



MATTERS FOR INFORMATION

6.4 GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY - MINUTES OF MEETING

Author: Executive and Project Support Officer
26/46533

The Minutes and Key Outcomes Summary of the Gawler River Floodplain Management meeting held 25 June 2026, are attached for information.

ATTACHMENTS

Attachment 1 Minutes and Key Outcome Summary - Gawler River Floodplain Management Authority - 25 June 2026 [!\[\]\(003082e50e3009141f59bd5df831749f_img.jpg\) !\[\]\(f439ede8735757e3190eab35e168f1de_img.jpg\)](#)

SUPPORTING REFERENCES

Nil

MINUTES

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY BOARD

9:52am Thursday 25 June 2026

The Barossa Council – 43-51 Tanunda Road, Nuriootpa SA

1. Meeting of the Board

1.1 Welcome by the GRFMA Chairperson

Mr Lino Di Lernia formally welcomed Board Members, Deputy Board Members and the Executive Officer and opened the 163rd meeting of the Board.

1.2 Present

- Mr Lino Di Lernia, Independent Board Member, Chair
- Cr Malcolm Herrmann, Adelaide Hills Council, Board Member
- Mr Craig Marshall, Adelaide Hills Council, Deputy Board Member (vide Ms Jade Ballantine apology)
- Cr Mel Lawrence, Adelaide Palins Council Deputy Board Member
- Mr James Miller, Adelaide Plains Council, Board Member (via Teams)
- Cr Tony Hurn, The Barossa Council, Board Member
- Mr Jake McVicar, The Barossa Council, Board Member
- Cr Brian Sambell, Town of Gawler, Board Member
- Mr Ashley Curtis, Town of Gawler, Board Member
- Cr Bill Close, Light Regional Council, Board Member
- Cr Clint Marsh, City of Playford, Board Member
- Mr David Hitchcock, Executive Officer

1.3 Apologies

- Mr Dale Welsh City of Playford, Deputy Board Member
- Ms Jade Ballantine, Adelaide Hills Council, Board Member
- Cr Terry-Anne Keen, Adelaide Plains Council, Board Member
- Mr Darryl Whicker, Light Regional Council, Board Member

1.4 Appointment of Observers

Nil

1.5 Declarations of Interest

Nil

2. Confirmation of Minutes**2.1 GRFMA Ordinary Meeting Minutes**

GB17/26 GRFMA Ordinary Meeting Minutes
Moved: Cr Malcolm Herrmann
Seconded: Cr Brian Sambell

That the Minutes of the Gawler River Floodplain Management Authority Board meeting held on 16 April 2026 be confirmed as a true and accurate record of that meeting, with the spelling of Ms Jade Ballantine being corrected and Cr Mel Lawrence to be listed as in attendance.

CARRIED UNANIMOUSLY

2.2 Actions on Previous Resolutions

Nil

2.3 Matters Arising from the Minutes

Nil

3. Questions on Notice

Nil

4. Motions on Notice

Nil

5. Presentations

Nil

6. Audit and Risk Committee**6.1 Audit Committee Membership**

Mr Herrmann declared a material conflict of interest in Item 6.1 being the extension of his term of appointment to the Audit and Risk Committee and left the room at 9.59am.

GB18/26 GRFMA Appointment to Audit and Risk Committee
Moved: Cr Mel Lawrence
Second: Cr Tony Hurn

That the Gawler River Floodplain Management Authority Board appoints Mr Vincent (Vince) Rigter (City of Playford) to the Gawler River Floodplain Management Authority Audit and Risk Committee until the next periodical Local Government elections occur (likely April 2027) and extends the appointment of Mr Malcolm Herrmann (Adelaide Hills Council) to the same date.

CARRIED UNANIMOUSLY

Mr Herrmann returned to the meeting at 10.00am.

7. Technical Assessment Panel

Nil

8. Reports**8.1 Gawler River Flood Management Business Case**

The meeting noted the importance of proceeding with calling for scope of works to undertake the dam safety plan with requirement that no contracts are to be executed until after adoption of the 2026-2027 GRFMA Budget.

GB19/26 Gawler River Flood Management Business Case

Moved: Cr Clint Marsh

Seconded: Mr Jake McVicar

That the GRFMA receives the report, noting the achievements since the last report.

CARRIED

8.2 Achievements Against the 2025/2026 Annual Business Plan**GB20/26 Achievements Against the 2025/2026 Annual Business Plan**

Moved: Mr James Miller

Seconded: Cr Tony Hurn

That the GRFMA receives the Statement of Achievements Against the Annual Business Plan document.

CARRIED UNANIMOUSLY

8.3 Annual Business Plan 2026/2027 and Budget

The Chair and Members agreed that discussion of Item 8.3 be adjourned until such time as Mr Miller returns to the meeting.

Mr Miller left the meeting at 10.36am.

8.4 Draft Statewide Flood Hazard Code Amendment

Mr Marshall left the meeting 10.47am.

Mr Marshall returned to the meeting 10.48am.

GB21/26 Draft Statewide Flood Hazard Code Amendment

Moved: Mr Craig Marshall

Seconded: Cr Bill Close

That the GRFMA Executive Officer provides feedback to the Draft State-Wide Flood Hazard Code Amendment.

CARRIED UNANIMOUSLY

8.5 Financial Report**GB22/26 Financial Report****Moved:** Cr Bill Close**Seconded:** Mr Craig Marshall

That the GRFMA receives the financial report as of 31 May 2026, showing a cash at bank balance of \$201,526.03.

CARRIED UNANIMOUSLY**8.6 Executive Officer Report**

Mr McVicar left the meeting 10.55am

Mr Marshall left the meeting 10.55am and returned to the meeting at 10.56am

GB23/26 Executive Officer Report**Moved:** Cr Malcolm Herrmann**Seconded:** Cr Tony Hurn

That the GRFMA receives the report.

CARRIED UNANIMOUSLY

Mr Miller returned to the meeting at 11.00am

GB24/26 Annual Business Plan 2026/2027 and Budget**Moved:** Cr Tony Hurn**Seconded:** Cr Clint Marsh

That the GRFMA:

1. *Notes the Notice of Dispute given by the Light Regional Council regarding the Draft GRFMA Budget 2026-2027 and the status of discussions between the GRFMA and the Light Regional Council aimed at resolving the dispute.*
2. *Endorses the following dispute resolution proposal:*
 - a. *The GRFMA will include appropriate annual expenditure and income provisions in the Long-Term Financial Plan to anticipate significant maintenance costs, including dam safety reviews and related plans.*
 - b. *The GRFMA will request Constituent Councils to initiate a complete review of the Authority's Charter, pursuant to Local Government Act 1999 Provisions applicable to Subsidiaries—Schedule 2, s19, with particular focus on, but not limited to:*
 - i. *Dispute resolution mechanisms*
 - ii. *Clarification of purpose*
 - iii. *Financial definitions and cost allocation methodologies*
3. *In recognition of 1 and 2, above, seeks the Light Regional Council to withdraw its Notice of Dispute and urgently approve a financial contribution of \$26,991 to the operational cost component of the 2026-2027 GRFMA Draft Budget.*

CARRIED UNANIMOUSLY

Gawler River Floodplain Management Authority

Mr Miller left the meeting at 11.26am

GB25/26 Letter of Appreciation

Moved: Mr Ashely Curtis

Seconded: Cr Malcolm Herrmann

That a letter of appreciation be sent to Mr Greg Pattinson in recognition of his long and extensive contribution to the GRFMA Board and GRFMA Audit and Risk Committee.

CARRIED UNANIMOUSLY

9. Correspondence

Dealt with in Items 8.3 and 8.4.

10. Confidential

Nil

11. Urgent Matters Without Notice

Nil

12. Next Meeting

Date and Time: Thursday 20 August 2026, 9:45am

Host: Town of Gawler

13. Closure

The Chairperson thanked the members for their attendance and contributions and closed the meeting at 11.30am.

Chair _____ Date _____

Gawler River Floodplain Management Authority

*Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford*

KEY OUTCOMES SUMMARY GRFMA Board Meeting – 25 June 2026

Business Case Gawler River Floodplain Flood Management

The meeting noted progress with action to complete the Business Case.

Update on actions to date.

- DHUD and the GRFMA have signed a Memorandum of Understanding enabling the GRFMA to administer funds from both the Commonwealth Disaster Recovery (DRF) grant and its own operational funds.
- The grant agreement between the commonwealth and the GRFMA has now been executed which enables the GRFMA to lodge their first invoice for the DRF grant.
- DHUD are now progressing delivery of the work required to update the Business Case, and actioning engagement of a primary consultant to develop an overarching program of works. This program will integrate several specialised technical inputs to provide the evidence base for future decisions relating to State Government investment. The specialised bodies of work include:
 - Structural analysis of the dam, procured through a select tender process managed by DHUD
 - The Cultural heritage study delivered is being delivered by the GRFMA. A workshop to initiate the study was held 19/6/2026. Participants included KYAC and Ngadjuri Directors, GRFMA, DHUD and the Heritage consultant undertaking the study. An onsite inspection will be undertaken after the workshop. Land holders have been contacted to seek access to the relevant areas.
 - Preliminary levee bank strategy delivered by DEW, as identified in the cabinet note
 - Legal and regulatory review to be facilitated by DHUD- either Crown Solicitors Office (CSO) or law firm pending capacity of CSO
- The acquisition plan for the overarching program of works has been approved and is now live on the Tenders SA [Display Tender DHUD058852](#).
- DEW have confirmed their role in delivering the preliminary levee bank strategy as a specialised input to the Business Case update.
- DEW has partnered with the Gawler River Floodplain Management Authority and SA State Emergency Service to develop a flood awareness and preparedness campaign for the Gawler River region. DEW and SES have now developed materials for the Community flood awareness and preparedness campaign for distribution by the councils. DEW ran a stakeholder workshop with the councils, DHUD and SES on the 21st May 2026. A further meeting is scheduled for June 2026 to progress finalisation of the program material and publications. A community information drop in flood awareness and mitigation event will be held at Gawler 29 July 2026 to support both the Gawler River flood awareness campaign and the State-Wide Flood Hazard Code Amendment consultation.
- The [State Planning Commission](#) has prepared the draft State-Wide Flood Hazard Code Amendment to update flood hazard mapping and planning rules across the state, based on new and updated flood studies and modelling. This is currently out for public consultation through YourSAy [Updating South Australia's flood hazard mapping and planning rules | YourSAy](#)
- SA Water has been engaged to provide support in the procurement of the structural analysis of the dam.
- Structural analysis scope being prepared, expected to market later in late June- will be an input into later stages of main consultant work. Targeted engagement with consultants specific to work requirements.

Gawler River Floodplain Management Authority

*Adelaide Hills Council, Adelaide Plains Council, The Barossa Council,
Town of Gawler, Light Regional Council, City of Playford*

Audit and Risk Committee Membership Appointment

Mr Vincent (Vince) Rigter (City of Playford) was appointed to the Gawler River Floodplain Management Authority Audit and Risk Committee until the next periodic Local Government elections, expected in April 2027. Mr Malcolm Herrmann's (Adelaide Hills Council) appointment was extended to the same date.

Achievements Against the 2025/2026 Annual Business Plan

The Statement of Achievements Against the Annual Business Plan 2025/2026 was received.

Draft Statewide Flood Hazard Code Amendment

The GRFMA Executive Officer will provide feedback to the Draft State-Wide Flood Hazard Code Amendment.

Financial Report and GRFMA 2025/2026

The financial report as of 31 May 2026 provided a cash at bank balance of \$201,526.03 with internal cash lending for CAD offset of \$ 331,589,072.

Annual Business Plan 2026/2027 and Budget

Members noted and discussed the Notice of Dispute given by the Light Regional Council regarding the Draft GRFMA Budget 2026-2027 and the status of discussions between the GRFMA and the Light Regional Council aimed at resolving the dispute.

The meeting unanimously resolved the following dispute resolution proposal:

1. The GRFMA will include appropriate annual expenditure and income provisions in the Long-Term Financial Plan to anticipate significant maintenance costs, including dam safety reviews and related plans.
2. The GRFMA will request Constituent Councils to initiate a complete review of the Authority's Charter, pursuant to Local Government Act 1999 Provisions applicable to Subsidiaries—Schedule 2, s19, with particular focus on, but not limited to:
 - i. Dispute resolution mechanisms
 - ii. Clarification of purpose
 - iii. Financial definitions and cost allocation methodologies
3. In recognition of 1 and 2, above, seeks the Light Regional Council to withdraw its Notice of Dispute and urgently approve a financial contribution of \$26,991 to the operational cost component of the 2026-2027 GRFMA Draft Budget.

Letter of Appreciation

A letter of appreciation is to be sent to Mr. Greg Pattinson in recognition of his long and extensive contribution to the GRFMA Board and GRFMA Audit and Risk Committee.

Schedule of Meetings

The 2026 schedule of ordinary GRFMA meetings, each commencing at 9:45am, is:

- Thursday 20 August 2026, Town of Gawler
- Thursday 15 October 2026, Adelaide Plains Council
- Thursday 10 December 2026, City of Playford

MATTERS FOR INFORMATION

6.5 NORTHERN AND YORKE LOCAL GOVERNMENT ASSOCIATION (N&YLGA) WASTE & RESOURCE RECOVERY STRATEGY 2026 - 2031

Author: Sustainability Officer
26/46583

At the June 2026 Northern and Yorke Local Government Association (N&YLGA) Board Meeting the attached Waste and Resource Recovery Strategy 2026 – 2031 was finalised. This replaces the 2021 – 2026 Strategy.

Key highlights of the new Strategy document are:

- The kerbside diversion target for the region has been increased to 57%, up from 49%. The Barossa Council's diversion target to contribute to the 'region target' is set at 55%.
- The Strategy is made up of 3 objectives and 5 initiatives.
- The Strategy asks The Barossa Council to explore:
 - o What a change of service delivery might look like; specifically swapping red waste service in townships to fortnightly empty and making the green organic bin a weekly service (initiative 2).
 - o New or upgrades to current transfer stations to align with population growth (initiative 4).
- Initiatives 1, 3 & 5 are focused on exploring opportunities for shared resourcing for the region, joint procurement of kerbside services, and developing the circular economy.

The Strategy will be made available on Council's website. Council's Sustainability Officer will use the Strategy to progress the assigned initiatives, while exploring opportunities to support the delivery of strategy objectives.

ATTACHMENTS

Attachment 1 Northern and Yorke Local Government Association N&YLGA - Waste & Resource Recovery Strategy 2026 - 2031 [↓](#) 

SUPPORTING REFERENCES

Nil

NORTHERN & YORKE LGA **REGIONAL WASTE & RESOURCE RECOVERY STRATEGY**

2026 – 2031





Waste & Resource Recovery Strategy

2026-2031

Our vision is to support the growth of the regional circular economy to provide local social, business and employment opportunities and empower behaviour change in the community to support environmental sustainability, reduce waste generation and increase resource recovery.

Objective 1 | Provide high performing waste and recycling systems

Objective 2 | Implement local and regional solutions

Objective 3 | Increase service efficiency and cost effectiveness

Initiative 1: Explore shared resourcing for region

Initiative 2: Ongoing improvement of kerbside collection services

Initiative 3: Joint procurement of kerbside services

Initiative 4: Develop regional resource recovery infrastructure

Initiative 5: Developing the circular economy

Target: Increase regional kerbside diversion from 47% to 57%

Contents

Background	1
Progress since 2021	2
Strategy context	4
Vision	6
Objectives	6
Kerbside landfill diversion targets	7
Initiatives	8
Action Plan	11

Front Cover Photo Credit: James Swanborough
Location: Cornish Engine House, Moonta Mines National Heritage Area, South Australia



Background

The Northern and York Local Government Association (NYLGA) is a regional organisation that focuses on the wealth, wellbeing and social cohesion of its communities via sustainable productive landscapes and the natural environments. Its 15 member councils include:

- Adelaide Plains Council
- The Barossa Council
- Barunga West Council
- Clare & Gilbert Valleys Council
- Copper Coast Council
- The Flinders Ranges Council
- Regional Council of Goyder
- Light Regional Council
- Yorke Peninsula Council
- District Council of Mount Remarkable
- Northern Areas Council
- District Council of Orroroo Carrieton
- District Council of Peterborough
- Port Pirie Regional Council
- Wakefield Regional Council

Development of the waste and resource recovery strategy

In 2021 the *Waste & Resource Recovery Strategy 2021 - 2026* was developed. It outlined the goals and actions to assist councils improve how they manage waste and recycling materials and create a consistent approach across the region.

Over this five-year period member councils have contributed to a significant improvement in regional performance.

This updated strategy builds on the previous document and acknowledges the essential role councils play in delivering waste and recycling services to the community and their ability to influence and drive improvements across the region. It has a practical focus on foundational aspects of council waste and recycling services that considers the current context of many councils in the cycle of their services and contracts.

Progress since 2021

A focus on enhancing kerbside collection services has delivered significant performance change in the region. The composition and volume of material managed through the kerbside system has meaningfully changed, including a 10% reduction in material sent to landfill, growth in comingled recycling materials and a significant increase of organics associated with the introduction/changes to services (Table 1).

The increase in total material does not necessarily indicate an increase in waste generation but reflects that more material is now being managed through the kerbside bins (whereas previously it may have been managed informally, e.g. burning of garden waste).

Table 1: Changes in materials managed through the kerbside bin system

	FY 2020/21	FY 2024/25	Difference
 Landfill	28,000 tonnes	25,000 tonnes	-10%
 Comingled recycling	9,000 tonnes	9,500 tonnes	+6%
 Organics recycling	6,000 tonnes	13,500 tonnes	+121%
	43,000 tonnes	48,000 tonnes	+12%

Kerbside diversion

NYLGA member councils have contributed to a 12-percentage point increase in kerbside diversion over the initial strategy period (Table 2). This is an exceptional result and the efforts required to deliver this by council staff, and the community should be acknowledged and celebrated. At a sub-regional level, two of the four have met and exceeded their target.

Table 2: Changes to kerbside diversion and performance against the target over the strategy period

Region/sub-region	FY 2020/21 diversion	Diversion target	FY 2024/25 diversion
NYLGA region	35%	51%	47%
Barossa, Light, Adelaide Plains	42%	55%	46%
Barunga West, Copper Coast & Yorkes	28%	50%	54%
Mid North	34%	48%	49%
Southern Flinders Ranges	18%	35%	19%*

*Only Orroroo Carrieton provided 24/25 data, using 20/21 data for others.

Kerbside service configuration

Many councils have made meaningful changes to their kerbside bin systems in the past five years that have delivered the improved performance. Table 3 summarises the current state of kerbside services across the region.

Table 3: Current configuration of kerbside bin systems in the region

	Landfill		Comingled recycling		Organics recycling*	
	Weekly	Fortnightly	Fortnightly	Weekly	Fortnightly	Monthly
Adelaide Plains		●	●		●	
Barossa	●		●		●	
Light	●		●		●	
Barunga West		●	●		●	
Copper Coast		●	●		●	
Yorke Peninsula	●		●			●
Clare & Gilbert Valleys		●	●		●	
Goyder		●	●		●	
Northern Areas	●		●			●
Port Pirie		●	●	●		
Wakefield		●	●		●	
Flinders Ranges	●		●			
Mount Remarkable	●		●			
Orroroo Carrieton	●		●			
Peterborough	●		●			

** Northern Areas and Yorke Peninsula have a garden organics only, others have a food organics & garden organics service*

Strategy context

The strategy is informed and influenced by a range of factors and principles.

Key principles

The waste management hierarchy identifies the preferential order of waste management options (Figure 1).

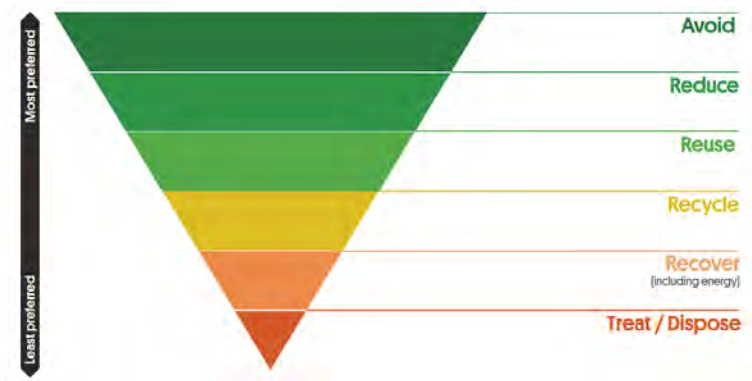


Figure 1: Waste management hierarchy (Image courtesy of Green Industries SA)

The circular economy aims to design out waste and pollution, keep products and materials in use at their highest value and conserve natural resources and regenerate nature (Figure 2).



Figure 2: Summary of the circular economy (Image courtesy of Green Industries SA)



National drivers

National Waste Policy Action Plan which includes targets of an 80% resource recovery rate by 2030, a 10% reduction in waste generation per person by 2030 and halving organics sent to landfill by 2030.

Australia's Circular Economy Framework which aims to double Australia's circularity by 2035 and provides a blueprint for Australia's circular economy transition.

State drivers

Accelerating SA's transition to a circular economy: South Australia's waste strategy 2025 – 2030 sets a framework of strategic objectives, targets and priority actions to accelerate SA's transition to a circular economy and deliver a sustainable economy and net zero emissions by 2050.

SA food waste strategy: valuing our food waste identifies food waste as a strategic priority and aligns with the National Food Waste Strategy to halve food waste by 2030.

The SA waste levy continues to be a key driver to incentivise councils to reduce the amount of material they send to landfill by increasing source separation and diverting material to circular economy pathways.



Vision

Our vision is to support the growth of the regional circular economy to provide local social, business and employment opportunities and empower behaviour change in the community to support environmental sustainability, reduce waste generation and increase resource recovery.

Objectives

Our objectives will guide our actions and help measure success.

Objective 1 | Provide high performing waste and recycling systems

Deliver systems that increase landfill diversion, capture valuable resources for the circular economy and reduce the region's carbon footprint. Performance indicators include:

- Achieving our landfill diversion targets (summarised below).
- Reducing contamination in comingled recycling and organics recycling bins.
- Consistent waste and recycling education across the region.

Objective 2 | Implement local and regional solutions

Explore partnerships between councils to deliver greater outcomes for the region.

Performance indicators include:

- Completing an investigation into shared resourcing.
- Considering joint procurement opportunities.
- Exploring infrastructure improvements that underpin and support the region and sub-regions.

Objective 3 | Increase service efficiency and cost effectiveness

Increasing the efficiency of waste and recycling services so councils can reinvest and expand services to the community. Performance indicators include:

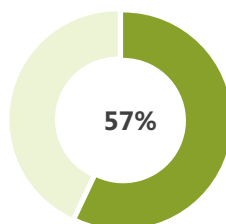
- Completing procurement processes for kerbside services.
- Leveraging the procurement process to deliver better data collection and reporting.

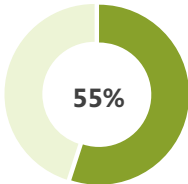
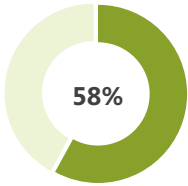
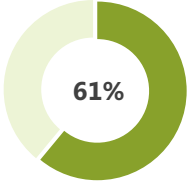
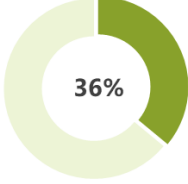
Our objectives inform our targets and initiatives and will support us to divert more waste from landfill into the circular economy and maximise our resources by working together across the region to deliver improved services and invest into our communities.

Kerbside landfill diversion targets

Kerbside diversion for the NYLGA region in FY 2024/25 was 49%. Each council has a new diversion target that will contribute to sub-regional and the whole regional target, calculated using a weighted average based on population.

Regional kerbside diversion target



	Sub-regional target	Council target	
Barossa, Light, Adelaide Plains		Adelaide Plains	55%
		Barossa	55%
		Light	55%
Barunga West, Copper Coast & Yorke Peninsula		Barunga West	60%
		Copper Coast	60%
		Yorke Peninsula	55%
Mid North		Clare & Gilbert Valleys	60%
		Goyder	55%
		Northern Areas	45%
		Port Pirie	68%
		Wakefield	60%
Southern Flinders Ranges		Flinders Ranges	35%
		Mount Remarkable	35%
		Orroroo Carrieton	40%
		Peterborough	35%

Initiatives

Initiative 1: Explore shared resourcing for the region

Internal council staff resourcing to oversee waste and recycling services is a challenge across the region. It can also impact the opportunity for regional collaboration.

A priority will be investigating opportunities to establish formal structures to deliver and manage shared services. This will include potential:

- administrative structure (e.g. waste authority)
- scale and participants (e.g. sub-regional approach)
- services that could be included (e.g. administration, contract management, facility management, provide collection services).

Delivering waste and recycling services in regional areas with low population density can be challenging. Increasing collaboration can be a pathway to delivering effective and efficient services for the community.

Initiative 2: Ongoing improvement of kerbside collection services

Alternative kerbside services

High performing kerbside systems have been introduced by seven NYLGA councils with outstanding results. Councils yet to transition can learn from these councils to explore and plan their own pathway to:

- increasing diversion of food waste from landfill
- reducing greenhouse gas emissions from food waste in landfill
- managing ongoing costs and exposure to the SA solid waste levy.

The suggested pathway for:

- Northern Areas, Flinders Ranges, Orroroo Carrieton, Mt Remarkable, Peterborough, Yorke Peninsula is to explore a fortnightly 3-bin system through a tender process.
- Barossa and Light is to explore direct negotiations with their contractor. Weekly FOGO, fortnightly landfill is recommended considering their current services and there is an opportunity to deliver a trial before a broader rollout.
- Adelaide Plains is to consider and explore expanding its FOGO services to higher density areas through direct negotiation with the contractor.

Ongoing improvement

Councils that have already transitioned to alternative kerbside services can explore ways to refine their kerbside system to optimise performance.

- **Managing contamination**

The SA Waste Strategy outlines specific targets for contamination, less than 10% in comingled recycling and less than 2% in organics recycling.

Implementing and resourcing systems to manage and track contamination at collection, communicate with residents and council policies/by-laws to manage ongoing issues will be important.

This can help to reduce risks from events like vehicle fires from incorrect disposal of lithium-ion batteries and reduce the potential of contamination pricing in recycling processing contracts.

- **Optimising services**

Multiple councils currently have collection schedules where residents present bins for collection on multiple days of the week.

Working with collection contractors to review and consolidate collection schedules can improve the resident experience, reduce confusion and improve performance.

Initiative 3: Joint procurement of kerbside services

Within this strategy period the kerbside collection and processing/disposal contracts of 14 councils within N&YLGA will end or be close to ending.

Kerbside services are one of the biggest costs for councils and a well-structured procurement process is important to deliver quality and cost-effective services. It does require significant resourcing and adequate timeframes (minimum 18 months prior to contract expiry) to be able to complete a thorough and equitable process.

NYLGA councils are well placed to explore joint procurement of kerbside services to:

- Achieve administrative efficiencies in the tender process and costs (e.g. technical/legal support) and avoiding each individual council need to run a separate procurement process.
- Leverage operational efficiencies and service cost benefits for councils that are located geographically close together (e.g. shared spare vehicles, efficiency in collection routes).
- Have similar contract, service, reporting and payment structures, whilst maintaining a direct contract between individual councils and the service provider.

Joint procurement does not require councils to be geographically located together or have the exact same service requirements or contract end dates. There will be a range of council groupings that could feasibly work together, and this will be explored further.

Initiative 4: Develop regional resource recovery infrastructure

Local waste and resource recovery infrastructure are important assets for regional councils. They are critical for service delivery and are a key interaction the community has with council.

We will explore:

- Upgrades to the resource recovery centres at Wallaroo and Port Pirie to become circular economy hubs that can accept additional material streams, incorporate re-use and repair and host circular economy businesses.
- The opportunity to establish hazardous waste depots in strategic locations.
- New or upgrades to current transfer stations in Adelaide Plains, Barossa and Light to align population growth in these areas.
- The future of Willowie transfer station, considering the implications for kerbside service delivery for the Southern Flinders Ranges councils.
- The feasibility of a FOGO processing facility for the region to locally transform organics into high quality compost.

Initiative 5: Developing the circular economy

Councils have an important role in developing a local circular economy that will create social and economic benefits for our communities.

Circular procurement

Incorporating circular procurement principles and processes into the procurement process. This could include:

- **Products as a service**
Exploring opportunities for products as a service, where a product function or outcome is purchased instead of a physical product and the manufacturer/provider maintains the asset.
- **Procuring products and materials containing recycled content.**
Recycling only happens when materials are remanufactured into new products that are then purchased. Councils can contribute significantly to developing the local circular economy and remanufacturing by specifying products and materials that contain high levels of recycled content in operations and capital works procurement processes.

Developing regional partnerships and supporting community initiatives

Building partnerships across the region with industry groups, businesses and communities will help develop a local circular economy. Priority opportunities are re-use, repair, re-sale, re-processing and re-manufacture.

Action Plan

The Action Plan provides high-level guidance of what is required, who is involved and indicative timelines for each of the initiatives.

Initiative 1: Explore shared resourcing for the region

- Initial investigations will be required and then additional time to establish structures.

Initiative 2: Ongoing improvement of kerbside collection services

- Min. 12 months needed for planning and delivering transition.
- Allow time for tender process/negotiations with contractor if required.

Initiative 3: Joint procurement of kerbside services

- Allow enough time for tender process, evaluation and negotiations (e.g. 12 months)
- Award contract a minimum of 12 months prior to current expiry date.

Initiative 4: Develop regional resource recovery infrastructure

- Timelines will be project specific and depend on scale.

Initiative 5: Developing the circular economy

- Incorporating circular procurement/recycled content specifications into procurement processes.
- Ongoing development of partnerships.

Initiative 1: Explore shared resourcing for region

- NYLGA and councils to facilitate investigations to consider structure, scale/participants and services that may be included.
- Lead council(s) will be required to drive outcome with support from NYLGA.

Pending the findings of the investigation phase there could be concurrent processes running across the region to establish sub-regional structures.

1. Confirm interested councils and establish working group.	4-6 months
2. Conduct investigation/business case into options for administrative structure (e.g. waste authority), scale and participants (e.g. sub-regional approach) and services that could be included	Min. 6 months
3. Review and actions based on outcome of investigation/business case.	

Initiative 2: Ongoing improvement of kerbside collection services**Alternative kerbside services****Councils with an upcoming tender process**

- Councils can include current and alternative kerbside collection models in the tender documents to receive pricing that can inform the business case to assess the opportunity.

Councils with existing contracts

- Councils can directly negotiate with the current collection contractor to receive pricing to then inform the business case to appropriately assess the opportunity.
- Councils can consider a trial of the system in a targeted area/collection day to allow for community feedback.

A summary of actions and timelines are outlined below. Some steps may be completed concurrently.

1. Tender process/direct negotiations with contractor <i>(as required)</i>	
2. Kerbside audits to establish baseline and build case for change	3-4 months <i>(optional)</i>
3. System design and detailed business case	Min. 6 months
4. Transition preparation, including communication and engagement plan <i>(develop information, education, signage)</i>	Min. 3 months
5. Procure bins, kitchen caddies and compostable bags	3-6 months
6. Trial of new services <i>(optional)</i>	6-12 months
7. Implementation and ongoing education	

Ongoing improvements**Contamination**

- Councils to explore and design systems to manage and track contamination, communications and council policies/by-laws.

Optimising services

- Councils to engage with current collection contractor(s) to explore opportunities to deliver services more efficiently.

A summary of actions and timelines are outlined below, which could be delivered in partnerships between councils.

1. Establish baseline contamination rate (kerbside audit, collection vehicle records).	3-4 months
2. Design management system, establish resourcing and prepare policy/by-law requirements.	6-12 months
3. Implementation, community communications and ongoing management.	
4. Data review process	

Initiative 3: Joint procurement of kerbside services**NYLGA**

- Help facilitate consultation and cooperation between councils.
- Maintain details of Council's kerbside contract dates.

Councils

- Explore opportunities to collaborate.
- Prepare tender documents and execute tender process.

The procurement process and signing of the contract should be completed a minimum of 12 months before the current contract expiry. A summary of timelines is outlined below.

1. Confirm participating councils and prepare tender documents <i>(includes evaluation plan, probity plan, legal review)</i>	6 months
2. Release tender documents to market	Allow 8 weeks for responses
3. Complete tender evaluation and contract negotiations	6-12 months
4. Award of contract	Min. 12 months prior current expiry
5. Implementation and ongoing contract management	

Initiative 4: Develop regional resource recovery infrastructure**Councils**

- Determine facility and community needs and complete detailed business case.

NYLGA

- Provide support with consultation for shared infrastructure opportunities.
- Support for preparing grant funding applications.

The timelines for an infrastructure project will depend on the type and scale of the infrastructure and whether it is a new site or expansion of an existing.

1. Identify operational and community requirements and complete detailed business case	6 months
2. Explore/apply for funding opportunities	3 months
3. Confirm commitment and design and procurement process	6-12 months
4. Approvals process to establish or expand site	Min. 12 months
5. Site works and build	Depends on scale
6. Facility commissioning and ongoing operations	1-3 months

Initiative 5: Developing the circular economy

Councils

- Identify target areas to incorporate circular procurement/recycled content (e.g. roads, tyre re-treading).
- Update procurement documents and processes to incorporate circular procurement principles, assessment and outcomes.

NYLGA

- Provide support to share common procurement resources and learnings and outcomes.

1. Identify target areas and upcoming tender processes	Timelines will depend on target areas and scale
2. Engage with potential providers to understand that capability of the market.	
3. Incorporate circular procurement/recycled content considerations into procurement processes and documents.	
4. Complete procurement process, evaluation and negotiations	
5. Implement, assess and evaluate the performance of the process and products/services.	



MATTERS FOR INFORMATION

6.6 NATURE AND NATTER 2025-2026 SUMMARY REPORT

Author: Team Leader Environmental Services
26/46607

In December 2024, Carers and Disability Links (CADL) ceased funding the Nature and Natter programme facilitated at the Barossa Bushgardens weekly on Monday mornings. The Nature and Natter program is aimed at individuals (and their carers) living with dementia.

At its meeting held on 17 June 2025, Council endorsed the continuation of the Nature and Natter Program as per the following resolution:

MOVED Cr Angas

That Council:

- (1) Approves the continuation of the *Nature and Natter* service for 24 months to be funded from existing budget allocations through support from general operating budgets noting a future budget amendment maybe required.
- (2) Requests a formal review at the end of the 24 month period to assess the programs community impact, attendance, resource requirements and recommendation for continuation of program.

SECONDED Cr Evans
2022-26/751

CARRIED

During 2025/26 the Nature and Natter program has hosted 11 clients (total) with their carers over the 12-month period. Sadly (due to the nature of the disease) five have moved into permanent care, although not all at once and our current client base is sitting at six clients plus carers. The program is intentionally small and personal, fostering a sense of safety, trust and connection – critical elements for individuals managing cognitive decline.

Whilst this is slightly less than where we started at the beginning of the financial year, we have also lost one of our valuable volunteers Lyn Schmidt, who passed away last month. We have a new volunteer who has a special interest and training in Dementia inducted and ready to start in early August to fulfil the volunteer role.

The program is still rated extremely important by the clients and their carers, with several statements made by participants about how much enjoyment, fulfilment and connection is made at the Barossa Bushgardens on a Monday morning. Clients are keen to attend, and carers often say that this activity is the highlight of their week.

Excerpts from Council's Wellbeing and Inclusion Impact Journal referencing the Nature and Natter program as follows:

1. *"I really love it here. It's so much more than just a job."*. N&N client
2. *I am the primary carer for my husband who has Alzheimer's. He is the participant in the programme and feels good to be contributing to a worthy cause. He has always loved working with his hands and being outside - the nursery provides a very safe, inclusive and non-threatening environment and when I tell him we are going to the Barossa Bushgardens he is very happy. To see him motivated and doing an activity independently, really pleases me.*
N&N Carer
3. *My wife enjoys her time spent with the Nature and Natter group as it seems to bring up happy memories for her which she can share with others.*
N&N Carer
4. *This person is the wife of one of our clients for the Nature and Natter programme who has been attending with her husband for approximately 18 months. Unfortunately, her husband is now living in residential care and his health is declining to the point where she struggles to bring him. However, Ina has since signed up to be a volunteer of the Barossa Bushgardens, specifically to help on the N&N program, but since her husband has been in full time care has started to volunteer on other days at the BBG. On Monday Ina was quite teary, speaking about her husband and his declining health. She was still happy to volunteer with our clients and was speaking to a new client and carer about how the Barossa Bushgardens has been a life saver for her mental health. Whilst her hubby was still at home, the N&N programme gave him a sense of purpose and an activity that he really enjoyed, and through this activity met the other volunteers of the BBG. Now she has more time on her hands and has become a valuable volunteer for the BBG, making social connections and new friends.*
BBG Staff member
5. *My husband has Parkinson's Disease and early onset Dementia. His mobility is not always the best so coming to Nature and Natter is a really safe place to be for him. The staff and volunteers here are amazing and very encouraging.*
N&N Carer

While participants engage in structured tasks, carers are given the opportunity for informal respite and peer support within the same space.

Whilst outputs from this programme are not the key driver, most of the plants produced are donated to local groups, including Barossa Wildlife Rescue, local schools and other community spaces. A range of activities are on offer and depending on their ability each client is supported by a volunteer and/or staff member.

During 2025/26 Nature and Natter clients emptied 5063 plant pots; filled 2425 plant pots; potted up 2509 seedlings from trays and weeded 1097 plants.

Disability Support Officer salary costs \$11k.
Volunteer contributions 250+ hours (\$12,625)

This investment reflects excellent value for a program with high social return, strong community support and direct alignment with council priorities.

ATTACHMENTS

Nil

SUPPORTING REFERENCES

Nil

MATTERS FOR INFORMATION

6.7 ADDITIONAL TWO SUBMISSIONS - TALUNGA PARK CONSULTATION

Author: Chief Executive Officer
26/46705

A further two submissions related to the recently concluded consultation on Talunga Park where not tabled at the June meeting of Council due to a filing issue.

Whilst the submissions are entirely consistent with other submission on the matter they are hereby tabled for completeness and correct.

The submitters have been contacted and informed they will be tabled at this meeting.

This brings the total submissions to 36.

ATTACHMENTS

Attachment 1 Submissions on Talunga Park Consultation [↓](#) 

SUPPORTING REFERENCES

Nil

Chief Executive Officer
The Barossa Council
PO Box 867
Nuriootpa SA 5355

Dear Mr McCarthy

Re: Submission – Talunga Park Review and Business Case.

I understand the concern for safety of all using the oval, But I still believe there is a way for the football Club and Equestrian to both use the oval. Surely it would take the same amount of time between repairing the oval for football and repairing it for horses to use again as the damage to the oval would be the same risk for horses to use again as footballers.

For many years prior to merging the councils and under the old Talunga Park committee the agreement that horses were from October to April and Football from May to September, continued very successfully, and was supported by all who used the grounds.

I know a lot has changed but would like to show support for the 2 groups to continue using the facility.

Regards

Vicki Fawcett
Life Member TVFC
Life Member Mt Pleasant Bowling Club
Life Member Mt Pleasant Tennis Club
Life Member Mt Pleasant Netball Club.

Mt Pleasant Show Treasurer.

**TALUNGA PARK COMMUNITY ASSET OPTIMISATION PLANNING FOR
THE FUTURE.**

The Mount Pleasant R.S.L. Sub Branch is fully supportive of the Torrens Valley Football Club's vision and suggestions for the future development of Talunga Park maximising its usage by/for community groups and activities. As this is a major issue, the R.S.L. is trying to reflect community concerns.

Currently, the Football Club is in a unique situation of sharing the turfed oval area with numerous equestrian activities/functions. This shared use of the oval does not exist anywhere else within this State!

The damage done to the oval's turfed surface by equine hooves requires time for the grassed areas to regenerate. It is estimated that the remediation of the oval surface is valued at approximately \$7,000 to \$8,000 per event.

This then, impinges upon and currently impacts the usage of the oval by the Football Club.

The Hill's Football League has indicated that the oval will be used to host the League's Finals on a rotational basis. The Hills Football League has identified junior players displaying mental health issues that are a growing priority. This means that Junior football welfare is an important community consideration. The R.S.L. Members believe that the Oval should be restricted purely to ball sports events and general community use.

Therefore, the equestrian events/activities should be relocated to an entirely different location within the Talunga Park environs. Such a relocation/centralisation of equestrian activities within a focussed area of Talunga Park, would enhance and ensure the management and safety of people and animals.

The area between the Ponds and the Caravan Park could be resurfaced and grassed to the standard required for equine use/variety of activities. The adjacent Show cattle area and the Pony Club area could then be linked and used in conjunction with these events. Surely, such a proposition should be given serious consideration in any future vision for the development of Talunga Park.

That the Barossa Council had created a Master Plan for the future development of Talunga Park as far back as 2016 and held a community consultative meeting in Mount Pleasant in March 2017, it is apparent that the Council was not able to act upon any of the feedback. It is now 2026, with the same concerns and issues being raised. We hope that a resolution to this problem can be found.

On behalf of the Mount Pleasant RSL.

Kind Regards

Gus Van Lakerveld

MTP RSL President

guslakerveld@yahoo.com

0401001181

MATTERS FOR INFORMATION

6.8 DISASTER MANAGEMENT SYSTEM - PROPOSED REFORMS

Author: Chief Executive Officer
26/47474

Correspondence has been received from The Hon Kirsty McBain MP, Member for Emergency Management briefing the Mayor and Councils on proposed reforms to the system of disaster management in Australia.

The correspondence is attached. The management of disasters in Australia is complex; this proposal does not impact local government funding arrangements but rather those between the State and Commonwealth. However, such arrangements have potential to impact service levels and recovery from natural disasters at grass roots level in communities in periods of most need.

At this time until further information is available officers will maintain a watching brief on the reforms and report any foreshadowed impacts in due course.

ATTACHMENTS

Attachment 1 Correspondence [↓](#) 

SUPPORTING REFERENCES

Nil



The Hon Kristy McBain MP

Minister for Emergency Management
Minister for Regional Development, Local Government and Territories
Member for Eden-Monaro

Dear Mayor

I write to share some important information about the Australian Government's proposed reforms to Australia's disaster management system.

On 5 June 2026, I briefed State and Territory Governments on the proposed reforms and sought their engagement to inform them about the detailed design work and implementation of these reforms. I also welcomed the engagement with numerous Councils during the recent National General Assembly of Local Government in Canberra.

The Independent Review of Commonwealth Disaster Funding (the Colvin Review) identified the complexity of Australia's disaster management system and noted it has not kept pace with the evolving nature of disasters. It also found Australia is increasingly reliant on local government for the delivery of recovery works.

The new Disaster Recovery Funding Framework is designed to better target recovery assistance, drive national consistency, remove duplication, streamline administrative processes and reduce disaster risk.

Importantly, these reforms do not change the arrangements for Councils – they simply mean that the Commonwealth and the State Government will equally share the costs of recovery on an event-by-event basis. The current system does not ask Councils to provide money into the system and nor does the new framework.

Key elements of a proposed new Disaster Recovery Funding Framework

The Australian Government proposes the following key elements of the Disaster Recovery Funding Framework for engagement and further development with States and Territories:

- *Embed an equal partnership between the Australian Government, and State and Territory Governments through a 50:50 cost-sharing funding model*, reflecting the primary role of the States and Territories in disaster management under the Constitution.
- Introduce a *simpler threshold for accessing cost-shared financial support* which allows smaller States to claim their reimbursements sooner. The Australian Government will contribute 50 per cent towards eligible costs that are in excess of an event-based financial trigger point for the costs of the entire event in that impacted State or Territory (not costs per impacted Local Government Area).

Parliament House, Canberra ACT 2600 Tel: 02 6277 7060 | Email: minister.mcbain@mo.regional.gov.au
Electorate Offices: PO Box 214, Queanbeyan NSW 2620 Tel: 02 6284 2442 | PO Box 1233, Bega NSW 2550 Tel: 02 6492 0542

- *New assistance categories and standardised packages* designed to deliver national consistency for disaster impacted communities and ensure recovery assistance can be easily understood and communicated. Further work will be undertaken to develop the specific forms of assistance under each category.
- *A Resilient Infrastructure Scheme* that will provide cost-shared funding to support timely reconstruction of damaged essential public assets and, where specific criteria are met, funding of up to 15 per cent cost-shared to rebuild the asset to a more resilient standard.
- *Tailored support for First Nations communities* to ensure the unique needs of disaster-affected First Nations communities are appropriately met in line with commitments under the National Agreement on Closing the Gap.
- *Flexibility to provide non-standard assistance in response to more severe or catastrophic disasters* when requirements for support genuinely exceed the standardised measures (e.g. in 'exceptional circumstances'). The support requested must be linked directly to the severity of the event's impact and include a detailed impact assessment.

Building on investment in disaster resilience and preparedness

Through the Australian Government's Disaster Ready Fund, we are investing up to \$1 billion over five years to 2028 to build critical projects that reduce disaster risk and strengthen community resilience. There has not been a reduction in the Government's investment in disaster resilience. Across the first three rounds, approximately \$600 million was invested in 450 projects, and Round Four opened on 29 May 2026. This investment is significantly enhanced through co-contributions, including by state and local government.

The Australian Government is also investing in core national capabilities to strengthen disaster preparedness and response, including through the National Aerial Firefighting Centre, the National Bushfire Intelligence Capability, the Northern Australia Fire Information service and the AusAlert emergency warning system.

The Australian Government values the critical role local government plays in disaster recovery and risk reduction, and I welcome engagement on how to ensure local government has the capability and resourcing to deliver these important functions. Any feedback can be sent to disastermanagementreform@nema.gov.au by 31 July 2026.

Yours sincerely



Kristy McBain MP
1/7/ 2026

MATTERS FOR INFORMATION

6.9 RECREATION GROUNDS ACT 1931 - REGULATIONS UPDATE

Author: Chief Executive Officer
26/47480

Correspondence was received from the Attorney-General, as attached at the attachment, outlining a review of the regulations under the Recreation Grounds Act 1931.

I was consulted as The Barossa Council are one, of only a hand full of Council, that previously had declared recreation grounds under the Act.

After review by officers it was determined, under delegation and due to the timeframe to respond, that the declarations under this Act achieved nothing. The powers have never been used and there are a multitude of other legislative mechanism available to Council under the Local Government Act, Retail and Commercial Leases Act, Major Events Act and bylaws to manage recreation parks appropriately and the further layer of regulation is unwarranted and unnecessary.

ATTACHMENTS

Attachment 1 Recreation Grounds Act 1931 - Regulations Update [↓](#) 

SUPPORTING REFERENCES

Nil

The Hon Kyam Maher MLC



Government
of South Australia

Deputy Premier

Minister for
Aboriginal Affairs

Attorney-General

Minister for
Industrial Relations

Minister for Arts

Special Minister
of State

Karna Country
GPO Box 464
Adelaide SA 5001

Tel 08 7322 7050

A4073324

Mr Marin McCarthy
Chief Executive Officer
The Barossa Council
Karna Country
PO Box 867
NURIOOTPA SA 5355

Email: mmccarthy@barossa.sa.gov.au

Dear Mr McCarthy

Expiry of the Recreation Grounds Regulations 2011

Under section 16B(1) of the *Legislative Instruments Act 1978 (the Act)*, most regulations automatically expire on 1 September following the tenth anniversary of their making. Pursuant to section 16C(1) of the Act, expiry can be postponed for up to four years after the initial date of expiry.

The expiry of the *Recreation Grounds Regulations 2011 (2011 Regulations)* has been postponed for the maximum allowable period and therefore must be remade before 1 September 2026.

The 2011 Regulations prescribe certain recreation grounds for the purposes of the *Recreation Grounds (Regulations) Act 1931 (RG Act)* and regulate matters relating to conduct, enforcement and authorised persons at those facilities. A "recreation ground" is defined under the RG Act as:

any enclosed area of land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any enclosed area of land contiguous thereto and used in connection therewith.

You are currently listed as a controlling body for one or more recreation ground under Schedule 1 of the 2011 Regulations. For ease of reference, I **enclose** a list of all recreation grounds to which the 2011 Regulations presently apply.

Under section 3(3) of the RG Act, any regulations made under that Act may only apply to a recreation ground where the controlling body of that recreation ground has requested that the regulations apply.

The Office of the Hon Kyam Maher MLC acknowledges Aboriginal people's ongoing connection to the land and waters of South Australia. We recognise the importance of Country to Aboriginal identity, community and wellbeing. We pay our respects to Elders, past and present, and recognise the key role they play in caring for Country, community and culture.

Due to the upcoming expiry of the 2011 Regulations and the need to make new regulations under the RG Act (**the 2026 regulations**), I seek confirmation as to whether you support the currently listed recreation grounds, and whether you wish for any additional recreation grounds for which you are the controlling body, to be included in the 2026 regulations.

If you do not respond, the existing named grounds will be removed from Schedule 1 upon the remaking of the 2026 regulations, with the consequence that the regulations would no longer apply to those facilities.

Further, if you request the application of the 2026 regulations to a recreation ground, please advise whether the relevant Certificate of Title reference in the 2011 Regulations remains accurate or, alternatively, provide the correct Certificate of Title reference for the relevant land.

We would also appreciate any comments you may have regarding the practical operation of the 2011 Regulations, such as whether any provisions or references are obsolete or should otherwise be amended.

I have also **enclosed** a copy of the 2011 Regulations and the RG Act for your reference.

Please provide your response by **25 May 2026** to Legislative Services, Attorney-General's Department at LLPSubmissions@sa.gov.au.

Yours sincerely



Hon Kyam Maher MLC
Deputy Premier
Attorney-General

13 / 05 / 2026

Enc 1. *Recreation Grounds Regulations 2011*
 2. *Recreation Grounds (Regulations) Act 1931*
 3. List of recreation grounds associated with each controlling body under Schedule 1 of the *Recreation Grounds Regulations 2011*

Version: 15.12.2016

South Australia

Recreation Grounds Regulations 2011

under the *Recreation Grounds (Regulations) Act 1931*

Contents

Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 4 Delegation

Part 2—Use of recreation grounds

- 5 Entry to and exit from grounds
- 6 Entrance fees
- 7 Behaviour of persons on grounds
- 8 Removal of person from grounds
- 9 Powers of authorised persons

Schedule 1—Recreation grounds

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Recreation Grounds Regulations 2011*.

3—Interpretation

- (1) In these regulations—

authorised person, in relation to a recreation ground, means—

- (a) a person authorised by the controlling body of that recreation ground for the purposes of these regulations; or
- (b) a member of the police force or a special constable;

controlling body, in relation to a recreation ground, means the body listed in Schedule 1 against the name of the recreation ground.

- (2) A reference in these regulations to a recreation ground is a reference to a recreation ground specified in Schedule 1.

Recreation Grounds Regulations 2011—15.12.2016
Part 1—Preliminary

4—Delegation

- (1) The controlling body of a recreation ground may, by instrument in writing executed by the controlling body, delegate to a person or body any power or function of the controlling body under these regulations other than this power of delegation.
- (2) A delegation under this regulation may be given subject to conditions and limitations specified in the instrument of delegation.
- (3) A delegation under this regulation is revocable at will and does not prevent the controlling body from acting in any matter.

Part 2—Use of recreation grounds**5—Entry to and exit from grounds**

- (1) A person must not enter a recreation ground except by an entrance provided by the controlling body.
Maximum penalty: \$250.
- (2) A person must not leave a recreation ground except by an exit provided by the controlling body.
Maximum penalty: \$250.

6—Entrance fees

A person must not enter a recreation ground, or a part of a recreation ground to which access is restricted by the controlling body, unless the person—

- (a) pays the entrance fee (if any); or
- (b) is otherwise authorised by the controlling body to enter.

Maximum penalty: \$500.

7—Behaviour of persons on grounds

- (1) A person must not, while on a recreation ground, remain in a walkway or on stairs after having been requested to move from that position by an authorised person.
Maximum penalty: \$250.
- (2) A person must not—
 - (a) deposit litter, refuse or waste matter in any place (other than a receptacle provided for that purpose); or
 - (b) distribute any printed matter; or
 - (c) erect a sign; or
 - (d) offer any article for sale; or
 - (e) take up a collection; or
 - (f) drive or ride any vehicle; or
 - (g) bring a dog or, if the owner or person in charge of a dog, allow the dog to remain; or
 - (h) climb or be on a fence, tree, building, wall or other structure,

15.12.2016—Recreation Grounds Regulations 2011
Use of recreation grounds—Part 2

on a recreation ground except as authorised by the controlling body or these regulations.

Maximum penalty: \$250.

- (3) A person who needs the assistance of a guide dog may bring the dog onto a recreation ground if at all times it is restrained on a lead not exceeding 3 metres in length.
- (4) A person must not, except as authorised by the controlling body—
- (a) bring an intoxicating beverage onto a recreation ground; or
 - (b) drink an intoxicating beverage on a recreation ground.

Maximum penalty: \$250.

- (5) A person must not, while on a recreation ground, smoke in an area where smoking is prohibited by the controlling body by signs erected with the authority of the controlling body.

Maximum penalty: \$250.

- (6) A person must not—
- (a) obstruct or interfere with the conduct of a sporting or other event on a recreation ground or the reasonable enjoyment of a spectator of such an event; or
 - (b) enter onto, or be on, an oval or playing field or other area within a recreation ground used for the staging of sporting or other events on a day on which such an event is scheduled to occur unless—
 - (i) the person is a player, competitor, umpire, official, medical attendant, performer or technician or is otherwise officially involved in the event or in the preparations for the event; or
 - (ii) the person has been authorised by the controlling body so to enter.

Maximum penalty: \$5 000.

- (7) A person must not, while on or in the vicinity of a recreation ground, misuse or damage any property of—
- (a) the controlling body of the recreation ground; or
 - (b) a person or body that has been granted a right to occupy the recreation ground or part of the recreation ground (whether under a lease, licence, contract for hire or any other agreement for the occupancy of land).

Maximum penalty: \$5 000.

- (8) A person must not, while on or in the vicinity of a recreation ground, carry or be in possession of a flare, firework, explosive device or missile without lawful excuse (proof of which lies on the person).

Maximum penalty: \$5 000.

Recreation Grounds Regulations 2011—15.12.2016

Part 2—Use of recreation grounds

8—Removal of person from grounds

A member of the police force or special constable may remove from a recreation ground any person reasonably suspected of having committed an offence while on the recreation ground and a person who has been so removed on a particular day must not re-enter the recreation ground on that day.

Maximum penalty: \$1 250.

9—Powers of authorised persons

- (1) If an authorised person reasonably suspects that a vehicle or dog (other than a guide dog)—

- (a) has been brought onto a recreation ground or a part of a recreation ground in breach of these regulations; or
- (b) is obstructing or interfering with, or is likely to obstruct or interfere with, the conduct of a sporting or other event on the recreation ground or the reasonable enjoyment of a spectator of such an event,

the authorised person may require the owner or person in charge of the vehicle or dog to remove the vehicle or dog from the recreation ground (or from a part of it) or, if the owner or person in charge of the vehicle or dog cannot be located in the vicinity, may remove the vehicle or dog from the recreation ground (or part of it).

- (2) An authorised person may require a person who the authorised person reasonably suspects of having breached these regulations to state truthfully the person's full name and usual place of residence.
- (3) A person must not, without reasonable excuse, refuse or fail to comply with a requirement of an authorised person under this regulation.

Maximum penalty: \$1 250.

Schedule 1—Recreation grounds

Name of recreation ground	Description of land	Controlling body
Adelaide Oval	The Adelaide Oval Core Area (within the meaning of the <i>Adelaide Oval Redevelopment and Management Act 2011</i>).	Adelaide Oval SMA Limited
Adelaide Showground	The whole of the land described in Certificate of Title Register Book Volume 5413 Folio 774.	Royal Agricultural and Horticultural Society of South Australia Incorporated
Adelaide Super-Drome	The whole of the land described in Certificate of Title Register Book Volume 5810 Folio 404.	Minister for Recreation, Sport and Racing
Athletics Stadium	The whole of the land described in Certificate of Title Register Book Volume 5983 Folio 203.	Minister for Recreation, Sport and Racing
Balaklava Racecourse	The whole of the land described in Certificate of Title Register Book Volume 6036 Folio 650.	Balaklava Racing Club Incorporated

15.12.2016—Recreation Grounds Regulations 2011

Recreation grounds—Schedule 1

Name of recreation ground	Description of land	Controlling body
Barossa recreation grounds—		The Barossa Council
(a) Angas Recreation Park	The whole of the land described in Certificates of Title Register Book Volume 5360 Folio 792, Volume 5675 Folio 727, Volume 5710 Folio 359, Volume 5796 Folio 108 and Volume 5830 Folio 592.	
(b) Curdnatta Recreation Ground	The whole of the land described in Certificate of Title Register Book Volume 5725 Folio 628.	
(c) Lyndoch Recreation Ground	The whole of the land described in Certificates of Title Register Book Volume 5677 Folios 209, 210 and 211.	
(d) Moculta District Recreation Park	The whole of the land described in Certificate of Title Register Book Volume 5411 Folio 858.	
(e) Stockwell Recreation Park	The whole of the land described in Certificate of Title Register Book Volume 5914 Folio 918.	
(f) Talunga Park	The whole of the land described in Certificates of Title Register Book Volume 5555 Folio 5 and Volume 5768 Folio 33.	
(g) Tanunda Recreation Park	The whole of the land described in Certificate of Title Register Book Volume 5905 Folio 680.	
(h) Williamstown Queen Victoria Jubilee Recreation Ground	The whole of the land described in Certificate of Title Register Book Volume 5173 Folio 234.	
Central Oval	Crown Record Volume 6157 Folio 988	The Corporation of the City of Port Augusta
Clare Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5647 Folio 465 and Volume 5836 Folio 302.	Clare Racing Club Incorporated
Copper Coast recreation grounds—		District Council of Copper Coast
(a) Kadina Oval	Crown Record Volume 5577 Folio 516.	
(b) Recreation Centre	Crown Record Volume 5577 Folio 516.	
(c) Moonta Oval	The whole of the land described in Certificate of Title Register Book Volume 5429 Folio 547.	
(d) Moonta Gun Club	Crown Record Volume 5755 Folio 956.	
(e) Paskerville Recreation Ground	Crown Record Volume 5755 Folio 947.	
(f) Wallaroo Recreation Ground	Crown Record Volume 5756 Folio 457.	

Recreation Grounds Regulations 2011—15.12.2016

Schedule 1—Recreation grounds

Name of recreation ground	Description of land	Controlling body
Eagle Mountain Bike Park	The whole of the land described in Certificates of Title Register Book Volume 5949 Folio 563, Volume 5960 Folio 614.	Minister for Recreation, Sport and Racing
Elizabeth Oval	The whole of the land described in Crown Record Register Book Volume 5752 Folio 704.	City of Playford
Football Park	The whole of the land described in Certificates of Title Register Book Volume 5854 Folio 360, Volume 5178 Folio 136, Volume 6028 Folio 910, Volume 5216 Folio 81, Volume 5503 Folio 274 and Volume 5503 Folio 275.	The South Australian National Football League Incorporated
Gawler Racecourse	The whole of the land described in Certificate of Title Register Book Volume 6079 Folio 738.	Gawler & Barossa Racing Club Incorporated
Glenelg Oval	The whole of the land described in Certificate of Title Register Book Volume 5869 Folio 949.	City of Holdfast Bay
Heini Becker Park	The whole of the land described in Certificates of Title Register Book Volume 5191 Folio 911, Volume 5440 Folio 192.	Minister for Recreation, Sport and Racing
Hindmarsh Stadium	The whole of the land described in Certificates of Title Register Book Volume 6005 Folios 628, 629, 630 and 631.	Minister for Recreation, Sport and Racing
Kulpara Oval	Crown Record Volume 5755 Folio 684	District Council of Barunga West
Memorial Drive Tennis Club	That part of the North Park Lands at Adelaide leased by the Corporation of the City of Adelaide to Tennis SA Incorporated under and by virtue of Memorandum of Lease dated 1 July 1994 Part of the land in HP 106100 S 1626 Contained in Crown Record Register Book Volume 5452 Folio 85.	Tennis SA Incorporated
Mindarie-Halidon Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5441 Folio 25 and Volume 5567 Folio 895.	Mindarie-Halidon Racing Club Incorporated
Monarto Shooting Complex	The whole of the land described in Certificates of Title Register Book Volume 5475 Folio 272, Volume 5475 Folio 273, Volume 5483 Folio 490.	Monarto Shooting Complex Incorporated
Morphettville Racecourse	The whole of the land described in Certificate of Title Register Book Volume 6058 Folio 99.	South Australian Jockey Club Incorporated

15.12.2016—Recreation Grounds Regulations 2011

Recreation grounds—Schedule 1

Name of recreation ground	Description of land	Controlling body
Mortlock Park	The land shown as Mortlock Park in Land Titles Office Plan No. 3171, section 943 being portion of land described in Certificate of Title Register Book Volume 5740 Folio 140.	The City of Mitcham
Mount Gambier Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5969 Folio 43 and Volume 6080 Folio 207.	Mount Gambier Racing Club Incorporated
Murray Bridge Racecourse	The whole of the land described in Certificate of Title Register Book Volume 5160 Folio 281.	Murray Bridge Racing Club Incorporated
Noarlunga Downs Oval	The whole of the land described in Certificates of Title Register Book Volume 5333 Folio 159, Volume 5411 Folio 719 and Volume 5411 Folio 720.	The South Adelaide Football Club Incorporated
Norwood Oval	The whole of the land described in Certificates of Title Register Book Volume 5247 Folio 442, Volume 5416 Folio 398 and Volume 5416 Folio 588.	The Corporation of the City of Norwood Payneham & St Peters
Oakbank Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5604 Folio 537 and Volume 5905 Folio 715.	Oakbank Racing Club Incorporated
Office for Recreation and Sport (Kidman Park Playing Fields)	The whole of the land described in Certificate of Title Register Book Volume 5523 Folio 470.	Minister for Recreation, Sport and Racing
Pines Hockey Stadium	The whole of the land described in Certificate of Title Register Book Volume 5810 Folio 405.	South Australian Hockey Association Incorporated
Port Adelaide/Enfield recreation grounds—		City of Port Adelaide Enfield and Port Adelaide Football Club Ltd
(a) Alberton Oval	The whole of the land described in Certificates of Title Register Book Volume 5831 Folio 45, Volume 5831 Folio 46, Volume 5831 Folio 47, Volume 5553 Folio 489 and Volume 5553 Folio 490.	
(b) Eastern Parade Reserve	The whole of the land described in Certificate of Title Register Book Volume 5885 Folio 158.	
(c) John Hart Reserve	The whole of the land described in Certificate of Title Register Book Volume 5976 Folio 939.	
(d) Largs Reserve	The whole of the land described in Certificate of Title Register Book Volume 5932 Folio 851.	

Recreation Grounds Regulations 2011—15.12.2016

Schedule 1—Recreation grounds

Name of recreation ground	Description of land	Controlling body
Port Lincoln Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5931 Folio 262 and Volume 5931 Folio 263.	Port Lincoln Racing Club Incorporated
Prospect Oval	The whole of the land described in Certificate of Title Register Book Volume 5204 Folio 868.	The Corporation of the City of Prospect
Ramsay Park	The whole of the land described in Certificates of Title Register Book Volume 5570 Folio 631 and Volume 6051 Folio 358.	City of Playford
Richmond Oval	The whole of the land described in Certificate of Title Register Book Volume 5271 Folio 959.	The City of West Torrens
SA Aquatic & Leisure Centre	The whole of the land described in Certificates of Title Register Book Volume 5497 Folio 741, Volume 5610 Folio 705, Volume 5681 Folios 914, 915, 916 and 917, Volume 5707 Folio 672 and Volume 5880 Folios 720 and 721.	YMCA Aquatic and Event Services Limited
State Netball Centre	The whole of the land described in Certificate of Title Register Book Volume 5744 Folio 144.	South Australian Netball Association Incorporated
State Shooting Park	The whole of the land described in Certificates of Title Register Book Volume 5797 Folio 126, Volume 5845 Folio 68.	Minister for Recreation, Sport and Racing
Strathalbyn Racecourse	The whole of the land described in Certificate of Title Register Book Volume 5825 Folio 206.	Strathalbyn Racing Club Incorporated
Thebarton Oval	The whole of the land described in Certificate of Title Register Book Volume 5092 Folio 344 and portion of Volume 5436 Folio 231.	City of West Torrens
Unley Oval	The whole of the land described in Certificate of Title Register Book Volume 5831 Folio 139.	The Corporation of the City of Unley
Virginia Oval	The whole of the land described in Certificate of Title Register Book Volume 5916 Folio 58.	City of Playford
Whyalla recreation grounds—		The Corporation of the City of Whyalla
(a) Bennett Oval	Crown Record Volume 6018 Folio 798.	
(b) Centrals Oval	Crown Record Volume 6018 Folio 798.	
(c) Bradford Street Reserve	Crown Record Volume 5759 Folio 686.	
(d) Club Italico Soccer Grounds	Crown Record Volume 5754 Folio 342.	

15.12.2016—Recreation Grounds Regulations 2011

Recreation grounds—Schedule 1

Name of recreation ground	Description of land	Controlling body
(e) Dakalanta Park	Crown Record Volume 5917 Folio 33.	
(f) Jenkins Park	Crown Record Volume 5752 Folio 659.	
(g) Jubilee Park	Crown Record Volume 5754 Folio 342.	
(h) Magill Park	Crown Record Volume 5754 Folio 346.	
(i) Memorial Oval	Crown Record Volume 5752 Folio 626.	
(j) Ryan Reserve	Crown Record Volume 5752 Folio 734.	
(k) Schultz Reserve	Crown Record Volume 5646 Folio 894.	
(l) Stuart Park	Crown Record Volume 5754 Folio 342.	
(m) Swandel Park	Crown Record Volume 5753 Folio 979.	
(n) Tennis Courts	Crown Record Volume 5752 Folio 669.	
(o) Velodrome	Crown Record Volume 5975 Folio 392.	
(p) Civic Park	Crown Record Volume 5646 Folio 894.	
Women's Memorial Playing Fields	The whole of the land described in Certificate of Title Register Book Volume 5247 Folio 595.	South Australian Cricket Association Incorporated
Womma Park Rugby Oval	The whole of the land described in Certificate of Title Register Book Volume 5752 Folio 702.	City of Playford
Woodville recreation grounds—		City of Charles Sturt
(a) Frank Mitchell Park	The whole of the land described in Certificates of Title Register Book Volume 5552 Folio 577 and Volume 5690 Folio 340.	
(b) Woodville Oval	The whole of the land described in Certificate of Title Register Book Volume 5218 Folio 142.	

Recreation Grounds Regulations 2011—15.12.2016

Legislative history

Legislative history**Notes**

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Recreation Grounds Regulations 2011* revoked the following:

Recreation Grounds Regulations 1996

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2011	213	<i>Gazette 1.9.2011 p3942</i>	1.9.2011: r 2
2014	40	<i>Gazette 13.2.2014 p896</i>	17.3.2014: r 2
2016	284	<i>Gazette 15.12.2016 p5008</i>	15.12.2016: r 2

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	17.3.2014
Sch 1	varied by 40/2014 r 4 varied by 284/2016 r 4	17.3.2014 15.12.2016
Sch 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	17.3.2014

Historical versions

17.3.2014

Version: 2.12.2010

South Australia

Recreation Grounds (Regulations) Act 1931

An Act to enable the Governor to make regulations relating to recreation grounds and for purposes incidental thereto.

Contents

- 1 Short title
- 2 Interpretation
- 3 General regulations relating to recreation grounds

Legislative history

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Recreation Grounds (Regulations) Act 1931*.

2—Interpretation

In this Act, unless the context otherwise requires—

recreation ground means any enclosed area of land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any enclosed area of land contiguous thereto and used in connection therewith;

regulate includes prohibit.

3—General regulations relating to recreation grounds

- (1) The Governor may make any regulations necessary or convenient for any of the following purposes, namely:
 - (a) regulating the entry and egress of persons and vehicles into or out of any recreation ground or any enclosure or building thereon;
 - (b) securing that all persons who enter any recreation ground or any enclosure or building thereon shall pay the appropriate entrance fee and otherwise comply with the conditions of entry, and forbidding any act or transaction done or entered into with the intent that any person may avoid payment of the proper entrance fee or compliance with the conditions of entry;
 - (c) protecting any recreation ground (including all buildings, erections, chattels, shrubs, trees, and vegetation of any kind thereon) against damage, defilement, and disfigurement;

Recreation Grounds (Regulations) Act 1931—2.12.2010

- (d) securing orderly and decent behaviour on the part of all persons on, or in the vicinity of, a recreation ground and providing for the comfort and convenience of all such persons;
 - (e) regulating the sale and consumption of alcoholic liquor on any recreation ground and the sale of any other wares and commodities whatever on the said ground: Provided that any regulations relating to alcoholic liquor shall be in addition to and not in derogation of the provisions of the Acts relating to the supply of intoxicating liquor;
 - (f) regulating pedestrian and vehicular traffic on any recreation ground;
 - (g) regulating the entry of dogs into any recreation ground or any enclosure thereon and providing for the removal of dogs from the said ground;
 - (h) regulating smoking on any recreation ground or any enclosure thereon;
 - (i) empowering any member of the police force or any special constable to remove from any recreation ground any person guilty of any offence, and prohibiting the return of any person so removed;
 - (j) creating offences punishable summarily and prescribing penalties not exceeding \$5 000 for any such offence;
 - (k) prescribing expiation fees (not exceeding \$315) for alleged offences against the regulations.
- (2) Any regulation under this Act may apply to any recreation ground therein mentioned and may be extended by regulation to any other recreation ground, and it shall not be necessary that all regulations shall apply uniformly to the same recreation grounds.
- (3) Regulations under this Act shall not be made or extended so as to apply to any recreation ground unless the controlling body of that recreation ground has requested that the regulations shall be so made or extended.
- (4) Any regulation may be limited in its application to any part or parts of any recreation ground, and otherwise as to time, place, and circumstance.

2.12.2010—Recreation Grounds (Regulations) Act 1931
Legislative history

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1931	2010	<i>Recreation Grounds (Regulations) Act 1931</i>	17.9.1931	17.9.1931
1935	2246	<i>Statute Law Revision Act 1935</i>	19.12.1935	19.12.1935
1978	22	<i>Recreation Grounds (Regulations) Act 30.3.1978 Amendment Act 1978</i>	30.3.1978	30.3.1978
2010	25	<i>Recreation Grounds (Regulations) (Penalties) Amendment Act 2010</i>	2.12.2010	2.12.2010

Provisions amended since 3 February 1976

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 9 of The Public General Acts of South Australia 1837-1975 at page 329.

New entries appear in bold.

Provision	How varied	Commencement
s 3		
s 3(1)	amended by 22/1978 s 2	30.3.1978
	amended by 25/2010 s 3(1)—(3)	2.12.2010

Historical versions

Reprint No 1—15.11.1991

OFFICIAL**Recreation grounds to which the *Recreation Grounds Regulations 2011* apply
(listed by controlling body)****Adelaide Oval SMA Limited**

Adelaide Oval	The Adelaide Oval Core Area (within the meaning of the <i>Adelaide Oval Redevelopment and Management Act 2011</i>).
---------------	--

Royal Agricultural and Horticultural Society of South Australia Incorporated

Adelaide Showground	The whole of the land described in Certificate of Title Register Book Volume 5413 Folio 774.
---------------------	--

Minister for Recreation, Sport and Racing

Adelaide Super-Drome	The whole of the land described in Certificate of Title Register Book Volume 5810 Folio 404.
Athletics Stadium	The whole of the land described in Certificate of Title Register Book Volume 5983 Folio 203.
Eagle Mountain Bike Park	The whole of the land described in Certificates of Title Register Book Volume 5949 Folio 563, Volume 5960 Folio 614.
Heini Becker Park	The whole of the land described in Certificates of Title Register Book Volume 5191 Folio 911, Volume 5440 Folio 192.
Hindmarsh Stadium	The whole of the land described in Certificates of Title Register Book Volume 6005 Folios 628, 629, 630 and 631.
Office for Recreation and Sport (Kidman Park Playing Fields)	The whole of the land described in Certificate of Title Register Book Volume 5523 Folio 470.

Balaklava Racing Club Incorporated

Balaklava Racecourse	The whole of the land described in Certificate of Title Register Book Volume 6036 Folio 650.
----------------------	--

OFFICIAL**The Barossa Council**

Barossa recreation
grounds—

- | | |
|---|--|
| (a) Angas
Recreation Park | The whole of the land described in
Certificates of Title Register Book
Volume 5360 Folio 792,
Volume 5675 Folio 727,
Volume 5710 Folio 359,
Volume 5796 Folio 108 and
Volume 5830 Folio 592. |
| (b) Curdnatta
Recreation
Ground | The whole of the land described in
Certificate of Title Register Book
Volume 5725 Folio 628. |
| (c) Lyndoch
Recreation
Ground | The whole of the land described in
Certificates of Title Register Book
Volume 5677 Folios 209, 210
and 211. |
| (d) Moculta District
Recreation Park | The whole of the land described in
Certificate of Title Register Book
Volume 5411 Folio 858. |
| (e) Stockwell
Recreation Park | The whole of the land described in
Certificate of Title Register Book
Volume 5914 Folio 918. |
| (f) Talunga Park | The whole of the land described in
Certificates of Title Register Book
Volume 5555 Folio 5 and
Volume 5768 Folio 33. |
| (g) Tanunda
Recreation Park | The whole of the land described in
Certificate of Title Register Book
Volume 5905 Folio 680. |
| (h) Williamstown
Queen Victoria
Jubilee
Recreation
Ground | The whole of the land described in
Certificate of Title Register Book
Volume 5173 Folio 234. |

The Corporation of the City of Port Augusta

Central Oval	Crown Record Volume 6157 Folio 988
--------------	---------------------------------------

Clare Racing Club Incorporated

OFFICIAL

Clare Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5647 Folio 465 and Volume 5836 Folio 302.
------------------	--

District Council of Copper Coast

Copper Coast recreation
grounds—

- | | |
|---|--|
| (a) Kadina Oval | Crown Record Volume 5577
Folio 516. |
| (b) Recreation
Centre | Crown Record Volume 5577
Folio 516. |
| (c) Moonta Oval | The whole of the land described in
Certificate of Title Register Book
Volume 5429 Folio 547. |
| (d) Moonta Gun Club | Crown Record Volume 5755
Folio 956. |
| (e) Paskerville
Recreation
Ground | Crown Record Volume 5755
Folio 947. |
| (f) Wallaroo
Recreation
Ground | Crown Record Volume 5756
Folio 457. |

City of Playford

Elizabeth Oval	The whole of the land described in Crown Record Register Book Volume 5752 Folio 704.
Ramsay Park	The whole of the land described in Certificates of Title Register Book Volume 5570 Folio 631 and Volume 6051 Folio 358.
Virginia Oval	The whole of the land described in Certificate of Title Register Book Volume 5916 Folio 58.
Womma Park Rugby Oval	The whole of the land described in Certificate of Title Register Book Volume 5752 Folio 702.

The South Australian National Football League Incorporated

OFFICIAL

Football Park	The whole of the land described in Certificates of Title Register Book Volume 5854 Folio 360, Volume 5178 Folio 136, Volume 6028 Folio 910, Volume 5216 Folio 81, Volume 5503 Folio 274 and Volume 5503 Folio 275.
---------------	---

Gawler & Barossa Racing Club Incorporated

Gawler Racecourse	The whole of the land described in Certificate of Title Register Book Volume 6079 Folio 738.
-------------------	--

City of Holdfast Bay

Glenelg Oval	The whole of the land described in Certificate of Title Register Book Volume 5869 Folio 949.
--------------	--

District Council of Barunga West

Kulpara Oval	Crown Record Volume 5755 Folio 684
--------------	---------------------------------------

Tennis SA Incorporated

Memorial Drive Tennis Club	That part of the North Park Lands at Adelaide leased by the Corporation of the City of Adelaide to Tennis SA Incorporated under and by virtue of Memorandum of Lease dated 1 July 1994 Part of the land in HP 106100 S 1626 Contained in Crown Record Register Book Volume 5452 Folio 85.
----------------------------	--

Mindarie-Halidon Racing Club Incorporated

Mindarie-Halidon Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5441 Folio 25 and Volume 5567 Folio 895.
-----------------------------	---

Monarto Shooting Complex Incorporated

OFFICIAL

Monarto Shooting Complex	The whole of the land described in Certificates of Title Register Book Volume 5475 Folio 272, Volume 5475 Folio 273, Volume 5483 Folio 490.
--------------------------	---

South Australian Jockey Club Incorporated

Morphettville Racecourse	The whole of the land described in Certificate of Title Register Book Volume 6058 Folio 99.
--------------------------	---

The City of Mitcham

Mortlock Park	The land shown as Mortlock Park in Land Titles Office Plan No. 3171, section 943 being portion of land described in Certificate of Title Register Book Volume 5740 Folio 140.
---------------	---

Mount Gambier Racing Club Incorporated

Mount Gambier Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5969 Folio 43 and Volume 6080 Folio 207.
--------------------------	--

Murray Bridge Racing Club Incorporated

Murray Bridge Racecourse	The whole of the land described in Certificate of Title Register Book Volume 5160 Folio 281.
--------------------------	--

The South Adelaide Football Club Incorporated

Noarlunga Downs Oval	The whole of the land described in Certificates of Title Register Book Volume 5333 Folio 159, Volume 5411 Folio 719 and Volume 5411 Folio 720.
----------------------	--

The Corporation of the City of Norwood Payneham & St Peters

OFFICIAL

Norwood Oval	The whole of the land described in Certificates of Title Register Book Volume 5247 Folio 442, Volume 5416 Folio 398 and Volume 5416 Folio 588.
--------------	--

Oakbank Racing Club Incorporated

Oakbank Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5604 Folio 537 and Volume 5905 Folio 715.
--------------------	--

South Australian Hockey Association Incorporated

Pines Hockey Stadium	The whole of the land described in Certificate of Title Register Book Volume 5810 Folio 405.
----------------------	--

City of Port Adelaide Enfield and Port Adelaide Football Club Ltd

Port Adelaide/Enfield
recreation grounds—

- | | |
|----------------------------|---|
| (a) Alberton Oval | The whole of the land described in
Certificates of Title Register Book
Volume 5831 Folio 45,
Volume 5831 Folio 46,
Volume 5831 Folio 47,
Volume 5553 Folio 489 and
Volume 5553 Folio 490. |
| (b) Eastern Parade Reserve | The whole of the land described in
Certificate of Title Register Book
Volume 5885 Folio 158. |
| (c) John Hart Reserve | The whole of the land described in
Certificate of Title Register Book
Volume 5976 Folio 939. |
| (d) Largs Reserve | The whole of the land described in
Certificate of Title Register Book
Volume 5932 Folio 851. |

Port Lincoln Racing Club Incorporated

Port Lincoln Racecourse	The whole of the land described in Certificates of Title Register Book Volume 5931 Folio 262 and Volume 5931 Folio 263.
-------------------------	--

OFFICIAL**The Corporation of the City of Prospect**

Prospect Oval	The whole of the land described in Certificate of Title Register Book Volume 5204 Folio 868.
---------------	--

The City of West Torrens / City of West Torrens

Richmond Oval	The whole of the land described in Certificate of Title Register Book Volume 5271 Folio 959.
Thebarton Oval	The whole of the land described in Certificate of Title Register Book Volume 5092 Folio 344 and portion of Volume 5436 Folio 231.

YMCA Aquatic and Event Services Limited

SA Aquatic & Leisure Centre	The whole of the land described in Certificates of Title Register Book Volume 5497 Folio 741, Volume 5610 Folio 705, Volume 5681 Folios 914, 915, 916 and 917, Volume 5707 Folio 672 and Volume 5880 Folios 720 and 721.
-----------------------------	--

South Australian Netball Association Incorporated

State Netball Centre	The whole of the land described in Certificate of Title Register Book Volume 5744 Folio 144.
----------------------	--

Strathalbyn Racing Club Incorporated

Strathalbyn Racecourse	The whole of the land described in Certificate of Title Register Book Volume 5825 Folio 206.
------------------------	--

The Corporation of the City of Unley

Unley Oval	The whole of the land described in Certificate of Title Register Book Volume 5831 Folio 139.
------------	--

The Corporation of the City of Whyalla

OFFICIAL

Whyalla recreation grounds—

- | | |
|---------------------------------|--|
| (a) Bennett Oval | Crown Record Volume 6018
Folio 798. |
| (b) Centrals Oval | Crown Record Volume 6018
Folio 798. |
| (c) Bradford Street Reserve | Crown Record Volume 5759
Folio 686. |
| (d) Club Italico Soccer Grounds | Crown Record Volume 5754
Folio 342. |
| (e) Dakalanta Park | Crown Record Volume 5917
Folio 33. |
| (f) Jenkins Park | Crown Record Volume 5752
Folio 659. |
| (g) Jubilee Park | Crown Record Volume 5754
Folio 342. |
| (h) Magill Park | Crown Record Volume 5754
Folio 346. |
| (i) Memorial Oval | Crown Record Volume 5752
Folio 626. |
| (j) Ryan Reserve | Crown Record Volume 5752
Folio 734. |
| (k) Schultz Reserve | Crown Record Volume 5646
Folio 894. |
| (l) Stuart Park | Crown Record Volume 5754
Folio 342. |
| (m) Swandel Park | Crown Record Volume 5753
Folio 979. |
| (n) Tennis Courts | Crown Record Volume 5752
Folio 669. |
| (o) Velodrome | Crown Record Volume 5975
Folio 392. |
| (p) Civic Park | Crown Record Volume 5646
Folio 894. |

South Australian Cricket Association Incorporated

Women's Memorial Playing Fields	The whole of the land described in Certificate of Title Register Book Volume 5247 Folio 595.
------------------------------------	--

City of Charles Sturt

OFFICIAL

Woodville recreation
grounds—

- | | |
|----------------------------|--|
| (a) Frank Mitchell
Park | The whole of the land described in
Certificates of Title Register Book
Volume 5552 Folio 577 and
Volume 5690 Folio 340. |
| (b) Woodville Oval | The whole of the land described in
Certificate of Title Register Book
Volume 5218 Folio 142. |

MATTERS FOR INFORMATION

6.10 ANNUAL ROADSIDE WORKPLAN - NORTHERN & YORKE LANDSCAPE BOARD

Author: Team Leader Environmental Services
26/47501

The annual Northern & Yorke Landscape Board Roadside Workplan 2026/2027 has been finalised and is attached for your information. The budget allocation for our region is \$15k and focuses on controlling declared weeds on our rural roadsides with high value biodiversity and/or to protect agricultural assets. The priority weed species include Olive, Blackberry, Gorse, Dog rose, Cape broom, Desert Ash, Boneseed, Bulbil watsonia, Cape Tulip, Gazania, Khaki weed, Skeleton weed, Bathurst Burr and Caltrop.

Development of this Workplan is a collaboration between the Northern & Yorke Landscape Officers and Council's Environment team working together to identify the priority sites and aligns with the Northern & Yorke Landscape Boards' regional priorities and focus areas within the region. Additional funds are allocated throughout the financial year as required in response to complaints and new weed incursions. Council's weed control program complements this work with our focus on reducing weed threats in our watercourses.

Expenditure on Council's roadside and watercourse weeds for the 2025/2026 was \$77405 total. The breakdown was as follows:

Northern & Yorke Landscape Board Roadside Workplan	\$15000	As per plan
Northern & Yorke (additional funds)	\$13506	New weed incursions, Railway corridor
The Barossa Council	\$44447	Includes Altona CSR Landcare Reserve; Trees for Life Bush for Life sites; watercourses; priority sites including Jutland Water Reserve, Tanunda Callitris Heritage Agreement sites
Native Vegetation Heritage Agreement grant (2024-2026)	\$1500	Jutland Water Reserve
Forestry SA	\$2952	Declared weeds on roads adjacent Forestry SA sites

Over the past couple of years there has been investment to control several 'new' weed incursions including Fountain grass (*Cenchrus setaceus*), African lovegrass (*Eragrostis curvula*), Tree heath (*Erica sp.*) and Cobblers Peg (*Bidens pilosa*). Whilst Tree heath and Cobblers peg are not regulated under the *Landscape South Australia Act (2019)*, they have been included in the workplan due to the small number of localised populations in our District. Prevention of entry is the most cost-effective form

of weed control, however eradication of a new introduction is regarded as good value.

For several years the Northern & Yorke Landscape Board have been collecting and releasing biocontrol on Council roadsides for some of the weeds including:

- *Opuntia* species - Cochineal (*Dactylopius sp.*) bug
- Horehound (*Marrubium vulgare*) – plume moth
- Salvation Jane (*Echium plantagineum*) – crown weevil

The Cochineal bug has been quite successful in the cactus control along the Angaston-Nuriootpa section of the bike track (Figure 1):



Figure 1.

ATTACHMENTS

Attachment 1 Northern & Yorke Landscape Board - The Barossa Council Roadside workplan 2026-27 FINAL [↓](#) 

SUPPORTING REFERENCES

Nil.

OFFICIAL

The Barossa Council roadside site plan

(2026 - 2027)

This document describes the proposed scope of work for your project with the Northern and Yorke Landscape Board (the board). Board funding for all components of this project will be subject to the availability of funds in the financial year for which they have been approved.

SECTION 1: SITE PLAN DETAILS

Council details	
Council name	The Barossa Council
Contact person	Kim Thomson
Telephone	0476 781 936
Email	kthompson@barossa.sa.gov.au
Postal address	The Barossa Council, PO Box 867, NURIOOTPA SA 5355
Northern and Yorke details	
Officer name(s)	Philippa Wilkinson
Telephone(s)	Philippa.wilkinson2@sa.gov.au
Email(s)	0472 688 834
Postal address	Unit 1, 4 Seventh Street, Gawler South SA 5118
Project summary	
The <i>Landscape South Australia Act 2019</i> sets out the requirements for the control of pest animals and plants, requiring landowners to take the lead in managing declared pests, with support and assistance from the Northern and Yorke Landscape Board. Controlling existing pest species while minimising the risk of new pest threats is critical for reducing impacts to agricultural productivity, biodiversity and human health. The Landscape levy helps to fund the delivery of the Northern and Yorke Landscape Board's (the Board) plan. A key priority of the Board's plan is to support local communities and landowners to be directly responsible for sustainably managing their region's landscapes with an emphasis on pest plant and animal control. The Board's Landscape officers are encouraged to build on and enhance the existing collaboration with the region's Councils to deliver the levy funded Roadside Weed Control Program.	

OFFICIAL

OFFICIAL

Site description

Roadside reserves are an important feature of our road network and they often contain important, and in some cases the only, remnant native vegetation in an area. Road reserves can also be a vector for the spread of introduced plants.

The weed threats within these reserves are assessed and ranked based on asset protection as well as the weed profile. For example, an area containing an endangered native plant species may receive control work for all declared weed species present. In contrast, emerging weeds with high invasive potential but low distribution and density, may be targeted to prevent further spread regardless of the quality of the native vegetation that it is in.

Weed control works will be undertaken with a focus on bushcare in high value vegetation and targeted spot spraying may be undertaken in appropriate situations. On arterial roads, debris is to be either chipped or removed off site and this will be included in the allocated funding.

Roadsides deemed as a priority for The Barossa Council for the 2026-2027 Roadside Weed Control Program are;

Trig Point Hill Road, Flaxman's Valley Road, Rocky Road (Prioritise last), **Angaston**; Trial Hill Road, C Rogers Road, **Flaxman Valley**:

- **Skeleton weed** (*Chondrilla juncea*)

Mount Road, Canham Road, Altmann Road, Blackwood Road, Peek Road, **Cromer**; Para Wirra Road, Goldfields Road, **Barossa Goldfields**:

- **Cape tulip** (*Moraea sp.*)
- **Bulbil watsonia** (*Watsonia meriana* var. *bulbillifera*)

Cookes Hill Road, Church Road, **Springton**, Cranes Range Road, Craneford Road, C.Rogers Road, Corryton Park Road, High Eden Road, **Flaxman Valley**:

- **Cape tulip** (*Moraea sp.*)

Allendale Rd, Para Wirra Road, Green Gully Road, **Barossa Goldfields**:

- **Boneseed** (*Chrysanthemoides monilifera*)
- **Cape broom** (*Genista monspessulana*)
- **Dog rose** (*Rosa canina*)
- **Wild olive** (*Olea europaea*)

Stockwell Road, **Angaston**

- **Cobblers Peg** (*Bidens Pilosa*)

OFFICIAL

OFFICIAL

Cricks Mill Road, Canham Road, Blackwood Road, Peek Road, Running Postman Road, Warren Road (Prioritise this road last), **Cromer:**

- **Blackberry** (*Rubus fruticosus*)
- **Cape broom** (*Genista monspessulana*)
- **Desert ash** (*Fraxinus angustifolia*)
- **Dog rose** (*Rosa canina*)
- **English broom** (*Cytisus scoparius*)
- **Gorse** (*Ulex europaeus*)
- **Sweet briar** (*Rosa rubiginosa*)
- **Tagasaste** (*Cytisus proliferus*)
- **Wild olive** (*Olea europaea*)

Steingarten Road, Hermann Thumm Drive, **Rowland Flat**; Light Pass Road, Stockwell Road, Menge Road, Balmoral Rd, Diagonal Road, Siegersdorf Road, Vine Vale Road, Magnolia Road, Angaston Road, Penrice Road, Research Road, Kalimna Road, and Crennis Mines Road, Hurns Road, Bethany Road, Lyndoch Railway Intersection Gilbert St **Barossa Valley**; Concordia Road, Teusner Road, Fennessey Road, Bergen Road, Springbett Road, Rosedale Road, Martin Road, McCallum Road, **Concordia:**

- **Bathurst burr** (*Xanthium spinosum*)
- **Caltrop** (*Tribulus terrestris*)
- **Innocent weed** (*Cenchrus longispinus* and *Cenchrus spinifex*)
- **Khaki weed** (*Alternanthera pungens*)
- **Silverleaf nightshade** (*Solanum elaeagnifolium*)

Basdow Rd and Light Pass Road, **Sandy Creek**

- **Fountain grass** (*Cenchrus setaceus*)

Kakatoe Crescent, **Sandy Creek:**

- **Fountain grass** (*Cenchrus setaceus*)

Eden Valley Road, **Eden Valley:**

- **African lovegrass** (*Eragrostis curvula*)

Angaston Rd, Light Pass Road, **Nuriootpa:**

- **African lovegrass** (*Eragrostis curvula*)

OFFICIAL

OFFICIAL

Project objectives

Roadside corridors are a major vector for weed dispersal due to the potential for the transport of material on vehicles and the active movement of soil during road maintenance – road surface grading, for example. Consequently, roadside and road reserve weed control plays an important role in preventing new incursions and limiting the spread of weeds throughout the Northern and Yorke region. Northern and Yorke Landscape Officers inspect roadsides within each Council area to ensure there are no new emerging weeds, prioritise weeds for control and ensure all landholders are compliant under the *Landscape South Australia Act 2019* (the Act).

The Barossa Council area has rich native vegetation diversity on the roadsides and the focus is protecting the assets in the region particularly the protected areas of Para Wirra Conservation Park, Para Woodlands and the Native Forests managed by SA Water and Forestry SA. The funding will continue to buffer the roadsides leading to the protected areas from invasive species.

The Roadside Weed Control Program aligns with the regional priorities and focus areas within the Northern and Yorke Landscape plan. The program contributes to the following Northern and Yorke Landscape Plan actions for success:

- Control of priority weeds and feral animals is facilitated through delivery of collaborative programs and projects.
- Targeted control programs and compliance activities are implemented
- Improved landscape management of pest plants and animals is achieved in collaboration with land manager networks.

OFFICIAL

OFFICIAL

SECTION 2: WORK TO BE UNDERTAKEN

Weeds and roadsides to be controlled		Responsible party	Timing	Landscape board	Contribution (ex GST) Council
Trig Point Hill Road, Flaxman's Valley Road, Rocky Road (Prioritise last), Angaston ; Trial Hill Road, C Rogers Road, Flaxman Valley :		Landscape Board	Aug – Sept 2026	\$1000	\$0
Skeleton weed (<i>Chondrilla juncea</i>)					
Skeleton weed: Control via spot spraying using Dicamba (500g/L) at a rate of 5ml/L + Metsulfuron-Methyl (600g/kg) at a rate of 0.05g/L + surfactant					
*Supply with GPS points					
Mount Road, Canham Road, Altmann Road, Blackwood Road, Peek Road, Cromer ; Para Wirra Road, Goldfields Road, Barossa Goldfields :		Landscape Board	Aug – Sept 2026	\$2,000	\$0
Cape tulip (<i>Moraea sp.</i>) Bulbil watsonia (<i>Watsonia meriana</i> var. <i>bulbillifera</i>)					
Cape tulip and bulbil watsonia: Control using bushcare techniques, including wiping with the 'tongs of death' OR careful spot spray with glyphosate (450g/L) at a rate of 800ml/100L and metsulfuron methyl (600g/kg) at a rate of 1g/100L					
Cokes Hill Road, Church Road, Springton , Cranes Range Road, Craneford Road, C.Rogers Road, Corryton Park Road, High Eden Road, Flaxman Valley :		Landscape Board	Aug – Sept 2026	\$1,000	\$0
Cape tulip (<i>Moraea sp.</i>)					

OFFICIAL

OFFICIAL

Cape tulip: Control using bushcare techniques, including wiping with the 'tongs of death' **OR** careful spot spray with glyphosate (450g/L) at a rate of 800ml/100L **and** metsulfuron methyl (600g/kg) at a rate of 1g/100L

Para Wirra Road, Green Gully Road, Barossa Goldfields:	Landscape board	Sep – Nov 2026	\$1,500	\$0
• Boneseed (<i>Chrysanthemoides monilifera</i>) • Cape broom (<i>Genista monspessulana</i>) • Dog rose (<i>Rosa canina</i>) • Wild olive (<i>Olea europaea</i>)				

Allendale Rd, **Barossa Goldfields**

- **Bone seed** (*Chrysanthemoides monilifera*)
- **Wild olive** (*Olea europaea*)

Boneseed and cape broom Hand pull seedlings **OR** cut and swab with Vigilant II undiluted gel

Dog rose and wild olive: Control via cut stump with Vigilant II undiluted gel **OR** basal bark with triclopyr (600g/L) at a rate of 1L/30L with biosafe **OR** drill and fill with neat glyphosate for larger trees or trees amongst sensitive vegetation.

Cricks Mill Road, Canham Road, Blackwood Road, Peek Road, Running Postman Road, Warren Road (Prioritise this road last), Cromer:	Landscape board	Sep 2026 – Dec 2026	\$3,000	\$0
---	-----------------	------------------------	---------	-----

- **Blackberry** (*Rubus fruticosus*)
- **Cape broom** (*Genista monspessulana*)
- **Desert ash** (*Fraxinus angustifolia*)
- **Dog rose** (*Rosa canina*)
- **English broom** (*Cytisus scoparius*)
- **Gorse** (*Ulex europaeus*)
- **Sweet briar** (*Rosa rubiginosa*)
- **Tagasaste** (*Cytisus proliferus*)

OFFICIAL

OFFICIAL

- **Wild olive** (*Olea europaea*)

Blackberry, cape broom, desert ash, dog rose, English broom, gorse, sweet briar, tagasaste and wild olive: Control via cut stump with Vigilant II undiluted gel **OR** basal bark with triclopyr (600g/L) at a rate of 1L/30L with biosafe **OR** drill and fill with neat glyphosate for larger trees or trees amongst sensitive vegetation.

Steingarten Road, Hermann Thumm Drive, Rowland Flat; Light Pass Road, Stockwell Road, Menge Road, Balmoral Rd, Diagonal Road, Siegersdorf Road, Vine Vale Road, Magnolia Road, Angaston Road, Penrice Road, Research Road, Kalimna Road, and Crennis Mines Road, Hurns Road, Bethany Road, Lyndoch Railway intersection Gilbert St **Barossa Valley**; Concordia Road, Teusner Road, Fennessey Road, Bergen Road, Springbett Road, Rosedale Road, Martin Road, McCallum Road, **Concordia**:

- **Bathurst burr** (*Xanthium spinosum*)
- **Caltrop** (*Tribulus terrestris*)
- **Innocent weed** (*Cenchrus longispinus* and *Cenchrus spinifex*)
- **Khaki weed** (*Alternanthera pungens*)
- **Silverleaf nightshade** (*Solanum elaeagnifolium*)

Bathurst burr, caltrop, innocent weed, khaki weed & silverleaf nightshade: Spot spray with glyphosate (450g/L) at a rate of 1L/100L. Add an organosilicone penetrant.

* **Red lines/ underlined roads are a priority**

Stockwell Road, **Angaston**

- **Cobblers Peg** (*Bidens Pilosa*)

Spot spray with Glyphosate Biactive (360g/L) at an application rate of 1L/100L

MUST TAKE CARE AROUND VINEYARDS AND WATERCOURSE
Barossa Council to carry out follow up control

Landscape board
Nov 2026 –
Mar 2027
\$5,000
\$0

Landscape Board
July-October
2026
\$500
\$0

Barossa Council
September -
November
2026
\$1000

OFFICIAL

OFFICIAL

Kakatoe Crescent, Sandy Creek: Corner of Basdows Rd and Light Pass Rd, BETHANY	Landscape Board	Jan – Mar 2027	\$1,000	\$0
• Fountain grass (<i>Cenchrus setaceus</i>)				
Eden Valley Road, Eden Valley:				
• African lovegrass (<i>Eragrostis curvula</i>)				
Angaston Rd, Light Pass Road, Nuriootpa:				
• African lovegrass (<i>Eragrostis curvula</i>)				
African lovegrass and fountain grass: Control via spot spraying using flupropanate (750g/L) at a rate of 300ml/100L and glyphosate (450g/L) at a rate of 260ml/100L. add pine oil and do halo spray please.				

Barossa Council Contribution: The Barossa Council will provide contractor and in-kind contributions to controlling Caltrop, Khaki Weed and Innocent Weed through the Council regions within townships and Council Reserves of known sites and in response to community reports. In addition, the Council will continue to control woody weeds across the region, adding value to the Northern & Yorke Landscape Boards contributions, focusing on high value biodiversity areas including our Council Road Marker sites (blue markers) and properties under a Conservation Heritage Agreement. Furthermore, budget is allocated to Reserves and Watercourses within the North & South Para rivers and their tributaries, and this work focuses on controlling and/or removing Ash, Broom, Blackberry, Boneseed, Dog rose, Gorse, Hawthorn, Spiny rush and Olives. Where possible, Council will continue to work collaboratively with the Northern & Yorke Landscape Board in increasing landholder understanding, knowledge and capacity to control their own weeds, particularly in areas where investment is being made.	The Barossa Council	July 2026 – June 2027	\$0	\$20,000
			Total contribution (ex. GST)	
			\$15,000	\$20,000

OFFICIAL

OFFICIAL

Total project value (ex GST)	\$ 35,000
------------------------------	-----------

Please note:

- When using recommended herbicides you should always follow all label precautions. Be very careful to avoid damage to native vegetation and avoid any situation where runoff could carry the herbicide into a watercourse.

OFFICIAL

OFFICIAL

SECTION 3: TERMS AND CONDITIONS

Standard conditions of receiving landscape board funding

The Northern and Yorke Landscape Board (the board) invests public money in environmental projects undertaken by landholders and the community that contribute to the priorities in the Northern and Yorke regional landscape plan. For this reason, the board is required to ensure that its investment is secure. To achieve this, the board places the following conditions on landholders receiving board assistance through this site plan:

- This plan sets out the pest plant and animal management tasks to be undertaken by the board on road reserves with the named council area.
- This plan shall come into force on the date of signing. It shall, unless extended by mutual consent, conclude on 30th June of the financial year of the planned works are to occur or when :
 - An alternative work plan is agreed upon to supersede this work plan, or
 - Upon the mutual agreement of the partieswhichever is the first to occur.
- Any major variation to activities or contributions in Section 2 will require agreement by all signatories. The plan must be amended to reflect the variation and be resigned by all signatories.
- All parties agree to resolve any dispute by mutual consent. If this is not possible the dispute will be escalated to a higher supervisory level for resolution.
- The format and content of any press release, marketing or communications prepared to promote the pest plant and animal control works set out under this plan shall be agreed upon between the parties. The board shall be prominently branded on all externally published documents or media releases.

OFFICIAL

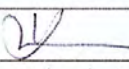
OFFICIAL

SECTION 4: ACCEPTANCE OF SITE PLAN

By signing as the representative for a contributor to this project I/we:

- Accept the purpose of project,
- Agree with the objectives of the project,
- Agree to undertake the tasks listed as being the responsibility of the landscape board / landholder,
- Acknowledge that I / we have also read the "Terms and conditions" as outlined in Section 3 above.

Signed for and on behalf of The Barossa Council

Name	Kim Thompson
Position	Senior Environmental Officer
Signature	
Date	2/7/26

Signed for and on behalf of the Northern and Yorke Board

Name	Paul O'Leary
Position	Landscape Operations and Compliance Manager
Signature	
Date	

OFFICIAL

OFFICIAL

Skeleton weed - Angaston



OFFICIAL

OFFICIAL

Blackberry_Ash_Gorse_Briar - Cromer



OFFICIAL

OFFICIAL

Cape Tulip and Watsonia - Barossa Goldfields



OFFICIAL

OFFICIAL



OFFICIAL

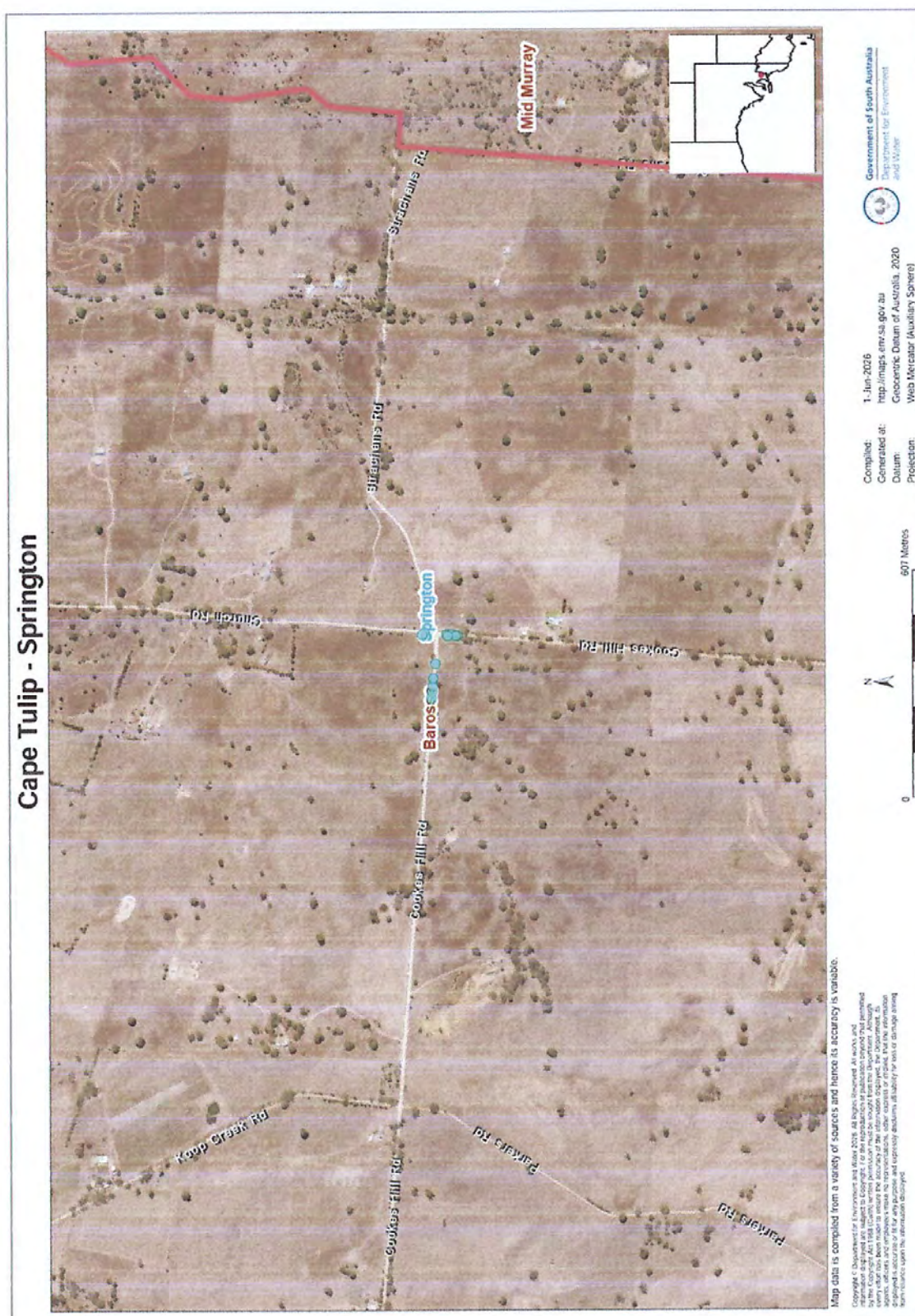
OFFICIAL



OFFICIAL

OFFICIAL

Cape Tulip - Springton



OFFICIAL

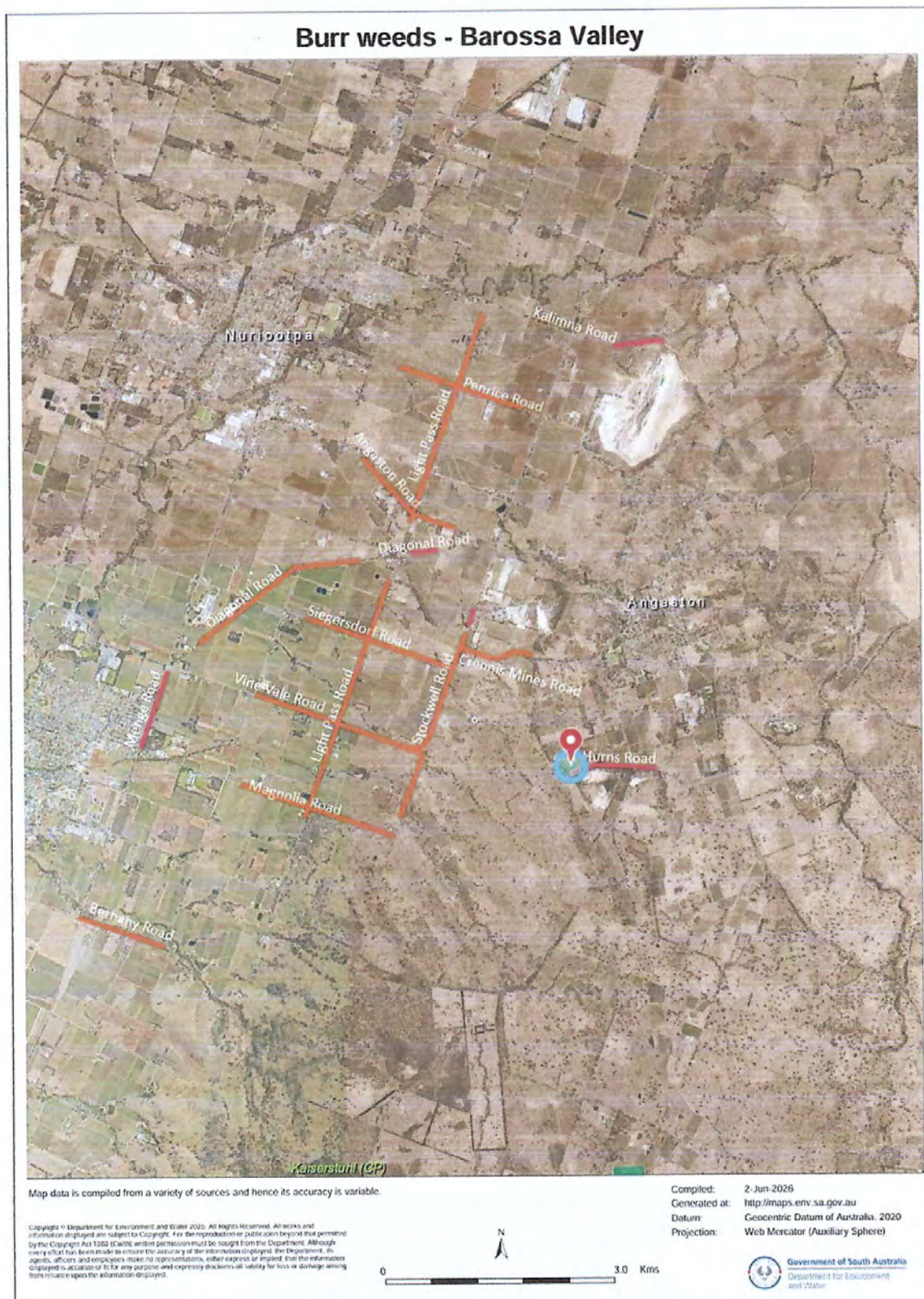
OFFICIAL

Burr weeds - Concordia



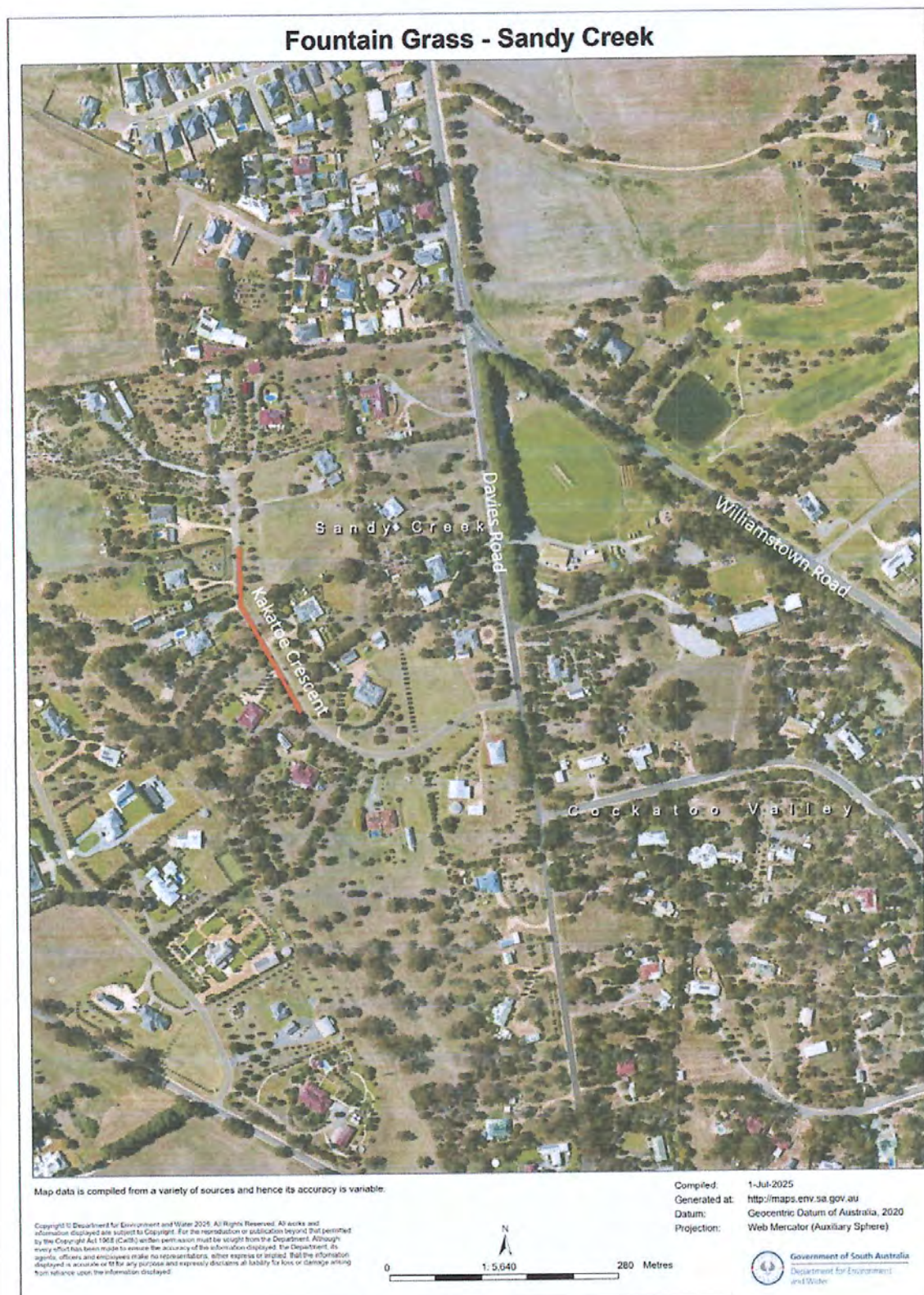
OFFICIAL

OFFICIAL



OFFICIAL

OFFICIAL



OFFICIAL

OFFICIAL

African lovegrass - Eden Valley



OFFICIAL

OFFICIAL

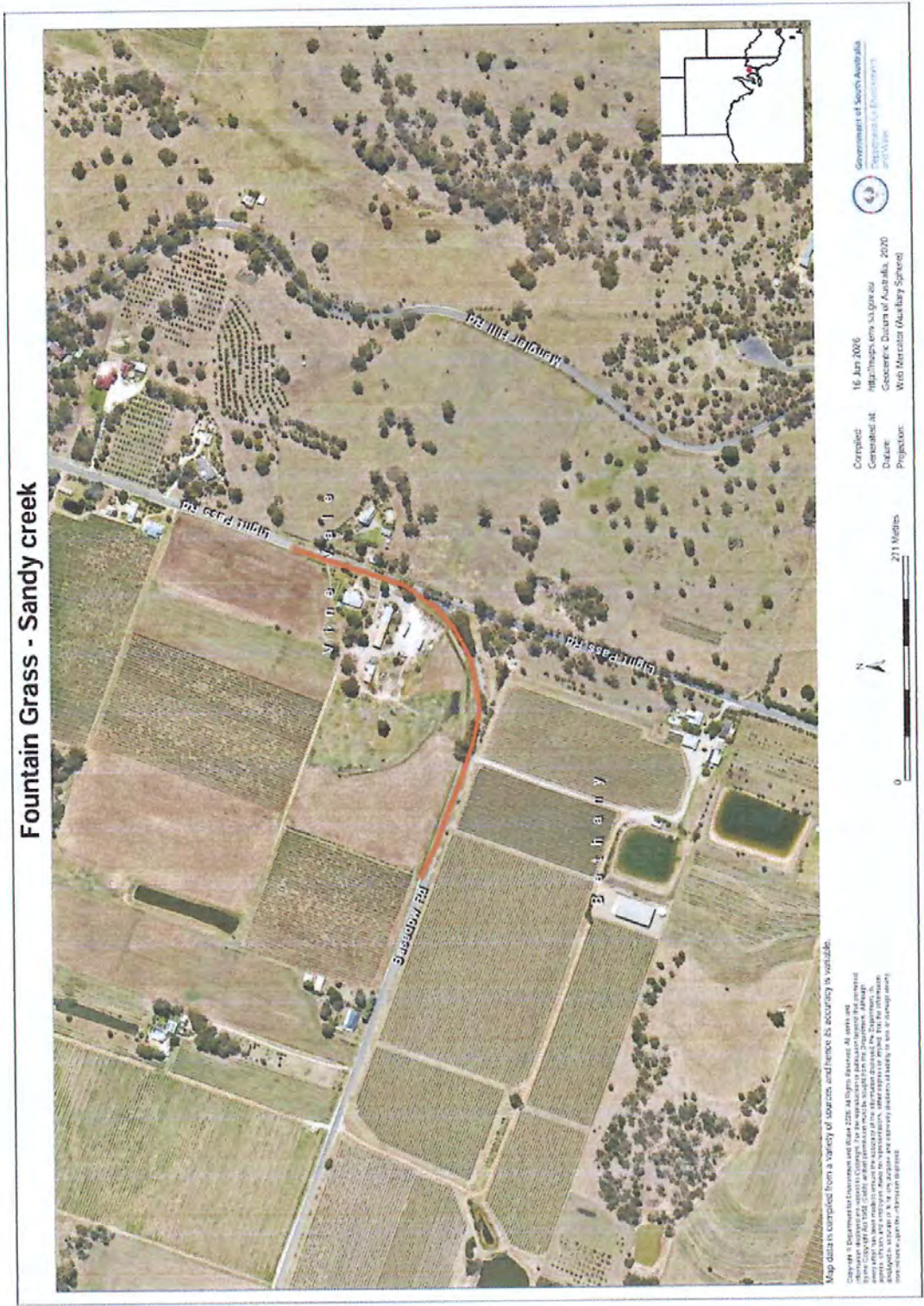
African lovegrass - Angaston



OFFICIAL

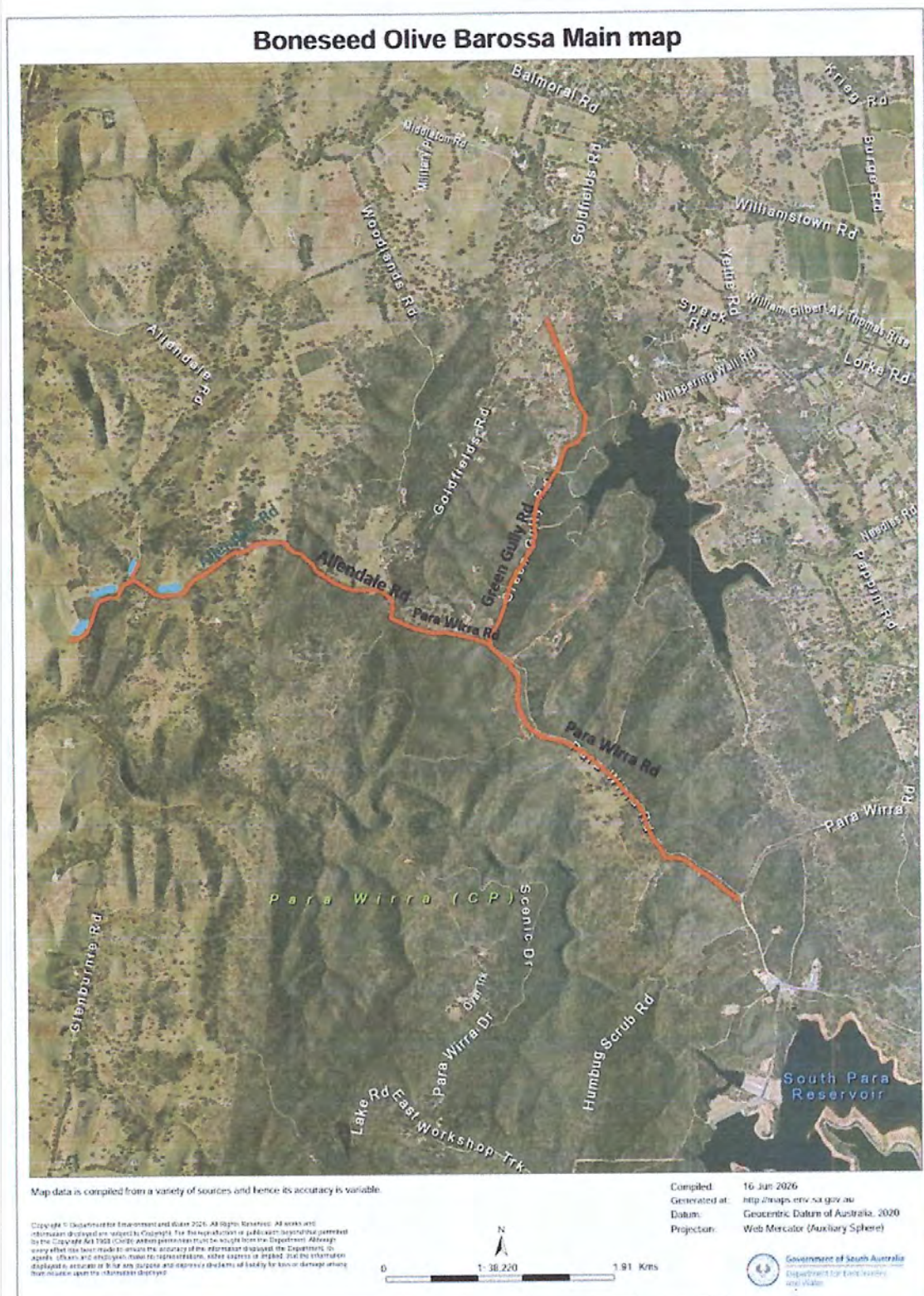
OFFICIAL

Fountain Grass - Sandy creek



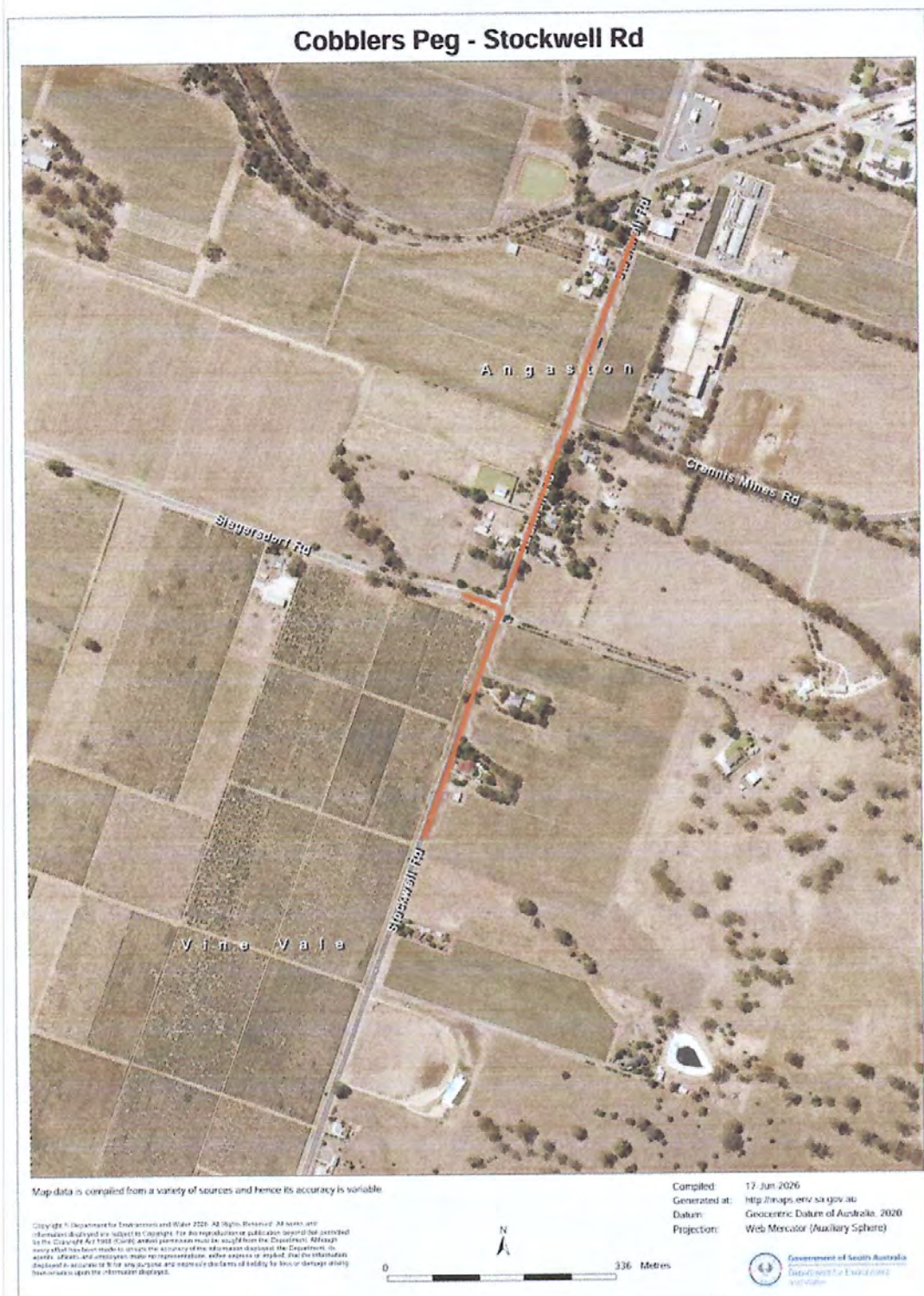
OFFICIAL

OFFICIAL



OFFICIAL

OFFICIAL



OFFICIAL

MATTERS FOR INFORMATION

6.11 CALL FOR NOMINATIONS FOR THE SOUTH AUSTRALIAN REGIONAL ORGANISATION OF COUNCILS (SAROC)

Author: Manager Governance and OMCEO
26/48275

The terms of the current members of the South Australian Regional Organisation of Councils (SAROC) expire at the 2026 LGA Annual General Meeting (AGM). LGA hereby calls for nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on SAROC (twelve positions in total). These positions will commence office from the conclusion of the 2026 LGA Annual General Meeting and will remain in office until the conclusion of the 2028 AGM.

A nomination form for the position of member of SAROC is attached and must be received by LGA's CEO, following a resolution of council, by no later than 5pm Tuesday 1 September 2026. Late nominations will not be accepted.

ATTACHMENTS

- Attachment 1 2026 LGA Elections - Call for SAROC nominations - Barossa [!\[\]\(97faa0168e491544be255cfcab218e9b_img.jpg\)](#) 
Attachment 2 South Australian Regional Organisation of Councils (SAROC)
Nomination Form 2026 [!\[\]\(b29da0f81af7d31816596405aed0e378_img.jpg\)](#) 

SUPPORTING REFERENCES

Nil

**Helping local government
build stronger communities.**

Our reference: ECM 873858 MD

9 July 2026

Mr Martin McCarthy
Chief Executive Officer
The Barossa Council
Emailed: mmccarthy@barossa.sa.gov.au

Dear Martin

Call for Nominations for SAROC Members – “Group B” Regional Grouping

The terms of the current members of the South Australian Regional Organisation of Councils (SAROC) expire at the 2026 LGA Annual General Meeting (AGM). LGA hereby calls for nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on SAROC (twelve positions in total). These positions will commence office from the conclusion of the 2026 LGA Annual General Meeting and will remain in office until the conclusion of the 2028 AGM.

A nomination form for the position of member of SAROC is attached and must be received by LGA's CEO, following a resolution of your council, by no later than **5pm Tuesday 1 September 2026**. Late nominations will not be accepted.

There are six (6) SAROC Regional Groupings. Membership of SAROC comprises two eligible members elected by a majority vote of the councils within each Regional Grouping, provided that each person elected for that Regional Grouping is from a different member.

As the Chief Executive Officer of a Member Council in the SAROC “Group B” Regional Grouping you are invited to submit one (1) nomination from your council for a position on SAROC. A list of the SAROC Regional Groupings is attached to this letter.

A nomination may only be made by resolution of the council and using the attached nomination form. The form must be signed by both the candidate nominated by the council to indicate his/her willingness to stand for election, and by you as the Chief Executive Officer of the nominating council. The nomination form must be accompanied by the attached candidate information sheet.



148 Frome Street, Adelaide SA 5000
GPO Box 2693, Adelaide SA 5001
(08) 8224 2000 | lgasa@lga.sa.gov.au | lga.sa.gov.au

Helping local government build stronger communities.

Voting

The SAROC Terms of Reference (extract attached) outlines the election process. A ballot will be conducted if the number of nominations exceeds the number of positions. Ballot instructions will be distributed and will include any information provided on the candidate information sheet.

Timing of elections

The LGA Constitution and ancillary documents provide for the election of LGA President, SAROC and GAROC members, and the LGA Board of Directors to take effect from the LGA's AGM, every other year.

The change to local government periodic elections does not impact the timeline for LGA Elections.

LGA Board Appointments

Under the LGA Constitution and the SAROC Terms of Reference, once members are elected to SAROC, these members will then elect a Chair and three SAROC members to form the LGA Board of Directors. These SAROC LGA Board Directors will be accompanied by their equivalent from GAROC, as well as the President and Immediate Past President, to form the ten (10) member LGA Board of Directors.

SAROC Provisions

Indicative timings and relevant provisions are outlined in the following table.

The latest version of the SAROC Terms of Reference effective from 3 February 2026 is available via the following link: [SAROC Terms of Reference](#)

Indicative Timing	Headline	SAROC Terms of Reference Provision
	Returning Officer	Returning Officer is the Chief Executive Officer (Clause 4.4.1)
9 July 2026	Nominations Called	CEO to write to members of SAROC Regional Groupings calling for nomination for position of members of SAROC at least 3 months before AGM (Clause 4.3.2)
1 September 2026	Nominations Close	Nominations, in the form of a resolution of a member, must be received by the CEO no later than 5pm on the day specified for the close of nominations (Clause 4.3.4)
	Nominations equal to vacancies	If the number of nominations received equals the number of vacant positions for the Regional Grouping, each candidate is elected and takes office at the conclusion of the AGM (Clause 4.4.3)

**Helping local government
build stronger communities.**

Indicative Timing	Headline	SAROC Terms of Reference Provision
		If the number of nominations received exceeds the number of vacant positions for the Regional Grouping, an election must be held (Clause 4.4.5).
7 September 2026	Members informed of the election, entitlement to vote, and method of voting	CEO shall correspond with each member at least 6 weeks before AGM (Clause 4.4.6)
3 November 2026	Voting closes	The CEO, as returning officer, will determine when voting closes.
TBC – week commencing 9 November 2026	Counting of votes	The CEO shall nominate the date, time and place for the counting of votes (Clause 4.4.6)
4 December 2026	Final declaration of result	CEO shall declare the candidate elected at the AGM (Clause 4.4.6)
4 December 2026	Takes office	SAROC members take office at the conclusion of the AGM (Clause 4.4.6)
4 December 2026	Appointment of Board Directors	SAROC will meet at the conclusion of the AGM to elect 3 of its members (plus its Chair) to the Board of Directors (Clause 6.4).

If you have any questions in relation to LGA Elections, please contact me or LGA Manager Corporate Governance and Administration, Melanie Dickinson via email to melanie.dickinson@lga.sa.gov.au or by phoning 8224 2097.

Yours sincerely



Karen Teaha

Interim Chief Executive

Telephone: (08) 8224 2000

Email: karen.teaha@lga.sa.gov.au

Copy to: barossa@barossa.sa.gov.au

Attach:

- 1 List of SAROC Regional Groupings
- 2 Extract from LGA SAROC TOR – Clause 4
- 3 2026 Nomination Form – SAROC
- 4 Candidate Information Sheet

Helping local government
build stronger communities.

Attachment 1: South Australian Regional Organisation of Councils (SAROC) Regional Groupings

Regional Grouping	Members
Group A	Alexandrina Council Mount Barker District Council City of Victor Harbor District Council of Yankalilla Kangaroo Island Council
Group B	Adelaide Plains Council Barossa Council Barunga West Council Clare & Gilbert Valleys Council Copper Coast Council Regional Council of Goyder Light Regional Council District Council of Mount Remarkable Northern Areas Council District Council of Orroroo Carrieton District Council of Peterborough Wakefield Regional Council Yorke Peninsula Council Flinders Ranges Council
Group C	District Council of Ceduna District Council of Cleve District Council of Elliston District Council of Franklin Harbor District Council of Kimba District Council of Streaky Bay

**Helping local government
build stronger communities.**

	District Council of Tumby Bay Wudinna District Council Lower Eyre Council City of Port Lincoln
Group D	Southern Limestone Coast Council Kingston District Council City of Mount Gambier Naracoorte Lucindale Council District Council of Robe Tatiara District Council Wattle Range Council
Group E	District Council of Loxton Waikerie Mid Murray Council District Council of Karoonda East Murray Coorong District Council Southern Mallee District Council Berri Barmera Council Renmark Paringa Council Rural City of Murray Bridge
Group F	Port Augusta City Council Port Pirie Regional Council City of Whyalla

**Helping local government
build stronger communities.**

Attachment 2: Extract – SAROC Terms of Reference

4.1. Role

- 4.1.1. The role of SAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the SAROC Region.

4.2. Membership

- 4.2.1. Each Regional Grouping of Members listed in the schedule to these Terms of Reference will elect from the Members of the Regional Grouping of Members, 2 Council Members of Members in the Regional Grouping of Members as members of SAROC provided that each person elected is from a different Member.
- 4.2.2. Elections for the purpose of clause 4.2.1 shall be conducted in one of the following ways:
 - (a) Unless below subclauses (b) or (c) apply, the election shall be conducted in accordance with the process set out in clauses 4.3 and 4.4.
 - (b) If a regional subsidiary or association exists which is constituted by or has as its membership all of the Members of a particular Regional Grouping of Members (and no other Members), and all of those Members have separately resolved at least 3 months prior to the expiry of the terms of office of current members of SAROC that a particular selection process conducted (or to be conducted) by or with respect to that subsidiary or association will constitute the election under clause 4.2.1 on a particular occasion, and the Board of Directors has agreed that the selection process will constitute the election on that particular occasion — that selection process will constitute the election for that particular occasion and the members will be declared elected at the relevant Annual General Meeting under clause 4.2.1;
 - (c) If a selection process is carried out for the purpose of clause 4.2.2(a) but the selection process fails to produce a result which is consistent with the requirements of clause 4.2.1 – an election shall be held as soon as practicable, by way of a nomination and election process which in the Chief Executive's opinion follows as closely as possible the nomination and election process outlined in clauses 4.3 and 4.4, subject however to the modification that the Chief Executive shall declare the successful candidates elected by way of written communication to the SAROC Regional Grouping (rather than by declaration at an Annual General Meeting) and those persons shall be deemed elected on the day of that declaration, and any other modifications which the Chief Executive consider reasonably necessary.

**Helping local government
build stronger communities.**

- 4.3. Nominations for election to SAROC
 - 4.3.1. The members of SAROC will be elected biennially.
 - 4.3.2. In the year in which SAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of the SAROC Regional Grouping, as listed in the schedule, calling for nominations for the membership of SAROC.
 - 4.3.3. Each Member of the SAROC Regional Grouping may nominate one candidate to occupy one of the two positions on SAROC for the Regional Grouping of Members to which that Member belongs, provided that the nominee must be a Council Member of a Member of that Regional Grouping of Members.
 - 4.3.4. A nomination of a person as a member of SAROC must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.
 - 4.3.5. This clause does not apply to Members in any Regional Grouping of Members which is applying an alternative process under clause 4.2.2(b) and the Chief Executive is not required to call for nominations from any Member whom the Chief Executive is aware is a Member of such a Regional Grouping.
- 4.4. Election to SAROC
 - 4.4.1. The Chief Executive shall be the returning officer for any election of members to SAROC.
 - 4.4.2. After the Close of Nominations, the Chief Executive will notify Members of each Regional Grouping of Members of the candidates for membership of SAROC nominated by the Regional Grouping of Members.
 - 4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2.1 then the Chief Executive will declare those persons duly elected to those membership positions.
 - 4.4.4. If no nomination is received with respect to a Regional Grouping of Members, or if only one nomination is received, or if the nominations received are incapable of producing a result which is consistent with the requirements of clause 4.2.1, a fresh election shall be held as soon as practicable, by way of a nomination and election process which in the Chief

**Helping local government
build stronger communities.**

Executive's opinion follows as closely as possible the nomination and election process outlined in clauses 4.3 and 4.4, subject however to the modification that the Chief Executive shall declare the successful candidates elected by way of written communication to the SAROC Regional Grouping (rather than by declaration at an Annual General Meeting) and those persons shall be deemed elected on the day of that declaration, and any other modifications which the Chief Executive consider reasonably necessary.

- 4.4.5. If the number of persons nominated by the Close of Nominations by a Regional Grouping of Members exceeds the number of membership positions described in clause 4.2.1, then an election must be held in accordance with this clause.
- 4.4.6. In the event of an election being required, the Chief Executive shall conduct the election as follows:
 - (a) at least six weeks before the Annual General Meeting, the Chief Executive shall correspond with each Member of the Regional Grouping of Members to inform the Member of the election and their entitlement to vote in the election;
 - (b) the correspondence shall:
 - (i) list the candidates for election;
 - (ii) specify the day of closure of the election;
 - (iii) inform the Member of the method of voting and the requirements necessary for the Member's vote to be accepted;
 - (c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;
 - (d) the chief executive officer of the Member or in the chief executive officer's absence, the person acting in that position, sign a copy of the minutes or an extract of the minutes of the meeting at which the resolution is passed (in a manner consistent with section 91(11) of the Local Government Act 1999) and send a copy of the signed minutes, which shall be deemed to be the ballot of the Member, to the Chief Executive;
 - (e) on receipt of the ballots the Chief Executive must compile and securely store the ballots for counting;
 - (f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;

**Helping local government
build stronger communities.**

- (g) at the counting of the votes the Chief Executive shall produce the compiled ballots, reject all informal or invalid ballots and count the number of votes received by each candidate;
 - (h) the candidate with the most votes shall be deemed elected to one of the two positions on SAROC for that Regional Grouping of Members;
 - (i) the candidate with the second most votes (or, if that candidate is from the same Member as the first elected candidate, then the candidate with the next most votes who is not from the same Member as the first elected candidate) shall be deemed elected to the other of the two positions on SAROC for that Regional Grouping of Members;
 - (j) the Chief Executive shall declare the candidates elected at the Annual General Meeting;
 - (k) in the case of candidates from a Regional Grouping of Members receiving the same number of votes, the Chief Executive shall (if necessary to determine the result of the election) draw lots at the counting of the votes to determine which candidate will be deemed to have received more votes.
- 4.4.7. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.

Helping local government
build stronger communities.

South Australian Regional Organisation of Councils (SAROC) Nomination Form 2026

Nominee's Full Name	<i>(insert title, first name and surname of nominee)</i>
Nominee's Council	<i>(insert name of nominee's council)</i>
Regional Grouping <i>(select one)</i>	☐ Group A ☐ Group D ☐ Group B ☐ Group E ☐ Group C ☐ Group F
Declaration and Signature of Nominee	I hereby accept such nomination and consent to act as SAROC Committee Member if so elected. Signature:
Name of Council Submitting Nomination	<i>(insert name of nominating council)</i>
Council Resolution	<i>(insert date and resolution number)</i> <i>(insert council resolution)</i>
Signature and Name of Nominating Council's CEO	Signature: <i>(insert CEO name)</i>
Dated	<i>(insert date)</i>

This form must be sent to the LGA Returning Officer.

lgasa@lga.sa.gov.au

Close of nominations is 5:00pm Tuesday 1 September 2026

Helping local government
build stronger communities.

South Australian Regional Organisation of Councils (SAROC) Candidate Information Sheet 2026

(word limit is strictly 1,000 words)

Name	<i>(insert title, first name and surname of nominee)</i>
Council	<i>(insert name of nominee's council)</i>
Local Government Experience & Knowledge	<i>(insert)</i>
Local Government Policy Views & Interests	<i>(insert)</i>
Other Information	<i>(insert details of leadership, board, corporate governance experience etc)</i>

This form must accompany the Nomination Form.

lgasa@lga.sa.gov.au

Close of nominations is 5:00pm Tuesday 1 September 2026

MATTERS FOR INFORMATION

6.12 LOCAL GOVERNMENT FINANCE AUTHORITY ANNUAL GENERAL MEETING NOTICE

Author: Chief Executive Officer
26/48490

Correspondence, as attached, has been received notifying Council that the Annual General Meeting of the Local Government Finance Authority (LGFA) will be held on Friday 4 December 2026. Mayor Lange is Council's representative, and this is already established by prior resolution of Council.

Notices of Motion must be submitted by Friday 4 September 2026 if Council wishes to make a submission.

ATTACHMENTS

Attachment 1 Local Government Finance Authority - Notice of Annual General Meeting [↓](#) 

SUPPORTING REFERENCES

Nil



TO: Chief Executive Officers

RE: LGFA Annual General Meeting – Friday 4 December 2026

Advance notice is hereby given that the Annual General Meeting of the Local Government Finance Authority of South Australia (LGFA) will be held on **Friday 4 December 2026**, at the **SkyCity Adelaide**. This meeting will precede the Annual General Meeting of the Local Government Association of SA (LGA) with the commencement time to be advised, when the LGA Program is finalised.

1. Appointment of Council Representative

Section 15(1) of the *Local Government Finance Authority of South Australia Act 1983*, provides that:-

" Every council is entitled to appoint a person to represent it at a general meeting of the Authority."

As the annual general meeting of the Local Government Association of South Australia will also be held on the above day, it is suggested that the same person be appointed to represent your council for the Association (LGA) and the Authority (LGFA).

A form is required and attached for your convenience to notify us of your representative for LGFA. (Appendix 1)

Please return same to this Authority by **Friday 4 September 2026**.

2. Nominations for Members of the Board

The Local Government Finance Authority of South Australia (LGFA) is a body corporate established under the *Local Government Finance Authority Act 1983*, and is administered by a Board of Trustees (LGFA Board). The LGFA provides investment and lending solutions to South Australian local government and prescribed bodies. The LGFA Board meets approximately 6 times per year with meetings generally occurring at 11:00am the third Tuesday bi-monthly. Members currently receive an annual income of \$8,594.

We draw your attention to Section 7(1) and in particular 7(1)(a) of the *Local Government Finance Authority of South Australia Act 1983*, regarding membership of the board which provides:

(1) Subject to this section, the Board is constituted of seven members of whom—

- (a) two are persons elected in accordance with the rules of the Authority;*
- (b) two are persons appointed by an annual general meeting of the Authority upon the nomination of the LGA;*
- (c) one is a person appointed by the Minister;*
- (d) one is a person appointed by the Treasurer;*
- (e) one is the person for the time being holding or acting in the office of Secretary of the LGA.*

and to Section 8(1) which provides:-

" 8(1) Subject to this section, a representative member of the board holds office for a term of two years commencing on the first day of January in the year next succeeding the year in which he or she was elected or appointed."

Kindly note that in accordance with the Rules of the Authority if more than two people are nominated, an election for two representative members will again be determined by postal ballot. The successful candidates will be declared elected at the Annual General Meeting.

Local Government Finance Authority of South Australia

Suite 1205, 147 Pirie Street, Adelaide SA 5000

P: 08 8223 1550 E: admin@lgfa.com.au W: www.lgfa.com.au ABN: 80 189 672 209

Page 1 of 2

Nominations are hereby called to fill the two positions provided by Section 7(1)(a) currently held by Mr Grant Piggott (City of Norwood, Payneham & St Peters) and by Mr Michael Sedgman (City of Adelaide).

Local government knowledge and experience as well as financial acumen are criteria to be considered for the nominations.

Nominations must be lodged at the Local Government Finance Authority of South Australia office **no later than Friday 4 September 2026**.

For information we advise that Section 7(2) of the LGFA Act states:-

"At least one member of the board must be a woman and at least one member must be a man".

Our current gender status is 3 men and 5 women.

Councils may wish to consider nominating a candidate of each gender.

A nomination form is attached for your convenience. (Appendix 2)

Those councils nominating a Member or Officer may wish to forward separately an up to date brief resume of their nominee which will later be circulated to all councils with the agenda and ballot paper (if a ballot is required).

In October 2023, the Board adopted a policy that all LGFA board trustees are required to provide a National Police Check every three years. Please provide a copy with any nomination.

A resume form in the REQUIRED FORMAT is attached for this purpose. (Appendix 3)

3. Notice of Motion

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer not less than forty two days prior to the meeting and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office **on or prior, but no later than Friday 4 September 2026**.

Member councils are requested to lodge the Notice of Motion in the following manner:-

- (a) Notice of Motion
- (b) Reason
- (c) Suggested Action

A copy of the appropriate form is attached for your convenience. (Appendix 4)



DAVIN LAMBERT
Chief Executive Officer
Local Government Finance Authority of SA

13 July 2026

Appendix 1



APPOINTMENT OF COUNCIL REPRESENTATIVE

LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA
2026 ANNUAL GENERAL MEETING

I advise that Mayor / Councillor / Officer / or any other person
is appointed council representative to the Local Government Finance Authority of South Australia.

Council Name	
Council Delegate (Full Name)	Mayor / Councillor / Officer
Delegate Home Address	
Delegate Email Address	
Name of Chief Executive Officer	
CEO Email Address	
Signature of Chief Executive Officer	

Please return completed Appointment of Council Representative Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 4 September 2026**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

Appendix 2



NOMINATION FORM

PURSUANT to a Resolution duly passed

The
(Name of Council)

hereby nominate
(Full Name)

of

being a Member or Officer of a Council for election to the board of the Local Government Finance Authority of South Australia as provided by Section 7(1)(a) of the *Local Government Finance Authority Act 1983*.

Date this day of 2026

.....
(Signature of Chief Executive Officer)

and I the person nominated hereby agree to accept such nomination

.....
(Signature of Candidate)

Provide a copy of current National Police Check.

Please return completed Nomination Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 4 September 2026**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

Appendix 3



RESUME FORM

Name	
Address	
Telephone	
Email	
Age (Optional)	
Occupation	
Current Employer	
Qualifications	
Current Position in Local Government: Mayor / Councillor / Other	
Name of Council	
Period in Local Government	
Other Committees / Bodies of Local Government Involvement: Past Present	

Please return completed Resume Form to admin@lgfa.com.au by CLOSING DATE: Friday **4 September 2026**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

Page 5 of 6

Appendix 4



NOTICE OF MOTION
LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA
2026 ANNUAL GENERAL MEETING

NAME OF COUNCIL:

NOTICE OF MOTION:
.....

REASON:
.....
.....
.....
.....

SUGGESTED ACTION:
.....
.....
.....
.....

Please return completed Notice of Motion Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 4 September 2026**
(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.1 ANNUAL REPORT ON INTERNAL REVIEW OF COUNCIL DECISIONS 2025/26

Author: Manager Governance and OMCEO
26/41554

PURPOSE

To present Council with the annual report on the Internal Review of Council Decisions for the 2025/26 financial year, as required by Section 270(8) of the *Local Government Act 1999*.

RECOMMENDATION

That Council receives and notes the annual report on the Internal Review of Council Decisions for the 2025/26 financial year, confirming that 3 applications for review were received during this period, noting of these:

- 1 was refused under Section 270 (4)(b) and 270(4)(d); and
- 1 was refused under Section 270 (4)(a) and 270(4)(d); and
- 1 was not under Section 270 jurisdiction.

REPORT

Background

Section 270 of the *Local Government Act 1999* requires all councils to have a policy and process that allows members of the public, or other interested parties, to request a review of a Council decision.

The intent of this process is to provide a fair, transparent and accessible way for people to raise concerns if they believe a decision has been made in error, or without proper consideration of all relevant information.

The legislation also requires that, on an annual basis, Council initiate and consider a report summarising:

- the number of review requests received;
- the types of matters raised;
- the outcomes of the reviews; and
- any other matters prescribed by regulation.

Additionally, Council's *Internal Review of Council Decisions Process* requires this report is submitted to Council each year to include a statement of resources and a summary of how the outcomes have been used to improve Council's customer service, policies and processes.

Discussion

In the 2025/26 financial year, Council received 3 requests from the community to review a Council decision under Section 270 of the *Local Government Act 1999*.

Of those 3 applications for review received during the 2025/26 financial year period the outcomes were:

- 1 was refused under Section 270 (4)(b) and 270(4)(d); and
- 1 was refused under Section 270 (4)(a) and 270(4)(d); and
- 1 was not within the jurisdiction under Section 270.

Application 1Refusal

- (1) Pursuant to Section 270(4)(d) of the *Local Government Act 1999*, the request has been the subject of a prior review by Council and subsequently, the SA Ombudsman, and therefore no requested review was undertaken.
- (2) That notwithstanding, part 1, that the application was deemed vexatious pursuant to Section 270 (4)(b) of the Act, as the requested review relates to a decision made pursuant to a pre-action conciliation conference and agreement and therefore is the product of the foreshadowed legal claim of the applicant and is therefore protected though good faith agreements reached in conference.

Application 2Refusal

- (1) Pursuant to Section 270(2a) of the *Local Government Act 1999*, the request for review must be made within 6 months of the making of the decision of which review is sought, in this case it did not meet these requirements.
- (2) Pursuant to Section 270(4)(d) of the *Local Government Act 1999*, the subject matter of the application has been, or is already, the subject of a review by the Council or an investigation, inquiry or review by another authority. The continued requests for all necessary and requested documentation have already been provided or publicly available.

Application 3Not under Section 270 jurisdiction

- (1) Pursuant to Section 270 of the *Local Government Act 1999* and The Barossa Council Internal Review of a Council Decision Policy, some decisions made by Council are subject to other review or appeal processes set out in legislation, as such Council policy cannot override or operate inconsistently with those legislative processes. So, where legislation provides for the review of a type of decision, a decision of that type will not be reviewed under this Policy. In the case of this application, the request would be managed under legislative review process of the Planning, Development and Infrastructure Act 2016.

The review process during 2025/26 highlights the importance of continuing to ensure the policy and process remains clear, accessible, and available to anyone who may wish to use it in the future.

Summary and Conclusion

For the 2025/26 financial year, Council has met its legislative obligation under Section 270 (8) of the *Local Government Act 1999* by initiating and considering this annual report. Council continues to provide clear and accessible avenues for the community to seek a review of decisions made if required.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

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

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

Corporate Plan

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

Legislative Requirements

Local Government Act 1999, Section 270

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

Community engagement is not required for this matter.

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.2 UPDATE TO THE POLICY GOVERNANCE FRAMEWORK

Author: Governance Officer
26/43747

PURPOSE

To seek Council endorsement for a minor update to the Policy Governance Framework following presentation to the Audit and Risk Committee.

RECOMMENDATION

That Council endorse the Policy Governance Framework as at Attachment 1.

REPORT

Background

The new Policy Governance Framework replaced the former Policy and Process Development and Review Guidelines following the 21 April 2026 Council meeting.

Introduction

The Barossa Council is committed to ensuring all Policies and Processes, including any associated Policy documents, are contemporary, consistent and relevant to the organisation.

This Policy Governance Framework outlines the process for all stages of a policy lifecycle that guide the development of effective policies. Creation, approval, dissemination, revocation and review are key stages in the policy lifecycle. The framework provides guidance to ensure the following objectives are achieved:

- Transparent and evidence-based decision making.
- Clarity of responsibility and acceptance of accountability.
- Adherence to policy, with non-negotiable compliance paramount.
- High quality policies that are to be critiqued, consistent and contemporary.

All policies are reviewed by the Executive Leadership Team (ELT) prior to final approval and endorsement by either the ELT or Council, ensures that all policies reflect Executive and Council expectations.

Discussion

The Audit and Risk Committee at its meeting held on 11 May 2026 were presented for information the newly endorsed Policy Governance Framework. During a brief discussion, the Committee noted that they were not listed within the document as a responsible party for reviewing policies that align with the roles and responsibilities of the Committee.

Whilst the Committee have not formally made a recommendation to Council to amend the framework, it has been deemed relevant enough to review and amend the Framework.

Summary and Conclusion

Council is asked to endorse the updated Policy Governance Framework incorporating the addition of the Audit and Risk Committee as a responsible party for review of policies in line with section 126 of the *Local Government Act 1999*.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Policy Governance Framework [↓](#) 

Supporting references

Public Consultation Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

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

Legislative Requirements

Local Government Act 1999, Section 126

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.

A Policy framework ensures legislative compliance and that the policies and lawful decisions of the council are implemented in a timely and efficient manner.

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.

Provides Council and Workers with the ability and direction to make decisions that are consistent with law and administrative practice. They also provide detail on the way Council undertakes, or requires others to undertake, certain works or activities.

5. REPUTATION

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

Nil

COMMUNITY ENGAGEMENT

Not required.

Policy Governance Framework



ADOPTED BY:	Executive Leadership Team
DATE ENDORSED:	26/02/2026
NEXT REVIEW DATE:	26/02/2030
POLICY OWNER:	Chief Executive Officer
POLICY AUTHOR:	Manager Governance & OMCEO
CM Doc No.	26/14687

TABLE OF CONTENTS

1. Executive Commitment	2
2. Purpose	3
3. Roles and Responsibilities.....	4
4. Policy and Process Definition	6
5. Fundamental Policy Criteria	8
6. Types of Policy and Process.....	9
7. Policy Lifecycle	10
8. Approval and Endorsement	12
9. Workflows.....	13
10. Timeframes.....	15
11. Toolkit	16
12. Accessibility Strategy.....	17

Policy Governance Framework



1. Executive Commitment

The Barossa Council is committed to ensuring all Policies and Processes, including any associated Policy documents, are contemporary, consistent and relevant to the organisation.

This Policy Governance Framework outlines the process for all stages of a policy lifecycle that guide the development of effective policies. Creation, approval, dissemination, revocation and review are key stages in the policy lifecycle. The framework provides guidance to ensure the following objectives are achieved:

- Transparent and evidence-based decision making
- Clarity of responsibility and acceptance of accountability
- Adherence to policy, with non-negotiable compliance paramount
- High quality policies that are to be critiqued, consistent and contemporary

All policies will be reviewed by the Executive Leadership Team prior to final approval and endorsement by either the ELT or Council, ensuring that all policies reflect Executive expectations.

Policy Governance Framework



2. Purpose

The purpose of the Policy Governance Framework is to provide structured policy development protocols and guidance on the processes, tools, systems, templates, references and plans to deliver a high quality, relevant policy suite for the organisation.

The Policy Governance Framework serves as the central repository for all policy management references to ensure that:

- Policies and processes meet the definition as set out in section 4 of this document
- Policies and processes are developed, reviewed and revoked in line with the fundamental criteria outlined in Section 5 of this document
- Policy and processes stages proceed through the required quality assurance checks
- Policies and processes are approved through the mandatory approval mechanisms – Governance, Director, ELT, CEO or Council
- Consultation and implementation are pre-planned and delivered appropriately
- Policy management using RelianSys Compliance and Monitor automated modules
- Reporting compliance data to ELT, Audit & Risk Committee and Council
- Formal adherence to all policies and processes

Policy Governance Framework



3. Roles and Responsibilities

To ensure success of the Policy Governance Framework it is important that all stakeholders understand their roles and responsibilities in relation to policy and processes.

Applicable body	Responsibility
Council (Elected Body)	- Review and provide feedback on Council endorsed policies - Approving draft policies for public consultation - Formally endorse policies requiring Council approval - Adhere to all policies
Audit and Risk Committee	- Review and evaluate the effectiveness of policies, systems and procedures established and maintained for the identification, assessment, monitoring, management and review of strategic, financial and operational risks. - Adhere to all policies
Chief Executive Officer (CEO)	- Review all policy requests and provide formal approval for the commencement of work on all policies and processes (recommended for creation, review or revocation) - Participating in the Executive Review of all policies - Formally endorse CEO approved policies and processes - Adhere to all policies and processes
Directors / Policy Owners	- Policy Owners for Council approved policies - Review the Policy Request and approve the commencement of work on all policies and processes (recommended for creation, review or revocation) for ELT consideration and determination - Participating in the Executive Review of all policies and processes - Review draft policies and make recommendations regarding endorsement - Ensure that the Policy Review Schedule is adhered to - Adherent to all policies and processes - Delegate all policies and processes queries to Governance for policy improvement purposes - Report on non-adherence to policies and processes
Managers / Policy Authors	- Develop policies and processes that are clearly defined, contemporary and consistent - Follow the process and utilise this Framework to develop and review policies - Develop appropriate consultation, implementation and education strategies to be applied in respect of new or reviewed policies - Seeking guidance from Governance as required - Forward the final approved copy of a new or reviewed policy to Governance for management of data - Communicate with relevant stakeholders about the newly adopted policies or processes - Develop and provide access to any additional documents as required - Identifying and coordinating any training and education required

Policy Governance Framework



Applicable body	Responsibility
Governance	• Provide a coordinated quality assurance approach to the content of policies, analysing for consistency, legislative compliance and relevance. • Undertake all reviews in accordance with the Policy Governance Checklist • Manage the Policy Review Schedule using RelianSys Compliance and Monitor automated suite • Undertake extensive quality checks throughout the policy lifecycle • Maintain a central repository of all policies and policy reference documentation • Provide support to Policy Owners and Authors seeking guidance • Provide training for staff on the Policy Governance Framework • Undertake regular reviews of the Policy Review Schedule to ensure compliance and report to ELT. • Collation of policy and process queries for policy improvement purposes • Governance to monitor and report on Policy Governance reporting data • Provide compliance reporting data to ELT, Audit & Risk Committee and Council
Risk and Work Health Safety (WHS) Team	• Provide support to Policy Owners and Authors seeking guidance regarding the Integrated Risk Management Framework and associated Risk Assessments
Marketing and Communications Team	• Provide support to Policy Owners and Authors seeking guidance regarding Policy Consultation and Implementation Plans
Work Health Safety (WHS) Committee	• Review and provide feedback and recommendations for administration policies related to Work Health and Safety for the organisation
Employees (including agency employees, contractors and Volunteers)	• Adhere to policies • Understand obligations as a public officer in regard to policies and processes

Policy Governance Framework



4. Policy and Process Definition

To ensure a high level, consistent policy suite is in place, it is essential that there is a clear understanding of what constitutes a policy or a procedure. There may be some instances where a policy can exist without a process, but a process cannot exist without a policy. A policy may have multiple associated processes.

Policies and Process

- Consistent, easy to understand language should be used and repetition avoided
- Be well researched and contemporary
- Meet legislative requirements
- Must be relevant to the work of the organisation
- Must clearly identify the allocation of responsibilities and the scope of the policy and process
- Definitions must be utilised from the Definition Glossary

Policy

A policy identifies and guides expected standards of conduct and decision making which must be adhered to and defines the requirements and objectives for the organisations commitment to the intent of the policy.

Policies must be concise, include a clear outline of requirements and objectives, articulate to who it applies and clearly define the discharge of responsibilities for a policy.

All policies must be consistently adhered to, and it is incumbent upon Executive Leadership Team and Managers to ensure a culture that promotes adherence.

A Policy contains:

- Document Control - Policy numbers, approval details and review dates
- Statement of Intent - Provides context for the requirement(s) and objective(s) of the policy
- Policy Statement – a high-level rule that guides decision-making, behaviour, and the development of specific, actionable procedures
- Scope – Specifies who the policy applies to and who must adhere to the content
- Responsibilities – Description of compliance and responsibilities
- Definitions - Use Definitions Glossary
- Legislation and References - Link to relevant legislation and references (cross references to related procedures)
- Version History - include brief summary of changes in each version
- Further Information

Policy Governance Framework



Process

A process articulates how the policy is applied by outlining the high-level steps required to perform a task to comply with the policy intent.

A Process contains:

- Document Control - Policy numbers, approval details and review dates
- Purpose - Provides context for the requirement(s) and objective(s) of the process and explains the application of the Policy in which it is linked
- Scope – Specifies who the policy applies to and who must adhere to the content
- Process – Structured rules that underpin the intent of the Policy
 - o High-level steps to decision making
 - o Clear boundaries and expectations
 - o Clearly discharging responsibilities to appropriate positions
- Definitions - Use Definitions Glossary
- Responsibilities - – Description of compliance and responsibilities
- Legislation and References - Link to relevant legislation and references (cross references to related procedures)
- Versions History - include brief summary of changes in each version
- Further Information

Supporting Documents

All policies must be adhered to and as such careful consideration is needed as to whether there is genuine need for a policy or if another document is more suitable to achieve the required outcome.

Supporting documents are an alternative mechanism that can be used to support the delivery, enactment, review or audit of processes, where a policy or process is not required. Documentation may include but is not limited to:

- | | |
|---|--|
| ☐ Work Instructions | ☐ Templates/Forms/Checklists |
| ☐ Frameworks | ☐ Safe Work Method Statements (SWMS) |
| ☐ Guidelines | ☐ Standard Operating Procedures (SOP) |
| ☐ Business Rules | ☐ Surveys |
| ☐ Regulatory standards | ☐ Process maps |

Policy Governance Framework



5. Fundamental Policy Criteria

To develop effective policies and processes, it is essential that they are relevant and easy to understand. This assists in providing an environment where there is little ambiguity and assists staff who have an obligation to adhere to the content.

'A policy that is not understood, or whose existence is not known, stands little prospect of being adhered to.' (Deputy ICAC Commissioner, Michael Riches.)

CLARITY

Consistent, easy to understand policies and processes are imperative given the non-negotiable requirement for policy adherence. Policy and process content should be written in language that caters to those who will be required to adhere to it and avoid repetitious or irrelevant content. Policies should clearly identify the allocation of responsibilities and decision-making processes so that there is no ambiguity to the reader.

RELEVANCE

A policy and process that no longer represents contemporary practice or is largely devoid of relevant content is more likely to be ignored in favour of alternative processes. Policies and processes must be reviewed regularly to ensure content is up to date and relevant. Contemporary policies and processes are fundamental to the delivery of quality services and legislative compliance.

CONSISTENCY WITH OTHER POLICIES

Policies and processes which conflict or are inconsistent with each other cause confusion and can lead to non-adherence. The mandatory Governance review of all policies seeks to ensure all policies are consistent and no conflicting content exists. As a part of the Policy Governance Checklist, new or amended policies will be assessed against existing policies in order to remove potential inconsistencies or duplications.

COMMUNICATION

Policies and processes must be accessible to all staff – not all staff have access to electronic means, so in addition to a central electronic repository of policies, Governance will ensure a hard copy library is maintained and updated and provided to the Depot.

The implementation plan requires policy Authors and Owners to outline how consultation and implementation of a policy and process will be undertaken; including consideration of additional training sessions or workshops where changes may be significant.

Policy Governance Framework



6. Types of Policy and Process

There are two types of Policies and Processes:

Council Policies and Processes:

Council policies and processes are official, formally adopted statements of principles or positions that guide the decision-making, strategic direction, and operational actions of Council.

They set standards, ensure legal compliance, and outline expected conduct for both council staff and the community. These policies generally have a long-term focus, shaping how services are delivered and how resources are managed.

Policy Heading - Council



Process Heading - Council



Internal Policies and Processes:

Internal policies and processes are authorised, written guidelines, rules, and procedures established by an organisation to govern employee behavior, standardise operations, and ensure compliance with legal or ethical standards. They define the internal framework for decision-making, covering areas like human resources, WHS, and administration.

Policy Heading - Internal



Process Heading - Internal



Policy Governance Framework



7. Policy Lifecycle

The Governance Team provides support to facilitate the development of consistent, concise and considered policies and processes. Governance is available for advice at any stage during the policy development process.

NEW POLICY

Before commencing the development of any new policy, there are a few steps that Policy Authors must undertake.

Assess the Policy

Consideration must be given to whether a policy is the most applicable method of documenting the proposed content or if a policy already exists that covers or could be amended to cover the required content. The Policy Owner will need to determine whether a policy is required or whether another form of documentation may be more suitable. The Governance Team is available to discuss policy need if you are unsure.

The proposed new policy must be discussed with the relevant Director and if the need is supported.

Prior to a new policy proceeding for Executive Leadership Team approval, Policy Authors should have had the draft policy reviewed and supported by the relevant Director.

The Governance Team will liaise with the Policy Author regarding feedback and provide advice regarding any recommended improvements.

REVIEW POLICY

Drafting amendments to Policies

Policies should be written in accordance with the requirements and parameters outlined in the Policy and Process Templates. Further resources to assist Policy Authors include the Definition Glossary and the Policy Writing Style Guide. It is essential that Policy Authors utilise the tools and templates to ensure that policies across the organisation are consistent, easy to understand and relevant.

Reviews should consider:

- Assessing whether a policy refers to outdated or superseded legislation, regulation, systems or processes
- Are still relevant in light of the organisations functions and activities
- Still represents the most efficient and effective way to conduct the organisations work
- Determines whether the wording of the policy can be further refined to reduce ambiguity and improve clarity.

Policy Governance Framework



Such reviews should be conducted in accordance with an approved policy review schedule which is routinely audited to ensure review compliance.

The Toolkit provides a suite of tools, templates and guides to assist Policy Authors to complete the requirements outlined above for the policy to proceed to the approval stage.

- Policy Stakeholder Analysis
- Consultation Assessment to be completed as per the Public Consultation Policy
- Implementation and Education Plan

Prior to a reviewed policy or process proceeding for Executive Leadership Team, Policy Authors should have had the draft policy reviewed and supported by the relevant Director.

The Governance Team will liaise with the Policy Author regarding feedback and provide advice regarding any recommended improvements.

Although Council endorsed policies, including policies requiring public consultation must proceed to Council for approval, the Policy Governance Framework provides that the policy must still obtain Executive Leadership Team and CEO approval to proceed to Council.

REVOKE POLICY

Policy Revocation

Policy Authors recommending a policy be revoked, must still be discussed with the relevant Director/Manager prior to proceeding for Executive Leadership Team approval.

Consultation is still required on policy revocation, unless the revocation is a direct result of a legislative change and will then proceed to Executive Leadership Team for review and approval.

Policy Governance Framework



8. Approval and Endorsement

Approval and review stages for policies and processes:

- 1) Initial review by Governance, Director/Manager or CEO to proceed with new policy, planned review or revocation.
- 2) Proposed policy (new or amended) and processes are presented to the Executive Leadership Team to review and approve to proceed to consultation.
- 3) Consultation and the sharing of views are crucial to obtaining stakeholder engagement and drive better decision making.
- 4) For Council Reports - Following the consultation, the Summary Document Template must be completed summarising changes recommended and included in the report to either ELT or Council.
- 5) After consultation is completed for non-council approved policies or processes, the Policy Author can submit the policy or process for Executive Leadership Team to review post feedback if changes have been significant.
- 6) If consultation has not resulted in significant changes to the draft policy, the Policy will be reviewed by the relevant Director/Manager and will be presented to Executive Leadership Team for final endorsement.
- 7) The Executive Leadership Team will not endorse Council policies but approve for them to proceed to Council for endorsement or approval to proceed to public consultation.

Monitor and Review

Ongoing monitoring of the Policy Review Schedule for compliance will be undertaken by Governance through RelianSys.

Policy reviews can be triggered by the following:

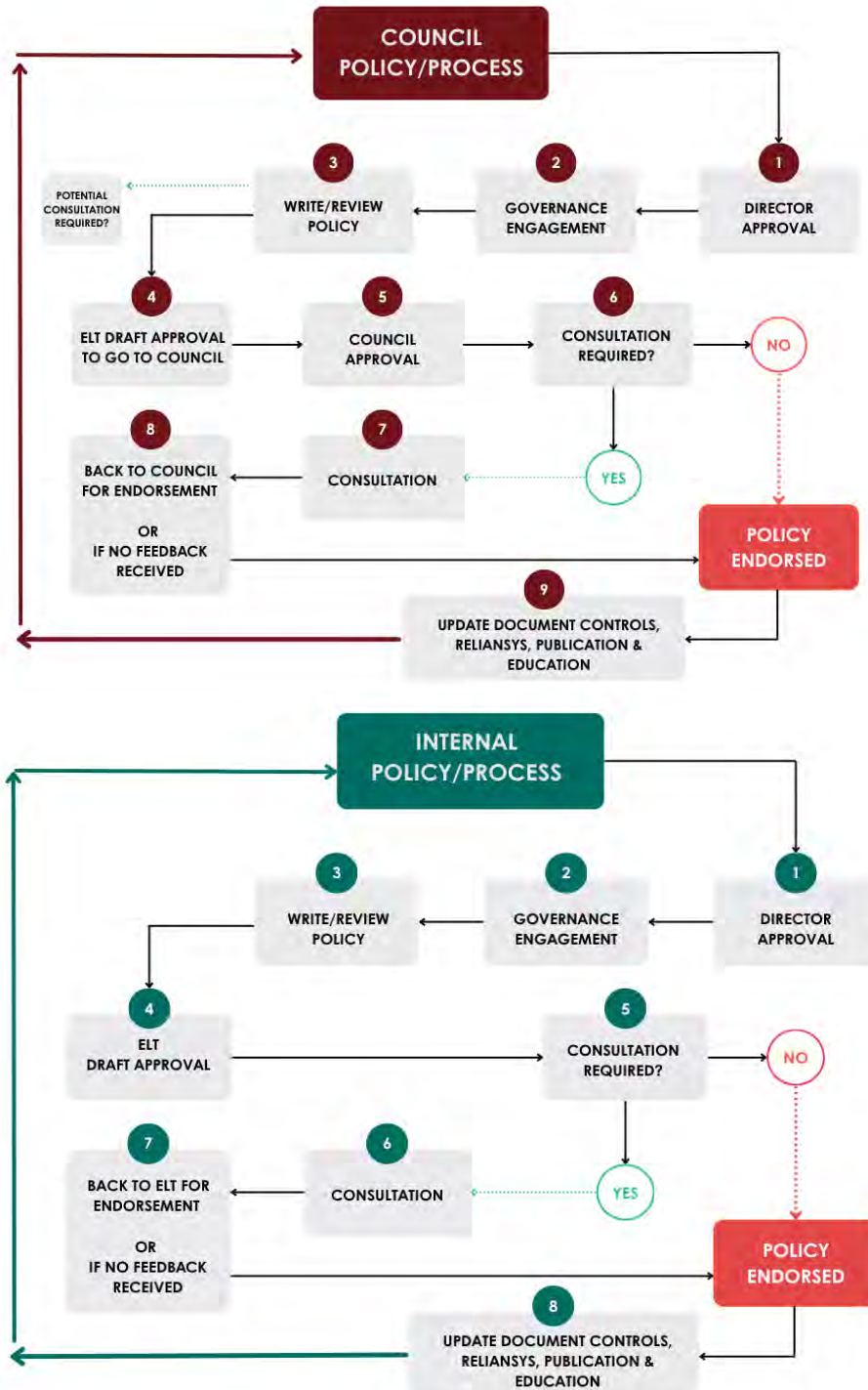
- Scheduled review
- Legislative change
- Best practice approach change
- Feedback provided on policy
- Policy is ineffective
- Significant or high instances of procedural adherence issues identified

All reviews, irrespective of the trigger, must proceed as per the Policy Lifecycle Process. Outcomes of a policy review include - Amendment to existing policy, Revocation of a policy or No update

Policy Governance Framework



9. Workflows



Policy Governance Framework



10. Timeframes

The approving body for policy and process endorsement or revocation will vary depending on the type of policy. If the community or Council Members have been identified as key stakeholders, then most likely the policy will need to be approved or revoked by Council. Legislative requirements can also prescribe if a policy and process need to be endorsed by Council. Governance can provide advice if the Policy Author is unsure.

All policies that do not require Council approval must be approved or revoked by the Executive Leadership Team.

Approximate timeframes required for Executive Leadership Team or Council endorsement of a policy are outlined in the table below (including consultation timeframes):

Type	Step 1	No. of Weeks	Step 2	No. of Weeks	Step 2	No. of Weeks	Total No. of Weeks
Council	ELT	4	Ordinary Council	4	--	--	8
Council (requires public consultation)	ELT	4	Ordinary Council	4	Public Consultation	4	12
Administration	ELT	4	Staff Consultation	2	--	--	6
Administration	ELT	4	WHS Committee	4	Staff Consultation	2	10

Policy Governance Framework



11. Implementation, communication and education

Once a policy or process is approved/endorsed, the Policy Author must act on their implementation plan to ensure that staff are aware of a new or amended policy and process including any obligations to adhere to the policy or process content.

Given non-negotiable adherence by staff to policies, it is imperative that the content is understood, and communication, training and education is provided as required. The Policy Consultation Policy and Checklist and Implementation Guide assist Policy Authors to determine their education approach and techniques.

Once a policy or process is formally endorsed by either the Executive Leadership Team or Council, the Policy Author is responsible for:

- Forwarding the final approved copy of a new or reviewed policy to Governance
- Communicating with relevant stakeholders about the newly adopted policies or procedure
- Developing and providing access to any additional documents as required
- Identifying and coordinating any training and education required.

Policy Governance Framework



12. Toolkit

The Toolkit is a set of documents created, developed and maintained to support the implementation of policy management activities. The documents available as part of the Toolkit include:

Name of document	Description	Link to Document
Policy and Process Templates - Council	A template that provides a defined structure for collection, organisation and/or presentation of information and assists the Policy Author by providing explanatory text for Council Policies and Processes.	25/92418 - Policy Template - Council 25/92419 - Process Template - Council
Policy and Process Templates - Internal	A template that provides a defined structure for collection, organisation and/or presentation of information and assists the Policy Author by providing explanatory text for Internal/Administrative Policies and Processes.	25/92420 - Policy Template - Internal 25/92421 - Process Template - Internal
Policy Writing Style Guide	Assists with style and tone along with grammar, spelling and punctuation. Conventions and rules in this guide apply to all policies and processes and Governance will utilise this guide when checking policies and processes for consistency.	26/15440
Definition Glossary	A set of definitions used within all policies and processes and listed in a separate document to ensure consistency.	26/15315
Public Consultation Policy	This Policy is used to assist in selecting what consultation activities should be used as part of staff, council or public engagement on a policy and will also assist in assessing the levels of engagement and timeframes that may be required.	Public Consultation Policy - 28-January-2025
Communications Brief	Provides the Marketing and Communications Team with Communication objectives and requirements. Officers will develop a comprehensive project specific communications plan based on information provided in this form.	26/15669
Policy Consultation Checklist	Guide for Policy Authors to ensure correct Teams and tasks have been undertaken for public and internal consultation.	26/14673

Policy Governance Framework



Implementation Guide	A guidance document on how to build awareness, document controls and education to staff, including recording in Tech 1 by OCP.	TBC
Policy Governance Checklist (Governance use only)	A Quality Checklist to be used by the Governance team when undertaking quality review of policies/procedures.	26/14422

**Policy Authors/ Owners are encouraged to provide feedback on any of the components of the Toolkit.*

13. Accessibility Strategy

A central electronic repository will be utilised for all policies and processes.

As a part of the policy development for new or amended policies, Policy Authors will be required to develop an Implementation Plan outlining the methods of communication and education that will be provided to staff or Council regarding the policy content. Policy Authors and Owners will need to consider what the most appropriate methods of explaining policy content are, such as workshops or training.

Ensuring a sound Implementation Plan and accessibility to policies for all staff, will lead to an enhanced understanding of the policy suite and promote adherence to policy.

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.3 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION FINDINGS AND RECOMMENDATION TO REFER TO THE BEHAVIOUR STANDARDS PANEL - COMPLAINT MATTER 7

Author: Mayor
26/46641

PURPOSE

To review the independent final investigation report and associated documents and process, its findings and recommendations pertaining to a complaint about Cr Preece conduct and behaviour, by the Barossa United Football Club, under the Behavioural Standards for Council Members.

RECOMMENDATION

That Council having reviewed the Final Investigations Report as provided at Attachment 1 agree with its findings and resolves to refer the matter to the Behaviour Standards Panel pursuant to Section 262Q(a) of the *Local Government Act 1999* (the Act) for resolution noting this is the seventh adverse finding against Cr Preece and is repeated misbehaviour as defined under Section 262E of the Act.

REPORT

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

The relevant materials are provided at Attachment 1 with the attachments redacted to protect the complainant and other personal information relevant to the parties.

I advise Council that all parties have been provided reasonable 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 materials at Attachment 1.

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.

The findings of the investigation report find that Cr Preece breach the Behavioural Standards for Council Members specifically clauses 1.2, 1.3, 1.4 and 2.5.

The recommended actions, due to six prior matters already being reported to the Behaviour Standards Panel and now subject of action in the South Australia Civil and Administrative Tribunal, that this matter be immediately referred to the Behavioural

Standards Panel by Council, as constituting repeated misbehaviour for the purposes of Section 262E of the Local Government Act 1999, being a “second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2”.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Final Investigations Report [↓](#) 

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

Chapter 13, Part A1 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 matter is \$7,276.73 which consists of \$2,182.30 of primarily CEO and minor other officer resource costs being an estimated 14.63 hours of work and the balance being legal support and SACAT lodgement costs.

Costs for this and the other six matters now the subject of SACAT actions due to non-compliance with Council and the Behaviour Standards Panel instructions is \$80,835.74 which consists of \$23,220.90 of primarily CEO and minor other officer resource costs being an estimated 121.50 hours of work (3.2 weeks full time equivalent) and the balance being legal support and SACAT lodgement costs.

This does not include any invoicing for June 2026.

I and the CEO have been trying to do as much work as possible and administrative management to limit cash costs and will continue to do so.

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 members of the club.

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 will result in reputational damage to Council.

COMMUNITY ENGAGEMENT

Nil required or recommended. As outlined in the report procedural fairness was always afforded to the parties to the complaint.

Kelley Jones

THE BAROSSA COUNCIL

COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS –

BAROSSA UNITED FC

FINAL INVESTIGATION REPORT

Councillor Bruce Preece

Kelley Jones**THE BAROSSA COUNCIL****Complaint made under the Behavioural Standards for Council Members****1. INTRODUCTION**

- 1.1 By letter dated 6 November 2024, addressed to the Mayor of The Barossa Council (the **Council**), the Complainants submitted a complaint against Councillor Bruce Preece (**Cr Preece**) under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).
- 1.2 A copy of the Complaint is **Appendix 1**.
- 1.3 It is alleged in the Complaint that Cr Preece's actions and behaviours:
- 1.3.1 with respect to a conversation he had with the Vice President of the Barossa United Football Club (the **Club**) during junior trials on Tuesday 15 October 2024; and
 - 1.3.2 conduct, that led to a number of written and verbal complaints being filed against him whilst at the Club;
- were in breach of his obligations under the Behavioural Standards.
- 1.4 A copy of the Behavioural Standards are **Appendix 2**.
- 1.5 It is alleged that Cr Preece's actions and behaviours, collectively, may have breached the following provisions of the Behavioural Standards:
- 1.2 *Act in a way that generates community trust and confidence in the Council.*
 - 1.3 *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.*
 - 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
 - 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

2. THE COMPLAINT

- 2.1 The Complainant, whose identity has been retained in confidence throughout this process for fear of reprisals from Cr Preece, submits the below actions and behaviours constitute breaches of the above identified clauses under the Behavioural Standards.
- 2.2 Whilst we have summarised the same in this Report, the Complaint, in full, forms part of the Appendices to this report (**Appendix 1**).

Inappropriate conversation with the Vice President of the Club

- 2.2.1 Cr Preece's son has been a member of the Club for the past few years, including the 2024 season;

Kelley Jones

- 2.2.2 it is alleged on Tuesday 15 October 2024, during the junior trials, Cr Preece requested to have a conversation with the Vice President of the Club;
 - 2.2.3 this conversation was described as '*troubling*' as it has been alleged Cr Preece suggested his voting powers as a Council Member could influence the Club and its operations in a manner that raised concerns with the Complainants;
 - 2.2.4 it is alleged Cr Preece expressed he was not consulted about a '*naming rights*' request put before the Council by the Club, prior to that request being submitted;
 - 2.2.5 Cr Preece advised the Vice President he voted against the request due to this lack of consultation with him and that he 'could be of use to the Club if we involve him in the processes moving forward';
 - 2.2.6 this statement was perceived to be a veiled threat against the Club by the Complainants;
 - 2.2.7 however, it is always to be noted the alleged 'naming rights request' was not received and dealt with by the Council at a Council Meeting, but rather, discussed more generally at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999* (the **Act**);
 - 2.2.8 that is, no decision could be made on the matter in such a forum. In which case, it was also incorrect for Cr Preece to advise the Club that he had '*voted against*' the proposal.
- 2.3 It is submitted this behaviour not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

Inappropriate prior conduct as a Club Member

- 2.4 It has further been submitted that Cr Preece received a final warning regarding his conduct due to multiple written and verbal complaints filed against him whilst at the Club and his:
- pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, Councillor Preece has instead sought legal advice, advising Barossa United FC that he took this letter as a threat.*
- 2.5 It was determined on the Initial Assessment this second component of the Complaint fell outside of the scope of the Behavioural Standards, on the basis that Cr Preece was not acting in his role as a Member at the time.

3. INITIAL ASSESSEMENT

- 3.1 The Complaint fell to the Mayor to be received and assessed in accordance with the Council's *Elected Member Behavioural Management Process* (the **Process**), including with assistance as required (**Appendix 3**).

Kelley Jones

- 3.2 By email on 21 November 2024 the CEO gave effect to the Process by confirming receipt of the Complaint with the Complainants, advising the steps to be taken in undertaking an Initial Assessment.
- 3.3 The CEO also confirmed with the Complainants the Complaint was to be managed on a confidential basis, the Complainants having confirmed they held fears of retribution or reprisal from Cr Preece should their identity become known.
- 3.4 Against this background, the purpose of the Initial Assessment process was to determine:
- 3.4.1 whether the content of the Complaint relates to the behavioural requirements for Members under the Behavioural Standards;
 - 3.4.2 whether the conduct occurred in the context of Cr Preece carrying out his official functions and duties; and
 - 3.4.3 if so, the appropriate action to take in the circumstances.
- 3.5 By letters dated 21 November 2024 and 22 November 2024, respectively, the Complainants and Cr Preece were invited to provide a response on the Initial Assessment, inviting any further submissions to be taken into account to be received by 5:00pm on 29 November 2024 (**Appendix 4**).
- 3.6 By email dated Friday 22 November 2024, Cr Preece requested an extension due to his ill health and other commitments.
- 3.7 By email of Friday 29 November 2024, Cr Preece stated that having corresponded with a representative at the Behavioural Standards Panel, he requested a further extension to respond. The further extension was confirmed that day, with any submission he may wish to make to be received by 9:00am on 9 December 2024 (**Appendix 5**).
- 3.8 Following which, Cr Preece's response to the allegations were received by email on Monday 9 December 2024 (**Appendix 6**).
- 3.9 Cr Preece's response to the Complaint can be summarised as follows:
- 3.9.1 Cr Preece claims he does not recall receiving a final warning from the Club with regard to his conduct prior to 15 October 2024 and also claims that he has no knowledge of prior written and verbal complaints from the Club (despite including copies of the outcomes of same with the submission);
 - 3.9.2 states he did have a conversation with the Vice President of the Club on 15 October 2024 during the junior trials, confirming at page 14 of the un-paginated submission, that during this conversation he was acting in his official capacity as an Elected Member as he was:

seeking to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council:

Kelley Jones

- 3.9.3 we note this statement is consistent with the role of a Member under section 59(1)(b) of the Act;
- 3.9.4 Cr Preece further quotes section 8 of the Act in his submission, submitting he was acting in accordance with subsections 8(a), (b), (g), (h), (i) and (j):
- ... I believe I was upholding these specific principles in seeking to have a conversation with the Vice President. However, I wish to offer the following apology, I could have chosen my words more carefully.*
- 3.9.5 confirms he attended the Elected Member Workshop on 2 October 2024 and whilst he understands Members are prohibited from making decisions at such workshops, Elected Members do exchange views and comments which form the basis of how they made decisions at Council meeting;
- 3.9.6 at this juncture, we note that this is Cr Preece's perception of the manner in which an information or briefing session may be facilitated. However, we have received evidence on this assessment that the Council does not structure, nor talk about items, at such sessions, such that it could be said to give rise to a predetermination of a question that may come before Council. Rather, the Council uses these sessions to explore ideas and policy positions and provide information to Members;
- 3.9.7 a copy of the material prepared for the consideration of Members at this session **is Appendix 7**;
- 3.9.8 we are further advised the Club did not progress its request and the matter has not been the subject of further discussion by the Council;
- 3.9.9 with respect to the Club's proposed actions more broadly, Cr Preece included a series of emails as between him and the Club, over 26 October 2024 and 2 December 2024, concurrent to the period during which he had a conversation with the Vice President, in which he expresses to the Club he regards its email to him about the alleged breaches of the Club's Code of Conduct to be a threat, and was unhappy to receive the emails regarding his alleged behaviours;
- 3.9.10 however, and as above, it was determined that these matters fell outside of the scope of the Behavioural Standards and were not further considered on the Initial Assessment.
- 3.10 Subsequently, and given the seriousness of the allegations, the Mayor determined on the Initial Assessment the Complaint gave rise to considerations that Cr Preece may have breached his integrity obligations.
- 3.11 In which case the Mayor determined under the Process to refer the matter to another agency, namely, the Ombudsman, and advised Cr Preece of the same.

4. REFERRAL TO OMBUDSMAN

- 4.1 The Complaint was referred to the Ombudsman's Office by way of letter and enclosures on **11 April 2025 (Appendix 8)**.

Kelley Jones

4.2 That referral noted following the Initial Assessment of the Complaint, and having taken into account a submission made by Cr Preece on that Assessment, the Mayor determined to refer the matter to the Ombudsman, as he held a reasonable suspicion that the content of Cr Preece's conversation with the Vice President of the Club on Tuesday 15 October 2024 gave rise to a breach of Cr Preece's integrity obligations under section 62 of the Act, namely:

(3) *A member or former member of a council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.*

(4) *A member of a council must not, whether within or outside the State, make improper use of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.*

4.3 In determining the same, it is not suggested the Club sought favourable treatment from Cr Preece at all.

4.4 By correspondence of **1 October 2025**, the Manager, Investigations and Audit at the Ombudsman's Office subsequently advised:

On the information provided, it is not clear to me that Cr Preece was attempting to gain an advantage for himself or for another person in his conversation with the Vice President, or to cause detriment to the council. I have considered whether Cr Preece's statements could be interpreted in a way to suggest that he was seeking preferable treatment for himself or for his son as members of the Football Club, however in light of his submissions that he was acting in the interests of the community, I am of the view that an investigation of this matter is unlikely to result in a finding that Cr Preece breached the integrity provisions.

4.5 The Ombudsman's Office returned the Compliant to the Council, for it to deal with under the Behavioural Standards (**Appendix 9**).

4.6 Cr Preece was advised the allegations had been returned from the Ombudsman's Office, and the Initial Assessment was to be completed.

4.7 By letter of 10 December 2025, Cr Preece was advised on the conclusion of the Initial Assessment, the Mayor had determined the allegations warranted a formal outcome, namely an investigation. Cr Preece was invited to provide a submission on the formal investigation (**Appendix 10**).

4.8 In now preparing this Investigation Report, we confirm the standard of proof that has been applied in the investigation is that of the balance of probabilities. In determining whether that standard has been met we have, in accordance with the High Court decision in Briginshaw v Briginshaw (1938) 60 CLR 336, considered the nature of the allegations made and consequences that may flow if they were to be upheld.

4.9 In Briginshaw, Dixon J explained at [361-362]:

Kelley Jones

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences.

- 4.10 After a request for an extension to do so, by email of 9 January 2026, Cr Preece, through his legal adviser, provided a response to the allegations, being the same response he provided as part of the Initial Assessment process some months prior (**Appendix 11**).
- 4.11 Notably, in the intervening period, a series of six (6) other complaints made against Cr Preece under the Behavioural Standards, that had been found proved, were referred to the Behavioural Standards Panel (the **Panel**), when Cr Preece failed to give effect to certain sanctions, including apologies, as resolved by the Council at its meeting of 10 May 2025.
- 4.12 The Final Report dated 19 January 2026 prepared by the Panel, was a direction to the Council to file a complaint in the South Australian Civil and Administrative Tribunal (**SACAT**), if Cr Preece continued to fail to give effect to the sanctions imposed by the Council, as well as the apology the Panel required Cr Preece provide, as set out in its Final Report (**Appendix 12**).
- 4.13 Cr Preece failed to give effect to the same within the timeframe provided, following which, a complaint was filed in SACAT on 8 April 2026. A copy of the Complaint is **Appendix 13**.
- 4.14 Whilst the supporting affidavit can be made available if required, it has not been included as an Appendix to this report, due to the size of the same.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Having regard to the evidence available, we have now prepared this Investigation Report for the Mayor's consideration.
- 5.2 **We find** that when viewed objectively and reasonably against all of the available information, Cr Preece's actions and behaviours, in so far as they related to the conversation had with the Vice President of the Club on Tuesday 15 October 2024, **do** amount to a breach of his obligations under the Behavioural Standards.
- 5.3 Cr Preece did not deny the substance of the allegations put against him; indeed, he confirms in doing so, he was acting in his capacity as an Elected Member.
- 5.4 Whilst Cr Preece submits his actions on 15 October 2024 were in the nature of representing the interests of the community and upholding the principles of good governance, it is serious indeed that Cr Preece suggested to the Club he 'voted' against a proposal it may have requested, because he was not '*consulted*' and that he '*could be of use to the Club if we involve him in the processes moving forward*'.

Kelley Jones

- 5.5 On any reasonable interpretation Cr Preece's comments conveyed the impression that if the Club included him in its decisions making processes, he could make use of his role as an Elected Member to benefit the Club.
- 5.6 By asserting that he was acting within the ambit of section 59 of the Act in making such statements, Cr Preece has clearly stated that he was intending to act within his capacity as an Elected Member during the conversation, subject of the Complaint.
- 5.7 Cr Preece's explanation that Council decisions at meetings are driven by informal conversations at workshops only serves to demonstrate he believes it was within his power to influence Council decisions in the manner alleged in the Complaint.
- 5.8 In which case, we find that Cr Preece has breached the following provisions under the Behavioural Standards:
- 1.2 *Act in a way that generates community trust and confidence in the Council.*
 - 1.3 *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.*
 - 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
 - 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*
- 5.9 We do not suggest the Club sought favourable treatment from Cr Preece at all. Rather, and subject to the allegations found proved on this investigation, Cr Preece approached the Club to offer the same and expressed (inappropriately) dissatisfaction that the Club did not approach him first regarding certain naming issues.
- 5.10 Having now found that Cr Preece has breached the Behavioural Standards in the manner alleged, we note these allegations arise from the conversation Cr Preece had with the Vice President of the Club on **Tuesday 15 October 2024**.
- 5.11 This is a period of time **after** the previous six (6) complaints for which it has already been determined that Cr Preece breached the Behavioural Standards, now subject to disciplinary proceedings. The actions and behaviours in those complaints occurred over February – April 2024.
- 5.12 In which case, we now recommend the Mayor report this matter to the Council, to resolve to refer this Complaint matter to the Panel, as constituting repeated misbehaviour for the purposes of section 262E of the Act, being a:
- second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;*

5.13 We further recommend that Cr Preece and the Complainants be advised of the same.

5.14 This concludes our investigation of this Complaint.

KELLEDY JONES LAWYERS

19 June 2026

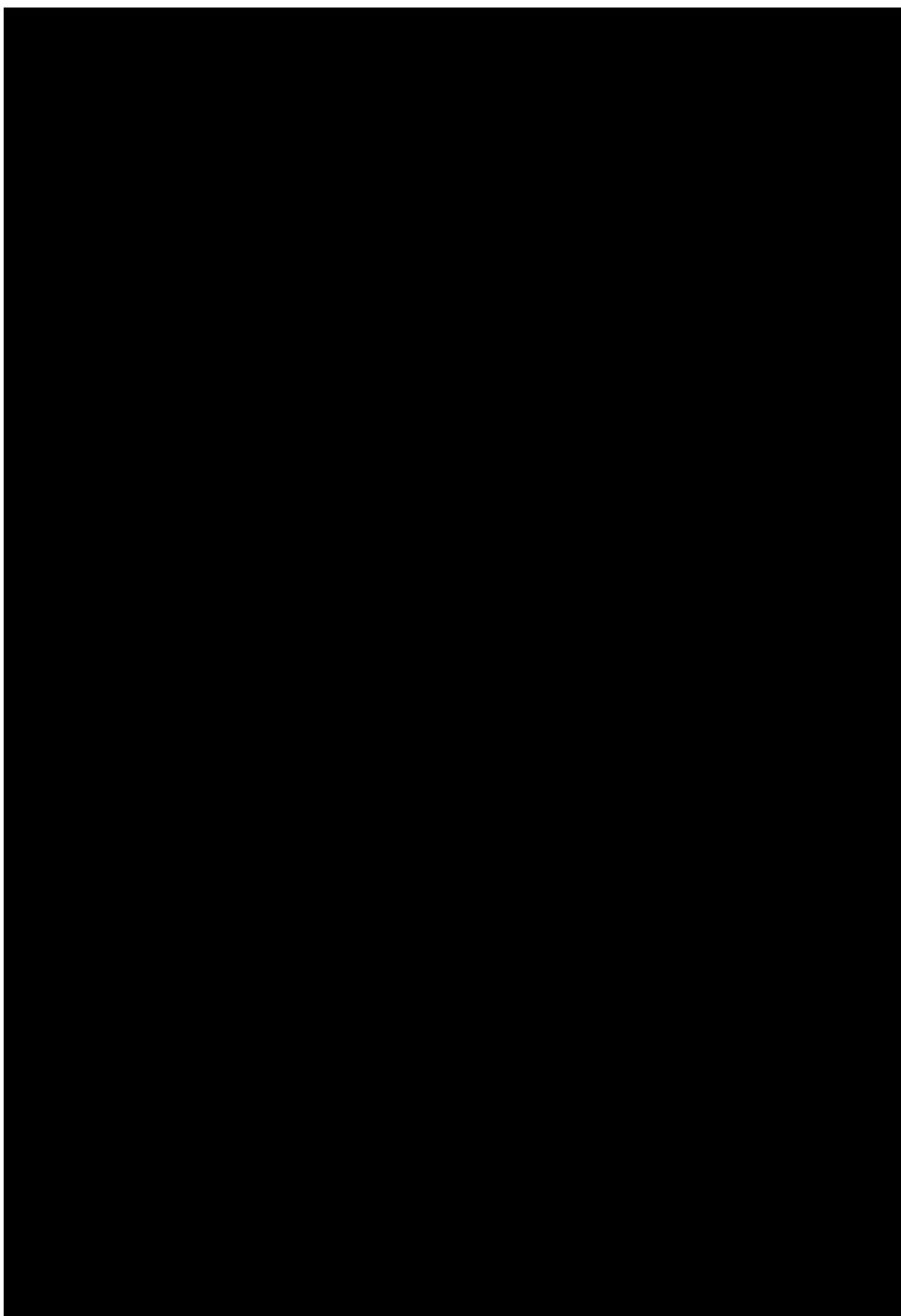
Kelley Jones

APPENDICES

CONFIDENTIAL

Kelley Jones

APPENDIX 1



Kelley Jones

APPENDIX 2

No. 79 p. 6658

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

17 November 2022

LOCAL GOVERNMENT ACT 1999

SECTION 75E OF THE LOCAL GOVERNMENT ACT 1999

Behavioural Standards for Council Members

The Behavioural Standards for Council Members (Behavioural Standards) are established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act.

Statement of Intent

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are required to act with integrity, serve the overall public interest and provide community leadership and guidance.

The community expects council members to put personal differences aside, to focus on the work of the council and to engage with each other and council employees in a mature and professional manner.

Behavioural Standards

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt Behavioural Support Policies which, amongst other things, may include additional matters relating to behaviour that must be observed by council members. A breach of these Behavioural Standards or a council's Behavioural Support Policy:

- will be dealt with in accordance with the council's Behavioural Management Policy; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Council members must:**1. General behaviour**

- 1.1 Show commitment and discharge duties conscientiously.
- 1.2 Act in a way that generates community trust and confidence in the Council.
- 1.3 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.
- 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
- 1.5 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.

2. Responsibilities as a member of Council

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
- 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- 2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.
- 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
- 2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
- 2.7 Use the processes and resources of Council appropriately and in the public interest.

3. Relationship with fellow Council Members

- 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
- 3.2 Not bully other Council members.
- 3.3 Not sexually harass other Council members.

4. Relationship with Council employees

- 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 4.2 Not bully Council employees.
- 4.3 Not sexually harass Council employees.

Definitions

For the purposes of these Behavioural Standards, a Council's Behavioural Support Policy (if adopted) and a Council's Behavioural Management Policy, the following definitions apply:

An elected member will be considered to **bully** other Council members or Council employees if:
the Council member either, as an individual Council member or as a member of a group:

Kelley Jones

APPENDIX 3

THE BAROSSA COUNCIL BEHAVIOURAL MANAGEMENT POLICY



Pursuant to Section 262B of the *Local Government Act 1999* and Regulation 16 of the *Local Government (Transitional Provisions) Regulations 2021* Council adopted the Model Local Government Association Behavioural Management Policy on 28 November 2022, until Council has adopted its own Policy by the day designated by the Minister for Local Government under Regulation 16.



Local Government Association
of South Australia

LG Equip

Model Behavioural Management Policy

August 2022

Docum

Version: 5, Version Date: 31/10/2022



Local Government Association
of South Australia

LG Equip

This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999 and endorsed by the LGA Board on 23 August 2022.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.

© The LGA claims copyright ownership of the content of this document for member councils in South Australia only. Member councils of the LGA may download, display, print, reproduce and alter the material for use by member councils only. The LGA reserves the right to revoke such permission at any time should a council no longer be a member council. Apart from this permission and uses permitted under the Copyright Act 1968, all other rights are reserved. For further information regarding the use of LGA information/resources please contact the Governance Team on (08) 8224 2000 or governance@lga.sa.gov.au

LGA of SA ECM 781625 Model Behavioural Management Policy: Approved 23 August 2022

Version 5.1 1/10/2022



Local Government Association
of South Australia

LG Equip

Foreword	i
Legal Framework.....	i
Commencement of Behavioural Management Framework	ii
1. Purpose.....	1
2. Glossary.....	1
3. Principles.....	3
4. The Complaint Management Process	3
4.1. Dispute versus Complaint	4
4.2. Confidentiality.....	4
4.3. Stages of Action	5
4.4. Part 1: Informal action	5
4.5. Part 2: Formal action.....	6
4.6. Behavioural Standards Panel	13
5. Responsibilities	14
6. Related Legislation	15



LG Equip

Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established¹ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the Behavioural Management Framework, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place so as to absolutely minimise risk.

¹ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*



LG Equip

Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the Behavioural Management Framework requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as *the* Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.

The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

The LGA Model Behavioural Management Policy reflects the changes to the role of the principal member of council, set out in section 58 of the *Local Government Act 1999*. Consistent with the increased leadership obligations, the Policy assigns responsibility for the management of complaints to the Mayor (except in circumstances where the complaint relates to the conduct of the Mayor). Councils may determine and appoint an alternative person to be responsible for managing any complaints received in accordance with this Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)² and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the *Local Government Act*.

² Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.

Behavioural Management Policy

Responsibility	Chief Executive Officer
Effective date	From the day on which section 147(6) of the Statutes Amendment (Local Government Review) Act 2021 comes into operation
Next review date	Refer to regulation 16 of the <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>
Applicable Legislation	Local Government Act 1999 s262B <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>

1. Purpose

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members, this Behavioural Management Policy and/or any Behavioural Support Policy adopted by the Council (**the behavioural requirements**).

2. Glossary

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

behavioural requirements – in this document refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.

Behavioural Standards for Council Members – established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.



Local Government Association
of South Australia

LG Equip

frivolous – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

misbehaviour – is defined in section 262E of the *Local Government Act 1999* as:

- (a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

person responsible for managing the complaint means, subject to any resolution of the Council to the contrary –

- 1. the Mayor;
- 2. if the complaint relates to or involves the Mayor, the Deputy Mayor;
- 3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council.

repeated misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

serious misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a failure by a member of a council to comply with section 75G (Health and safety duties)

trivial – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

vexatious – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

3. Principles

Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements** is, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;



Local Government Association
of South Australia

LG Equip

- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

4. The Complaint Management Process

This Policy sets out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the **behavioural requirements** occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the **behavioural requirements** occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

4.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the **behavioural requirements**, rather than where members of council have differences of opinion, even when robustly put.

4.2. Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy³.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint
- Where required by law
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the *Local Government Act 1999*.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.3. Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

4.4. Part 1: Informal action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the **behavioural requirements**. A person may therefore consider raising the matter directly with the council member concerned.

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor (if appointed) or

3 There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.



LG Equip

other council member appointed by the Council as the person responsible for managing complaints under this Policy.

If the Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

4.4.1. Record keeping

Where the Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

- Details of the complainant
- Details of the person complained about
- A summary of the matter
- A summary of actions taken in response
- Details of agreed actions (if any)

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

4.5. Part 2: Formal action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of council members and addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the Council's website.
- Provide the name of the council member who has allegedly breached the **behavioural requirements**, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the **behavioural requirements** the complainant alleges have been breached)

Local Government Association
of South Australia

LG Equip

- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of **behavioural requirements** in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.5.1. Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.5.2. Initial complaint assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

Step 1

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their official functions and duties.

In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters⁴:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith

⁴ The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.



Local Government Association
of South Australia

LG Equip

- the complaint has been lodged with another authority
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

Action from initial assessment

The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- refusing to deal with the complaint⁵
- determining to take no further action
- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
- referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to deal with the complaint/Determining to take no further action

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

⁵ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint



LG Equip

- the complainant must be provided written reasons explaining the decision⁶
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- A record of these steps and the decision not to proceed should be made.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to refer to alternative resolution mechanism:

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

Decision to refer to another body or agency

Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

Decision to proceed to formal consideration:

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:
 - the specific provision(s) of the ***behavioural requirements*** alleged to have been breached; and
 - the circumstances where this breach is alleged to have occurred.

In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.

⁶ Section 262D, Local Government Act 1999



Local Government Association
of South Australia

LG Equip

- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

4.5.3. Formal consideration

Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.

Local Government Association
of South Australia

LG Equip

4.5.4. Report

The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:

- discussions with parties to the complaint to seek agreement
- formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found

Where the finding is that no breach of the **behavioural requirements** has occurred a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. If no such request is received, no further action will be taken.

⁷ Note that the complainants identity may need to be redacted.

Local Government Association
of South Australia

LG Equip

Outcome – agreed actions (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the complainant and the person complained about⁸ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁹ at the next practicable Council meeting.. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹⁰

Outcome – no agreed action (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

4.5.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- taking no further action
- passing a censure motion in respect of the member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;

⁸ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.

⁹ Note that the complainants identity may need to be redacted.

¹⁰ Schedule 4(1)(d), Local Government Act 1999



LG Equip

- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council;

If Council determines to take action, a report on the matter must be considered at a meeting open to the public¹¹.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹²

4.6. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

Legislative definition	Plain language explanation
misbehaviour means— - a failure by a member of a council to comply with a requirement of the council under section 262C(1); or - a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or - a failure by a member of a council to	Misbehaviour means: - a council member fails to take the action required by council; or - a council member fails to comply with this policy; or

¹¹ Section 262C(2), *Local Government Act 1999*

¹² Schedule 4(1)(d), *Local Government Act 1999*

Local Government Association
of South Australia

LG Equip

comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;	(c) a council member fails to comply with an agreement reached pursuant to this policy
repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;	A second or subsequent breach of the behavioural requirements
serious misbehaviour means a failure by a member of a council to comply with section 75G.	A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i>

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by¹³:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

Behavioural Standards Panel Contact Officer

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

5. Responsibilities

The Mayor, Deputy Mayor (if appointed) or other council member appointed by the council as the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

¹³ Section 262Q, *Local Government Act 1999*

Local Government Association
of South Australia

LG Equip

- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

6. Related Legislation

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Public Interest Disclosure Act 2018

Kelley Jones

APPENDIX 4

22 November 2024

Kelley JonesCouncillor Bruce Preece
The Barossa CouncilT. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 56 159 460 723**VIA EMAIL:** bpreece@barossa.sa.gov.au

Dear Cr Preece

**COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS -
BAROSSA UNITED FC**

This firm has been engaged by The Barossa Council (the **Council**) to assist the Mayor undertake an Initial Assessment of a Complaint made against you under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).

The Complaint is to be received and assessed under the Council's *Elected Member Behavioural Management Process* (the **Process**), a copy of which is **enclosed**.

THE PROCESS

Clause 6.10 of the Process provides that Complaints are to be directed to the Responsible Person, in this instance, the Mayor, for Initial Assessment to determine if:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter;
- the complaint is trivial, frivolous or vexatious or not made in good faith;
- the complaint has been lodged with another authority;
- subject matter of the complaint has been or is already being investigated by the Council or another body;
- it is unnecessary or unjustifiable for the Council to deal with the complaint; or
- the Council has dealt with the complaint adequately.

If the Mayor determines on the Initial Assessment the Complaint falls for consideration under the Behavioural Standards, the Complaint may proceed to formal consideration under the Process, unless there are grounds to take one of the following actions:

- refuse to deal with the Complaint;
- determine to take no further action;
- referring to an alternative resolution mechanism, or to propose training for relevant parties;
- refer the matter to another body or agency, such as the Ombudsman or the Behavioural Standards Panel.

The Council maintains jurisdiction where a Complaint involves conduct under the Behavioural Standards.

baro0001_240610_002.docx

Knowledge & Innovation

Cr Preece

22 November 2024

STEP 2 - PROCESS

Our purpose in now writing to you, is to advise it has been determined the allegations received could give rise to a *prima facie* breach of the Behavioural Standards.

In which case, under Step 2, clauses 6.11 and 6.12, of the Process, you are to be invited to make a submission on the allegations received.

The Mayor will take any submission you may wish to make into account, in determining the appropriate action to take in the circumstances.

We set out the basis of the Complaint below.

ALLEGATIONS

A Complaint has now been received on behalf of the Barossa United Football Club (the **Club**).

It is understood you have been a member of the Club for the past few years, including the 2024 season.

This conversation was described as 'troubling' as it has been alleged you suggested your 'voting powers as a council member could influence the club and its operations' in a manner that raised concerns with the Club.

It is alleged you expressed you were not consulted about a naming rights request put before the Council by the Club, prior to that request being submitted.

You then advised you voted against the request due to this lack of consultation with you and that you 'could be of use to the Club if we involve him in the processes moving forward'.

This statement was perceived to be a veiled threat against the Club.

However, it is to be noted that the 'naming rights request' was not received and dealt with by the Council at a Council Meeting, but rather, at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999*. That is, no decision could be made on the matter in such a forum, so it was also incorrect for you to advise the Club you 'voted against' the proposal..

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has further been submitted you have received a final warning regarding your conduct due to multiple written and verbal complaints filed against you whilst at the Club and your:

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, Councillor Preece

baro0001_240610_002.docx

Cr Preece

22 November 2024

has instead sought legal advice, advising Barossa United FC that he took this letter as a threat.

It is submitted by the actions and behaviours set out above, you have breached the following provisions of the Behavioural Standards:

- 1.2 *Act in a way that generates community trust and confidence in the Council.*
- 1.3 *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.*
- 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
- 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

RESPONSE TO THE COMPLAINT

Whilst it is not the role of the Initial Assessment process to make findings, let alone conclusive findings of the allegations, it is against this background that the Mayor has determined your actions and behaviours **may** warrant further investigation under the Process.

In which case, Step 2 of the Process requires that you be afforded a reasonable opportunity to respond to the allegations.

If you would like to make a submission, can you ensure it is received by us by no later than **5:00pm on Friday 29 November 2024.**

Lastly, we take this opportunity to confirm this is, and remains, a **confidential process** under the Process and you are not to disclose the content of this letter, or the allegations, to another person, save for your support person, or legal adviser, who must also be advised of their obligations of confidentiality.

If you have any questions regarding the above, or the Process, do not hesitate to contact us.

Yours sincerely
KELLEDY JONES LAWYERS



TRACY RIDDLE
Direct Line: 08 8113 7106
Mobile: 0431 867 523
Email: triddle@kelledyjones.com.au

21 November 2024

Kelley Jones

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723

COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS - BAROSSA UNITED FC

This firm has been engaged by The Barossa Council (the **Council**) to assist the Mayor undertake an Initial Assessment of a Complaint made on behalf of the Barossa United Football Club (the **Club**) under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).

The Complaint is to be received and assessed under the Council's *Elected Member Behavioural Management Process* (the **Process**), a copy of which is **enclosed**.

THE PROCESS

Clause 6.10 of the Process provides that Complaints are to be directed to the Responsible Person, in this instance, the Mayor, for Initial Assessment to determine if:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter;
- the complaint is trivial, frivolous or vexatious or not made in good faith;
- the complaint has been lodged with another authority;
- subject matter of the complaint has been or is already being investigated by the Council or another body;
- it is unnecessary or unjustifiable for the Council to deal with the complaint; or
- the Council has dealt with the complaint adequately.

If the Mayor determines on the Initial Assessment the Complaint falls for consideration under the Behavioural Standards, the Complaint may proceed to formal consideration under the Process, unless there are grounds to take one of the following actions:

- refuse to deal with the Complaint;
- determine to take no further action;
- referring to an alternative resolution mechanism, or to propose training for relevant parties;

baro0001_240610_003.docx

Knowledge & Innovation

21 November 2024

- refer the matter to another body or agency, such as the Ombudsman or the Behavioural Standards Panel.

The Council maintains jurisdiction where a Complaint involves conduct under the Behavioural Standards.

STEP 2 - PROCESS

Our purpose in now writing to you, is to advise it has been determined the allegations received could give rise to a *prima facie* breach of the Behavioural Standards.

In which case, under Step 2, clauses 6.11 and 6.12, of the Process, Cr Preece is to be invited to make a submission on the allegations received.

The Mayor will take any submission he may wish to make into account, in determining the appropriate action to take in the circumstances.

In receiving and managing this matter, we also understand the basis of the Complaint is as follows

ALLEGATIONS

It is understood Cr Preece has been a member of the Club for the past few years, including the 2024 season.

This conversation was described by you as 'troubling' as it has been alleged Cr Preece suggested his 'voting powers as a council member could influence the club and its operations' in a manner that raised concerns with the Club.

It is alleged Cr Preece expressed he was not consulted about a naming rights request put before the Council by the Club, prior to the request being submitted.

He then advised he voted against the request due to what he considered to be a lack of consultation with him and he '*could be of use to the Club if we involve him in the processes moving forward*'.

This statement was perceived to be a veiled threat against the Club.

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has further been submitted Cr Preece has received a final warning regarding his conduct due to multiple written and verbal complaints filed against him whilst at the Club and his:

21 November 2024

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, Councillor Preece has instead sought legal advice, advising Barossa United FC that he took this letter as a threat.

Although the letter of Complaint did not specify the same, on a review of the Behavioural Standards (**attached**), we have considered that by the actions and behaviours set out above, the Club is submitting Cr Preece has breached the following provisions of the Behavioural Standards:

- 1.2 *Act in a way that generates community trust and confidence in the Council.*
- 1.3 *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.*
- 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
- 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

Please let us know if this is incorrect.

RESPONSE TO THE COMPLAINT

Whilst it is not the role of the Initial Assessment process to make findings, let alone conclusive findings of the allegations, it is against this background that the Mayor has determined Cr Preece's actions and behaviours **may** warrant further investigation under the Process.

In which case, Step 2 of the Process requires that he be afforded a reasonable opportunity to respond to the allegations. He has been provided until 5:00pm on Friday 29 November 2024 to make any such submission.

Lastly, we take this opportunity to confirm this is, and remains, a **confidential process** under the Process and the Club is not to disclose the content of this letter, or the allegations, to another person, save for a support person, or legal adviser, who must also be advised of their obligations of confidentiality.

If you have any questions regarding the above, or the Process, do not hesitate to contact us.

Yours sincerely
KELLEDY JONES LAWYERS



TRACY RIDDLE
Direct Line: 08 8113 7106
Mobile: 0431 867 523
Email: triddle@kellydijones.com.au

baro0001_240610_003.docx

Kelley Jones

APPENDIX 5

Martin Neilson

From: Tracy Riddle
Sent: Friday, 29 November 2024 1:17 PM
To: 'Cr Bruce Preece'
Subject: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)

Sensitivity: Confidential

Dear Cr Preece

I am instructed to confirm an extension to respond to the allegations made by the Barossa United FC, to **9:00am on Monday 9 December 2024**.

Regards

Tracy

Tracy Riddle
Lawyer



Kelley Jones

T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

From: Cr Bruce Preece <bpreece@barossa.sa.gov.au>
Sent: Friday, 29 November 2024 12:43 PM
To: Tracy Riddle <triddle@kelledyjones.com.au>
Subject: RE: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)
Sensitivity: Confidential

Good Afternoon Tracey

I have spoken to Fran from the Behavioural standards panel seeking information and she has recommended I ask for a further extension as I'm meeting with my Lawyer next Wednesday 4th Dec . I'm looking forward to hearing from you about my further extension.

Kind Regards

Bruce Preece

Councillor

E: bpreece@barossa.sa.gov.au | T: 08 8563 8444 / Mobile: 0403 244 017

From: Tracy Riddle <triddle@kellydjones.com.au>

Sent: Wednesday, November 27, 2024 9:17 AM

To: Cr Bruce Preece <bpreece@barossa.sa.gov.au>

Cc: 'trevorwedding55@gmail.com' <trevorwedding55@gmail.com>

Subject: [EXTERNAL] RE: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)

Sensitivity: Confidential

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Dear Cr Preece

We confirm receipt of your email and will obtain our instructions.

Regards

Tracy

Tracy Riddle
Lawyer



T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kellydjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

From: Cr Bruce Preece <bpreece@barossa.sa.gov.au>

Sent: Tuesday, 26 November 2024 9:35 AM

To: Tracy Riddle <triddle@kelledyjones.com.au>
Cc: 'trevorwedding55@gmail.com' <trevorwedding55@gmail.com>
Subject: RE: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)
Sensitivity: Confidential

Good Morning Tracey

It would be extremely difficult for me to respond to this request as I am in poor health and dealing with other deadlines as you are aware and am seeking further info in regards to this matter and as I have only seen this email this morning. I would appreciate an extension.

Kind Regards

Bruce Preece

Councillor

E: bpreece@barossa.sa.gov.au | T: 08 8563 8444 / Mobile: 0403 244 017

From: Tracy Riddle <triddle@kelledyjones.com.au>
Sent: Friday, November 22, 2024 5:34 PM
To: Cr Bruce Preece <bpreece@barossa.sa.gov.au>
Subject: [EXTERNAL] CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)
Sensitivity: Confidential

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Dear Cr Preece

We **attach** a letter of allegations with respect to a complaint made on behalf of the Barossa United FC.

Importantly, this matter is currently the subject of an Initial Assessment (being the preliminary process on receipt of a complaint, and not investigation process).

Your views are sought in accordance with Step 2 *Initial complaint assessment* under the **attached** Process, to be received for consideration by **5:00pm on Friday 29 November 2024**.

Regards

Tracy

Tracy Riddle
Lawyer



Kelley Jones

T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

Kelley Jones

APPENDIX 6

**INITIAL RESPONSE TO COMPLAINT UNDER THE BEHAVIOURAL STANDARDS
FOR COUNCIL MEMBERS – BAROSSA UNITED FOOTBALL CLUB**

INITIAL RESPONSE

I wish to respond to the allegations made against me.

“ALLEGATIONS

A Complaint has now been received on behalf of the Barossa United Football Club (the Club).

It is understood you have been a member of the Club for the past few years, including the 2024 season.

This conversation was described as ‘troubling’ as it has been alleged you suggested your *‘voting powers as a council member could influence the club and its operations’* in a manner that raised concerns with the Club.

It is alleged you expressed you were not consulted about a naming rights request put before the Council by the Club, prior to that request being submitted.

You then advised you voted against the request due to this lack of consultation with you and that you *‘could be of use to the Club if we involve him in the processes moving forward.’*

This statement was perceived to be a veiled threat against the Club.

However, it is to be noted that the ‘naming rights request’ was not received and dealt with by the Council at a Council Meeting, but rather, at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999*. That is, no decision could be made on the matter in such a forum, so it was also incorrect for you to advise the Club you ‘voted against’ the proposal..

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has been further submitted you have received a final warning regarding your conduct due to multiple written and verbal complaints filed against you whilst at the Club and your:

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, took this letter as a threat.

It is submitted by the actions and behaviours set out above, you have breached the following provisions of the Behavioural Standards:

1.2 Act in a way that generates community trust and confidence in the Council.

1.3 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.

1.4 Act in a reasonable, just, respectful and non-discriminatory way.

2.5 Act in a manner consistent with their roles, as defined under section 59 of the Act."

I confirm that I have been a member of the Club since 2023, including the 2024 season and that I am bound by the Barossa United Football Club Code of Conduct.

Since my now [REDACTED] started playing football with the Barossa United Football Club, I have at times coached the team, taken over training sessions at short notice, set up and put back equipment, volunteered as a match marshall and provided oranges. Along with other parents and spectators I have engaged in barracking, encouraging my son and other players.

I do not recall being informed about receiving a final warning regarding my conduct due to multiple written and verbal complaints filed against me at the Club, of which I have no knowledge.

I note Clause 12 of the Barossa United Football Club Code of Conduct states the following:

"12. Raising a Complaint with Barossa United FC

Barossa United FC recognise that sometimes things go wrong and you may feel that your expectations of BUFC are not being met or you may witness breaches to the Code of Conduct that you wish to report. It is important to work together, talk, listen and find solutions so we can improve BUFC and ensure a safe playing environment for players and spectators. The following information will walk you through the steps you can take when you have a complaint or concern.

12.1 BUFC Responsibilities

BUFC has a duty to respond to complaints. BUFC will endeavour to act in the best interests of all parties involved and respond to a complaint as quickly, fairly and effectively as possible and apply the following principles:

- Treat complaints seriously;
- Act promptly;
- Treat people fairly and listen to both sides;
- Stay neutral;
- Keep parties to the complaint informed;
- Maintain confidentiality if possible;
- Protect against victimisation;
- Keep accurate records;
- Make decisions based only on information gathered not personal views; and
- Disciplinary action will be relative to the breach of Code of Conduct.

Types of concerns and complaints

You may choose to raise an issue or make a complaint if you believe that a BUFC committee member, coach, player or spectator has:

- Breached the Code of Conduct
- Breached the Child Safe Policy
- Failed to do something they should have to ensure the safety of members

Your concern or complaint may be about:

- The behaviour and/or decisions of Committee Members or Coaches
- The behaviour of a spectator on the sidelines of the games
- The on-field behaviour of players

12.2 Steps to take if you have a complaint

Step 1: Raise the complaint with the Team Manager

Try to resolve your concern or complaint at team level wherever possible. The team manager should always be your first point of contact. Make a time to talk to your Team Manager to discuss your concerns, or you may want to put your concerns in a letter or email. As a rule of thumb less serious complaints lend themselves to being resolved quickly and informally.

If you do not wish to discuss the issue with the Team Manager, then you can contact the BUFC President or BUFC Secretary. They will work with you to resolve the issue.

Step 2: Club Resolution

After trying to resolve your complaint at the team level, if you are not satisfied that your complaint has been resolved then please seek support from the BUFC President or BUFC Secretary to have the complaint resolved.

Step 3: Other ways to resolve your issue

If BUFC can't resolve your issue through the previous steps, or you are not satisfied with the resolution process you may choose to seek independent advice and review by an external agency. The Elizabeth and District Junior Football Association will be your point of contact for further resolution."

The Associations Incorporation Act 1985, Part 4 Management of internal affairs, Division 4, Disputes states the following:

"Division 4 – Disputes

40 – Rules of natural justice to be applied in relation to adjudication of dispute

Where the committee of an incorporated association exercises any power of adjudication that it may have in a relation to a dispute between its members, or a dispute between itself and members of the association, the rules of natural justice must be observed."

The hearing rule of natural justice requires that a person be told 'the case to be met' and have an opportunity to respond to 'adverse information that is credible, relevant and significant'.

I do not believe that the Barossa United Football Club has fulfilled its responsibilities under the Members Code of Conduct after receiving complaints made about me. It has not treated people fairly and listened to both sides, it has not stayed neutral, it has not

kept parties informed and it has not kept accurate records. I have no knowledge of these complaints, both verbal and written, that have been made against me.

Have the complainants followed 12.2 Steps to take if you have a complaint? (Step 1: Raise the Complaint with the Team Manager; Step 2: Club Resolution; Step 3: Other ways to resolve your issue?)

I believe that I have not been afforded natural justice, nor procedural fairness by the Barossa United Football Club, in relation to the complaints made about me to the Club.

I also confirm that in my role as an Elected Member of The Barossa Council I attended the Elected Member Workshop on Wednesday the 2nd of October 2024, "An Information or Briefing Session is held under section 90A of the *Local Government Act 1999*."

Section 90A states the following:

"90A – Information or briefing sessions

- (1) A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter (Chapter 6 – Meetings) to which more than 1 member of the council or a council committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an **information or briefing session**).
- (2) A matter must not be dealt with at a council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the council or a council committee.
- (3) A council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the council or a council committee is discussed at the session.
- (4) However, the council or chief executive officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the council or chief executive officer (as the case requires) considers it to be necessary or appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

- (5) If an order is made under subsection (4), the council or chief executive officer (as the case requires) must, as soon as reasonably practicable after the making of the order, make a record of –
 - (a) the grounds on which the order was made; and
 - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - (c) if relevant, the reasons that receipt, consideration or discussion of the information or briefing session would be contrary to the public interest.
- (6) If an information or briefing session is organised or held by a council or chief executive officer of a council, the following provisions apply:
 - (a) sections 90(5), (6) and (7a) apply to the information or briefing session as if it were a meeting of the council or council committee;
 - (b) a prescribed matter cannot be dealt with at an information or briefing session;
 - (c) a reference to a meeting or meetings in sections 94 and 95 includes a reference to an information or briefing session or sessions.
- (7) A council or the chief executive officer of a council must comply with any requirements of the regulations relating to the following:
 - (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
 - (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session.”

*“The **Barossa** Council*

NOTICE OF ELECTED MEMBER WORKSHOP

**Notice is hereby given that the next Elected Member Workshop will
be held on Wednesday 2 October 2024
commencing at 5.30pm in the Council Chambers, 43 – 51 Tanunda
Road, Nuriootpa.**

*An Information or Briefing Session is held under Section 90A of the Local
Government Act 1999.*

Martin McCarthy
CHIEF EXECUTIVE OFFICER
ELECTED MEMBER WORKSHOP

AGENDA

1. ITEMS FOR DISCUSSION/PRESENTATIONS

<u>Item</u>	<u>Estimated Time</u>
1.4 Signage and Naming Rights of Sporting Parks	20 minutes"

Prior to the Workshop, I received an email from The Barossa Council Chief Executive Officer Martin McCarthy informing me that an Elected Member Workshop was scheduled for Wednesday the 2nd of October 2024 at 5.30pm. I was also aware that the Barossa United Football Club had sent an email to Councillor Rick Lane.

The Barossa Council has a Signage Policy in place which was approved on the 19th of September 2023.

Relevant sections of The Barossa Council Signage Policy state:

"THE BAROSSA COUNCIL SIGNAGE POLICY

1. Purpose

- 1.1 The purpose of this Policy is to provide principles and guidelines for the display of signs on Council land.
- 1.2 The objectives of the Policy are:
 - 1.2.1 To promote appropriate signage types on Council land;
 - 1.2.2 To identify inappropriate signage types on Council land;
 - 1.2.3 To address previous signage matters erected on Council land;
 - 1.2.4 To prevent proliferation of signage on Council land that may detract from the character and amenity of the Barossa brand;
 - 1.2.5 To provide a consistent approach to signage on Council land;
 - 1.2.6 To provide clear criteria for the approval of signage on Council land under this Policy;
 - 1.2.7 To incorporate road signage policy contained within the "Legacy Policy Statements."

Council Consent Required

3.2 No sign shall be erected on the road or on Council Land without the consent of Council, except where the sign is exempt from this Policy or is erected in accordance with a By-Law.

3.3 A change in the contents of a sign display or the replacement of a sign (whether or not of the same dimensions) is subject to consent of Council.

3.4 Council reserves the right to approve or refuse signage on its land.

Approval

3.8 The Barossa Council may adopt "Location Guidelines" that regulate the location and type of community information signs or temporary event signs, pursuant to this Policy. The "Location Guidelines" may be amended from time to time, under Delegated Authority of staff pursuant to **section 5** of this Policy.

5. Delegation

5.1 That Council delegate the authority to approve requests and applications for all categories of signs where consistent with this Policy to:

5.1.1 Chief Executive Officer

5.1.2 Director – Development and Community Services

5.1.3 Director – Infrastructure and Environmental Services

5.1.4 Manager – Development Services

5.1.5 Manager – Engineering Services

5.1.6 Manager – Health Services and Community Safety.

5.1.7 Authorised Officer under the *Local Government Act 1999*.

Appropriate and Inappropriate Signage Types

3.17 Appropriate signage types that may be erected on Council land, pursuant to this Policy include:

3.17.7 Council building, dog parks and reserve identification signs;

3.18 Inappropriate signage types include:

3.18.1 Commercial advertising signs, other than approved fingerboard signs.

Council Building, Dog Parks and Reserve Identification Signs

3.42. Building and/or reserve name signs may identify the official name of a building and/or the name of a reserve on land in ownership of The Barossa Council.

3.43. Building and/or reserve name signs may include the identification of community groups or clubs that occupy the facility or a part of the facility.

3.44. Where a reserve or building is occupied by multiple tenants or groups, shared aggregation of messaging is necessary.

3.45. Community information signs erected by The Barossa Council may be displayed at any Council owned site, including dog parks and the Council Chambers.

Community Information Signs and Notice Boards

3.49. Community information signs shall comply with "Location Guidelines" of The Barossa Council, where adopted pursuant to Paragraph 3.8 of this Policy.

Enforcement

4.1 If:

4.1.1. A sign has been erected or placed on Council land without the consent of Council; or

4.1.2. The design or positioning of the sign does not comply with an approval of the Council; or

4.1.3. The sign unreasonably:

4.1.3.1. Restricts the use of the footpath area or road; or

4.1.3.2. Endangers the safety of members of the public; or

4.1.4. The sign is in a dilapidated state of repair or is obsolete.

An authorised person may:

a) Remove the sign immediately; or

b) Order the owner of the sign to remove the sign from the road.

4.2. A person must comply with an order of an authorised person made pursuant to paragraph 4.1.

4.3. If the authorised person cannot find the owner, or the owner fails to comply immediately with the order of an authorised person, the authorised person may remove the sign.

4.4. The owner or other person entitled to recover a sign removed pursuant to paragraph 4.1.4 (a) or 4.3 must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the sign before being entitled to recover the sign.

4.5. Paragraphs 4.1.4 (a), 4.3 and 4.4 do not apply to vehicle, trailer or the like parked on the road for the purpose of display of advertising.

10. Definitions

Authorised Person – Authorised Person has the same meaning as in the *Local Government Act 1999*.

Council – Means The Barossa Council, including an Authorised Delegate of the Council pursuant to Section 5 of this Policy, except where otherwise stated.

Council land – Means land owned by the Council or under the Council's care, control and management as well as any road or road reserve.

Community Information Sign – Means signage containing information related to a not for profit organisation operating within the area of The Barossa Council and that represents or provides service to the Barossa community.

Location Guidelines – Means "Location Guidelines" referred to in Paragraph 3.8 of this Policy.

Sign – Means an advertisement and any structure built specifically to support it displaying any word, letter, image, device or representation or combination thereof, whether moveable or immovable, used for the purpose of advertising, announcement or display. Includes a painted sign, signboard, visual display screen, projection device, flag, bunting or streamer, or vehicle depicting a sign."

The Barossa Council also has a Lease, Licence and Permit Policy in place which was approved on the 18th of July 2023.

Relevant sections of The Barossa Council Lease, Licence and Permit Policy state:

"THE BAROSSA COUNCIL

LEASE, LICENCE & PERMIT POLICY

1. Purpose

1.1 The Barossa Council is committed to maximising the community benefits that can be obtained through the use of its facilities whilst ensuring equitable, transparent and responsible management of its occupancy agreements.

1.2 This Policy provides a framework for the use, occupancy and management of Council buildings and land and the terms, conditions and principles upon which occupancy agreements will be developed. The Policy is to be used in conjunction with Council's individual *Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines*.

3.10. Signage and Sponsorship

3.10.1. Site signage and sponsorship advertising is subject to Council assessment and approval in accordance with relevant legislative frameworks, including the *Local Government Act 1999* and *Planning Development and Infrastructure Act 2016*.

3.10.2. Under Lease and Licence conditions of use, the Lessee or Licensee will be responsible for ensuring:

3.10.2.1 All signs in the leased or licenced area are maintained to the satisfaction of Council;

3.10.2.2. All signs are securely fastened and kept free of graffiti;

3.10.2.3. The removal and reinstatement of sponsorship signage at Council's request, where alternate use of the asset conflicts with the advertising displayed; and

3.10.2.4. Prior to installation of any signage, Council approval is obtained (as the facility/land owner), along with development and/or building approval if required.

10. Definitions

Club – A Club is defined as a group combining for a common purpose and is normally an incorporated not-for-profit association. The Club may have a focus on sporting, recreation, social, educational, environmental, arts, cultural and/or health and wellbeing activities provided for the benefit of the community.

Community Facilities – Council owned or managed buildings (e.g. clubrooms, halls, community centres) and playing areas (such as an oval, pitch, court, bowling green) that are provided to benefit the community. It also includes community facilities located on Crown Land under the care, control and management of Council.

Council Controlled Land – Land which is either owned by Council or under Council's care and control, and includes council maintained roads.

Not for Profit and Community Organisations – Are incorporated associations whose primary objective is service to the community rather than profit. Organisations

wishing to have their Not for Profit status recognised must be a registered not for profit entity with the Australian Charities and Not-for-profits Commission (ACNC).

Sporting and Community Organisation/Group – A not for profit organisation that exists exclusively for charitable purposes or as an amateur sporting group, arts, craft or other special interest group established for the benefit of the community of The Barossa Council. Primarily voluntary staff (including officials and coaches) and/or Committee.”

Meeting Notes published by The Barossa Council following the Elected Member Workshop on Wednesday the 2nd of October 2024 state the following:

“MEETING NOTES

Elected Member Workshop held on Wednesday 2 October 2024 at 5.30pm in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

An Information or Briefing Session is held under Section 90A of the *Local Government Act 1999*.

1. ITEMS FOR DISCUSSION/PRESENTATIONS

1.3 Signage and Naming Rights at Sporting Parks

Notes: Requests for naming of recreation and sport precincts and facilities or part thereof have been received. Council was presented with current policy positions, i.e. Planning Infrastructure and Development Act, Lease and Licence Policy and the Signage Policy to inform Council on future Council report and adopted position to make it clear to community in the responses provided. Feedback was provided and in due course a report will come to Council to consider formally its position.”

It is likely that a Report on Signage and Naming Rights at Sporting Parks with an accompanying Recommendation will be placed on a Barossa Council Agenda for a Barossa Council Meeting at some time in the future. Elected Members will consider the Recommendation at the Barossa Council Meeting and may or may not discuss or debate the issue depending on whether or not any elected member wishes to discuss or debate the issue.

Although legally, elected members are prohibited from making decisions at Elected Member Workshops or Information and Briefing Sessions, elected members’ comments and views are exchanged and a consensus of opinion or agreement often emerges. In reality, discussion or debate rarely occurs during Meetings of The Barossa Council and

Recommendations are often moved, seconded and voted on without discussion or debate by Elected Members.

I fully understand my role as an Elected Member of The Barossa Council.

Section 59 of the Local Government Act 1999 states the following:

“59 – Roles of members of councils

- (1) The role of a member of a council is –
 - (a) as a member of the governing body of the council –
 - (i) to act with integrity; and
 - (ii) to ensure positive and constructive working relationships within the council;
and
 - (iii) to recognise and support the role of the principal member under the Act; and
 - (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and
 - (v) to participate in the deliberations and activities of the council; and
 - (vi) to keep the council’s objectives and policies under review to ensure that they are appropriate and effective; and
 - (vii) to keep the council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
 - (viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and
 - (ix) to participate in the oversight of the chief executive officer’s performance under the council’s contract with the chief executive officer; and
 - (x) to serve the overall public interest; and
 - (b) as a person elected to the council – to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.
- (2) A member of a council may, with the principal member’s authorisation, act in place of, or represent, the principal member.

(3) A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.”

In response to the complaint made against me by the Barossa United Football Club, I wish to refer specifically to clause 1 (b) of section 59.

In asking to have a conversation with the Vice President of the Barossa United Football Club, I was seeking to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.

Section 8 of the *Local Government Act 1999* states:

“8 – Principles to be observed by council

A council must act to uphold and promote observance of the following principles in the performance of its roles and functions –

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other councils, and with state and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- (ea) seek to collaborate, form partnerships and share resources with other councils and regional bodies for the purposes of delivering cost effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that council resources are used fairly, effectively and efficiently and council services, facilities and programs are provided effectively and efficiently.

- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the council's long-term financial performance and position."

In response to the complaint made against me by the Barossa United Football Club, I wish to refer specifically to principles (a), (b), (g), (h), (i) and (j) which a council must act to uphold and promote observance of. I believe that I was upholding these specific principles in seeking to have a conversation with the Vice President. However, I wish to offer the following apology, I could have chosen my words more carefully.

I do not believe that I have breached the following provisions of the Behavioural Standards:

- *Act in a way that generates community trust and confidence in the Council.*
- *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.*
- *Act in a reasonable, just, respectful and non-discriminatory way.*
- *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

Following the lodgement of the complaint made against me by the Barossa United Football Club to The Barossa Council, I have been unhappy to receive the following email communication, 26/10/24, from the Club and have referred the correspondence to my lawyer for his attention:

"On Sat, 26 Oct 2024 at 4:24 pm, [REDACTED]

[REDACTED] wrote:

Dear Bruce,

Please see attached a letter regarding the BUFC Code of Conduct and the need to adhere to the Code of Conduct.

Kind regards,

[REDACTED]

[REDACTED]

Sent: Mon 28 Oct 2024 at 2:30 pm

Subject: Re: Code of Conduct Letter

To whom it may concern I perceive this letter as a threat and as I don't take this lightly I have engaged a legal firm Kensington lawyers to have a look at this letter you have sent me.

Mr B Preece.

[REDACTED]

Sent: Thu, 31 Oct 2024 at 2:23 pm

Subject: Fw: Code of Conduct Letter

I have also been unhappy to receive the following email from the Club dated Sunday 1 December at 9:34 pm:

[REDACTED]

Sent: Sun, 1 Dec 2024 at 9:34 pm

Subject: Non-Acceptance of player Registration

Bruce,

I am writing to inform you that Barossa United FC will not be accepting [REDACTED] registration for 2025.

You were sent a letter regarding your breaches to the clubs Code of Conduct. Your reply indicated to the executive committee that you have failed to reflect and accept your breaches to the Code of Conduct.

Also, as [REDACTED] is no longer a member of Barossa United FC he will not be permitted to participate in the club's Christmas Parade, due to insurance only covering BUFC members.

We will process your refund of \$240, this includes the summer comp fee.

Remove Member

! Warning

You are about to remove member [REDACTED]

This will remove them from the current season. They will remain in your member archives and you will be able to renew them in future (e.g. this season or next season).

Note that any invoices linked to this member for this season will be permanently removed.

This is **permanent** and cannot be undone.

Note that this will not issue a refund to the member. Any refunds must be processed before deleting the member.

Options

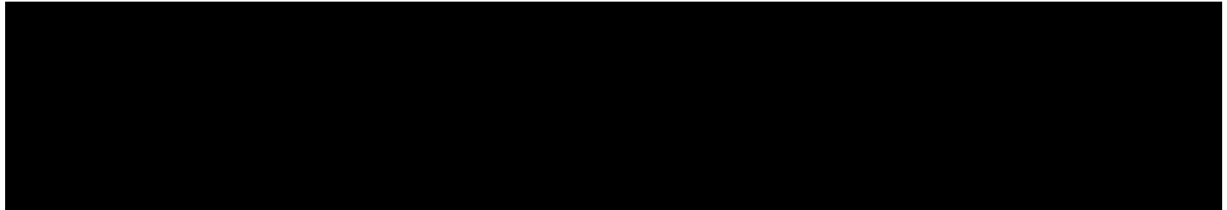
Delete this member **permanently**. This will remove **all historical information** relating to this member and cannot be undone.

! If you are permanently deleting this member because they are a duplicate **do not proceed here** (so as to prevent data loss) instead please use the member merge utility.

[REDACTED]
Barossa United FC



.....Forwarded message.....



Sent: Mon, 2 Dec 2024 at 10:29 pm

Subject: [REDACTED] - Registration Request

Hi Bruce,

Thank you for your call and email today. The Executive Committee has considered your request to allow [REDACTED] to play for Barossa United FC in 2025 and agreed to accept [REDACTED] registration, subject to the following conditions.

You, Bruce Preece, will receive a complete ban from Barossa United FC, including your parental membership rights, effective immediately.

You are not permitted to attend the following:

- All training sessions at BUFC and any other locations that involve [REDACTED] team or any other team from BUFC.
- All Home and Away Games.
- All official Club and Team events.
- All club social events, including the opening of the new clubrooms.
- All FSA Development Centre sessions held at BUFC.
- All other non-BUFC academy events or clinics that are held at BUFC. (Centennial Park).

Additionally, all communication to the club and the team must come from [REDACTED] mother.

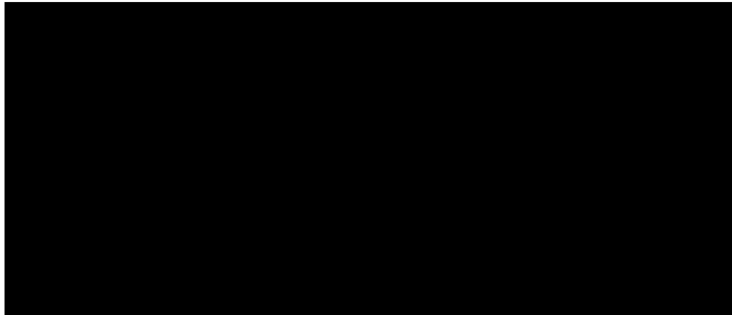
In the event of an emergency and you are required to take [REDACTED] to any of the above activities, you must remain in your car.

If any of these conditions are breached, [REDACTED] membership will be revoked immediately, and you will forfeit any fees paid.

These conditions are not negotiable, and there will be no further warnings.

You must re-register [REDACTED] as he has been removed from our system. We will interpret [REDACTED] re-registration as an agreement to these terms.

Regards,



At this time, for the sake of my [REDACTED] continuing participation as a player for the Barossa United Football Club, I have accepted the restrictions that the Barossa United Football Club has placed on me and I will abide by them until I hope a more satisfactory resolution for all parties can be achieved.

I do not believe my behaviour warrants referral to the Behavioural Standards Panel.

Councillor Bruce Preece

The Barossa Council

Kelley Jones

APPENDIX 7

Council Workshop

2 October 2024
Recreation Park Signage or Naming Rights



Office of the
Mayor and CEO

Policy Discussion Signage / Naming Rights At Recreation Parks

Why Discuss

Requests for naming of parks or part of parks.

Discuss policy position to inform potential council report and adopted position to make it clear to community.

What is the current framework?

Local Government Act – relevant components:

- Division 3 – Community Land – Classification, Revocation and Management Plans (see below)
- Division 5 - Business use of Community Land – must be approved by Council – advertising is a commercial use of the land.
- Division 6 – Disposal and alienation of local government land – can grant license and leases so long as complies with Community Land Management Plans under Division 3.
- Summary there is no legislative impediment to signage or naming rights, however any such powers are limited by policy and community land management plans.



Policy Discussion Signage / Naming Rights At Recreation Parks

What is the current framework?

Planning Infrastructure and Development Act – controls the necessary planning and building rules for signs, managed on a case-by-case basis, most signs are not development.

Community Land Management Plans – do not directly restrict but activity needs to be aligned to the purpose of the land and the landscape character of the location.

Lease and License Policy – provides direction on signage as aligning to the requirements of the Local Government Act and Planning Development and Infrastructure Act and who is responsible for maintenance and approved prior to erection.

Signage Policy – provides guidance and general principles, which is not significantly directive for recreational park, it caters for:

- Road safety, compliance with Australian Standards.
- Approvals, management of signage, cost and the like.
- Appropriate signage which does not provide guidance for recreation parks.



Policy Discussion Signage / Naming Rights At Recreation Parks

What is the current framework?

By-law 4 – Local Government Land:

- Clause 4.2 Advertising – cannot without Council approval display any sign for the purpose of commercial advertising.

Summary of Framework

Provides limited direction to support or reject applications for commercial signage or naming rights at recreation parks.

Framework does not reject the notion of commercial signage or naming rights – is limited in minor capacity through Community Land Management Plans.

Traditional and Prior Position of Councils

- Inward facing advertising signage that cannot or is limited in its exposure to roads, residences and the like outside of the facility have been permitted. For instance, boundary fencing around ovals.
- Tried one-year 2014 at Tanunda Recreation Park allowing the football club to call the park OB Transport Park for football games, significant funding benefit received. Only done for one year – complaints received.



Policy Discussion Signage / Naming Rights At Recreation Parks

Example of one on our plate at present

- See attached letter from Barossa United Football Club and follow up notes to questions posed.

Discussion Points

What is Council appetite for commercial signage – this is a revenue stream for clubs to assist in providing the community service they do – is the status quo preferred?

Are Council willing to extend signage rights to having limited exposure outside of facilities?

What is Council appetite for naming rights – this could be a significant revenue stream for clubs to assist in providing the community service they do? If so, what are the limitations:

- Type of sponsor – such as limiting companies with products contrary to healthy outcomes?
- Limited timeframe?
- Size and structure of signage?
- What about locations with multiple users and ending up with proliferation of naming rights at one recreation park?





The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Dear Rick,

I hope this letter finds you well. I am writing to formally request approval from The Barossa Council for naming rights to our sporting facility, Hoffman Oval. As a significant landmark in our community, Hoffman Oval has been pivotal in promoting health, wellness, and community spirit among our residents. We are not requesting to rename Hoffman Oval but to create a new name for the BUFC facility only, thus retaining the AFL ovals identity.

Securing naming rights will allow us to enhance our Clubs facility and also assist us in being more sustainable moving forward. Through this unique sponsorship partnership, we aim to elevate our outreach efforts and further support the development of Football programs and community events that benefit our residents of all ages.

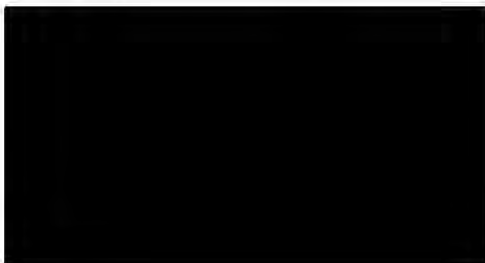
The proposed naming rights agreement aligns with one of BUFC's goals of fostering community pride and promoting healthy living. By partnering with a reputable organisation, we aim to leverage their support and expand our reach within the community. We are also promoting one of Barossa's newest state-of-the-art sporting facilities across the state.

The benefits of this partnership extend beyond financial. Naming rights will enable us to strengthen our ties with local businesses, attract additional sponsorships, and ensure the long-term viability of our club. It would identify the facility directly with BUFC, the Barossa, and as a cornerstone of Football in the Barossa and its surrounding area.

We respectfully request The Barossa Council's favourable consideration of our proposal for naming rights. We are eager to discuss any questions or concerns and provide any additional information necessary to facilitate a timely decision.

Thank you for considering our request. We look forward to collaborating with The Barossa Council and the chosen partner organisation to bring this vision to fruition for the benefit of our community.

Sincerely,



BAROSSA
UNITED FC

PO BOX 775, NURIOOTPA SA 5355 | E: ADMIN@BAROSSAUNITED.COM.AU | M: 0411 053 151 | BAROSSAUNITED.COM.AU

From: [Martin McCarthy](#)
To: [Martin McCarthy](#)
Subject: FW: [EXTERNAL] Re: FW: Request for Naming Rights - BUFC
Date: Monday, 30 September 2024 9:22:22 AM
Attachments: [image.png](#)
[image.png](#)

Martin McCarthy
Chief Executive Officer
E: mmccarthy@barossa.sa.gov.au | T: [08 8563 8444](tel:0885638444)

Sent: Wednesday, July 17, 2024 4:15 PM
To: Martin McCarthy <mmccarthy@barossa.sa.gov.au>
Cc: Cr Rick Lane <rlane@barossa.sa.gov.au>
Subject: [EXTERNAL] Re: FW: Request for Naming Rights - BUFC

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Hi Martin,

Thank you for your email, and I hope to provide you with the answers you need.

- Is the naming rights a commercial arrangement i.e. payment of what fee for what benefit e.g. signage?

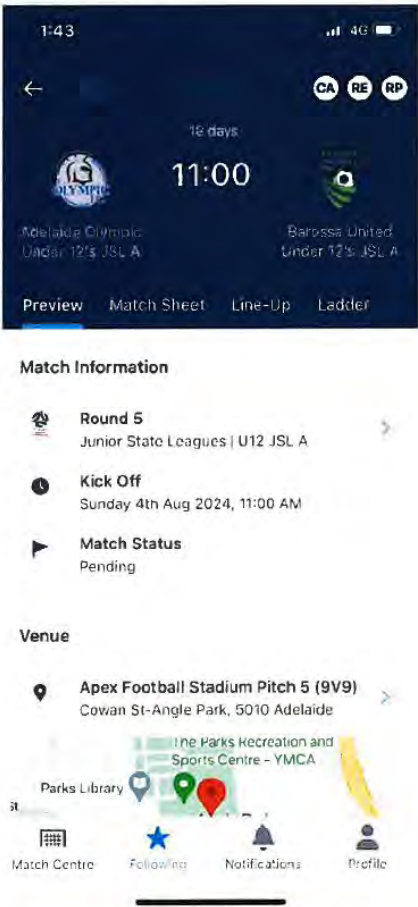
Yes, this would fundamentally be a sponsorship/commercial agreement. The amount will be determined and negotiated, and we will look at a five-year agreement. Based on my discussions with another club, they could not provide an exact amount for their 3-year agreement. However, they did provide a ballpark figure of \$30,000 to \$50,000 for their 3-year agreement.

We hope it will involve signs inside the boundary fencing of both pitches and one sign at a suitable entry location for the BUFC facility.

Digital Branding will be one of the main benefits of a commercial agreement. All FSA clubs, teams, players and parents now use the Dribl App. Dribl provides everyone with detailed information for every game throughout the season. It gives the user the name and address of each game, home and away, down to the finer details of the pitch number or name.

I have attached screenshots of two home and away games from the Dribl App from our U12 JSL - A team.

The away game is at Apex Football Stadium vs. Adelaide Olympic. "Apex Steal Supplies"



The home game is at Hoffman Oval vs Metrostars United.



This season, we will host around 250 games. All visiting players, coaches and parents will use the Dribl App. Thousands of people use Dribl each season to identify where they will play Football in the Barossa.

- Who is or are the proposed naming rights persons/companies?

We have not had any discussions with any persons or companies to date. We would only begin conversations if we were to have the ability to proceed.

We would offer this to our Platinum sponsors first. If they were not interested, we would then look elsewhere. We would focus on Barossa brands and companies.

For example, if Steinborner or the Vine Inn were interested, we could call it "Steinborner Park" or "Vine Inn Park".

- What, if signage and advertising is part of the deal, does it look like, size,

colour etc?

For example, one sign on each large pitch inside the boundary fence is roughly 3.5m wide x .9m high. This would be double the size of our sponsor signs.

A welcome sign at the BUFC entrance inside the NCP, the size and location, would need to be approved.

All our Sponsor's signs are full-colour, which would also apply to these signs.

The primary branding and advertising would be generated from the identity of the BUFC facility. Over a short period of time, all visitors will identify going to and playing against BUFC as going to "_____ Park."

- Anything else you can tell me about the arrangement that articulates the proposal?

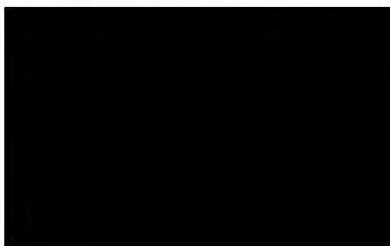
Everyone knows we are at Hoffman Oval; we are not seeking to change any ovals' names.

Hoffman Oval is attached to Barossa United Junior Soccer Club, the name was changed in 2020/21 to Barossa United FC.

We aim to create a new brand identity for members and visitors that attaches BUFC to our location, the new facility, potential Sponsor and the Barossa.

As you can imagine, we are keen to complete our rebranding and take full advantage of the nearly completed facility. Help BUFC create a new revenue stream to reduce the increase in our player fees and cover our commitment to the new facility.

I hope this helps and provides you with the information you require. We are happy to discuss this further if you require more information.



On Wed, Jul 17, 2024 at 8:22 AM Martin McCarthy <mmccarthy@barossa.sa.gov.au> wrote:

Good morning [REDACTED]

This has been forward to me for advice which I have provided to Cr Lane and discussed last night.

There are various legislative hurdles that apply to this request because the land is community land, at this stage I won't bog you down on the issues as fundamentally I need much more information to ascertain if it is possible and if its how. The detail I need to understand is as follows:

- Is the naming rights a commercial arrangement i.e. payment of what fee for what benefit e.g. signage?
- Who is or are the proposed naming rights persons/companies?
- What, if signage and advertising is part of the deal, does it look like, size, colour etc?
- Anything else you can tell me about the arrangement that articulates the proposal?

This has been tried at another recreational location in the valley and was challenged by a resident and resulted in having to remove signage and the like as the law does not easily support commercial arrangements such as these on community land.

Once I receive further information I will have it assessed and come back to you.

Regards
Martin

Martin McCarthy
Chief Executive Officer
E: mmccarthy@barossa.sa.gov.au | T: [08 8563 8444](tel:08-8563-8444)

Martin McCarthy
Chief Executive Officer
E: mmccarthy@barossa.sa.gov.au | T: [08 8563 8444](tel:08-8563-8444)

The Barossa Council | 43-51 Tanunda Road | PO Box 867 NURIOTPA SA 5355
www.barossa.sa.gov.au | T: [08 8563 8444](tel:08-8563-8444)

Kelley Jones

APPENDIX 8

11 April 2025

Kelley JonesMs Emily Strickland
Ombudsman SAT. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723
kelleyjones.com.auVIA EMAIL: ombudsman@ombudsman.sa.gov.au

Dear Ms Strickland

**COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS -
BAROSSA UNITED FC**

This firm was engaged by The Barossa Council (the **Council**) to assist the Mayor undertake an Initial Assessment of Complaints made against Councillor Bruce Preece (**Cr Preece**) under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).

The Complaints regarded certain actions and behaviours with respect to Cr Preece's interactions with the Barossa United Football Club (the **Club**).

The Complaints were received and assessed under the Council's *Behavioural Management Policy* (the **Policy**), as it was in force of the time the Complaints were received. A copy of the Policy was provided to Cr Preece at the time he was notified of the Complaints.

The Complainants requested that their names not be disclosed to Cr Preece as they feared (and still fear) retribution or reprisal from him, for raising the same.

Cr Preece has not been advised of the names of the Complainants.

Following the Initial Assessment of the Complaints, and having taken into account a submission made by Cr Preece on that assessment, the Mayor has now determined to refer the matter to your Office, on the basis that he holds concerns the content of Cr Preece's conversation with [REDACTED] on Tuesday 15 October 2024 has potentially given rise to a breach of Cr Preece's integrity obligations under section 62 of the Act, namely (emphasis ours):

- (3) *A member or former member of a council **must not**, whether within or outside the State, **make improper use of information acquired by virtue of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.***
- (4) *A member of a council must not, whether within or outside the State, **make improper use of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.***

In determining the same, the Mayor **does not** suggest the Club sought favourable treatment from Cr Preece at all. Rather, and subject to the allegations made, it has been submitted that:

baro0001_240610_007.docx

Knowledge & Innovation *Courageous & Imaginative*

- [REDACTED]
[REDACTED]
[REDACTED]
- this conversation was described as 'troubling' by the Complainants as it has been alleged Cr Preece suggested his voting 'powers' as a Council Member could influence the Club and its operations in a manner that raised concerns for the Complainants;
- it is alleged Cr Preece expressed he was not consulted about a 'naming rights' request put before the Council by the Club, prior to that request being submitted;
- Cr Preece advised [REDACTED] he 'voted' against the request, due to this lack of consultation and that he 'could be of use to the Club' if he was involved in the processes moving forward;
- this statement was perceived to be a veiled threat against the Club;
- however, it is also to be noted the alleged 'naming rights request' was not received and dealt with by the Council at a Council Meeting, but rather, discussed more generally at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999* (the Act);
- that is, no decision could be made on the matter in such a forum. In which case, it was also incorrect for Cr Preece to advise the Club he had 'voted against' the proposal.

In his response to the allegations on the Initial Assessment, Cr Preece:

- stated he did have a conversation [REDACTED] on 15 October 2024 during the junior trials, confirming that during this conversation **he was** acting in his official capacity as an Elected Member as he was:

seeking to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council:

- we note this statement is consistent with the role of a Member under section 59(1)(b) of the Act;
- Cr Preece further quoted section 8 of the Act in his submission, submitting he was acting in accordance with subsections 8(a), (b), (g), (h), (i) and (j) of the Act.

The Mayor now proposes to refer this matter to you, for consideration and further investigation, as required.

Ombudsman SA

11 April 2025

If you have any questions regarding the above, or the process, do not hesitate to contact us, or the Mayor.

Yours sincerely
KELLEDY JONES LAWYERS

A handwritten signature in black ink, appearing to read 'Tracy Riddle', with a stylized, cursive script.

TRACY RIDDLE
Direct Line: 08 8113 7106
Mobile: 0431 867 523
Email: triddle@kellyjones.com.au

Kelley Jones

THE BAROSSA COUNCIL

COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS –

BAROSSA UNITED FC

INITIAL ASSESSMENT REPORT

Councillor Bruce Preece

Kelley Jones**THE BAROSSA COUNCIL****Complaint made under the Behavioural Standards for Council Members****1. INTRODUCTION**

- 1.1 By letter dated 6 November 2024, addressed to the Mayor of The Barossa Council (the **Council**), the Complainants submitted a complaint against Councillor Bruce Preece (**Cr Preece**) under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).
- 1.2 A copy of the Complaint is **Appendix 1**.
- 1.3 It is alleged in the Complaint that Cr Preece's actions and behaviours:
- 1.3.1 with respect to a conversation he had [REDACTED] during junior trials on Tuesday 15 October 2024; and
 - 1.3.2 conduct, that led to a number of written and verbal complaints being filed against him whilst at the Club;
- were in breach of his obligations under the Behavioural Standards.
- 1.4 A copy of the Behavioural Standards is **Appendix 2**.
- 1.5 It is alleged that Cr Preece's actions and behaviours, collectively, may have breached the following provisions of the Behavioural Standards:
- 1.2 *Act in a way that generates community trust and confidence in the Council.*
 - 1.3 *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.*
 - 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
 - 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

2. INITIAL ASSESSMENT

- 2.1 The Complaint falls to the Mayor to be received and assessed in accordance with the Council's *Behavioural Management Policy* (the **Policy**), including with assistance as required (**Appendix 3**).
- 2.2 By email on 21 November 2024, the CEO gave effect to the Policy by confirming receipt of the Complaint with the Complainants, advising the steps to be taken in undertaking an Initial Assessment.
- 2.3 The CEO also confirmed with the Complainants the Complaint was to be managed on a confidential basis, the Complainants having confirmed they held fears of retribution or reprisal from Cr Preece should their identity become known.

Kelley Jones

- 2.4 Against this background, the purpose of the Initial Assessment process now is to determine:
 - 2.4.1 whether the content of the Complaint relates to the behavioural requirements for Members under the Behavioural Standards;
 - 2.4.2 whether the conduct occurred in the context of Cr Preece carrying out his official functions and duties; and
 - 2.4.3 if so, the appropriate action to take in the circumstances.
- 2.5 In undertaking this assessment, the Mayor is to have regard to the following matters:
 - 2.5.1 the person that is making the Complaint has a sufficient interest in the matter;
 - 2.5.2 if the Complaint is trivial, frivolous or vexatious or not made in good faith;
 - 2.5.3 whether the Complaint has been lodged with another authority;
 - 2.5.4 if the subject matter of the Complaint has been or is already being investigated by the Council or another body;
 - 2.5.5 whether it may be unnecessary or unjustifiable for the Council to deal with the Complaint; and/or
 - 2.5.6 if the Council has dealt with the Complaint adequately already.
- 2.6 If the Mayor determines on the Initial Assessment that the Complaint falls for consideration under the Behavioural Standards, the Complaint may proceed to formal consideration under the Policy, unless there are grounds to take one of the following actions:
 - 2.6.1 refuse to deal with the Complaint;
 - 2.6.2 determine to take no further action;
 - 2.6.3 referring to an alternative resolution mechanism, or to propose training for relevant parties; or
 - 2.6.4 refer the matter to another body or agency, such as the Ombudsman or the Behavioural Standards Panel.
- 2.7 The Council maintains jurisdiction where a Complaint involves conduct under the Behavioural Standards.
- 2.8 The objective of this Report is to now assist the Mayor make a determination as to:
 - 2.8.1 whether the content of the Complaint relates to the behavioural requirements for Members;
 - 2.8.2 whether the conduct occurred in the context of Cr Preece carrying out his official functions and duties; and

Kelley Jones

2.8.3 if so, the appropriate action to take in the circumstances, including whether the Complaint warrants further investigation, or other action, in accordance with the Policy, such as referral to another body or agency.

2.9 In preparing this Report, we have carefully considered the Complaint (**Appendix 1**).

2.10 We note that in determining the appropriate action to take, under Step 2 of the Policy Cr Preece is to be provided with an opportunity to respond to the Complaint.

2.11 However, at that juncture, no further procedural fairness requirements were required to be extended to the parties, including Cr Preece, unless or until the Mayor determines the matter warrants further consideration.

2.12 In which case, the purpose the Initial Assessment being a 'threshold' process, is to determine whether, if made out, the allegations could give rise to a prima facie breach of the Behavioural Standards, and, if so, foreshadowing the recommended action to take, including whether the Complaint warrants further investigation and/or referral, prior to giving effect to Step 2 under the Policy.

3. THE COMPLAINT

3.1 The Complainant has submitted the below actions and behaviours of Cr Preece are said to constitute breaches of the above identified clauses under the Behavioural Standards.

3.2 Whilst we have summarised the same in this Report, the Complaint, in full, forms part of the Appendices to this report (**Appendix 1**).

3.3 It is alleged in the Complaint as follows:

Inappropriate conversation with [REDACTED]

3.3.1 We are advised that Cr Preece's son has been a member of the Club for the past few years, including the 2024 season;

3.3.2 it is alleged that on Tuesday 15 October 2024, during the junior trials, Cr Preece requested to have a conversation with [REDACTED]

3.3.3 this conversation was described as 'troubling' as it has been alleged Cr Preece suggested his voting powers as a Council Member could influence the Club and its operations in a manner that raised concerns with the Complainants;

3.3.4 it is alleged Cr Preece expressed he was not consulted about a 'naming rights' request put before the Council by the Club, prior to that request being submitted;

3.3.5 Cr Preece advised [REDACTED] he voted against the request due to this lack of consultation with him and that he *'could be of use to the Club if we involve him in the processes moving forward'*;

3.3.6 this statement was perceived to be a veiled threat against the Club by the Complainants;

Kelley Jones

3.3.7 however, it is always to be noted the alleged 'naming rights request' was not received and dealt with by the Council at a Council Meeting, but rather, discussed more generally at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999* (the Act);

3.3.8 that is, no decision could be made on the matter in such a forum. In which case, it was also incorrect for Cr Preece to advise the Club that he had 'voted against' the proposal.

3.4 It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

Inappropriate prior conduct as a Club Member

3.5 It has further been submitted that Cr Preece received a final warning regarding his conduct due to multiple written and verbal complaints filed against him whilst at the Club and his:

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, Councillor Preece has instead sought legal advice, advising Barossa United FC that he took this letter as a threat.

4. INITIAL ASSESSMENT AND RESPONSE TO THE COMPLAINT

4.1 While it is not the role of the Initial Assessment process to make findings, let alone conclusive findings of the allegations (and we do not purport to do so), it is against this background that, in our opinion, Cr Preece's alleged actions on Tuesday 15 October 2024, with respect to the conversation he was said to have had with [REDACTED] during the junior trials, could reasonably have been said to amount to a breach of Behavioural Standards in the circumstances of this matter.

4.2 However, we did not consider there is sufficient evidence to establish a nexus between his role as an Elected Member and the actions he was said to have taken, giving rise to receipt of the final warning he was said to have received from the Club, to say that these actions and behaviours fell for consideration under the Behavioural Standards.

4.3 The Mayor, having agreed with these preliminary views, instructed us to write to the Complainants and to Cr Preece, inviting a response on the Initial Assessment.

4.4 By letters dated 21 November 2024 and 22 November, respectively, the Complainants and Cr Preece were invited to provide a response to these preliminary, inviting any further submissions to be taken into account to be received by 5:00pm on 29 November 2024 (**Appendix 4**).

4.5 By email dated Friday 22 November 2024, Cr Preece requested an extension due to his ill health and other commitments.

Kelley Jones

- 4.6 By email of Friday 29 November 2024, Cr Preece stated that having corresponded with a representative at the Behavioural Standards Panel, he requested a further extension to respond. The further extension was confirmed that day, with any submission he may wish to make to be received by 9:00am on 9 December 2024 (**Appendix 5**).
- 4.7 Following which, Cr Preece's response to the allegations were received by email on Monday 9 December 2024 (**Appendix 6**).
- 4.8 We confirm this response has been carefully considered in the preparation of this report. Whilst it appears in full at **Appendix 6**, Cr Preece's response to this Complaint can be summarised as follows:
- 4.8.1 Cr Preece claims he does not recall receiving a final warning from the Club with regard to his conduct prior to 15 October 2024 and also claims that he has no knowledge of prior written and verbal complaints from the Club (despite including copies of the outcomes of same with the submission);
- 4.8.2 states he did have a conversation with [REDACTED] of the Club on 15 October 2024 during the junior trials, confirming at page 14 of the un-paginated submission, that during this conversation **he was** acting in his official capacity as an Elected Member as he was:
- seeking to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council:*
- 4.8.3 we note this statement is consistent with the role of a Member under section 59(1)(b) of the Act;
- 4.8.4 Cr Preece further quotes section 8 of the Act in his submission, submitting he was acting in accordance with subsections 8(a), (b), (g), (h), (i) and (j):
- ... I believe I was upholding these specific principles in seeking to have a conversation [REDACTED] However, I wish to offer the following apology, I could have chosen my words more carefully.*
- 4.8.5 confirms he attended the Elected Member Workshop on 2 October 2024 and whilst he understands Members are prohibited from making decisions at such workshops, Elected Members do exchange views and comments which form the basis of how they made decisions at Council meeting;
- 4.8.6 at this juncture, we note that this is Cr Preece's perception of the manner in which an information or briefing session may be facilitated. However, we have received evidence on this assessment that the Council **does not** structure, nor talk about items, at such sessions, such that it could be said to give rise to a pre determination of a question that may come before Council. Rather, the Council uses these sessions to explore ideas and policy positions and provide information to Members;
- 4.8.7 a copy of the material prepared for the consideration of Members at this session is **Appendix 7**;

Kelley Jones

- 4.8.8 we are further advised the Club did not progress its request and the matter has not been the subject of further discussion by the Council;
- 4.8.9 with respect to the Club's proposed actions more broadly, Cr Preece included a series of emails as between him and the Club, over 26 October 2024 and 2 December 2024, concurrent to the period during which he had a conversation with [REDACTED] in which he expresses to the Club he regards its email to him about the alleged breaches of the Club's *Code of Conduct* to be a threat, and was unhappy to receive the emails regarding his alleged behaviours;
- 4.8.10 Cr Preece states he accepted the terms of the Club's proposed actions for those behaviours, namely, that he is banned from the Club, so that his son may continue to be registered;
- 4.8.11 however, having determined as part of the preliminary Initial Assessment Report that those actions did not fall for consideration under the Behavioural Standards (despite the Club being aware he is an Elected Member, there being no intimation on those allegations he was acting in that capacity, those allegations, and hence, responses at 4.8.6 and 4.8.7 above, are outside of the scope of this assessment.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 Having regard to the material available on the Initial Assessment, we have prepared this Initial Assessment Report, which is provided simply for the Mayor's consideration and does not (and does not purport to) bind the Mayor's assessment in any manner.
- 5.2 However, we are the view that when viewed objectively and reasonably against all of the available information, Cr Preece's actions and behaviours, in so far as they related to the conversation had with [REDACTED] of the Club on Tuesday 15 October 2024, could amount to a breach of his obligations under the Behavioural Standards, but also Cr Preece's integrity obligations under the Act, warranting further action under the Policy.
- 5.3 In respect of which, Cr Preece did not deny the substance of the allegations put against him, indeed, he confirms in doing so, he was acting in his capacity as an Elected Member.
- 5.4 Whilst Cr Preece submits his actions on 15 October 2024 were in the nature of representing the interests of the community and upholding the principles of good governance, it is a serious allegation indeed that Cr Preece suggested to the Club he 'voted' against a proposal it may have requested, because he was not 'consulted' (suggesting of course, he took into account irrelevant considerations in giving effect to his role) and that he '*could be of use to the Club if we involve him in the processes moving forward*'.
- 5.5 By asserting that he was acting within the ambit of section 59 of the Act, Cr Preece has clearly stated that he was, in his own mind, acting within his capacity as an Elected Member during the conversation, subject of the Complaint.

Kelley Jones

- 5.6 Cr Preece's explanation that Council decisions at meetings are driven by informal conversations at workshops only serves to demonstrate that he believes it was within his power to influence Council decisions in the manner alleged in the Complaint.
- 5.7 In which case, we are of the view this allegation could give rise to a breach of Cr Preece's integrity obligations under section 62 of the Act, namely (emphasis ours):
- (3) *A member or former member of a council **must not**, whether within or outside the State, **make improper use of information acquired by virtue of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.***
 - (4) *A member of a council must not, whether within or outside the State, **make improper use of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.***
- 5.8 In raising this on the Initial Assessment, we do not suggest the Club has sought favourable treatment from Cr Preece at all. Rather, and subject to the allegations being made on investigation, Cr Preece approached the Club to offer the same and expressed (inappropriately) dissatisfaction that the Club did not approach him first regarding certain naming issues.
- 5.9 If the Mayor agrees, we are of the view that this matter now ought be referred under clause 4.5.2 to another body, being the Ombudsman, for consideration.
- 5.10 This Report concludes our Initial Assessment of this matter.

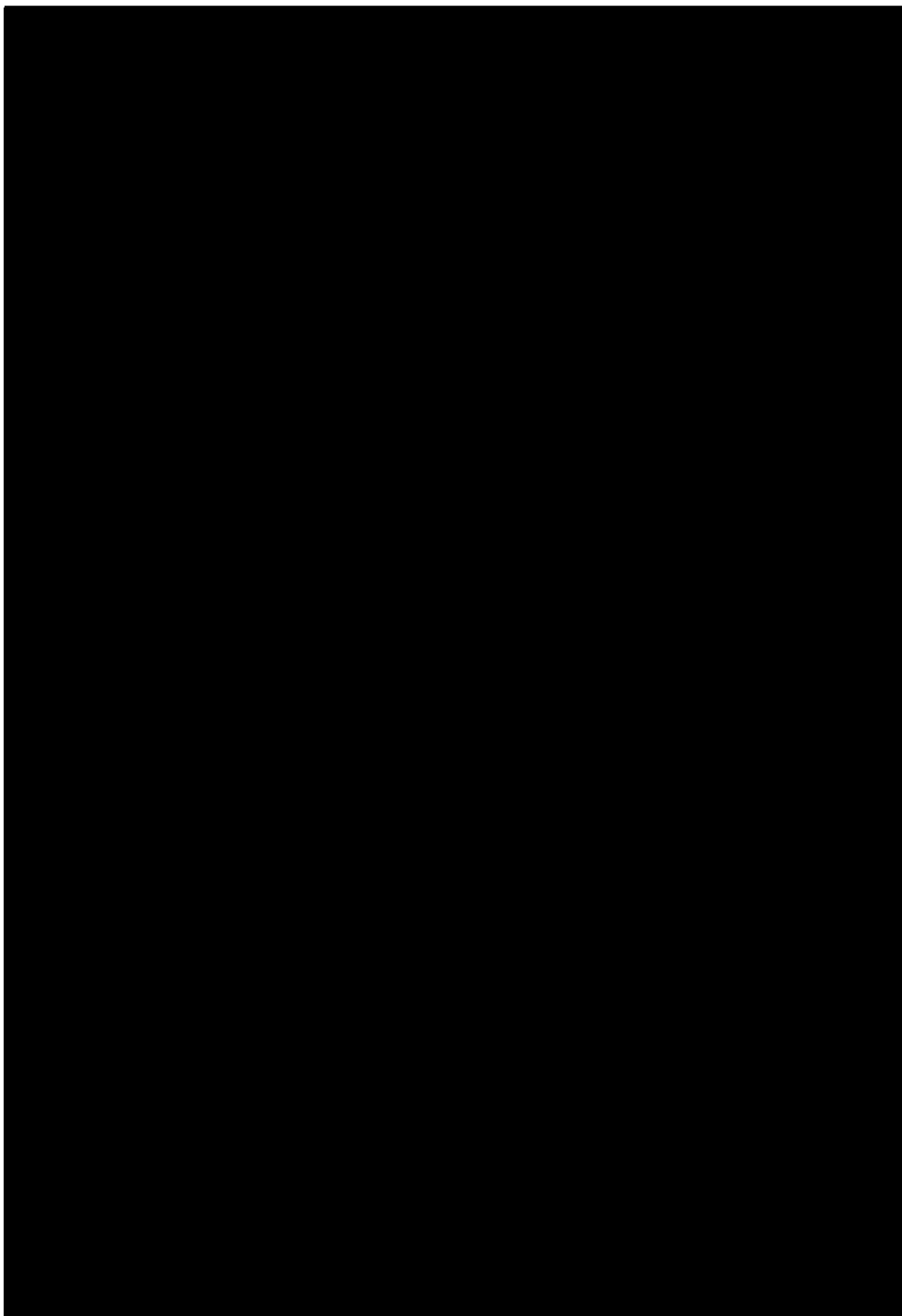
KELLEDY JONES LAWYERS

TRACY RIDDLE

4 April 2025

Kelley Jones

APPENDIX 1



Kelley Jones

APPENDIX 2

No. 79 p. 6658

THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

17 November 2022

LOCAL GOVERNMENT ACT 1999

SECTION 75E OF THE LOCAL GOVERNMENT ACT 1999

Behavioural Standards for Council Members

The Behavioural Standards for Council Members (Behavioural Standards) are established by the Minister for Local Government pursuant to section 75E of the *Local Government Act 1999* (the Act). These Behavioural Standards form part of the conduct management framework for council members under the Act.

Statement of Intent

Upon election, council members in South Australia undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of their judgment and abilities and in accordance with the Act. Council members are required to act with integrity, serve the overall public interest and provide community leadership and guidance.

The community expects council members to put personal differences aside, to focus on the work of the council and to engage with each other and council employees in a mature and professional manner.

Behavioural Standards

These Behavioural Standards set out minimum standards of behaviour that are expected of all council members in the performance of their official functions and duties. The Behavioural Standards are mandatory rules, with which council members must comply.

Adherence to the Behavioural Standards is essential to upholding the principles of good governance in councils.

Councils may adopt Behavioural Support Policies which, amongst other things, may include additional matters relating to behaviour that must be observed by council members. A breach of these Behavioural Standards or a council's Behavioural Support Policy:

- will be dealt with in accordance with the council's Behavioural Management Policy; and
- may be referred to the Behavioural Standards Panel in accordance with section 262Q of the Act.

Council members must comply with the provisions of these Behavioural Standards in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, these Standards at all times.

These Behavioural Standards are in addition to, and do not derogate from, other standards of conduct and behaviour that are expected of council members under the Act, or other legislative requirements. Conduct that constitutes, or is likely to constitute, a breach of the integrity provisions contained in the Act, maladministration, or which is criminal in nature, is dealt with through alternative mechanisms.

These Behavioural Standards are designed to ensure council members act in a manner consistent with community expectations and form the basis of behaviour management for council members.

Constructive and effective relationships between council members, council employees and the community are essential to building and maintaining community trust and successful governance in the local government sector.

Council members must:**1. General behaviour**

- 1.1 Show commitment and discharge duties conscientiously.
- 1.2 Act in a way that generates community trust and confidence in the Council.
- 1.3 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.
- 1.4 Act in a reasonable, just, respectful and non-discriminatory way.
- 1.5 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.

2. Responsibilities as a member of Council

- 2.1 Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 2.2 Take all reasonable steps to provide accurate information to the community and the Council.
- 2.3 Take all reasonable steps to ensure that the community and the Council are not knowingly misled.
- ~~2.4 Take all reasonable and appropriate steps to correct the public record in circumstances where the Member becomes aware that they have unintentionally misled the community or the Council.~~
- 2.5 Act in a manner consistent with their roles, as defined in section 59 of the Act.
- 2.6 In the case of the Principal Member of a Council, act in a manner consistent with their additional roles, as defined in section 58 of the Act.
- 2.7 Use the processes and resources of Council appropriately and in the public interest.

3. Relationship with fellow Council Members

- 3.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council members.
- 3.2 Not bully other Council members.
- 3.3 Not sexually harass other Council members.

4. Relationship with Council employees

- 4.1 Establish and maintain relationships of respect, trust, collaboration, and cooperation with all Council employees.
- 4.2 Not bully Council employees.
- 4.3 Not sexually harass Council employees.

Definitions

For the purposes of these Behavioural Standards, a Council's Behavioural Support Policy (if adopted) and a Council's Behavioural Management Policy, the following definitions apply:

An elected member will be considered to **bully** other Council members or Council employees if:

the Council member either, as an individual Council member or as a member of a group:

Kelley Jones

APPENDIX 3

THE BAROSSA COUNCIL BEHAVIOURAL MANAGEMENT POLICY



Pursuant to Section 262B of the *Local Government Act 1999* and Regulation 16 of the *Local Government (Transitional Provisions) Regulations 2021* Council adopted the Model Local Government Association Behavioural Management Policy on 28 November 2022, until Council has adopted its own Policy by the day designated by the Minister for Local Government under Regulation 16.



Local Government Association
of South Australia

LG Equip

Model Behavioural Management Policy

August 2022

Docum

Version: 5, Version Date: 31/10/2022

 Local Government Association
of South Australia

LG Equip

This model policy was developed in preparation for the commencement of the Behavioural Management Framework as part of the implementation of the Statutes Amendment (Local Government Review) Act 2021 and associated changes to the Local Government Act 1999 and endorsed by the LGA Board on 23 August 2022.

This resource has been prepared by the Local Government Association of SA (LGA) to assist councils with implementation of legislative changes arising from Local Government Reforms, incorporating advice from Norman Waterhouse Lawyers, for the guidance of and use by member councils.

© The LGA claims copyright ownership of the content of this document for member councils in South Australia only. Member councils of the LGA may download, display, print, reproduce and alter the material for use by member councils only. The LGA reserves the right to revoke such permission at any time should a council no longer be a member council. Apart from this permission and uses permitted under the Copyright Act 1968, all other rights are reserved. For further information regarding the use of LGA information/resources please contact the Governance Team on (08) 8224 2000 or governance@lga.sa.gov.au

LGA of SA ECM 781625 Model Behavioural Management Policy: Approved 23 August 2022
Version 5.1 1/10/2022



Local Government Association
of South Australia

LG Equip

Foreword	i
Legal Framework.....	i
Commencement of Behavioural Management Framework	ii
1. Purpose.....	1
2. Glossary.....	1
3. Principles.....	3
4. The Complaint Management Process	3
4.1. Dispute versus Complaint	4
4.2. Confidentiality.....	4
4.3. Stages of Action	5
4.4. Part 1: Informal action	5
4.5. Part 2: Formal action.....	6
4.6. Behavioural Standards Panel	13
5. Responsibilities	14
6. Related Legislation	15



Local Government Association
of South Australia

LG Equip

Foreword

This model policy document has been developed to assist councils with the implementation of reforms associated with behavioural management for council members, arising from the *Statutes Amendment (Local Government Review) Act 2021*.

All councils must adopt a Behavioural Management Policy relating to the management of behaviour of council members, including the process for receipt and management of a complaint received regarding the conduct of a council member.

Section 262B of the *Local Government Act 1999* (the Local Government Act) sets out a range of matters that must be included within the policy and requires that council review the operation of the Behavioural Management Policy within 12 months after the conclusion of each periodic election.

Legal Framework

There are four components to the Elected Member Behavioural Management Framework (BMF).

- Part 1 The legislative framework within which all council members must operate.
- Part 2 The Behavioural Standards for Council Members, determined by the Minister for Local Government (developed in consultation with the local government sector), which apply to all council members in South Australia.
- Part 3 The mandatory *Behavioural Management Policy* relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act.
- Part 4 Optional *Behavioural Support Policy* (or policies), designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

In addition, the Behavioural Standards Panel, an independent statutory authority comprising three members with powers to impose sanctions on council members who breach legislative and policy requirements has been established¹ to assess and deal with matters referred to it.

LGA Mutual Liability Scheme and LGA Workers Compensation Scheme

In managing matters within the scope of the Behavioural Management Framework, councils must also adhere to the Local Government Association Mutual Liability Scheme (LGAMLS) and/or the Local Government Association Workers Compensation Scheme (LGAWCS) Rules. Where an incident, circumstance or matter occurs which may give rise to a claim, councils must provide notice to the LGAMLS and/or LGAWCS in accordance with the LGAMLS & LGAWCS Scheme Rules. The provision of early notice allows for adequate risk management and prevention strategies to be put in place so as to absolutely minimise risk.

¹ Chapter 13, Part A1—Member Behaviour, Division 2—Behavioural Standards Panel, *Local Government Act 1999*



LG Equip

Commencement of Behavioural Management Framework

The provisions relevant to the Behavioural Management Framework are intended to commence immediately following the 2022 council periodic elections. At this time, the Behavioural Standards for Council Members will replace the former Code of Conduct for Council Members. At the same time, the investigative and disciplinary powers of the Behavioural Standards Panel will commence.

To support councils' compliance with the Behavioural Management Framework requirements, transitional provisions will be enacted which will deem the LGA's Model Policy as *the* Behavioural Management Policy for each council. At any time afterwards, councils can review their Behavioural Management Policy and determine any changes it may wish to make to the document.

The LGA Model Behavioural Management Policy was developed in consultation with Local Government Risk Services, the Office of Local Government and the LGA's *Legal Connect* partners, Norman Waterhouse Lawyers. The Model Policy sets the framework which is consistent with the legislative requirements. However, there are a range of matters within the Policy that councils may wish to customise to meet requirements specific to each council when consideration is given to changes to the Policy.

The LGA Model Behavioural Management Policy reflects the changes to the role of the principal member of council, set out in section 58 of the *Local Government Act 1999*. Consistent with the increased leadership obligations, the Policy assigns responsibility for the management of complaints to the Mayor (except in circumstances where the complaint relates to the conduct of the Mayor). Councils may determine and appoint an alternative person to be responsible for managing any complaints received in accordance with this Policy.

Councils are required to consider the adoption of a Behavioural Support Policy (or policies)² and the LGA has developed a model Behavioural Support Policy to assist with that consideration. Behavioural Support Policies are intended to support appropriate behaviours by members of the council and will assist with meeting obligations relating to leadership and positive and constructive working relationships as set out in sections 58 and 59 of the *Local Government Act*.

² Section 75F(7) of the *Local Government Act 1999* requires councils, within six months after the conclusion of each periodic election to review the operation of existing Behavioural Support Policies, or consider whether it should adopt a Behavioural Support Policy.

Behavioural Management Policy

Responsibility	Chief Executive Officer
Effective date	From the day on which section 147(6) of the Statutes Amendment (Local Government Review) Act 2021 comes into operation
Next review date	Refer to regulation 16 of the <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>
Applicable Legislation	Local Government Act 1999 s262B <i>Local Government (Transitional Provisions) (Conduct) Amendment Regulations 2022</i>

1. Purpose

This Policy has been prepared and adopted pursuant to section 262B of the *Local Government Act 1999* (the Local Government Act).

This Behavioural Management Policy forms part of the Behavioural Management Framework for council members and sets out the approach to the management of complaints about the behaviour of council members. It sets out the process to be adopted where there has been an alleged breach of the Behavioural Standards for Council Members, this Behavioural Management Policy and/or any Behavioural Support Policy adopted by the Council (**the behavioural requirements**).

2. Glossary

Behavioural Management Framework – comprises four components:

- The legislative framework within which all council members must operate;
- The Behavioural Standards for Council Members, determined by the Minister for Local Government, which apply to all council members in South Australia;
- The mandatory Behavioural Management Policy (this document) relating to the management of behaviour of council members and adopted pursuant to section 262B of the Local Government Act;
- Optional Behavioural Support Policy (or policies) designed to support appropriate behaviour by council members and adopted pursuant to section 75F of the Local Government Act.

behavioural requirements – in this document refers collectively and individually to the Behavioural Standards for Council Members, the Behavioural Management Policy and any Behavioural Support Policies adopted by the Council.

Behavioural Standards for Council Members – established by the Minister for Local Government, and published as a notice in the SA Government Gazette, specifying standards of behaviour to be observed by members of councils; and providing for any other matter relating to behaviour of members of councils.



LG Equip

frivolous – includes without limitation, a matter of little weight or importance, or lacking in seriousness.

misbehaviour – is defined in section 262E of the *Local Government Act 1999* as:

- (a) A failure by a member of a council to comply with a requirement of the council under section 262C(1); or
- (b) A failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
- (c) A failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1

person responsible for managing the complaint means, subject to any resolution of the Council to the contrary –

- 1. the Mayor;
- 2. if the complaint relates to or involves the Mayor, the Deputy Mayor;
- 3. if the complaint relates to or involves the Mayor and Deputy Mayor, another council member appointed by Council.

repeated misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2 (Ch 5-Members of council, Pt 4-Member integrity and behaviour, Div 2-Member behaviour)

serious misbehaviour – is defined in section 262E of the *Local Government Act 1999* as a failure by a member of a council to comply with section 75G (Health and safety duties)

trivial – includes without limitation, a matter of little worth or importance; that is trifling; or insignificant.

vexatious – includes a matter raised without reasonable grounds or for the predominate purpose of causing annoyance, delay or detriment, or achieve another wrongful purpose

3. Principles

Nothing in this Policy is intended to prevent council members from seeking to resolve disputes and complaints in a proactive, positive and courteous manner before they are escalated.

The following principles will apply:

- Where a council member considers there has been behaviour that is inconsistent with the **behavioural requirements** is, a council member may, in appropriate circumstances, seek to respectfully and constructively raise this issue with the member concerned, without the need to lodge a complaint under this Policy;
- If a matter proceeds to a complaint, all council members will continue to comply with the procedures set out in this Policy and support the person responsible for managing the complaint;
- a consistent approach to the assessment, investigation and resolution of complaints will be adopted to facilitate timely and efficient resolution and minimisation of costs;



Local Government Association
of South Australia

LG Equip

- Where required, Council may engage the assistance of skilled advisors and support persons in the assessment, investigation and resolution of complaints and avoid adopting an unreasonably legalistic approach.
- ongoing training and relevant resources will be provided to all council members to ensure they have the skills and knowledge necessary to perform their role in accordance with the **behavioural requirements** and the *Local Government Act 1999*.
- training and relevant support will be provided to persons with specific obligations under this Policy to facilitate the management, reporting and resolution of complaints alleging a breach of the **behavioural requirements**.

Council will manage complaints under this Policy with as little formality and technicality and with as much expedition as the requirements of the matter and the Local Government Act allow and with proper consideration of the matter. Council is not bound by rules of evidence but will inform itself in the manner considered most appropriate given the nature of the complaint.

4. The Complaint Management Process

This Policy sets out the procedures for dealing with an allegation of a breach of the **behavioural requirements** applying to council members. These procedures do not apply to complaints about council employees or the council as a whole.

A complaint made in accordance with this Policy must be lodged within 6 months of the behaviour that is inconsistent with the **behavioural requirements** occurring. A decision may be made to accept a complaint lodged more than 6 months after the behaviour that is inconsistent with the **behavioural requirements** occurring on a case-by-case basis, at the discretion of the person responsible for managing the complaint.

Community members can lodge a complaint with the Council in accordance with this Policy but cannot lodge a complaint directly with the Behavioural Standards Panel.

4.1. Dispute versus Complaint

It is important to distinguish between a dispute and a complaint. A dispute is generally a difference of opinion or disagreement between two parties. It may involve a heated discussion or some other unsatisfactory exchange between parties but may not amount to conduct inconsistent with the **behavioural requirements**. Ideally disputes will be handled directly by the parties involved and will not escalate to a complaint requiring action (even informal action) under this Policy. The Mayor (or another person) may play a role in facilitating a resolution to a dispute.

This Policy is intended to deal with matters where conduct is alleged to have been inconsistent with the **behavioural requirements**, rather than where members of council have differences of opinion, even when robustly put.

4.2. Confidentiality

Complaints made in accordance with this Policy will be managed on a confidential basis until such a time as they are required to be reported to Council in a public meeting in accordance with this Policy or are otherwise lawfully made public or disclosed.



LG Equip

Access to information relating to complaints and information about complaints will be limited to parties to the complaint and individuals with a responsibility within the complaint handling process or as otherwise provided for within this Policy³.

A person who has access to information about a complaint (including the complainant and the person complained about) must not directly, or indirectly disclose to any person (including to a council member) that information except:

- For the purpose of dealing with the complaint
- Where required by law
- For the purpose of obtaining legal advice or legal representation, or medical or psychological assistance from a medical practitioner, psychologist or counsellor
- Where the disclosure is made to an external party, investigating the complaint, or mediator/conciliator engaged in accordance with this Policy
- Where the information has been made public in accordance with this Policy or this Policy otherwise authorises or requires the disclosure of the information.

This is not to be confused with formal consideration at a Council Meeting of any matter arising from application of this Policy. Items presented to Council must be assessed on a case-by-case basis in accordance with the requirements of section 90 of the *Local Government Act 1999*.

A complainant may request their identity be kept confidential from the person complained about. This does not constitute an anonymous complaint. The person responsible for managing the complaint will consider such requests on a case-by-case basis, having regard to any applicable legal requirements.

4.3. Stages of Action

This Policy has three distinct stages to the approach that will be taken to address complaints about the behaviour of Council Members:

- Part 1: Informal Action: Where the matter can be resolved directly between the parties.
- Part 2: Formal Action: Where the matter cannot be resolved using informal action and a formal process of consideration is required.
- Part 3: Referrals to the Behavioural Standards Panel: the circumstance under which the Mayor, the Council or other authorised person(s) will make a referral.

4.4. Part 1: Informal action

Council encourages informal resolution of concerns regarding behaviour alleged to be contrary to the **behavioural requirements**. A person may therefore consider raising the matter directly with the council member concerned.

Alternatively, a person may raise their concern with the Mayor on an informal basis. If the concerns relate to or involve the Mayor the person may raise the matter with the Deputy Mayor (if appointed) or

³ There are circumstances in the *Work Health and Safety Act 2012* where information must be disclosed, for example where the health and safety of an employee is at risk.



LG Equip

other council member appointed by the Council as the person responsible for managing complaints under this Policy.

If the Mayor or person responsible for managing the complaint considers that access to resources to support impacted parties and facilitate early resolution of the matter should be provided, the Mayor or person responsible for managing the complaint will request the CEO to facilitate access to relevant resources. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

4.4.1. Record keeping

Where the Mayor or person responsible for managing the complaint addresses the matter through informal action, a record should be made setting out:

- Details of the complainant
- Details of the person complained about
- A summary of the matter
- A summary of actions taken in response
- Details of agreed actions (if any)

If informal action does not successfully resolve the matter, the record may be made available to an investigation process as provided for under this Policy or to the Behavioural Standards Panel.

4.5. Part 2: Formal action

This Part sets out the process for formal action in response to a complaint regarding the behaviour of council members and addresses the manner in which a complaint will be:

- Received
- Assessed
- Investigated
- Resolved
- Recorded

A complaint made under the Behavioural Management Policy must:

- be received in writing. Subject to an alternative resolution of the Council, a complaint should be marked with "Confidential Council Member Complaint" and forwarded to the relevant email or physical address as published on the Council's website.
- Provide the name of the council member who has allegedly breached the **behavioural requirements**, the name and contact details of the complainant, the name and contact details of the person submitting the complaint (if different to the complainant) and the name and contact details of any witnesses or other persons able to provide information about the complaint.
- Be specific (including identifying the **behavioural requirements** the complainant alleges have been breached)

Local Government Association
of South Australia

LG Equip

- Provide as much supporting evidence as possible to assist an investigation, including the grounds and circumstances of the complaint (e.g. where, when, impact of the behaviour, actions taken to try to resolve the issue, relevant records or documents)
- Identify the outcome being sought
- Be lodged within six (6) months of the alleged conduct occurring on the basis that it is important to address alleged breaches of **behavioural requirements** in a timely manner (with discretion provided to the person responsible for managing the complaint to allow a longer time limit to apply in particular cases. This will be assessed on a case-by-case basis).

4.5.1. Receipt of a Complaint

This step is an administrative process undertaken by the CEO or delegate:

- receipt
- initial acknowledgement
- record keeping; and
- allocation of the matter to the person responsible for managing the complaint.

The CEO or delegate does not undertake an assessment of the merits of the complaint.

Receipt of the complaint will be acknowledged within 2 business days or as soon as reasonably practicable and a copy of this Policy will be provided to the person making the complaint.

The complaint should be directed to the person responsible for managing the complaint in accordance with this Policy.

A complainant may withdraw their complaint at any stage.

4.5.2. Initial complaint assessment

An initial assessment is not an investigation or adjudication of a complaint and no findings as to the merits of the complaint will be made at this stage.

Step 1

The person responsible for managing the complaint will undertake an assessment of it to determine whether the content of the complaint relates to the **behavioural requirements** and whether the conduct occurred in the context of the council member carrying out their official functions and duties.

In undertaking the assessment, the person responsible for managing the complaint will have regard to the following matters⁴:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter
- the complaint is trivial, frivolous or vexatious or not made in good faith

⁴ The person responsible for managing the complaint will also have regard to whether the council has obligations to report the matter to either the Local Government Association Mutual Liability Scheme (LGAMLS) or the Local Government Association Workers Compensation Scheme (LGAWCS), pursuant to the Rules of those Schemes and council's agreement with those bodies.



Local Government Association
of South Australia

LG Equip

- the complaint has been lodged with another authority
- the subject matter of the complaint has been or is already being investigated by the Council or another body
- it is unnecessary or unjustifiable for the Council to deal with the complaint
- the council has dealt with the complaint adequately.

Step 2

If the person responsible for managing the complaint considers the matter warrants further consideration, the person complained about should be advised that a complaint has been received and is undergoing an initial assessment in accordance with this Policy. They should be provided a summary of the matter, at a sufficient level of detail, to understand the nature of the allegations and enable them to provide a preliminary response. This may be achieved by a discussion between the person responsible for managing the complaint and the person complained about, taking into account the principles of this Policy. The person complained about may have a support person present during any discussions.

The person complained about should be given a reasonable opportunity, but no more than ten business days, to provide a response to support the initial assessment. The person responsible for managing the complaint may provide a longer period of time for provision of a response at their discretion. The person responsible for managing the complaint should have regard to any response provided in determining the action resulting from the initial assessment.

Action from initial assessment

The person responsible for managing the complaint will determine what action will result from the initial assessment. A matter may proceed to formal consideration under this Policy, unless there are grounds to take one of the following actions pursuant to section 262B(2)(b):

- refusing to deal with the complaint⁵
- determining to take no further action
- referring to an alternative resolution mechanism or to propose training for relevant parties (e.g. facilitated discussion, provision of training, mediation, arbitration, conflict resolution, etc.)
- referring the matter to another body or agency (e.g., the Ombudsman SA or the Behavioural Standards Panel)

The outcome of the initial assessment will be advised to the complainant and person complained about in writing as far as is permitted by law.

Refusing to deal with the complaint/Determining to take no further action

Where the person responsible for managing the complaint makes a decision not to proceed with formal consideration of the matter the following steps should be taken:

⁵ Section 270(4a)(a)(i) of the *Local Government Act 1999* precludes a review of a decision to refuse to deal with the complaint



LG Equip

- the complainant must be provided written reasons explaining the decision⁶
- the person complained about should be provided with a brief summary of the complaint and the reasons for not proceeding.
- A record of these steps and the decision not to proceed should be made.

Whilst a matter may not proceed, the person responsible for managing the complaint may discuss the issues informally with the parties and identify strategies to build skills, facilitate positive relationship development and reduce the likelihood of repeat occurrences.

Decision to refer to alternative resolution mechanism:

The person responsible for managing the complaint may form the view that the optimal way to deal with the complaint is to implement an alternative resolution mechanism such as facilitated discussion, mediation, arbitration, conflict resolution or training.

The person responsible for managing the complaint should discuss the use of a proposed alternative resolution mechanism with the complainant and the person complained about to determine whether there is support for this approach.

If so, the person responsible for managing the complaint should request the CEO take steps to facilitate access to appropriate internal or external support (not being for the purposes of obtaining legal advice) for parties to the complaint. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The complainant and the person complained about should be provided written confirmation of the alternative resolution mechanism to be used for the purposes of resolving the complaint.

Decision to refer to another body or agency

Where the person responsible for managing the complaint makes a decision to refer the matter to another body or agency the person will follow any direction from that body or agency regarding what information is to be provided to the complainant and the elected member complained about regarding the referral.

Decision to proceed to formal consideration:

Where the person responsible for managing the complaint makes a decision to proceed to formal consideration the following steps should be taken:

- the person complained about should be provided with a copy of this Policy, contact details of the person responsible for managing the complaint and a summary document setting out:
 - the specific provision(s) of the ***behavioural requirements*** alleged to have been breached; and
 - the circumstances where this breach is alleged to have occurred.

In circumstances where the complainant has not requested their identity be kept confidential, a copy of the complaint may be provided in full.

⁶ Section 262D, Local Government Act 1999



Local Government Association
of South Australia

LG Equip

- the complainant should be advised of the decision to proceed and the contact details of the person responsible for managing the complaint.

4.5.3. Formal consideration

Where a decision to formally consider the complaint has been made the person responsible for managing the complaint will determine how to proceed:

- The person responsible for managing the complaint may determine that they are the appropriate person to formally consider the complaint; or
- The person responsible for managing the complaint may determine to engage a third party to formally consider the complaint, for example:
 - an investigator who will report to the person responsible for managing the complaint; or
 - an external service provider with skills relevant to the matter who will report to the person responsible for managing the complaint.

If the person responsible for managing the complaint determines a third party should be engaged, they will request the CEO to facilitate engagement of an appropriate service provider. The CEO will not refuse any reasonable request for resources made in accordance with this Policy.

The person responsible for managing the complaint will advise both the complainant and the person complained about that they are able to have a support person accompany them during discussions relating to the complaint.

It is the expectation of Council that both the complainant and the person complained about will cooperate with any such process to consider the complaint and, if requested, participate in meetings in a timely manner.

Failure by the elected member complained about to comply with this requirement may be taken into account when considering the actions to be taken under section 262B(2)(e) of the Local Government Act and may constitute grounds for referral to the Behavioural Standards Panel for misbehaviour.

Further consideration by the person responsible for managing the complaint (or the third party engaged), may (at the discretion of that person) involve:

- explore the complaint with the complainant and the person who is the subject of the complaint
- speaking with other persons who have been nominated by the parties to have observed the behaviour
- speaking directly with witnesses to the conduct complained about
- requesting the provision of information or documents relevant to the investigation, which may include access to audio or video recordings of meetings.

During the formal consideration of a matter appropriate records should be kept by the person responsible for managing the complaint.



Local Government Association
of South Australia

LG Equip

4.5.4. Report

The person responsible for managing the complaint (or the third party engaged) should ensure a report is prepared summarising the matter and setting out their findings, conclusions and recommendations. The report should set out:

- Allegations made in the complaint
- Summary of evidence to which the investigation had regard
- Findings
- Conclusions
- Recommendations

A report will generally include a recommended action for the parties to consider and/or participate in such as, but not limited to the imposition of sanctions as per the Local Government Act:

- discussions with parties to the complaint to seek agreement
- formal mediation if not already undertaken
- Conciliation
- Arbitration
- Education and further training

A copy of the draft report should be provided to the parties to the complaint who should be given a reasonable opportunity, but no more than ten business days, to make submissions in relation to the draft report. The person responsible for managing the complaint (or the third party engaged) may provide a longer period of time for lodgement of submissions to the draft report at their discretion. The person responsible for managing the complaint (or the third party engaged) should have regard to any submissions made in preparing a final report.

Outcome – No breach found

Where the finding is that no breach of the **behavioural requirements** has occurred a final report should be prepared by the person responsible for managing the complaint (or third party engaged) and provided to the complainant and the person complained about.

The complaint will remain confidential in accordance with the requirements of this Policy, except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled at the next practicable Council meeting. If no such request is received, no further action will be taken.

⁷ Note that the complainants identity may need to be redacted.



Local Government Association
of South Australia

LG Equip

Outcome – agreed actions (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the complainant and the person complained about⁸ agree to a path for resolution, that agreement will be documented including matters such as:

- actions to be undertaken
- responsibility for completing actions
- timeframes for completion of actions
- what will occur if there is a repeat of the behaviours complained about
- monitoring arrangements for completion of actions
- what will occur if the actions aren't completed
- confirmation that the matter is considered resolved

The agreement reached will be made in writing, including a commitment by parties to the complaint to abide by the agreement (which may be by electronic means). A copy of the agreement will be retained by each party and a copy held in Council records.

The complaint will remain confidential in accordance with the requirements of this Policy except at the request of the person complained about. If such a request is made, a copy of the final report will be tabled⁹ at the next practicable Council meeting.. The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹⁰

Outcome – no agreed action (breach found)

Where the finding is that a breach of the **behavioural requirements** has occurred and the parties to the complaint have failed to reach agreement as to the resolution of the matter a final report should be presented to Council for determination. The person responsible for managing the complaint should request the CEO to include the final report in the Council Agenda as soon as practicable.

4.5.5. Actions of Council

Where the parties are not able to agree on an approach to resolve the matter, the matter will be provided to Council for determine the actions to be taken which may include:

- taking no further action
- passing a censure motion in respect of the member;
- requiring the member to issue a public apology (in a manner determined by the Council)
- requiring the member to undertake a specified course of training or instruction;

⁸ Where the conduct complained about is not raised by the person directly affected by the conduct it will usually be appropriate to discuss the proposed resolution with that person prior to finalising agreement. This is intended to apply in a circumstance where the 'victim' is not the complainant to provide them a reasonable opportunity to have input into the resolution.

⁹ Note that the complainants identity may need to be redacted.

¹⁰ Schedule 4(1)(d), Local Government Act 1999

Local Government Association
of South Australia

LG Equip

- removal or suspension from one or more offices held in the member's capacity as a member of the Council or by virtue of being a member of the Council – but not the office of Member of the Council;

If Council determines to take action, a report on the matter must be considered at a meeting open to the public¹¹.

Where Council determines to take no further action, the complainant will be advised of this along with reasons, which may include:

- the ground that, having regard to all the circumstances of the case, it is unnecessary or unjustifiable for the council to deal with or continue to deal with the complaint;
- the ground that the subject matter of the complaint has been or is already being investigated, whether by the council or another person or body; or
- the ground that the council has dealt with the complaint adequately.

In making a determination under section 262C(1) Council should be reasonably prescriptive about the manner and time periods in which the action must be completed. Section 262E defines a failure to comply with a requirement of the council under 262C(1) as 'misbehaviour' which may result in a referral to the Behavioural Standards Panel.

The matter must be reported in the Council's Annual Report which must contain the information required by the regulations.¹²

4.6. Behavioural Standards Panel

The Behavioural Standards Panel is an independent statutory authority consisting of three members and has powers to impose sanctions on council members who breach the **behavioural requirements**.

In accordance with section 262Q of the *Local Government Act 1999* a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be made to the Panel by certain persons as set out below. The Panel's jurisdiction arises in the circumstances set out below:

Legislative definition	Plain language explanation
<i>misbehaviour</i> means— - a failure by a member of a council to comply with a requirement of the council under section 262C(1); or - a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or - a failure by a member of a council to	Misbehaviour means: - a council member fails to take the action required by council; or - a council member fails to comply with this policy; or

¹¹ Section 262C(2), *Local Government Act 1999*

¹² Schedule 4(1)(d), *Local Government Act 1999*

Local Government Association
of South Australia

LG Equip

comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1;	(c) a council member fails to comply with an agreement reached pursuant to this policy
repeated misbehaviour means a second or subsequent failure by a member of a council to comply with Chapter 5 Part 4 Division 2;	A second or subsequent breach of the behavioural requirements
serious misbehaviour means a failure by a member of a council to comply with section 75G.	A breach of health and safety duties (including sexual harassment) as set out in section 75G of the <i>Local Government Act 1999</i>

A complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour by a member of council may be referred to the Panel by¹³:

- A resolution of the council;
- the Mayor; or
- at least 3 members of the council
- Responsible person under 75G – direction not to attend meeting.

Behavioural Standards Panel Contact Officer

Council must appoint a person as the contact officer for matters referred to the Behavioural Standards Panel. The contact officer is responsible for the provision of information to and receipt of notice from the Behavioural Standards Panel.

5. Responsibilities

The Mayor, Deputy Mayor (if appointed) or other council member appointed by the council as the person responsible for managing complaints is responsible under this Policy to:

- Perform the tasks bestowed upon the person responsible for dealing with a complaint pursuant to this Policy
- In consultation with the CEO, facilitate access to resources to support impacted parties and resolve the concerns raised in a timely manner prior to the matter becoming serious, or escalating to a formal complaint.
- In consultation with the CEO, engage external resources to assist with investigation and resolution of matters.

The CEO (or delegate) is responsible under this Policy to:

¹³ Section 262Q, *Local Government Act 1999*

Local Government Association
of South Australia

LG Equip

- manage the administrative receipt, acknowledgement, record keeping and allocation of a complaint lodged in accordance with this Policy
- facilitate access to external resources to support the resolution of complaints lodged in accordance with this Policy.

The Behavioural Standards Panel Contact Officer (appointed by the council) is responsible under this Policy to:

- comply with any lawful request of the Panel for information related to a matter under consideration.
- Receive and respond to notices relating to matters under consideration by the Panel.

Where the Behavioural Standards Panel Contact Officer is not the CEO, the Contact Officer should keep the CEO informed of the status of matters under consideration by the Panel.

6. Related Legislation

Independent Commission Against Corruption Act 2012

Local Government Act 1999

Ombudsman Act 1972

Public Interest Disclosure Act 2018

Kelley Jones

APPENDIX 4

22 November 2024

Kelley JonesCouncillor Bruce Preece
The Barossa CouncilT. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 56 159 460 723**VIA EMAIL:** bpreece@barossa.sa.gov.au

Dear Cr Preece

**COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS -
BAROSSA UNITED FC**

This firm has been engaged by The Barossa Council (the **Council**) to assist the Mayor undertake an Initial Assessment of a Complaint made against you under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).

The Complaint is to be received and assessed under the Council's *Elected Member Behavioural Management Process* (the **Process**), a copy of which is **enclosed**.

THE PROCESS

Clause 6.10 of the Process provides that Complaints are to be directed to the Responsible Person, in this instance, the Mayor, for Initial Assessment to determine if:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter;
- the complaint is trivial, frivolous or vexatious or not made in good faith;
- the complaint has been lodged with another authority;
- subject matter of the complaint has been or is already being investigated by the Council or another body;
- it is unnecessary or unjustifiable for the Council to deal with the complaint; or
- the Council has dealt with the complaint adequately.

If the Mayor determines on the Initial Assessment the Complaint falls for consideration under the Behavioural Standards, the Complaint may proceed to formal consideration under the Process, unless there are grounds to take one of the following actions:

- refuse to deal with the Complaint;
- determine to take no further action;
- referring to an alternative resolution mechanism, or to propose training for relevant parties;
- refer the matter to another body or agency, such as the Ombudsman or the Behavioural Standards Panel.

The Council maintains jurisdiction where a Complaint involves conduct under the Behavioural Standards.

baro0001_240610_002.docx

Knowledge & Innovation

Cr Preece

22 November 2024

STEP 2 - PROCESS

Our purpose in now writing to you, is to advise it has been determined the allegations received could give rise to a *prima facie* breach of the Behavioural Standards.

In which case, under Step 2, clauses 6.11 and 6.12, of the Process, you are to be invited to make a submission on the allegations received.

The Mayor will take any submission you may wish to make into account, in determining the appropriate action to take in the circumstances.

We set out the basis of the Complaint below.

ALLEGATIONS

A Complaint has now been received on behalf of the Barossa United Football Club (the **Club**).

It is understood you have been a member of the Club for the past few years, including the 2024 season.

This conversation was described as 'troubling' as it has been alleged you suggested your 'voting powers as a council member could influence the club and its operations' in a manner that raised concerns with the Club.

It is alleged you expressed you were not consulted about a naming rights request put before the Council by the Club, prior to that request being submitted.

You then advised you voted against the request due to this lack of consultation with you and that you 'could be of use to the Club if we involve him in the processes moving forward'.

This statement was perceived to be a veiled threat against the Club.

However, it is to be noted that the 'naming rights request' was not received and dealt with by the Council at a Council Meeting, but rather, at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999*. That is, no decision could be made on the matter in such a forum, so it was also incorrect for you to advise the Club you 'voted against' the proposal..

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has further been submitted you have received a final warning regarding your conduct due to multiple written and verbal complaints filed against you whilst at the Club and your:

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, Councillor Preece

baro0001_240610_002.docx

Cr Preece

22 November 2024

has instead sought legal advice, advising Barossa United FC that he took this letter as a threat.

It is submitted by the actions and behaviours set out above, you have breached the following provisions of the Behavioural Standards:

- 1.2 *Act in a way that generates community trust and confidence in the Council.*
- 1.3 *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.*
- 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
- 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

RESPONSE TO THE COMPLAINT

Whilst it is not the role of the Initial Assessment process to make findings, let alone conclusive findings of the allegations, it is against this background that the Mayor has determined your actions and behaviours **may** warrant further investigation under the Process.

In which case, Step 2 of the Process requires that you be afforded a reasonable opportunity to respond to the allegations.

If you would like to make a submission, can you ensure it is received by us by no later than **5:00pm on Friday 29 November 2024.**

Lastly, we take this opportunity to confirm this is, and remains, a **confidential process** under the Process and you are not to disclose the content of this letter, or the allegations, to another person, save for your support person, or legal adviser, who must also be advised of their obligations of confidentiality.

If you have any questions regarding the above, or the Process, do not hesitate to contact us.

Yours sincerely
KELLEDY JONES LAWYERS



TRACY RIDDLE
Direct Line: 08 8113 7106
Mobile: 0431 867 523
Email: triddle@kelledyjones.com.au

21 November 2024

Kelley Jones

T. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723

COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS - BAROSSA UNITED FC

This firm has been engaged by The Barossa Council (the **Council**) to assist the Mayor undertake an Initial Assessment of a Complaint made on behalf of the Barossa United Football Club (the **Club**) under the *Behavioural Standards for Council Members* (the **Behavioural Standards**).

The Complaint is to be received and assessed under the Council's *Elected Member Behavioural Management Process* (the **Process**), a copy of which is **enclosed**.

THE PROCESS

Clause 6.10 of the Process provides that Complaints are to be directed to the Responsible Person, in this instance, the Mayor, for Initial Assessment to determine if:

- the person that is making the complaint (or on whose behalf the complaint has been made) has a sufficient interest in the matter;
- the complaint is trivial, frivolous or vexatious or not made in good faith;
- the complaint has been lodged with another authority;
- subject matter of the complaint has been or is already being investigated by the Council or another body;
- it is unnecessary or unjustifiable for the Council to deal with the complaint; or
- the Council has dealt with the complaint adequately.

If the Mayor determines on the Initial Assessment the Complaint falls for consideration under the Behavioural Standards, the Complaint may proceed to formal consideration under the Process, unless there are grounds to take one of the following actions:

- refuse to deal with the Complaint;
- determine to take no further action;
- referring to an alternative resolution mechanism, or to propose training for relevant parties;

baro0001_240610_003.docx

Knowledge & Innovation

21 November 2024

- refer the matter to another body or agency, such as the Ombudsman or the Behavioural Standards Panel.

The Council maintains jurisdiction where a Complaint involves conduct under the Behavioural Standards.

STEP 2 - PROCESS

Our purpose in now writing to you, is to advise it has been determined the allegations received could give rise to a *prima facie* breach of the Behavioural Standards.

In which case, under Step 2, clauses 6.11 and 6.12, of the Process, Cr Preece is to be invited to make a submission on the allegations received.

The Mayor will take any submission he may wish to make into account, in determining the appropriate action to take in the circumstances.

In receiving and managing this matter, we also understand the basis of the Complaint is as follows

ALLEGATIONS

It is understood Cr Preece has been a member of the Club for the past few years, including the 2024 season.

This conversation was described by you as 'troubling' as it has been alleged Cr Preece suggested his 'voting powers as a council member could influence the club and its operations' in a manner that raised concerns with the Club.

It is alleged Cr Preece expressed he was not consulted about a naming rights request put before the Council by the Club, prior to the request being submitted.

He then advised he voted against the request due to what he considered to be a lack of consultation with him and he '*could be of use to the Club if we involve him in the processes moving forward*'.

This statement was perceived to be a veiled threat against the Club.

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has further been submitted Cr Preece has received a final warning regarding his conduct due to multiple written and verbal complaints filed against him whilst at the Club and his:

21 November 2024

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, Councillor Preece has instead sought legal advice, advising Barossa United FC that he took this letter as a threat.

Although the letter of Complaint did not specify the same, on a review of the Behavioural Standards (**attached**), we have considered that by the actions and behaviours set out above, the Club is submitting Cr Preece has breached the following provisions of the Behavioural Standards:

- 1.2 *Act in a way that generates community trust and confidence in the Council.*
- 1.3 *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.*
- 1.4 *Act In a reasonable, just, respectful and non-discriminatory way.*
- 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

Please let us know if this is incorrect.

RESPONSE TO THE COMPLAINT

Whilst it is not the role of the Initial Assessment process to make findings, let alone conclusive findings of the allegations, it is against this background that the Mayor has determined Cr Preece's actions and behaviours **may** warrant further investigation under the Process.

In which case, Step 2 of the Process requires that he be afforded a reasonable opportunity to respond to the allegations. He has been provided until 5:00pm on Friday 29 November 2024 to make any such submission.

Lastly, we take this opportunity to confirm this is, and remains, a **confidential process** under the Process and the Club is not to disclose the content of this letter, or the allegations, to another person, save for a support person, or legal adviser, who must also be advised of their obligations of confidentiality.

If you have any questions regarding the above, or the Process, do not hesitate to contact us.

Yours sincerely
KELLEDY JONES LAWYERS



TRACY RIDDLE
Direct Line: 08 8113 7106
Mobile: 0431 867 523
Email: triddle@kellydijones.com.au

baro0001_240610_003.docx

Kelley Jones

APPENDIX 5

Martin Neilson

From: Tracy Riddle
Sent: Friday, 29 November 2024 1:17 PM
To: 'Cr Bruce Preece'
Subject: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)

Sensitivity: Confidential

Dear Cr Preece

I am instructed to confirm an extension to respond to the allegations made by the Barossa United FC, to **9:00am on Monday 9 December 2024**.

Regards

Tracy

Tracy Riddle
Lawyer



Kelley Jones

T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

From: Cr Bruce Preece <bpreece@barossa.sa.gov.au>
Sent: Friday, 29 November 2024 12:43 PM
To: Tracy Riddle <triddle@kelledyjones.com.au>
Subject: RE: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)
Sensitivity: Confidential

Good Afternoon Tracey

I have spoken to Fran from the Behavioural standards panel seeking information and she has recommended I ask for a further extension as I'm meeting with my Lawyer next Wednesday 4th od Dec . I'm looking forward to hearing from you about my further extension.

Kind Regards

Bruce Preece

Councillor

E: bpreece@barossa.sa.gov.au | T: 08 8563 8444 / Mobile: 0403 244 017

From: Tracy Riddle <triddle@kelledyjones.com.au>

Sent: Wednesday, November 27, 2024 9:17 AM

To: Cr Bruce Preece <bpreece@barossa.sa.gov.au>

Cc: 'trevorwedding55@gmail.com' <trevorwedding55@gmail.com>

Subject: [EXTERNAL] RE: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)

Sensitivity: Confidential

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Dear Cr Preece

We confirm receipt of your email and will obtain our instructions.

Regards

Tracy

Tracy Riddle
Lawyer



T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

From: Cr Bruce Preece <bpreece@barossa.sa.gov.au>

Sent: Tuesday, 26 November 2024 9:35 AM

To: Tracy Riddle <triddle@kelledyjones.com.au>
Cc: 'trevorwedding55@gmail.com' <trevorwedding55@gmail.com>
Subject: RE: CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)
Sensitivity: Confidential

Good Morning Tracey

It would be extremely difficult for me to respond to this request as I am in poor health and dealing with other deadlines as you are aware and am seeking further info in regards to this matter and as I have only seen this email this morning. I would appreciate an extension.

Kind Regards

Bruce Preece

Councillor

E: bpreece@barossa.sa.gov.au | T: 08 8563 8444 / Mobile: 0403 244 017

From: Tracy Riddle <triddle@kelledyjones.com.au>
Sent: Friday, November 22, 2024 5:34 PM
To: Cr Bruce Preece <bpreece@barossa.sa.gov.au>
Subject: [EXTERNAL] CONFIDENTIAL - Complaint Made under the Behavioural Standards for Council Members – Barossa United FC (KJ 240610)
Sensitivity: Confidential

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Dear Cr Preece

We **attach** a letter of allegations with respect to a complaint made on behalf of the Barossa United FC.

Importantly, this matter is currently the subject of an Initial Assessment (being the preliminary process on receipt of a complaint, and not investigation process).

Your views are sought in accordance with Step 2 *Initial complaint assessment* under the **attached** Process, to be received for consideration by **5:00pm on Friday 29 November 2024**.

Regards

Tracy

Tracy Riddle
Lawyer



Killedy Jones

T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kellydijones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kellydy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kellydy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

Kelley Jones

APPENDIX 6

**INITIAL RESPONSE TO COMPLAINT UNDER THE BEHAVIOURAL STANDARDS
FOR COUNCIL MEMBERS – BAROSSA UNITED FOOTBALL CLUB**

INITIAL RESPONSE

I wish to respond to the allegations made against me.

“ALLEGATIONS

A Complaint has now been received on behalf of the Barossa United Football Club (the Club).

It is understood you have been a member of the Club for the past few years, including the 2024 season.

This conversation was described as ‘troubling’ as it has been alleged you suggested your *‘voting powers as a council member could influence the club and its operations’* in a manner that raised concerns with the Club.

It is alleged you expressed you were not consulted about a naming rights request put before the Council by the Club, prior to that request being submitted.

You then advised you voted against the request due to this lack of consultation with you and that you *‘could be of use to the Club if we involve him in the processes moving forward.’*

This statement was perceived to be a veiled threat against the Club.

However, it is to be noted that the ‘naming rights request’ was not received and dealt with by the Council at a Council Meeting, but rather, at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999*. That is, no decision could be made on the matter in such a forum, so it was also incorrect for you to advise the Club you ‘voted against’ the proposal..

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has been further submitted you have received a final warning regarding your conduct due to multiple written and verbal complaints filed against you whilst at the Club and your:

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, took this letter as a threat.

It is submitted by the actions and behaviours set out above, you have breached the following provisions of the Behavioural Standards:

1.2 Act in a way that generates community trust and confidence in the Council.

1.3 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.

1.4 Act in a reasonable, just, respectful and non-discriminatory way.

2.5 Act in a manner consistent with their roles, as defined under section 59 of the Act."

I confirm that I have been a member of the Club since 2023, including the 2024 season and that I am bound by the Barossa United Football Club Code of Conduct.

Since my now [REDACTED] started playing football with the Barossa United Football Club, I have at times coached the team, taken over training sessions at short notice, set up and put back equipment, volunteered as a match marshall and provided oranges. Along with other parents and spectators I have engaged in barracking, encouraging my son and other players.

I do not recall being informed about receiving a final warning regarding my conduct due to multiple written and verbal complaints filed against me at the Club, of which I have no knowledge.

I note Clause 12 of the Barossa United Football Club Code of Conduct states the following:

"12. Raising a Complaint with Barossa United FC

Barossa United FC recognise that sometimes things go wrong and you may feel that your expectations of BUFC are not being met or you may witness breaches to the Code of Conduct that you wish to report. It is important to work together, talk, listen and find solutions so we can improve BUFC and ensure a safe playing environment for players and spectators. The following information will walk you through the steps you can take when you have a complaint or concern.

12.1 BUFC Responsibilities

BUFC has a duty to respond to complaints. BUFC will endeavour to act in the best interests of all parties involved and respond to a complaint as quickly, fairly and effectively as possible and apply the following principles:

- Treat complaints seriously;
- Act promptly;
- Treat people fairly and listen to both sides;
- Stay neutral;
- Keep parties to the complaint informed;
- Maintain confidentiality if possible;
- Protect against victimisation;
- Keep accurate records;
- Make decisions based only on information gathered not personal views; and
- Disciplinary action will be relative to the breach of Code of Conduct.

Types of concerns and complaints

You may choose to raise an issue or make a complaint if you believe that a BUFC committee member, coach, player or spectator has:

- Breached the Code of Conduct
- Breached the Child Safe Policy
- Failed to do something they should have to ensure the safety of members

Your concern or complaint may be about:

- The behaviour and/or decisions of Committee Members or Coaches
- The behaviour of a spectator on the sidelines of the games
- The on-field behaviour of players

12.2 Steps to take if you have a complaint

Step 1: Raise the complaint with the Team Manager

Try to resolve your concern or complaint at team level wherever possible. The team manager should always be your first point of contact. Make a time to talk to your Team Manager to discuss your concerns, or you may want to put your concerns in a letter or email. As a rule of thumb less serious complaints lend themselves to being resolved quickly and informally.

If you do not wish to discuss the issue with the Team Manager, then you can contact the BUFC President or BUFC Secretary. They will work with you to resolve the issue.

Step 2: Club Resolution

After trying to resolve your complaint at the team level, if you are not satisfied that your complaint has been resolved then please seek support from the BUFC President or BUFC Secretary to have the complaint resolved.

Step 3: Other ways to resolve your issue

If BUFC can't resolve your issue through the previous steps, or you are not satisfied with the resolution process you may choose to seek independent advice and review by an external agency. The Elizabeth and District Junior Football Association will be your point of contact for further resolution."

The Associations Incorporation Act 1985, Part 4 Management of internal affairs, Division 4, Disputes states the following:

"Division 4 – Disputes

40 – Rules of natural justice to be applied in relation to adjudication of dispute

Where the committee of an incorporated association exercises any power of adjudication that it may have in a relation to a dispute between its members, or a dispute between itself and members of the association, the rules of natural justice must be observed."

The hearing rule of natural justice requires that a person be told 'the case to be met' and have an opportunity to respond to 'adverse information that is credible, relevant and significant'.

I do not believe that the Barossa United Football Club has fulfilled its responsibilities under the Members Code of Conduct after receiving complaints made about me. It has not treated people fairly and listened to both sides, it has not stayed neutral, it has not

kept parties informed and it has not kept accurate records. I have no knowledge of these complaints, both verbal and written, that have been made against me.

Have the complainants followed 12.2 Steps to take if you have a complaint? (Step 1: Raise the Complaint with the Team Manager; Step 2: Club Resolution; Step 3: Other ways to resolve your issue?)

I believe that I have not been afforded natural justice, nor procedural fairness by the Barossa United Football Club, in relation to the complaints made about me to the Club.

I also confirm that in my role as an Elected Member of The Barossa Council I attended the Elected Member Workshop on Wednesday the 2nd of October 2024, "An Information or Briefing Session is held under section 90A of the *Local Government Act 1999*."

Section 90A states the following:

"90A – Information or briefing sessions

- (1) A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter (Chapter 6 – Meetings) to which more than 1 member of the council or a council committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an **information or briefing session**).
- (2) A matter must not be dealt with at a council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the council or a council committee.
- (3) A council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the council or a council committee is discussed at the session.
- (4) However, the council or chief executive officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the council or chief executive officer (as the case requires) considers it to be necessary or appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

- (5) If an order is made under subsection (4), the council or chief executive officer (as the case requires) must, as soon as reasonably practicable after the making of the order, make a record of –
 - (a) the grounds on which the order was made; and
 - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - (c) if relevant, the reasons that receipt, consideration or discussion of the information or briefing session would be contrary to the public interest.
- (6) If an information or briefing session is organised or held by a council or chief executive officer of a council, the following provisions apply:
 - (a) sections 90(5), (6) and (7a) apply to the information or briefing session as if it were a meeting of the council or council committee;
 - (b) a prescribed matter cannot be dealt with at an information or briefing session;
 - (c) a reference to a meeting or meetings in sections 94 and 95 includes a reference to an information or briefing session or sessions.
- (7) A council or the chief executive officer of a council must comply with any requirements of the regulations relating to the following:
 - (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
 - (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session.”

*“The **Barossa** Council*

NOTICE OF ELECTED MEMBER WORKSHOP

**Notice is hereby given that the next Elected Member Workshop will
be held on Wednesday 2 October 2024
commencing at 5.30pm in the Council Chambers, 43 – 51 Tanunda
Road, Nuriootpa.**

*An Information or Briefing Session is held under Section 90A of the Local
Government Act 1999.*

Martin McCarthy
CHIEF EXECUTIVE OFFICER
ELECTED MEMBER WORKSHOP

AGENDA

1. ITEMS FOR DISCUSSION/PRESENTATIONS

<u>Item</u>	<u>Estimated Time</u>
1.4 Signage and Naming Rights of Sporting Parks	20 minutes"

Prior to the Workshop, I received an email from The Barossa Council Chief Executive Officer Martin McCarthy informing me that an Elected Member Workshop was scheduled for Wednesday the 2nd of October 2024 at 5.30pm. I was also aware that the Barossa United Football Club had sent an email to Councillor Rick Lane.

The Barossa Council has a Signage Policy in place which was approved on the 19th of September 2023.

Relevant sections of The Barossa Council Signage Policy state:

"THE BAROSSA COUNCIL SIGNAGE POLICY

1. Purpose

- 1.1 The purpose of this Policy is to provide principles and guidelines for the display of signs on Council land.
- 1.2 The objectives of the Policy are:
 - 1.2.1 To promote appropriate signage types on Council land;
 - 1.2.2 To identify inappropriate signage types on Council land;
 - 1.2.3 To address previous signage matters erected on Council land;
 - 1.2.4 To prevent proliferation of signage on Council land that may detract from the character and amenity of the Barossa brand;
 - 1.2.5 To provide a consistent approach to signage on Council land;
 - 1.2.6 To provide clear criteria for the approval of signage on Council land under this Policy;
 - 1.2.7 To incorporate road signage policy contained within the "Legacy Policy Statements."

Council Consent Required

3.2 No sign shall be erected on the road or on Council Land without the consent of Council, except where the sign is exempt from this Policy or is erected in accordance with a By-Law.

3.3 A change in the contents of a sign display or the replacement of a sign (whether or not of the same dimensions) is subject to consent of Council.

3.4 Council reserves the right to approve or refuse signage on its land.

Approval

3.8 The Barossa Council may adopt "Location Guidelines" that regulate the location and type of community information signs or temporary event signs, pursuant to this Policy. The "Location Guidelines" may be amended from time to time, under Delegated Authority of staff pursuant to **section 5** of this Policy.

5. Delegation

5.1 That Council delegate the authority to approve requests and applications for all categories of signs where consistent with this Policy to:

5.1.1 Chief Executive Officer

5.1.2 Director – Development and Community Services

5.1.3 Director – Infrastructure and Environmental Services

5.1.4 Manager – Development Services

5.1.5 Manager – Engineering Services

5.1.6 Manager – Health Services and Community Safety.

5.1.7 Authorised Officer under the *Local Government Act 1999*.

Appropriate and Inappropriate Signage Types

3.17 Appropriate signage types that may be erected on Council land, pursuant to this Policy include:

3.17.7 Council building, dog parks and reserve identification signs;

3.18 Inappropriate signage types include:

3.18.1 Commercial advertising signs, other than approved fingerboard signs.

Council Building, Dog Parks and Reserve Identification Signs

3.42. Building and/or reserve name signs may identify the official name of a building and/or the name of a reserve on land in ownership of The Barossa Council.

3.43. Building and/or reserve name signs may include the identification of community groups or clubs that occupy the facility or a part of the facility.

3.44. Where a reserve or building is occupied by multiple tenants or groups, shared aggregation of messaging is necessary.

3.45. Community information signs erected by The Barossa Council may be displayed at any Council owned site, including dog parks and the Council Chambers.

Community Information Signs and Notice Boards

3.49. Community information signs shall comply with "Location Guidelines" of The Barossa Council, where adopted pursuant to Paragraph 3.8 of this Policy.

Enforcement

4.1 If:

4.1.1. A sign has been erected or placed on Council land without the consent of Council; or

4.1.2. The design or positioning of the sign does not comply with an approval of the Council; or

4.1.3. The sign unreasonably:

4.1.3.1. Restricts the use of the footpath area or road; or

4.1.3.2. Endangers the safety of members of the public; or

4.1.4. The sign is in a dilapidated state of repair or is obsolete.

An authorised person may:

- a) Remove the sign immediately; or
- b) Order the owner of the sign to remove the sign from the road.

4.2. A person must comply with an order of an authorised person made pursuant to paragraph 4.1.

4.3. If the authorised person cannot find the owner, or the owner fails to comply immediately with the order of an authorised person, the authorised person may remove the sign.

4.4. The owner or other person entitled to recover a sign removed pursuant to paragraph 4.1.4 (a) or 4.3 must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the sign before being entitled to recover the sign.

4.5. Paragraphs 4.1.4 (a), 4.3 and 4.4 do not apply to vehicle, trailer or the like parked on the road for the purpose of display of advertising.

10. Definitions

Authorised Person – Authorised Person has the same meaning as in the *Local Government Act 1999*.

Council – Means The Barossa Council, including an Authorised Delegate of the Council pursuant to Section 5 of this Policy, except where otherwise stated.

Council land – Means land owned by the Council or under the Council's care, control and management as well as any road or road reserve.

Community Information Sign – Means signage containing information related to a not for profit organisation operating within the area of The Barossa Council and that represents or provides service to the Barossa community.

Location Guidelines – Means "Location Guidelines" referred to in Paragraph 3.8 of this Policy.

Sign – Means an advertisement and any structure built specifically to support it displaying any word, letter, image, device or representation or combination thereof, whether moveable or immovable, used for the purpose of advertising, announcement or display. Includes a painted sign, signboard, visual display screen, projection device, flag, bunting or streamer, or vehicle depicting a sign."

The Barossa Council also has a Lease, Licence and Permit Policy in place which was approved on the 18th of July 2023.

Relevant sections of The Barossa Council Lease, Licence and Permit Policy state:

"THE BAROSSA COUNCIL

LEASE, LICENCE & PERMIT POLICY

1. Purpose

1.1 The Barossa Council is committed to maximising the community benefits that can be obtained through the use of its facilities whilst ensuring equitable, transparent and responsible management of its occupancy agreements.

1.2 This Policy provides a framework for the use, occupancy and management of Council buildings and land and the terms, conditions and principles upon which occupancy agreements will be developed. The Policy is to be used in conjunction with Council's individual *Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines*.

3.10. Signage and Sponsorship

3.10.1. Site signage and sponsorship advertising is subject to Council assessment and approval in accordance with relevant legislative frameworks, including the *Local Government Act 1999* and *Planning Development and Infrastructure Act 2016*.

3.10.2. Under Lease and Licence conditions of use, the Lessee or Licensee will be responsible for ensuring:

3.10.2.1 All signs in the leased or licenced area are maintained to the satisfaction of Council;

3.10.2.2. All signs are securely fastened and kept free of graffiti;

3.10.2.3. The removal and reinstatement of sponsorship signage at Council's request, where alternate use of the asset conflicts with the advertising displayed; and

3.10.2.4. Prior to installation of any signage, Council approval is obtained (as the facility/land owner), along with development and/or building approval if required.

10. Definitions

Club – A Club is defined as a group combining for a common purpose and is normally an incorporated not-for-profit association. The Club may have a focus on sporting, recreation, social, educational, environmental, arts, cultural and/or health and wellbeing activities provided for the benefit of the community.

Community Facilities – Council owned or managed buildings (e.g. clubrooms, halls, community centres) and playing areas (such as an oval, pitch, court, bowling green) that are provided to benefit the community. It also includes community facilities located on Crown Land under the care, control and management of Council.

Council Controlled Land – Land which is either owned by Council or under Council's care and control, and includes council maintained roads.

Not for Profit and Community Organisations – Are incorporated associations whose primary objective is service to the community rather than profit. Organisations

wishing to have their Not for Profit status recognised must be a registered not for profit entity with the Australian Charities and Not-for-profits Commission (ACNC).

Sporting and Community Organisation/Group – A not for profit organisation that exists exclusively for charitable purposes or as an amateur sporting group, arts, craft or other special interest group established for the benefit of the community of The Barossa Council. Primarily voluntary staff (including officials and coaches) and/or Committee.”

Meeting Notes published by The Barossa Council following the Elected Member Workshop on Wednesday the 2nd of October 2024 state the following:

“MEETING NOTES

Elected Member Workshop held on Wednesday 2 October 2024 at 5.30pm in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

An Information or Briefing Session is held under Section 90A of the *Local Government Act 1999*.

1. ITEMS FOR DISCUSSION/PRESENTATIONS

1.3 Signage and Naming Rights at Sporting Parks

Notes: Requests for naming of recreation and sport precincts and facilities or part thereof have been received. Council was presented with current policy positions, i.e. Planning Infrastructure and Development Act, Lease and Licence Policy and the Signage Policy to inform Council on future Council report and adopted position to make it clear to community in the responses provided. Feedback was provided and in due course a report will come to Council to consider formally its position.”

It is likely that a Report on Signage and Naming Rights at Sporting Parks with an accompanying Recommendation will be placed on a Barossa Council Agenda for a Barossa Council Meeting at some time in the future. Elected Members will consider the Recommendation at the Barossa Council Meeting and may or may not discuss or debate the issue depending on whether or not any elected member wishes to discuss or debate the issue.

Although legally, elected members are prohibited from making decisions at Elected Member Workshops or Information and Briefing Sessions, elected members’ comments and views are exchanged and a consensus of opinion or agreement often emerges. In reality, discussion or debate rarely occurs during Meetings of The Barossa Council and

Recommendations are often moved, seconded and voted on without discussion or debate by Elected Members.

I fully understand my role as an Elected Member of The Barossa Council.

Section 59 of the Local Government Act 1999 states the following:

“59 – Roles of members of councils

- (1) The role of a member of a council is –
 - (a) as a member of the governing body of the council –
 - (i) to act with integrity; and
 - (ii) to ensure positive and constructive working relationships within the council;
and
 - (iii) to recognise and support the role of the principal member under the Act; and
 - (iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and
 - (v) to participate in the deliberations and activities of the council; and
 - (vi) to keep the council’s objectives and policies under review to ensure that they are appropriate and effective; and
 - (vii) to keep the council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and
 - (viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and
 - (ix) to participate in the oversight of the chief executive officer’s performance under the council’s contract with the chief executive officer; and
 - (x) to serve the overall public interest; and
 - (b) as a person elected to the council – to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.
- (2) A member of a council may, with the principal member’s authorisation, act in place of, or represent, the principal member.

(3) A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.”

In response to the complaint made against me by the Barossa United Football Club, I wish to refer specifically to clause 1 (b) of section 59.

In asking to have a conversation with the Vice President of the Barossa United Football Club, I was seeking to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.

Section 8 of the *Local Government Act 1999* states:

“8 – Principles to be observed by council

A council must act to uphold and promote observance of the following principles in the performance of its roles and functions –

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other councils, and with state and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- (ea) seek to collaborate, form partnerships and share resources with other councils and regional bodies for the purposes of delivering cost effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that council resources are used fairly, effectively and efficiently and council services, facilities and programs are provided effectively and efficiently.

- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the council's long-term financial performance and position."

In response to the complaint made against me by the Barossa United Football Club, I wish to refer specifically to principles (a), (b), (g), (h), (i) and (j) which a council must act to uphold and promote observance of. I believe that I was upholding these specific principles in seeking to have a conversation with the Vice President. However, I wish to offer the following apology, I could have chosen my words more carefully.

I do not believe that I have breached the following provisions of the Behavioural Standards:

- *Act in a way that generates community trust and confidence in the Council.*
- *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.*
- *Act in a reasonable, just, respectful and non-discriminatory way.*
- *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

Following the lodgement of the complaint made against me by the Barossa United Football Club to The Barossa Council, I have been unhappy to receive the following email communication, 26/10/24, from the Club and have referred the correspondence to my lawyer for his attention:

"On Sat, 26 Oct 2024 at 4:24 pm, [REDACTED]

[REDACTED] wrote:

Dear Bruce,

Please see attached a letter regarding the BUFC Code of Conduct and the need to adhere to the Code of Conduct.

Kind regards,

[REDACTED]

[REDACTED]

Sent: Mon 28 Oct 2024 at 2:30 pm

Subject: Re: Code of Conduct Letter

To whom it may concern I perceive this letter as a threat and as I don't take this lightly I have engaged a legal firm Kensington lawyers to have a look at this letter you have sent me.

Mr B Preece.

[REDACTED]

Sent: Thu, 31 Oct 2024 at 2:23 pm

Subject: Fw: Code of Conduct Letter

I have also been unhappy to receive the following email from the Club dated Sunday 1 December at 9:34 pm:

[REDACTED]

Sent: Sun, 1 Dec 2024 at 9:34 pm

Subject: Non-Acceptance of player Registration

Bruce,

I am writing to inform you that Barossa United FC will not be accepting [REDACTED] registration for 2025.

You were sent a letter regarding your breaches to the clubs Code of Conduct. Your reply indicated to the executive committee that you have failed to reflect and accept your breaches to the Code of Conduct.

Also, as [REDACTED] is no longer a member of Barossa United FC he will not be permitted to participate in the club's Christmas Parade, due to insurance only covering BUFC members.

We will process your refund of \$240, this includes the summer comp fee.

Remove Member

! Warning

You are about to remove member [REDACTED]

This will remove them from the current season. They will remain in your member archives and you will be able to renew them in future (e.g. this season or next season).

Note that any invoices linked to this member for this season will be permanently removed.

This is **permanent** and cannot be undone.

Note that this will not issue a refund to the member. Any refunds must be processed before deleting the member.

Options

Delete this member **permanently**. This will remove **all historical information** relating to this member and cannot be undone.

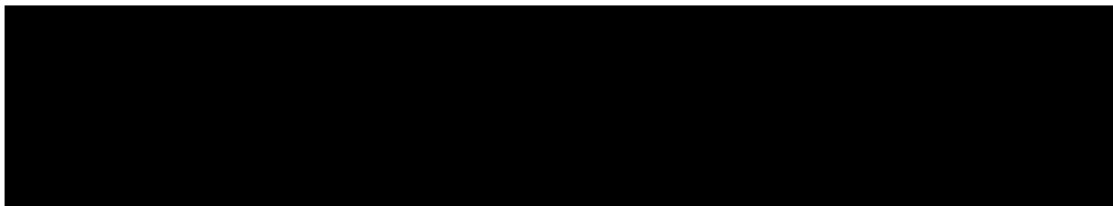
! If you are permanently deleting this member because they are a duplicate **do not proceed here** (so as to prevent data loss) instead please use the member merge utility.



Barossa United FC



.....Forwarded message.....



Sent: Mon, 2 Dec 2024 at 10:29 pm

Subject: [REDACTED] – Registration Request

Hi Bruce,

Thank you for your call and email today. The Executive Committee has considered your request to allow [REDACTED] to play for Barossa United FC in 2025 and agreed to accept [REDACTED] registration, subject to the following conditions.

You, Bruce Preece, will receive a complete ban from Barossa United FC, including your parental membership rights, effective immediately.

You are not permitted to attend the following:

- All training sessions at BUFC and any other locations that involve [REDACTED] team or any other team from BUFC.
- All Home and Away Games.
- All official Club and Team events.
- All club social events, including the opening of the new clubrooms.
- All FSA Development Centre sessions held at BUFC.
- All other non-BUFC academy events or clinics that are held at BUFC. (Centennial Park).

Additionally, all communication to the club and the team must come from [REDACTED] mother.

In the event of an emergency and you are required to take [REDACTED] to any of the above activities, you must remain in your car.

If any of these conditions are breached, [REDACTED] membership will be revoked immediately, and you will forfeit any fees paid.

These conditions are not negotiable, and there will be no further warnings.

You must re-register [REDACTED], as he has been removed from our system. We will interpret [REDACTED] re-registration as an agreement to these terms.

Regards,

[REDACTED]

Barossa United FC

[REDACTED]

At this time, for the sake of my son [REDACTED] continuing participation as a player for the Barossa United Football Club, I have accepted the restrictions that the Barossa United Football Club has placed on me and I will abide by them until I hope a more satisfactory resolution for all parties can be achieved.

I do not believe my behaviour warrants referral to the Behavioural Standards Panel.

Councillor Bruce Preece

The Barossa Council

Kelley Jones

APPENDIX 7

Council Workshop

2 October 2024
Recreation Park Signage or Naming Rights



Office of the
Mayor and CEO

Policy Discussion Signage / Naming Rights At Recreation Parks

Why Discuss

Requests for naming of parks or part of parks.

Discuss policy position to inform potential council report and adopted position to make it clear to community.

What is the current framework?

Local Government Act – relevant components:

- Division 3 – Community Land – Classification, Revocation and Management Plans (see below)
- Division 5 - Business use of Community Land – must be approved by Council – advertising is a commercial use of the land.
- Division 6 – Disposal and alienation of local government land – can grant license and leases so long as complies with Community Land Management Plans under Division 3.
- Summary there is no legislative impediment to signage or naming rights, however any such powers are limited by policy and community land management plans.



Policy Discussion Signage / Naming Rights At Recreation Parks

What is the current framework?

Planning Infrastructure and Development Act – controls the necessary planning and building rules for signs, managed on a case-by-case basis, most signs are not development.

Community Land Management Plans – do not directly restrict but activity needs to be aligned to the purpose of the land and the landscape character of the location.

Lease and License Policy – provides direction on signage as aligning to the requirements of the Local Government Act and Planning Development and Infrastructure Act and who is responsible for maintenance and approved prior to erection.

Signage Policy – provides guidance and general principles, which is not significantly directive for recreational park, it caters for:

- Road safety, compliance with Australian Standards.
- Approvals, management of signage, cost and the like.
- Appropriate signage which does not provide guidance for recreation parks.



Policy Discussion Signage / Naming Rights At Recreation Parks

What is the current framework?

By-law 4 – Local Government Land:

- Clause 4.2 Advertising – cannot without Council approval display any sign for the purpose of commercial advertising.

Summary of Framework

Provides limited direction to support or reject applications for commercial signage or naming rights at recreation parks.

Framework does not reject the notion of commercial signage or naming rights – is limited in minor capacity through Community Land Management Plans.

Traditional and Prior Position of Councils

- Inward facing advertising signage that cannot or is limited in its exposure to roads, residences and the like outside of the facility have been permitted. For instance, boundary fencing around ovals.
- Tried one-year 2014 at Tanunda Recreation Park allowing the football club to call the park OB Transport Park for football games, significant funding benefit received. Only done for one year – complaints received.



Policy Discussion Signage / Naming Rights At Recreation Parks

Example of one on our plate at present

- See attached letter from Barossa United Football Club and follow up notes to questions posed.

Discussion Points

What is Council appetite for commercial signage – this is a revenue stream for clubs to assist in providing the community service they do – is the status quo preferred?

Are Council willing to extend signage rights to having limited exposure outside of facilities?

What is Council appetite for naming rights – this could be a significant revenue stream for clubs to assist in providing the community service they do? If so, what are the limitations:

- Type of sponsor – such as limiting companies with products contrary to healthy outcomes?
- Limited timeframe?
- Size and structure of signage?
- What about locations with multiple users and ending up with proliferation of naming rights at one recreation park?





The Barossa Council
43-51 Tanunda Road
Nuriootpa SA 5355

Dear Rick,

I hope this letter finds you well. I am writing to formally request approval from The Barossa Council for naming rights to our sporting facility, Hoffman Oval. As a significant landmark in our community, Hoffman Oval has been pivotal in promoting health, wellness, and community spirit among our residents. We are not requesting to rename Hoffman Oval but to create a new name for the BUFC facility only, thus retaining the AFL ovals identity.

Securing naming rights will allow us to enhance our Clubs facility and also assist us in being more sustainable moving forward. Through this unique sponsorship partnership, we aim to elevate our outreach efforts and further support the development of Football programs and community events that benefit our residents of all ages.

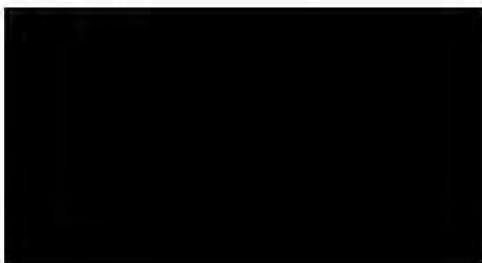
The proposed naming rights agreement aligns with one of BUFC's goals of fostering community pride and promoting healthy living. By partnering with a reputable organisation, we aim to leverage their support and expand our reach within the community. We are also promoting one of Barossa's newest state-of-the-art sporting facilities across the state.

The benefits of this partnership extend beyond financial. Naming rights will enable us to strengthen our ties with local businesses, attract additional sponsorships, and ensure the long-term viability of our club. It would identify the facility directly with BUFC, the Barossa, and as a cornerstone of Football in the Barossa and its surrounding area.

We respectfully request The Barossa Council's favourable consideration of our proposal for naming rights. We are eager to discuss any questions or concerns and provide any additional information necessary to facilitate a timely decision.

Thank you for considering our request. We look forward to collaborating with The Barossa Council and the chosen partner organisation to bring this vision to fruition for the benefit of our community.

Sincerely,



BAROSSA
UNITED FC

PO BOX 775, NURIOOTPA SA 5355 | E: ADMIN@BAROSSAUNITED.COM.AU | M: 0411 053 151 | BAROSSAUNITED.COM.AU

From: [Martin McCarthy](#)
To: [Martin McCarthy](#)
Subject: FW: [EXTERNAL] Re: FW: Request for Naming Rights - BUFC
Date: Monday, 30 September 2024 9:22:22 AM
Attachments: [image.png](#)
[image.png](#)

Martin McCarthy
Chief Executive Officer
E: mmccarthy@barossa.sa.gov.au | T: [08 8563 8444](tel:0885638444)

Sent: Wednesday, July 17, 2024 4:15 PM
To: Martin McCarthy <mmccarthy@barossa.sa.gov.au>
Cc: Cr Rick Lane <rlane@barossa.sa.gov.au>
Subject: [EXTERNAL] Re: FW: Request for Naming Rights - BUFC

CAUTION: This Message originated outside your organization. Treat all attachments and hyperlinks with suspicion.

Hi Martin,

Thank you for your email, and I hope to provide you with the answers you need.

- Is the naming rights a commercial arrangement i.e. payment of what fee for what benefit e.g. signage?

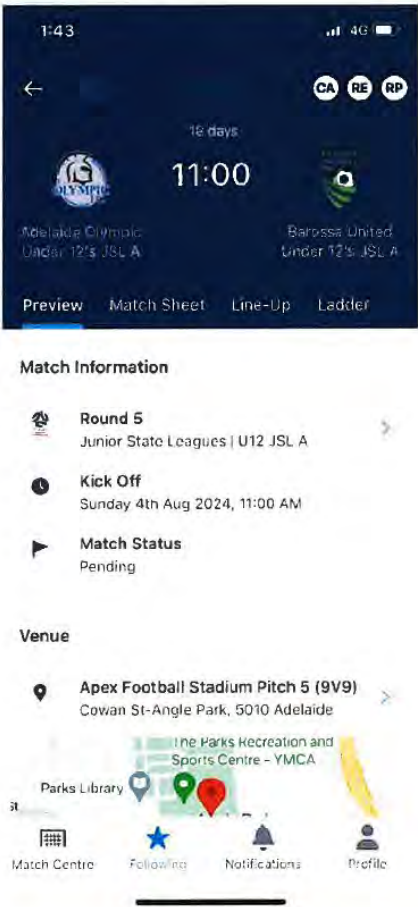
Yes, this would fundamentally be a sponsorship/commercial agreement. The amount will be determined and negotiated, and we will look at a five-year agreement. Based on my discussions with another club, they could not provide an exact amount for their 3-year agreement. However, they did provide a ballpark figure of \$30,000 to \$50,000 for their 3-year agreement.

We hope it will involve signs inside the boundary fencing of both pitches and one sign at a suitable entry location for the BUFC facility.

Digital Branding will be one of the main benefits of a commercial agreement. All FSA clubs, teams, players and parents now use the Dribl App. Dribl provides everyone with detailed information for every game throughout the season. It gives the user the name and address of each game, home and away, down to the finer details of the pitch number or name.

I have attached screenshots of two home and away games from the Dribl App from our U12 JSL - A team.

The away game is at Apex Football Stadium vs. Adelaide Olympic. "Apex Steal Supplies"



The home game is at Hoffman Oval vs Metrostars United.



This season, we will host around 250 games. All visiting players, coaches and parents will use the Dribl App. Thousands of people use Dribl each season to identify where they will play Football in the Barossa.

- Who is or are the proposed naming rights persons/companies?

We have not had any discussions with any persons or companies to date. We would only begin conversations if we were to have the ability to proceed.

We would offer this to our Platinum sponsors first. If they were not interested, we would then look elsewhere. We would focus on Barossa brands and companies.

For example, if Steinborner or the Vine Inn were interested, we could call it "Steinborner Park" or "Vine Inn Park".

- What, if signage and advertising is part of the deal, does it look like, size,

colour etc?

For example, one sign on each large pitch inside the boundary fence is roughly 3.5m wide x .9m high. This would be double the size of our sponsor signs.

A welcome sign at the BUFC entrance inside the NCP, the size and location, would need to be approved.

All our Sponsor's signs are full-colour, which would also apply to these signs.

The primary branding and advertising would be generated from the identity of the BUFC facility. Over a short period of time, all visitors will identify going to and playing against BUFC as going to "_____ Park."

- Anything else you can tell me about the arrangement that articulates the proposal?

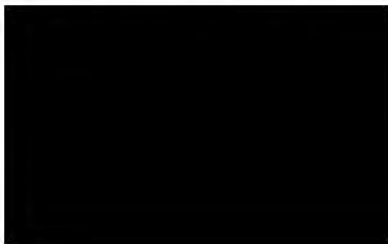
Everyone knows we are at Hoffman Oval; we are not seeking to change any ovals' names.

Hoffman Oval is attached to Barossa United Junior Soccer Club, the name was changed in 2020/21 to Barossa United FC.

We aim to create a new brand identity for members and visitors that attaches BUFC to our location, the new facility, potential Sponsor and the Barossa.

As you can imagine, we are keen to complete our rebranding and take full advantage of the nearly completed facility. Help BUFC create a new revenue stream to reduce the increase in our player fees and cover our commitment to the new facility.

I hope this helps and provides you with the information you require. We are happy to discuss this further if you require more information.



On Wed, Jul 17, 2024 at 8:22 AM Martin McCarthy <mmccarthy@barossa.sa.gov.au> wrote:

Good morning [REDACTED]

This has been forward to me for advice which I have provided to Cr Lane and discussed last night.

There are various legislative hurdles that apply to this request because the land is community land, at this stage I won't bog you down on the issues as fundamentally I need much more information to ascertain if it is possible and if its how. The detail I need to understand is as follows:

- Is the naming rights a commercial arrangement i.e. payment of what fee for what benefit e.g. signage?
- Who is or are the proposed naming rights persons/companies?
- What, if signage and advertising is part of the deal, does it look like, size, colour etc?
- Anything else you can tell me about the arrangement that articulates the proposal?

This has been tried at another recreational location in the valley and was challenged by a resident and resulted in having to remove signage and the like as the law does not easily support commercial arrangements such as these on community land.

Once I receive further information I will have it assessed and come back to you.

Regards
Martin

Martin McCarthy
Chief Executive Officer
E: mmccarthy@barossa.sa.gov.au | T: [08 8563 8444](tel:0885638444)

Martin McCarthy
Chief Executive Officer
E: mmccarthy@barossa.sa.gov.au | T: [08 8563 8444](tel:0885638444)

The Barossa Council | 43-51 Tanunda Road | PO Box 867 NURIOTPA SA 5355
www.barossa.sa.gov.au | T: [08 8563 8444](tel:0885638444)

Kelley Jones

APPENDIX 9

OFFICIAL: Sensitive//Legislative secrecy

Enquiries:
Telephone:
Ombudsman reference:

Ms Imogen Renfrey
(08) 7322 7020
2025/02145

**PRIVATE AND CONFIDENTIAL**

Mayor Bim Lange OAM
The Barossa Council

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

Dear Mayor Lange

Your report about the conduct of Councillor Bruce Preece

I refer to the report made on your behalf by Ms Tracy Riddle about the conduct of Cr Bruce Preece of The Barossa Council (**the council**).

I understand the report alleges that Cr Preece may have breached the integrity provisions in the *Local Government Act 1999* in his communications with [REDACTED] the Barossa United Football Club on 15 October 2024. In particular, it is alleged that Cr Preece spoke with [REDACTED] about a 'naming rights' request that the Club submitted to the council, and made the statement that he could 'be of use to the Club' if he was consulted about such processes moving forward. It is alleged this could amount to a breach of section 62(3) and/or section 62(4) of the Local Government Act.

I have assessed the issues in your report and have decided not to take further action.¹ I explain my decision below.

My assessment of your complaint

In assessing this report, I have considered sections 62(3) and 62(4) of the Local Government Act, which read as follows (my emphasis added):

- (3) A member or former member of a council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the council **to gain, directly or indirectly, an advantage** for himself or herself or for another person **or to cause detriment to the council**.
- (4) A member of a council must not, whether within or outside the State, make improper use of his or her position as a member of the council **to gain, directly or indirectly, an advantage** for himself or herself or for another person **or to cause detriment to the council**.

On the information provided, it is not clear to me that Cr Preece was attempting to gain an advantage for himself or for another person in his conversation with [REDACTED], or to cause detriment to the council. I have considered whether Cr Preece's statements could be interpreted in a way to suggest that he was seeking preferable treatment for himself or for his son as members of the Football Club, however in light of his submissions that he was acting in the interests of the community, I am of the view that an investigation of this matter is unlikely to result in a finding that Cr Preece breached the integrity provisions.

Accordingly, I consider that it is not in the public interest to take any further action in relation to this matter.

¹ *Ombudsman Act 1972* s 12H(1)(c).

OFFICIAL: Sensitive//Legislative secrecy

Outcome

For the reasons above, I do not intend to take any further action in relation to your report.

If you think I have made an error in my assessment, please contact this office by **8 October 2025**. If I do not hear further from you by that date, I will close the file.

Confidentiality

Under the Ombudsman Act, information about my assessments must be kept confidential unless I give permission to share it.

Once I have closed the file, you may share my letter as necessary.

In the meantime, if you need to share any information about this matter you must contact this office and seek permission.

Yours sincerely



Sujini Ramamurthy
Manager, Investigations and Audit
OMBUDSMAN SA

1 October 2025

Cc Ms Tracy Riddle
Kelledy Jones Lawyers

Kelley Jones

APPENDIX 10

From: [Tracy Riddle](#)
To: ["Cr Bruce Preece"](#)
Cc: ["trevorwedding55@gmail.com"](#)
Subject: Complaint made under the Behavioural Standards for Council Members - Barossa United Football Club (KJ 240610)
Date: Wednesday, 10 December 2025 10:01:00 PM
Attachments: [image001.png](#)
[image005.png](#)
[baro0001_240610_012 Letter of Allegations - Investigation.pdf](#)
[image002.png](#)

Dear Cr Preece

As you are aware, this firm was engaged by the Council to assist the Mayor undertake an Initial Assessment of a Complaint made against you under the *Behavioural Standards for Council Members* (the **Behavioural Standards**) with respect to certain actions and behaviours related to the Barossa United Football Club (the **Club**).

Following receipt of your initial submission on the allegations as part of the Initial Assessment, and as you were advised, the matter was referred to the Ombudsman's Office on Friday 11 April 2025.

By responding correspondence of Wednesday 1 October 2025, the Manager, Investigations and Audit at the Ombudsman's Office advised the matter fell for the Council to deal with, returning the same to it.

In which case, our purpose in writing to you is to confirm these allegations will now be the subject of an investigation under the Behavioural Standards and the Council's Process, as set out in the **attached** letter.

You are invited to make any further submission you may wish to have taken into account as part of this investigation, to be received by us by no later than **5:00pm on Friday 19 December 2025**.

Regards

Tracy

Tracy Riddle
Lawyer



Please note, our office will be closing for the Christmas and New Year period from 1.30pm Friday 19 December 2025, reopening Monday 12 January 2026.

The team at Kelledy Jones wish you a safe and happy festive season and thank you for all of your support throughout the year.

T. 08 8113 7106 | M. 0431 867 523

Level 6/19 Gilles Street Adelaide SA 5000 | GPO Box 2024 SA 5001

kelledyjones.com.au

This communication, including all attachments, contains confidential information and is subject to legal or other professional privilege. This privilege is not waived or lost by reason of email transmission or by reason of a mistaken or unintended email transmission to the receiver. Where the receiver is not the intended recipient of this email please delete and destroy all copies and telephone Kelledy Jones Lawyers on 08 8113 7100. This communication is subject to copyright and no part of this email should be reproduced, distributed, disseminated or adapted without written consent of the copyright owner. Kelledy Jones Lawyers does not warrant that this email is free from computer errors, viruses or interference, except as required by law.

10 December 2025

Kelley JonesCouncillor Bruce Preece
The Barossa CouncilT. 08 8113 7100
Level 6/19 Gilles Street
Adelaide SA 5000
GPO Box 2024 SA 5001
ABN 66 159 460 723
kelleyjones.com.au**VIA EMAIL:** bpreece@barossa.sa.gov.au

Dear Cr Preece

COMPLAINT UNDER THE BEHAVIOURAL STANDARDS FOR COUNCIL MEMBERS

As you are aware, this firm was engaged by the Barossa (the **Council**) to assist the Mayor undertake an Initial Assessment of a Complaint made against you under the *Behavioural Standards for Council Members* (the **Behavioural Standards**) with respect to certain actions and behaviours related to the Barossa United Football Club (the **Club**).

The Complaint was received and assessed in accordance with the Council's *Elected Member Behavioural Management Process* (the **Process**), including with assistance as required. A copy of the Process has previously been provided to you.

THE PROCESS

Clause 6.9 of the Process provides the Complaint is to be directed to the Mayor for Initial Assessment to determine:

- whether the content relates to the behavioural requirements for Members;
- whether the conduct occurred in the context of you carrying out your official functions and duties; and
- if so, the appropriate action to take in the circumstances.

If the Mayor determines the Complaint falls for consideration under the Behavioural Standards, the Complaint may proceed to formal consideration under the Process, unless there are grounds to take one of the following actions under clause 6.13:

- refuse to deal with the Complaint;
- determine to take no further action;
- refer to an alternative resolution mechanism, or to propose training for relevant parties;
- refer to another body or agency, such as the Ombudsman or the Behavioural Standards Panel (the **Panel**).

The Council maintains jurisdiction where a Complaint involves conduct under the Behavioural Standards, however, as part of the assessment of the Complaint, it is also relevant for the Mayor to consider, as above under clause 6.13.4 of the Process, whether to refer the matter to another body or agency, such as the Panel.

baro0001_240610_012.docx

Knowledge & Innovation *Courageous & Imaginative*

ALLEGATIONS

Against this background, it was determined the allegations could give rise to a *prima facie* breach of the Behavioural Standards, but more importantly, may have also constituted a breach of your general duties obligations under section 62 of the *Local Government Act 1999* (the **Act**).

In which case, and following receipt of your submission on the allegations, as you were advised the matter was referred to the Ombudsman's Office under the Process on Friday 11 April 2025.

By responding correspondence of Wednesday 1 October 2025, the Manager, Investigations and Audit at the Ombudsman's Office advised the matter fell for the Council to deal with under the Process, returning the same.

In which case, our purpose in writing to you is to confirm that these allegations will now be the subject of an investigation under the Behavioural Standards and the Process.

You are invited to make any further submission you may wish to be taken into account as part of this investigation, which will be considered in the preparation of the Investigation Report.

For your assistance again, we set out the basis of the Complaint below.

- A Complaint has been received on behalf of the Club.
- It is understood you have been a member of the Club for the past few years, including the 2024 season.
- [REDACTED]
- This conversation was described as '*troubling*' as it has been alleged you suggested your '*voting powers as a council member could influence the club and its operations*' in a manner that raised concerns with the Club.
- It is alleged you expressed you were not consulted about a naming rights request put before the Council by the Club, prior to that request being submitted.
- You then advised you voted against the request due to this lack of consultation with you and that you '*could be of use to the Club if we involve him in the processes moving forward*'.
- This statement was perceived to be a veiled threat against the Club.
- However, it is to be noted that the 'naming rights request' was not received and dealt with by the Council at a Council Meeting, but rather, at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999*. That is, no decision could be made on the matter in such a forum, so it was also incorrect for you to advise the Club you 'voted against' the proposal.

Cr Preece

10 December 2025

- It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It is submitted by the actions and behaviours set out above, you have breached the following provisions of the Behavioural Standards:

- 1.2 *Act in a way that generates community trust and confidence in the Council.*
- 1.3 *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.*
- 1.4 *Act in a reasonable, just, respectful and non-discriminatory way.*
- 2.5 *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

If you would like to make a submission, can you ensure it is received by us by no later than **5:00pm on Friday 19 December 2025**.

CONCLUSION

Having regard to the material available on the Initial Assessment, the Mayor is of the view that when viewed objectively and reasonably, against all of the available information, your actions and behaviours **could** amount to a breach of your obligations under the Behavioural Standards.

In which case and noting the outcomes from the other six (6) concluded complaint matters which have now been referred to the Panel as constituting *misbehaviour* under the Act, it has been determined that informal action on this Complaint is not appropriate, and 'formal' action is to be taken, in the nature of an investigation.

Please note, if you choose not to make a submission, this will not prevent the Mayor from continuing to deal with the Complaint under the Process.

Lastly, we take this opportunity to confirm this is, and remains, a **confidential process** under the Process and you are not to disclose the content of this letter, or the allegations, to another person, save for your support person, or legal adviser, who must also be advised of their obligations of confidentiality.

If you have any questions regarding the above, or the process under the Process, do not hesitate to contact us.

Yours sincerely
KELLEDY JONES LAWYERS



TRACY RIDDLE
Direct Line: 08 8113 7106
Mobile: 0431 867 523
Email: triddle@kelledyjones.com.au

baro0001_240610_012.docx

Kelley Jones

APPENDIX 11

**INITIAL RESPONSE TO COMPLAINT UNDER THE BEHAVIOURAL STANDARDS
FOR COUNCIL MEMBERS – BAROSSA UNITED FOOTBALL CLUB**

INITIAL RESPONSE

I wish to respond to the allegations made against me.

“ALLEGATIONS

A Complaint has now been received on behalf of the Barossa United Football Club (the **Club**).

It is understood you have been a member of the Club for the past few years, including the 2024 season.

[REDACTED]

This conversation was described as ‘troubling’ as it has been alleged you suggested your ‘*voting powers as a council member could influence the club and its operations*’ in a manner that raised concerns with the Club.

It is alleged you expressed you were not consulted about a naming rights request put before the Council by the Club, prior to that request being submitted.

You then advised you voted against the request due to this lack of consultation with you and that you ‘*could be of use to the Club if we involve him in the processes moving forward.*’

This statement was perceived to be a veiled threat against the Club.

However, it is to be noted that the ‘naming rights request’ was not received and dealt with by the Council at a Council Meeting, but rather, at an Information or Briefing Session, convened under section 90A of the *Local Government Act 1999*. That is, no decision could be made on the matter in such a forum, so it was also incorrect for you to advise the Club you ‘voted against’ the proposal..

It is submitted this behaviour:

not only undermines the principles of respect and integrity expected of a councillor but also raises serious concerns about the ethical standards upheld within the Council's framework.

It has been further submitted you have received a final warning regarding your conduct due to multiple written and verbal complaints filed against you whilst at the Club and your:

pattern of behaviour is detrimental not only to our club and the well-being of the children but also to the reputation and integrity of the Council itself. We are also concerned that instead of using this situation as an opportunity for reflection and improvement, took this letter as a threat.

It is submitted by the actions and behaviours set out above, you have breached the following provisions of the Behavioural Standards:

1.2 Act in a way that generates community trust and confidence in the Council.

1.3 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.

1.4 Act in a reasonable, just, respectful and non-discriminatory way.

2.5 Act in a manner consistent with their roles, as defined under section 59 of the Act."

I confirm that I have been a member of the Club since 2023, including the 2024 season and that I am bound by the Barossa United Football Club Code of Conduct.

Since my now [REDACTED] [REDACTED] started playing football with the Barossa United Football Club, I have at times coached the team, taken over training sessions at short notice, set up and put back equipment, volunteered as a match marshall and provided oranges. Along with other parents and spectators I have engaged in barracking, encouraging my son and other players.

I do not recall being informed about receiving a final warning regarding my conduct due to multiple written and verbal complaints filed against me at the Club, of which I have no knowledge.

I note Clause 12 of the Barossa United Football Club Code of Conduct states the following:

"12. Raising a Complaint with Barossa United FC

Barossa United FC recognise that sometimes things go wrong and you may feel that your expectations of BUFC are not being met or you may witness breaches to the Code of Conduct that you wish to report. It is important to work together, talk, listen and find solutions so we can improve BUFC and ensure a safe playing environment for players and spectators. The following information will walk you through the steps you can take when you have a complaint or concern.

12.1 BUFC Responsibilities

BUFC has a duty to respond to complaints. BUFC will endeavour to act in the best interests of all parties involved and respond to a complaint as quickly, fairly and effectively as possible and apply the following principles:

- Treat complaints seriously;
- Act promptly;
- Treat people fairly and listen to both sides;
- Stay neutral;
- Keep parties to the complaint informed;
- Maintain confidentiality if possible;
- Protect against victimisation;
- Keep accurate records;
- Make decisions based only on information gathered not personal views; and
- Disciplinary action will be relative to the breach of Code of Conduct.

Types of concerns and complaints

You may choose to raise an issue or make a complaint if you believe that a BUFC committee member, coach, player or spectator has:

- Breached the Code of Conduct
- Breached the Child Safe Policy
- Failed to do something they should have to ensure the safety of members

Your concern or complaint may be about:

- The behaviour and/or decisions of Committee Members or Coaches
- The behaviour of a spectator on the sidelines of the games
- The on-field behaviour of players

12.2 Steps to take if you have a complaint

Step 1: Raise the complaint with the Team Manager

Try to resolve your concern or complaint at team level wherever possible. The team manager should always be your first point of contact. Make a time to talk to your Team Manager to discuss your concerns, or you may want to put your concerns in a letter or email. As a rule of thumb less serious complaints lend themselves to being resolved quickly and informally.

If you do not wish to discuss the issue with the Team Manager, then you can contact the BUFC President or BUFC Secretary. They will work with you to resolve the issue.

Step 2: Club Resolution

After trying to resolve your complaint at the team level, if you are not satisfied that your complaint has been resolved then please seek support from the BUFC President or BUFC Secretary to have the complaint resolved.

Step 3: Other ways to resolve your issue

If BUFC can't resolve your issue through the previous steps, or you are not satisfied with the resolution process you may choose to seek independent advice and review by an external agency. The Elizabeth and District Junior Football Association will be your point of contact for further resolution."

The Associations Incorporation Act 1985, Part 4 Management of internal affairs, Division 4, Disputes states the following:

"Division 4 – Disputes

40 – Rules of natural justice to be applied in relation to adjudication of dispute

Where the committee of an incorporated association exercises any power of adjudication that it may have in a relation to a dispute between its members, or a dispute between itself and members of the association, the rules of natural justice must be observed."

The hearing rule of natural justice requires that a person be told 'the case to be met' and have an opportunity to respond to 'adverse information that is credible, relevant and significant'.

I do not believe that the Barossa United Football Club has fulfilled its responsibilities under the Members Code of Conduct after receiving complaints made about me. It has not treated people fairly and listened to both sides, it has not stayed neutral, it has not

kept parties informed and it has not kept accurate records. I have no knowledge of these complaints, both verbal and written, that have been made against me.

Have the complainants followed 12.2 Steps to take if you have a complaint? (Step 1: Raise the Complaint with the Team Manager; Step 2: Club Resolution; Step 3: Other ways to resolve your issue?)

I believe that I have not been afforded natural justice, nor procedural fairness by the Barossa United Football Club, in relation to the complaints made about me to the Club.

I confirm that I did have a conversation with the Vice President of the Barossa United Football Club on Tuesday the 15th of October 2024 during the junior trials.

I also confirm that in my role as an Elected Member of The Barossa Council I attended the Elected Member Workshop on Wednesday the 2nd of October 2024, "An Information or Briefing Session is held under section 90A of the *Local Government Act 1999*."

Section 90A states the following:

"90A – Information or briefing sessions

- (1) A council, or the chief executive officer of a council, may hold or arrange for the holding of a session (not being a formal meeting of a council or council committee required to be held under this Chapter (Chapter 6 – Meetings) to which more than 1 member of the council or a council committee is invited to attend or be involved in for the purposes of providing information or a briefing to attendees (an *information or briefing session*).
- (2) A matter must not be dealt with at a council information or briefing session in such a way as to obtain, or effectively obtain, a decision on the matter outside a formal meeting of the council or a council committee.
- (3) A council information or briefing session must be conducted in a place open to the public during any period in which a matter that is, or is intended to be, on the agenda for a formal meeting of the council or a council committee is discussed at the session.
- (4) However, the council or chief executive officer may order that an information or briefing session be closed to the public to the extent (and only to the extent) that the council or chief executive officer (as the case requires) considers it to be necessary or appropriate for a matter of a kind referred to in subsection (3) to be discussed in a session closed to the public in order to receive, discuss or consider in confidence any information or matter listed in section 90(3) (after taking into account any relevant consideration under that subsection).

- (5) If an order is made under subsection (4), the council or chief executive officer (as the case requires) must, as soon as reasonably practicable after the making of the order, make a record of –
 - (a) the grounds on which the order was made; and
 - (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
 - (c) if relevant, the reasons that receipt, consideration or discussion of the information or briefing session would be contrary to the public interest.
- (6) If an information or briefing session is organised or held by a council or chief executive officer of a council, the following provisions apply:
 - (a) sections 90(5), (6) and (7a) apply to the information or briefing session as if it were a meeting of the council or council committee;
 - (b) a prescribed matter cannot be dealt with at an information or briefing session;
 - (c) a reference to a meeting or meetings in sections 94 and 95 includes a reference to an information or briefing session or sessions.
- (7) A council or the chief executive officer of a council must comply with any requirements of the regulations relating to the following:
 - (a) the publication of prescribed information as soon as practicable after resolving or determining to hold an information or briefing session;
 - (b) the publication of prescribed information as soon as practicable after the holding of an information or briefing session.”

“The Barossa Council

NOTICE OF ELECTED MEMBER WORKSHOP

**Notice is hereby given that the next Elected Member Workshop will
be held on Wednesday 2 October 2024
commencing at 5.30pm in the Council Chambers, 43 – 51 Tanunda
Road, Nuriootpa.**

*An Information or Briefing Session is held under Section 90A of the Local
Government Act 1999.*

Martin McCarthy
CHIEF EXECUTIVE OFFICER
ELECTED MEMBER WORKSHOP

AGENDA

1. ITEMS FOR DISCUSSION/PRESENTATIONS

<u>Item</u>	<u>Estimated Time</u>
1.4 Signage and Naming Rights of Sporting Parks	20 minutes"

Prior to the Workshop, I received an email from The Barossa Council Chief Executive Officer Martin McCarthy informing me that an Elected Member Workshop was scheduled for Wednesday the 2nd of October 2024 at 5.30pm. I was also aware that the Barossa United Football Club had sent an email to Councillor Rick Lane.

The Barossa Council has a Signage Policy in place which was approved on the 19th of September 2023.

Relevant sections of The Barossa Council Signage Policy state:

"THE BAROSSA COUNCIL SIGNAGE POLICY

1. Purpose

- 1.1 The purpose of this Policy is to provide principles and guidelines for the display of signs on Council land.
- 1.2 The objectives of the Policy are:
 - 1.2.1 To promote appropriate signage types on Council land;
 - 1.2.2 To identify inappropriate signage types on Council land;
 - 1.2.3 To address previous signage matters erected on Council land;
 - 1.2.4 To prevent proliferation of signage on Council land that may detract from the character and amenity of the Barossa brand;
 - 1.2.5 To provide a consistent approach to signage on Council land;
 - 1.2.6 To provide clear criteria for the approval of signage on Council land under this Policy;
 - 1.2.7 To incorporate road signage policy contained within the "Legacy Policy Statements."

Council Consent Required

3.2 No sign shall be erected on the road or on Council Land without the consent of Council, except where the sign is exempt from this Policy or is erected in accordance with a By-Law.

3.3 A change in the contents of a sign display or the replacement of a sign (whether or not of the same dimensions) is subject to consent of Council.

3.4 Council reserves the right to approve or refuse signage on its land.

Approval

3.8 The Barossa Council may adopt "Location Guidelines" that regulate the location and type of community information signs or temporary event signs, pursuant to this Policy. The "Location Guidelines" may be amended from time to time, under Delegated Authority of staff pursuant to **section 5** of this Policy.

5. Delegation

5.1 That Council delegate the authority to approve requests and applications for all categories of signs where consistent with this Policy to:

5.1.1 Chief Executive Officer

5.1.2 Director – Development and Community Services

5.1.3 Director – Infrastructure and Environmental Services

5.1.4 Manager – Development Services

5.1.5 Manager – Engineering Services

5.1.6 Manager – Health Services and Community Safety.

5.1.7 Authorised Officer under the *Local Government Act 1999*.

Appropriate and Inappropriate Signage Types

3.17 Appropriate signage types that may be erected on Council land, pursuant to this Policy include:

3.17.7 Council building, dog parks and reserve identification signs;

3.18 Inappropriate signage types include:

3.18.1 Commercial advertising signs, other than approved fingerboard signs.

Council Building, Dog Parks and Reserve Identification Signs

3.42. Building and/or reserve name signs may identify the official name of a building and/or the name of a reserve on land in ownership of The Barossa Council.

3.43. Building and/or reserve name signs may include the identification of community groups or clubs that occupy the facility or a part of the facility.

3.44. Where a reserve or building is occupied by multiple tenants or groups, shared aggregation of messaging is necessary.

3.45. Community information signs erected by The Barossa Council may be displayed at any Council owned site, including dog parks and the Council Chambers.

Community Information Signs and Notice Boards

3.49. Community information signs shall comply with “Location Guidelines” of The Barossa Council, where adopted pursuant to Paragraph 3.8 of this Policy.

Enforcement

4.1 If:

4.1.1. A sign has been erected or placed on Council land without the consent of Council; or

4.1.2. The design or positioning of the sign does not comply with an approval of the Council; or

4.1.3. The sign unreasonably:

4.1.3.1. Restricts the use of the footpath area or road; or

4.1.3.2. Endangers the safety of members of the public; or

4.1.4. The sign is in a dilapidated state of repair or is obsolete.

An authorised person may:

a) Remove the sign immediately; or

b) Order the owner of the sign to remove the sign from the road.

4.2. A person must comply with an order of an authorised person made pursuant to paragraph 4.1.

4.3. If the authorised person cannot find the owner, or the owner fails to comply immediately with the order of an authorised person, the authorised person may remove the sign.

4.4. The owner or other person entitled to recover a sign removed pursuant to paragraph 4.1.4 (a) or 4.3 must pay to the Council any reasonable costs incurred by the Council in removing, storing and attempting to dispose of the sign before being entitled to recover the sign.

4.5. Paragraphs 4.1.4 (a), 4.3 and 4.4 do not apply to vehicle, trailer or the like parked on the road for the purpose of display of advertising.

10. Definitions

Authorised Person – Authorised Person has the same meaning as in the *Local Government Act 1999*.

Council – Means The Barossa Council, including an Authorised Delegate of the Council pursuant to Section 5 of this Policy, except where otherwise stated.

Council land – Means land owned by the Council or under the Council's care, control and management as well as any road or road reserve.

Community Information Sign – Means signage containing information related to a not for profit organisation operating within the area of The Barossa Council and that represents or provides service to the Barossa community.

Location Guidelines – Means “Location Guidelines” referred to in Paragraph 3.8 of this Policy.

Sign – Means an advertisement and any structure built specifically to support it displaying any word, letter, image, device or representation or combination thereof, whether moveable or immovable, used for the purpose of advertising, announcement or display. Includes a painted sign, signboard, visual display screen, projection device, flag, bunting or streamer, or vehicle depicting a sign.”

The Barossa Council also has a Lease, Licence and Permit Policy in place which was approved on the 18th of July 2023.

Relevant sections of The Barossa Council Lease, Licence and Permit Policy state:

“THE BAROSSA COUNCIL

LEASE, LICENCE & PERMIT POLICY

1. Purpose

1.1 The Barossa Council is committed to maximising the community benefits that can be obtained through the use of its facilities whilst ensuring equitable, transparent and responsible management of its occupancy agreements.

- 1.2 This Policy provides a framework for the use, occupancy and management of Council buildings and land and the terms, conditions and principles upon which occupancy agreements will be developed. The Policy is to be used in conjunction with Council's individual *Shared Use Lease, Exclusive Use Lease, Ground Lease, Licence & Hire Permit Agreements Conditions of Use Guidelines*.

3.10. Signage and Sponsorship

3.10.1. Site signage and sponsorship advertising is subject to Council assessment and approval in accordance with relevant legislative frameworks, including the *Local Government Act 1999* and *Planning Development and Infrastructure Act 2016*.

3.10.2. Under Lease and Licence conditions of use, the Lessee or Licensee will be responsible for ensuring:

3.10.2.1 All signs in the leased or licenced area are maintained to the satisfaction of Council;

3.10.2.2. All signs are securely fastened and kept free of graffiti;

3.10.2.3. The removal and reinstatement of sponsorship signage at Council's request, where alternate use of the asset conflicts with the advertising displayed; and

3.10.2.4. Prior to installation of any signage, Council approval is obtained (as the facility/land owner), along with development and/or building approval if required.

10. Definitions

Club – A Club is defined as a group combining for a common purpose and is normally an incorporated not-for-profit association. The Club may have a focus on sporting, recreation, social, educational, environmental, arts, cultural and/or health and wellbeing activities provided for the benefit of the community.

Community Facilities – Council owned or managed buildings (e.g. clubrooms, halls, community centres) and playing areas (such as an oval, pitch, court, bowling green) that are provided to benefit the community. It also includes community facilities located on Crown Land under the care, control and management of Council.

Council Controlled Land – Land which is either owned by Council or under Council's care and control, and includes council maintained roads.

Not for Profit and Community Organisations – Are incorporated associations whose primary objective is service to the community rather than profit. Organisations

wishing to have their Not for Profit status recognised must be a registered not for profit entity with the Australian Charities and Not-for-profits Commission (ACNC).

Sporting and Community Organisation/Group – A not for profit organisation that exists exclusively for charitable purposes or as an amateur sporting group, arts, craft or other special interest group established for the benefit of the community of The Barossa Council. Primarily voluntary staff (including officials and coaches) and/or Committee.”

Meeting Notes published by The Barossa Council following the Elected Member Workshop on Wednesday the 2nd of October 2024 state the following:

“MEETING NOTES

Elected Member Workshop held on Wednesday 2 October 2024 at 5.30pm in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

An Information or Briefing Session is held under Section 90A of the *Local Government Act 1999*.

1. ITEMS FOR DISCUSSION/PRESENTATIONS

1.3 Signage and Naming Rights at Sporting Parks

Notes: Requests for naming of recreation and sport precincts and facilities or part thereof have been received. Council was presented with current policy positions, i.e. Planning Infrastructure and Development Act, Lease and Licence Policy and the Signage Policy to inform Council on future Council report and adopted position to make it clear to community in the responses provided. Feedback was provided and in due course a report will come to Council to consider formally its position.”

It is likely that a Report on Signage and Naming Rights at Sporting Parks with an accompanying Recommendation will be placed on a Barossa Council Agenda for a Barossa Council Meeting at some time in the future. Elected Members will consider the Recommendation at the Barossa Council Meeting and may or may not discuss or debate the issue depending on whether or not any elected member wishes to discuss or debate the issue.

Although legally, elected members are prohibited from making decisions at Elected Member Workshops or Information and Briefing Sessions, elected members’ comments and views are exchanged and a consensus of opinion or agreement often emerges. In reality, discussion or debate rarely occurs during Meetings of The Barossa Council and

Recommendations are often moved, seconded and voted on without discussion or debate by Elected Members.

I fully understand my role as an Elected Member of The Barossa Council.

Section 59 of the Local Government Act 1999 states the following:

“59 – Roles of members of councils

(1) The role of a member of a council is –

(a) as a member of the governing body of the council –

(i) to act with integrity; and

(ii) to ensure positive and constructive working relationships within the council;

and

(iii) to recognise and support the role of the principal member under the Act; and

(iv) to develop skills relevant to the role of a member of the council and the functions of the council as a body; and

(v) to participate in the deliberations and activities of the council; and

(vi) to keep the council’s objectives and policies under review to ensure that they are appropriate and effective; and

(vii) to keep the council’s resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review; and

(viii) to ensure, as far as is practicable, that the principles set out in section 8 are observed; and

(ix) to participate in the oversight of the chief executive officer’s performance under the council’s contract with the chief executive officer; and

(x) to serve the overall public interest; and

(b) as a person elected to the council – to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.

(2) A member of a council may, with the principal member’s authorisation, act in place of, or represent, the principal member.

(3) A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.”

In response to the complaint made against me by the Barossa United Football Club, I wish to refer specifically to clause 1 (b) of section 59.

In asking to have a conversation with the Vice President of the Barossa United Football Club, I was seeking to represent the interests of residents and ratepayers of the council, to provide community leadership and guidance, and to facilitate communication between the community and the council.

Section 8 of the *Local Government Act 1999* states:

“8 – Principles to be observed by council

A council must act to uphold and promote observance of the following principles in the performance of its roles and functions –

- (a) provide open, responsive and accountable government;
- (b) be responsive to the needs, interests and aspirations of individuals and groups within its community;
- (c) participate with other councils, and with state and national governments, in setting public policy and achieving regional, State and national objectives;
- (d) give due weight, in all its plans, policies and activities, to regional, State and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community;
- (e) seek to co-ordinate with State and national government in the planning and delivery of services in which those governments have an interest;
- (ea) seek to collaborate, form partnerships and share resources with other councils and regional bodies for the purposes of delivering cost effective services (while avoiding cost-shifting among councils), integrated planning, maintaining local representation of communities and facilitating community benefit;
- (f) seek to facilitate sustainable development and the protection of the environment and to ensure a proper balance within its community between economic, social, environmental and cultural considerations;
- (g) manage its operations and affairs in a manner that emphasises the importance of service to the community;
- (h) seek to ensure that council resources are used fairly, effectively and efficiently and council services, facilities and programs are provided effectively and efficiently.

- (i) seek to provide services, facilities and programs that are adequate and appropriate and seek to ensure equitable access to its services, facilities and programs;
- (ia) seek to balance the provision of services, facilities and programs with the financial impact of the provision of those services, facilities and programs on ratepayers;
- (j) achieve and maintain standards of good public administration;
- (k) ensure the sustainability of the council's long-term financial performance and position."

In response to the complaint made against me by the Barossa United Football Club, I wish to refer specifically to principles (a), (b), (g), (h), (i) and (j) which a council must act to uphold and promote observance of. I believe that I was upholding these specific principles in seeking to have a conversation with the Vice President. However, I wish to offer the following apology, I could have chosen my words more carefully.

I do not believe that I have breached the following provisions of the Behavioural Standards:

- *Act in a way that generates community trust and confidence in the Council.*
- *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.*
- *Act in a reasonable, just, respectful and non-discriminatory way.*
- *Act in a manner consistent with their roles, as defined under section 59 of the Act.*

Following the lodgement of the complaint made against me by the Barossa United Football Club to The Barossa Council, I have been unhappy to receive the following email communication, 26/10/24, from the Club and have referred the correspondence to my lawyer for his attention:

"On Sat, 26 Oct 2024 at 4:24 pm, [REDACTED]

[REDACTED] wrote:

Dear Bruce,

Please see attached a letter regarding the BUFC Code of Conduct and the need to adhere to the Code of Conduct.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Mon 28 Oct 2024 at 2:30 pm

Subject: Re: Code of Conduct Letter

To whom it may concern I perceive this letter as a threat and as I don't take this lightly I have engaged a legal firm Kensington lawyers to have a look at this letter you have sent me.

Mr B Preece.

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Thu, 31 Oct 2024 at 2:23 pm

Subject: Fw: Code of Conduct Letter

I have also been unhappy to receive the following email from the Club dated Sunday 1 December at 9:34 pm:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Sun, 1 Dec 2024 at 9:34 pm

Subject: Non-Acceptance of player Registration

Bruce,

I am writing to inform you that Barossa United FC will not be accepting [REDACTED] registration for 2025.

You were sent a letter regarding your breaches to the clubs Code of Conduct. Your reply indicated to the executive committee that you have failed to reflect and accept your breaches to the Code of Conduct.

Also, as [REDACTED] is no longer a member of Barossa United FC he will not be permitted to participate in the club's Christmas Parade, due to insurance only covering BUFC members.

We will process your refund of \$240, this includes the summer comp fee.

Remove Member

! Warning

You are about to remove member [REDACTED]

This will remove them from the current season. They will remain in your member archives and you will be able to renew them in future (e.g. this season or next season).

Note that any invoices linked to this member for this season will be permanently removed.

This is **permanent** and cannot be undone.

Note that this will not issue a refund to the member. Any refunds must be processed before deleting the member.

Options

Delete this member **permanently**. This will remove **all historical information** relating to this member and cannot be undone.

! If you are permanently deleting this member because they are a duplicate **do not proceed here** (so as to prevent data loss) instead please use the member merge utility.

[REDACTED]

[REDACTED]

Barossa United FC

[REDACTED]

[REDACTED]

.....Forwarded message.....

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: Mon, 2 Dec 2024 at 10:29 pm

Subject: [REDACTED] – Registration Request

Hi Bruce,

Thank you for your call and email today. The Executive Committee has considered your request to allow [REDACTED] to play for Barossa United FC in 2025 and agreed to accept [REDACTED] registration, subject to the following conditions.

You, Bruce Preece, will receive a complete ban from Barossa United FC, including your parental membership rights, effective immediately.

You are not permitted to attend the following:

- All training sessions at BUFC and any other locations that involve [REDACTED] team or any other team from BUFC.
- All Home and Away Games.
- All official Club and Team events.
- All club social events, including the opening of the new clubrooms.
- All FSA Development Centre sessions held at BUFC.
- All other non-BUFC academy events or clinics that are held at BUFC. (Centennial Park).

Additionally, all communication to the club and the team must come from [REDACTED] mother.

In the event of an emergency and you are required to take [REDACTED] to any of the above activities, you must remain in your car.

If any of these conditions are breached, [REDACTED] membership will be revoked immediately, and you will forfeit any fees paid.

These conditions are not negotiable, and there will be no further warnings.

You must re-register [REDACTED], as he has been removed from our system. We will interpret [REDACTED] re-registration as an agreement to these terms.

Regards,

[REDACTED]

[REDACTED]

Barossa United FC

[REDACTED]

[REDACTED]

At this time, for the sake of [REDACTED] [REDACTED] continuing participation as a player for the Barossa United Football Club, I have accepted the restrictions that the Barossa United Football Club has placed on me and I will abide by them until I hope a more satisfactory resolution for all parties can be achieved.

I do not believe my behaviour warrants referral to the Behavioural Standards Panel.

Councillor Bruce Preece

The Barossa Council

Kelley Jones

APPENDIX 12

Behavioural Standards Panel



Final Report

Council Member:	Cr Bruce Preece
Council:	The Barossa Council
Referral by:	Mayor Bim Lange
Panel Reference:	25BSP-0007
Date Received:	25 July 2025
Issues:	Misbehaviour

January 2026

Content

Final Report	1
Legislative Framework.....	1
The Complaint	1
Inquiry	2
Standard of Proof	3
Complaint.....	3
Procedural Fairness.....	4
Letter of allegations.....	4
Additional correspondence from Cr Preece	4
Consultation on Provisional Report.....	5
Correspondence Timeline	7
The member's compliance with Council resolutions.....	10
Cr Preece's apology to the GRFMA board.....	13
Provisional Findings	13
Allegation 1	14
Panel Finding 1	14
Allegation 2	14
Panel Finding 2.....	14
Allegation 3	15
Panel Finding 3.....	15
Allegation 4	15
Panel Finding 4.....	15
Allegation 5	16
Panel Finding 5.....	16
Provisional orders determined by the Panel	16
Mayor Lange's submission on the Provisional Report	18
Panel consideration of Mayor Lange's submission	19
Cr Preece's response to the Provisional Report	19
Final Findings and Orders.....	19
Timeframe for orders	20



Final Comments from the Panel..... 20

Attachment 1 — Apology..... 21

 Apology to be read aloud by Cr Preece 21

Final Report

1. This final report has been prepared on an inquiry undertaken by the Behavioural Standards Panel (the Panel) following a referral made by Mayor Michael 'Bim' Lange, principal member of The Barossa Council (the Council). The complaint alleged that Councillor Bruce Preece (Cr Preece) had committed misbehaviour as defined by s 262E of the *Local Government Act 1999* in that he had failed to undertake actions that were made by resolution of the Council in accordance with s 262C of the Act following its inquiries into complaints about Cr Preece's behaviour made under Chapter 13, Part AI, Division 1 of the Act.
2. Cr Preece was elected to the Council at the 2022 Council elections and has had previous experience as a Councillor at the City of Prospect.

Legislative Framework

3. Section 262Q of the *Local Government Act 1999* (the Act) provides that a complaint alleging misbehaviour, repeated misbehaviour or serious misbehaviour may be referred to the Panel by a resolution of the council; the principal member of the council; at least 3 members of the council; or a responsible person in accordance with section 75G(5) of the Act.
4. Relevantly to this inquiry, s 262E provides that misbehaviour means—
 - (a) a failure by a member of a council to comply with a requirement of the council under section 262C(1); or
 - (b) a failure by a member of a council to comply with a provision of, or a requirement under, the council's behavioural management policy; or
 - (c) a failure by a member of a council to comply with an agreement reached following mediation, conciliation, arbitration or other dispute or conflict resolution conducted in relation to a complaint under Division 1.

The Complaint

5. On 25 July 2025, Mayor Lange referred a complaint to the Panel that included, in summary—
 - Between February 2024 and April 2024, the Council received 6 complaints about Cr Preece's behaviour alleging that he had breached the Behavioural Standards for Council Members (the Behavioural Standards).

- The Council received the complaints and dealt with them under its Behavioural Management Policy. This resulted in five independent investigations (investigation one combined council complaints one and two) being undertaken, each separate investigation found that Cr Preece had breached the Behavioural Standards as alleged.
 - The Council considered the five independent investigations into the complaints about Cr Preece's behaviour at the ordinary council meeting on 20 May 2025.
6. On behalf of the Panel, in accordance with s 262R(1) of the Act the presiding member, determined that the Panel would deal with the complaint as one complaint of misbehaviour (the Complaint).

Inquiry

7. The Panel—
- Designated the Complaint 25BSP-0007.
 - Assessed the Complaint lodged against Cr Preece.
 - Considered the Complaint in the context of the Act, the Panel's Practice Directions, and guidance material.
 - Provided a letter to Cr Preece that detailed the five allegations.
 - Provided Cr Preece with the opportunity to respond to the allegations through written submissions and considered his responses.
 - Met to discuss determinations relating to the Complaint.
 - Assessed further information provided by the Council, as sought by the Panel.
 - Considered further correspondence provided by Cr Preece.
 - Prepared letters and a report of provisional findings and orders provided to both Cr Preece and Mayor Lange.
 - Provided Cr Preece and Mayor Lange with the opportunity to respond to the provisional findings and orders.
 - Considered the submissions received from the Council.

- Considered further correspondence received from both Cr Preece and Mr Trevor Wedding (representing Cr Preece).
- Prepared a Final Report.

Standard of Proof

8. The standard of proof applied by the Panel in this inquiry and investigation process is on the balance of probabilities.

Complaint

9. At its meeting held on 20 May 2025, the Council received and considered 5 of reports relating to Cr Preece's breaches of the Behavioural Standards for Council Members that had been prepared in accordance with the Council's Behavioural Management Policy.
10. Following its consideration of these reports, the Council decided to take action under s 262C of the Act, that included the following resolutions—
 1. First and Second Complaint—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 be acknowledgement of the substances of the complaint being substantiated. [CARRIED 2022-26/695]
 2. Third Complaint—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]
 3. Fourth Complaint—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. [CARRIED 2022-26/699]
 4. Fifth Complaint—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. [CARRIED 2022-26/701]

5. Sixth Complaint—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. [CARRIED 2022-26/703]
11. The Complaint alleged that Cr Preece had not complied with the Council's resolutions, as Cr Preece failed to provide the apologies as required by the resolutions.

Procedural Fairness

Letter of allegations

12. On 13 August 2025, the Panel wrote to Cr Preece, detailing the allegations that formed the Panel's inquiry, and inviting his submissions within a period of two weeks (by COB 27 August 2025).
13. Cr Preece responded to the Panel's inquiry with four emails received at:
 - 7:23 pm, Tuesday, 26 August 2025
 - 7:48 pm, Tuesday, 26 August 2025
 - 4:12 pm, Wednesday, 27 August 2025
 - 4:30 pm, Wednesday, 27 August 2025.

Additional correspondence from Cr Preece

14. During the Panel's consideration of the inquiry, Cr Preece sent a further email to the Panel which was received at 3:37 pm on 18 November 2025.
15. The Panel noted that this email referenced correspondence that Cr Preece claimed to have referred to the Panel, notably an email sent on 7 October 2025.

16. The Panel had no record of receiving the email on 7 October 2025.
17. On 19 November at 11:59 am, the Panel contacted Cr Preece via email and requested copies of the correspondence Cr Preece referred to in the 18 November email.
18. Cr Preece was requested to respond within 48 hours. However Cr Preece did not respond to the Panel's request within that timeframe.
19. Cr Preece contacted the Panel on 24 November 2025 and further arrangements were subsequently made with the Panel's Executive Officer to enable him to send information to the Panel.
20. On Saturday 29 November the Executive Officer received 5 emails from Cr Preece—
 - three entitled 'your message could not be delivered' received at 8:32, 8:32 and 8:33 am.
 - 1 entitled 'emails' received at 8:39 am
 - 1 entitled 'FW: Response to Council resolution' received at 8:41 am.
21. The Panel considered these emails out of sessions between 1 and 4 December 2025 and determined to accept them for consideration, however it was resolved that the content of the emails did not alter the member's earlier provisional findings.

Consultation on Provisional Report

22. On Wednesday 26 November 2025, Cr Preece advised the Panel's Executive Officer that he was taking sick leave from dealing with Council business throughout December 2025.
23. The Panel noted Cr Preece's leave, however, formed the view that Cr Preece and/or his legal representatives would be able to make submissions on a provisional report during this period.
24. Accordingly, on 5 December 2025, the Panel issued a Provisional Report on inquiry 25BSP0007 via email to both Cr Preece and Mayor Lange.
25. The Panel provided both recipients the opportunity to provide comments in response to the report by close of business, 19 December 2025.

26. The Panel received submissions from the Council on 8 December 2025 and 10 December 2025.
27. On 13 December 2025, the Panel received correspondence from Mr Trevor Wedding of Kensington Legal Services. This correspondence constituted correspondence that had been provided to a third party relating to matters before the Council relating to Cr Preece, advising the third party that Cr Preece was suffering from ill health, would be unable to return to his normal duties and therefore requesting that Cr Preece be provided with additional time (until “in the new year”) to respond on these matters.
28. As this correspondence did not specifically request an extension of time for submissions on the Panel's Provisional Report, the Panel sought clarification from Mr Wedding. Mr Wedding confirmed that Cr Preece was seeking an extension for submissions relating to the Provisional Report on 25BSP-0007.
29. On 18 December 2025 Cr Preece contacted the Panel directly via email requesting an extension for his submissions until the “end of January 2026” as he was travelling overseas for the month of December. Cr Preece also stated that his medical leave was further reason for granting him an extension.
30. On 23 December the Panel noted the correspondence from Mr Wedding and Cr Preece and considered the requests for extension.
31. The Panel considered—
 - The previous opportunities for submissions that had been provided to Cr Preece during the inquiry.
 - The previous extension provided by the Panel, the provision of information from Cr Preece outside of consultation periods and the effect that these actions had on the progress of the inquiry (refer correspondence timeline below).
 - That as the complaint was an allegation of misbehaviour, whether a further extension of time would enable Cr Preece to provide any further information that would explain his non-compliance with the Council's resolutions additionally to his previous submissions and correspondence in the inquiry.
32. Following this consideration, the Panel declined to offer Cr Preece an extension on the time provided to him to make a submission on the Provisional Report as the Panel considered that procedural fairness had been provided to Cr Preece throughout the inquiry process.

33. The Panel was also cognisant of its responsibility under s 262U of the Act, relating to inquiries, that it must proceed with as little formality and technicality and with as much expedition as the requirements of this or any other Act and a proper consideration of the matter permit.
34. Cr Preece and Mr Wedding were informed of the Panel's decision on 24 December 2025.

Correspondence Timeline

Complaint Referral from Mayor Lange	25 July 2025	
To Cr Preece from Panel	4 August 2025	Email to confirm contact details of the Panel as Cr Preece telephoned and wanted to provide information for the panel's consideration.
To Cr Preece from Panel	13 August 2025	Letter of allegations and request for information required by COB 27 August 2025.
To Mayor Lange from Panel	13 August 2025	Determination to deal with the matter
To Panel from Cr Preece	26 August 2025	Submission to Panel's request
To Panel from Cr Preece	26 August 2025	Submission to Panel's request
To Panel from Cr Preece	27 August 2025	Submission to Panel's request
To Panel from Cr Preece	27 August 2025	Submission to Panel's request

To Panel from The Barossa Council	28 August 2025	Further information regarding the inquiry
To Panel from Mayor Lange	9 September 2025	Additional referral from Council regarding Cr Preece's behaviour 25BSP-0009
To Council CEO from Panel	25 September 2025	Request for information regarding Council's investigations into Cr Preece's behaviour.
To Panel from Council CEO	25 September 2025	Response to Panel's request
To Panel from Council CEO	22 October 2025	Request for inquiry update
To Council CEO from Panel	22 October 2025	Response to query
To Panel from Cr Preece	18 November 2025	Email from Cr Preece re Panel referral (see section 'additional correspondence from Cr Preece')
From Panel to Cr Preece	19 November 2025	Seeking clarification of the above email
To Panel from Cr Preece	29 November 2025	Response to request for clarification
To Panel from Cr Preece	29 November 2025	Response to request for clarification
To Panel from Cr Preece	29 November 2025	Response to request for clarification
To Panel from Cr Preece	29 November 2025	Response to request for clarification

From Panel to Cr Preece	1 December 2025	Confirmation of receipt of 29 November emails.
To Cr Preece	5 December 2025	Notification of Provisional Report providing opportunity for submissions by COB 19 December 2025
To Mayor Lange	5 December 2025	Notification of Provisional Report providing opportunity for submissions by COB 19 December 2025
To Panel from Council CEO	8 December 2025	Request to clarify Panel proceedings
To Panel from Mayor Lange	10 December 2025	Response to Provisional Report
To Panel from T Wedding (Kensington Legal Services)	13 December 2025	Third party correspondence
To T Wedding from the Panel	15 December 2025	Requesting clarification of the above
To Panel from T Wedding	16 December 2025	Further information re 25BSP-0007 and request for extension
To T Wedding from the Panel	16 December 2025	Requesting further clarification of the email dated 13 December 2025
To Panel from T Wedding	16 December 2025	Response to request for clarification and request for extension.
To Panel from Cr Preece	18 December 2025	Notification of medical leave and extension request
To Cr Preece and T Wedding from Panel	24 December 2025	Decline request for extension for submissions on Provisional Report

The member's compliance with Council resolutions

35. The relevant Council resolutions were made on 20 May 2025. All resolutions gave Cr Preece a timeframe of "within the next two meetings of Council" to comply with the resolutions.
36. The Panel noted that ordinary Council meetings were held on 17 June 2025 and 15 July 2025.
37. The below table sets out Cr Preece's compliance with the Council's resolutions. This is based on information provided to the Panel by Cr Preece in his emails of 26 and 27 August 2025—

Alleged Outstanding Action	Evidence of Compliance	Details
First and Second Complaint— 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 be acknowledgement of the substances of the complaint being substantiated. [CARRIED 2022-26/695]	None provided	Cr Preece was asked to comply within 2 council meetings

Third Complaint —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]	None provided	Cr Preece was asked to comply within 2 council meetings
Fourth Complaint —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. [CARRIED 2022-26/699]	None provided	Cr Preece was asked to comply within 2 council meetings
Fifth Complaint —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. [CARRIED 2022-26/701]	None provided	Cr Preece was asked to comply within 2 council meetings

Sixth Complaint—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. [CARRIED 2022-26/703]	Cr Preece provided the agenda for the (at the time) upcoming GRFMA meeting showing he had sent the Executive Officer an apology that had been included on the agenda. See text of Cr Preece's apology to GRFMA below	Cr Preece's apology was presented to the GRFMA board on 28/08/25 GRFMA meetings were held on 19/06/25 and 28/08/25 The requirement was for the apology to be lodged within 2 <u>Council</u> meetings, not 2 GRFMA meetings. GRFMA meetings are held every two months, whereas council meetings are held monthly. Within this timeframe, Cr Preece's apology was required by the Council to be provided by 15 July 2025
--	--	---

Cr Preece's apology to the GRFMA board

Dear Board Members,

I am writing to express my sincerest apologies to the board in regards to the context of the conversation on the disparity of punishment between two issues namely that Port Adelaide Player was given 6 match suspension for a slur and a player can sling tackle a player and get only one or two match suspension causing serious injury and highlighted the number of times he had been personally branded with the slur while playing sport, while making a sticks and stones type argument. I submit that the pursuit of the argument was not appropriate to the context and I apologise for any offense caused. I have no intention to cause embarrassment or offense to the board as I hold the GRFMA in high regards and appreciates the hard work the board members are undertaking. These remarks occurred approximately 16 months ago. Going forward, I wish the GRFMA board every success in its future endeavours.

Kind regards, Councillor Bruce Preece

Provisional Findings

38. At its meeting of 16 September 2025, the Panel made provisional findings about the Complaint.
39. In making its provisional findings, the Panel carefully considered the information provided in the Complaint from Mayor Lange which included details of the processes undertaken by the Council in accordance with its Behavioural Management Policy and minutes of ordinary Council meetings held on 20 May 2025, 17 June 2025 and 15 July 2025.
40. The Panel also carefully considered the submissions made by Cr Preece on 26 and 27 August 2025, the minutes of the GRFMA meetings held on 19 June 2025 and 28 August 2025 and additional correspondence from Cr Preece received on 18 November and 29 November 2025.
41. The Panel's provisional findings in relation to each Council complaint are contained below.
42. The Complaint alleges that that Cr Preece has not complied with requirements resolved by the Council at this meeting, as at its subsequent meetings held on 17 June 2025 and 15 July 2025, Cr Preece failed to provide the apologies for each of the six resolutions made by Council on 20 May 2025, being—

Allegation 1

43. That Cr Preece has not complied with the following requirement resolved by the Council—

First and second complaint—the Council resolved that Cr Preece issue a public apology to Crs Greatwich and Schilling and acknowledge 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 be acknowledgement of the substances of the complaint being substantiated. [CARRIED 2022-26/695]

Panel Finding 1

44. Cr Preece offered no evidence of compliance with this action nor stated any reason as to why he did not comply with the action.
45. The Panel found that Cr Preece failed to comply with the actions determined by the Council resolution 2022-26/695 and had therefore committed misbehaviour as defined by section 262E of the Act.

Allegation 2

46. That Cr Preece has not complied with the following requirement resolved by the Council—

Third Complaint—The Council resolved that Cr Preece issue a public apology which shall acknowledge he engaged with staff contrary to the Chief Executive Officer's 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]

Panel Finding 2

47. Cr Preece offered no evidence of compliance with the Council action nor stated any reason as to why he did not comply with the action.
48. The Panel found that Cr Preece failed to comply with the actions determined by the Council resolution 2022-26/695 and had therefore committed misbehaviour as defined by section 262E of the Act.

Allegation 3

49. That Cr Preece has not complied with the following requirement resolved by the Council—

Fourth Complaint—The Council resolved that 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. [CARRIED 2022-26/699]

Panel Finding 3

50. Cr Preece offered no evidence of compliance with the Council action nor stated any reason as to why he did not comply with the action.
51. The Panel found that Cr Preece failed to comply with the actions determined by the Council resolution 2022-26/695 and had therefore committed misbehaviour as defined by section 262E of the Act.

Allegation 4

52. That Cr Preece has not complied with the following requirement resolved by the Council—

Fifth Complaint—The Council resolved that 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. [CARRIED 2022-26/701]

Panel Finding 4

53. Cr Preece offered no evidence of compliance with the action nor stated any reason as to why he did not comply with the action.
54. The Panel found that Cr Preece failed to comply with the actions determined by the Council resolution 2022-26/695 and had therefore committed misbehaviour as defined by section 262E of the Act.

Allegation 5

55. That Cr Preece has not complied with the following requirement resolved by the Council—

Sixth Complaint—The Council resolved that 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. [CARRIED 2022-26/703]

Panel Finding 5

56. Cr Preece offered some information as evidence of compliance with this action. However, the Panel noted that—

- While the Council required this apology to include acknowledgement of his discriminative behaviour and comments at a public meeting of the Council, Cr Preece's apology did not include this acknowledgement.
- The apology was not made in the timeframe specified in the action determined by the Council.

57. The Panel found that Cr Preece failed to comply with council resolution 2022-26/695 and was in breach of section 262C of the *Local Government Act 1999*, and that Cr Preece has therefore committed misbehaviour as defined by section 262E of the Act.

58. In relation to all allegations, the Panel was satisfied that Cr Preece had been given sufficient opportunity to comply with the actions determined by the Council under s 262C(1) of the Act but had not done so.

Provisional orders determined by the Panel

59. The Panel may, after inquiring into a complaint referred to it, make one or more orders in as provided for by section 262W(1) of the Act.
60. Prior to determining its provisional orders, the Panel considered the following factors in relation to Cr Preece's breaches—

- the nature and seriousness of the misbehaviour;
 - the circumstances in which the misbehaviour occurred;
 - the period over which the misbehaviour occurred;
 - the impact of the misbehaviour on any person(s) affected by the misbehaviour;
 - the actual and potential consequences of the misbehaviour;
 - whether the misbehaviour appeared to have been inadvertent, ill-informed or the result of naivety, carelessness or misunderstanding;
 - whether the misbehaviour was acknowledged and if a commitment not to repeat the misbehaviour was made; and
 - statements made by Cr Preece in his correspondence with the Panel.
61. At its meeting of 16 September 2025, the Panel determined that that it would make the following provisional orders—
- Reprimand Cr Preece, by public statement in accordance with s 262W(1)(a).
 - Direct the Council to pass a censure motion in respect of Cr Preece, in accordance with s 262W(1)(b).
 - Require Cr Preece to issue public apologies in a manner which accords with the resolutions made by the Council, in accordance with s 262W(1)(c).
 - Require Cr Preece to issue a public apology for his non-compliance with the Council's resolutions, in a manner which clearly acknowledges the impact of his non-compliance, in accordance with s 262W(1)(c).
 - Require Cr Preece to reimburse \$810 to the Council which represents a portion of the costs incurred s 262W(1)(e).
62. In determining the provisional orders, the Panel considered that the nature and seriousness of Cr Preece's misbehaviour was of a higher level, as the Council had received and taken action on numerous complaints about Cr Preece's behaviour over a relatively short period of time.

63. The Panel noted that on all occasions, the complaints received about Cr Preece's behaviour related to public facing events or council business where Cr Preece was representing the Council in his capacity as an elected member.
64. Given this, it was particularly important that Cr Preece make the public apologies as the Council had determined should occur, under s 262C(1) of the Act. His failure to make these apologies further compounded the effect of his poor behaviour.
65. The Panel acknowledges that Cr Preece had partially complied with the Council's resolutions to some extent by undertaking the training that had formed part of these resolutions. The Panel also notes that Cr Preece stated that he "was happy to undertake it", thereby signifying that Cr Preece was of the view that his behaviour needed to be addressed in some way. It is unclear to the Panel why Cr Preece then refused to make public apologies to address his poor behaviour.
66. This was not a one-off breach. Cr Preece has been found to have committed misbehaviour on several occasions and has neither acknowledged this misbehaviour nor made a commitment to abide by the behavioural requirements that apply to council members.
67. The Panel noted that dealing with Cr Preece's misbehaviour has caused the Council to incur significant costs.

Mayor Lange's submission on the Provisional Report

68. Mayor Lange provided a submission to the Panel on 10 December 2025. This submission noted the impact on Council resources in dealing with the complaints about Cr Preece's behaviour that led to the Complaint and requested that the Panel make the following orders—
 - that Cr Preece be suspended from Office for three (3) months without an allowance;
 - \$810 reimbursement for each of the five (5) concluded investigation reports.
 - that compliance with the orders shall be undertaken within two (2) ordinary Council meetings; and
 - a direction to Council to file disciplinary proceedings in the SACAT... if the orders are not complied with.

69. Mayor Lange's submission also referenced other matters relating to Cr Preece's behaviour that were being considered by the Barossa Council and the resultant impact on Council resources.

Panel consideration of Mayor Lange's submission

70. The Panel noted Mayor Lange's request for amended orders, however, the Panel considered the provisional orders as reasonable and proportionate to the Panel's findings.
71. In relation to the request from Mayor Lange that the Panel direct the Council to file disciplinary proceedings to SACAT, the Panel notes that section 262W(4) of the Act provides that if a member of a council fails to comply with an order of the Panel requiring the member to take action under subsection (1), the council is to ensure that a complaint is lodged against the member with SACAT.
72. The Panel also noted that the other matters raised by Mayor Lange were not relevant to this complaint.

Cr Preece's response to the Provisional Report

73. As noted earlier Cr Preece did not provide submissions relating to the Provisional Report as requested by the Panel (See Procedural Fairness, above).

Final Findings and Orders

74. At its meeting of 23 December 2025, the Panel considered all elements of the inquiry and determined to make its provisional findings and orders made on 16 September 2025 final without alteration.
75. The Panel's findings are therefore that Cr Preece committed misbehaviour on five occasions as detailed above (see Provisional Findings).
76. The Panel orders that—
1. It reprimands Cr Preece, by means of a public statement, in accordance with s 262W(1)(a) of the Act.
 2. The Council is directed to pass a censure motion in respect of Cr Preece, in accordance with s 262W(1)(b) of the Act.

3. Cr Preece is required to issue public apologies in a manner which accords with the actions taken by the Council, in accordance with s 262W(1)(c) of the Act.
 4. Cr Preece is required to issue a public apology in a manner determined by the Panel in accordance with s 262W(1)(c) of the Act.
 5. Cr Preece is required to reimburse the Council the specified amount of \$810, as a proportion of reimbursement of the costs to the Council in relation to dealing with these complaints, in accordance with section 262W(1)(e) of the Act.
77. The Panel reprimand is available at bsp.sa.gov.au/publications.
78. The apology required of Cr Preece is included in Attachment 1.

Timeframe for orders

79. Cr Preece and the Council are required to have completed the above orders within two ordinary meetings of the Council following the date of publication of this report.
80. The Panel requires written confirmation from the Council that these orders have been completed.

Final Comments from the Panel

81. The Panel considers that elected members must comply with processes undertaken by their Council to address complaints of breaches of the behavioural standards. This includes compliance with resolutions made by councils to address breaches where they have been found to have occurred. A failure to do so is not in the interests of the council or its community and is therefore properly considered as misbehaviour, as defined by 262E of the Act.

Attachment 1 — Apology

Pursuant to section 262W(1) of the *Local Government Act 1999*, the Panel requires that—

- Cr Preece reads aloud the apology in full with no additional commentary, personal statement or other amendment at a public meeting of The Barossa Council within 2 ordinary meetings of the Council following publication of the Panel's Final Report.
- The apology be recorded in full in the public minutes of the relevant meeting of the Council.

Apology to be read aloud by Cr Preece

In 2024 and 2025, The Barossa Council received numerous complaints about my behaviour at various events and meetings I attended as a representative of the Council.

The Council inquired into these complaints and found that on six occasions I had breached the behavioural standards that apply to all council members.

My breaches included behaviour that was discriminatory and lacked professionalism. I failed to act in a manner consistent with my role, and failed to establish and maintain relationships of respect, trust, collaboration and cooperation with all Council members.

On 20 May 2025, the Council resolved that I make five public apologies in relation to my behaviour within two ordinary meetings of the council. I did not comply with these Council resolutions which resulted in the referral of a complaint of misbehaviour to the Behavioural Standards Panel.

The Behavioural Standards Panel has found that I committed misbehaviour as defined by the *Local Government Act 1999* through my failure to comply with the Council's resolutions.

The Behavioural Standards Panel has ordered that I comply with the Council's resolutions by making the necessary public apologies and also make this apology for my misbehaviour.

The Behavioural Standards Panel has also ordered that I reimburse the Council \$810 as a portion of the Council's costs of dealing with this matter.

The Behavioural Standards Panel has also reprimanded me by means of a public statement, published on its website.

I understand my role as a council member is to represent my community and behave in a way that meets public expectations. I acknowledge that my behaviour did not meet these expectations and I apologise unreservedly.

I also acknowledge that both dealing with the complaints made about my behaviour and the necessity to refer a complaint to the Behavioural Standards Panel due to my failure to comply with the Council's resolutions has come at significant cost to the Council and the community.

Additionally, I acknowledge that my failure to apologise for my poor behaviour compounded the effects of this behaviour, particularly on the individuals that were subject to it, and exposed the Council to reputational risk.

I therefore apologise unreservedly for my behaviour and my failure to comply with the Council's resolutions.

Behavioural Standards Panel



1 of 2

Reprimand Cr Preece, The Barossa Council (25BSP-0007)

The Behavioural Standards Panel notes that:

- On multiple occasions during 2024 Cr Preece engaged in behaviour that breached the *Behavioural Standards for Council Members*.
- On 20 May 2025 the Council resolved that Cr Preece must issue public apologies specific to the findings of five investigations that were conducted into his behaviour.
- Cr Preece has not given the public apologies as required by the Council and this resulted in the referral of a complaint of misbehaviour to the Panel.

The Panel found that Cr Preece committed misbehaviour and has made the following orders:

1. It reprimands Cr Preece, by means of a public statement, in accordance with section 262W(1)(a) of the *Local Government Act 1999* (the Act).
2. The Council is directed to pass a censure motion in respect of Cr Preece, in accordance with section 262W(1)(b) of the Act.
3. Cr Preece is required to issue public apologies in a manner which accords with the resolutions made by the Council, in accordance with section 262W(1)(c) of the Act.
4. Cr Preece is required to issue a public apology in a manner determined by the Panel, in accordance with section 262W(1)(c) of the Act.
5. Cr Preece is required to reimburse the Council the specified amount of \$810, as a proportion of reimbursement of the costs to the Council in relation to dealing with these complaints, in accordance with section 262W(1)(e) of the Act.

The Panel affirms that:

- All council members should act in accordance with the standards of behaviour that are expected of them.
- That council members should comply with those standards at all times.
- Where it has been found that a member has not met those standards, that member must comply with any resolutions made by a council, under section 262C of the Act.

Therefore, the Panel reprimands Cr Preece under section 262W(1)(a) of the Act for:

- The offensive behaviour that required the Council's investigation and resolutions.

Behavioural Standards Panel



2 of 2

- Failing to make the apologies that the Council required of him which compounded the effects of this offensive behaviour, particularly on individuals and groups that were affected by it, exposed the Council to reputational risk and caused significant cost to the Council and the community.



Government of
South Australia

Kelley Jones

APPENDIX 13



**IN THE SOUTH AUSTRALIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL**

The matter of a complaint pursuant to section 264 of the Local Government Act 1999

SACAT File No:

IN RELATION TO *the matter of a complaint pursuant to section 264*
UNDER THE *Local Government Act 1999*

MARTIN MCCARTHY

Applicant

and

BRUCE PREECE

Respondent

GROUND OF COMPLAINT

Filed on behalf of the Applicant, by Tracy Riddle

Kelley Jones Lawyers
Level 16, 19 Gilles Street
ADELAIDE SA 5000
L Code: 2233
P Code: 8919
Telephone: 8113 7100
Email: triddle@kelleyjones.com.au

Settled by: Tracy Riddle

Date of filing: 8 April 2026

baro0001_260066_003.docx

Rule 49

GROUNDS OF COMPLAINT

I, **MARTIN MCCARTHY** Chief Executive Officer of The Barossa Council (the **Council**), 43-51 Tanunda Road, NURIOOPTA, 5355, HEREBY MAKE A COMPLAINT against **BRUCE PREECE** (the **Respondent**) c/ of The Barossa Council, pursuant to sections 262W(4) and 264 of the *Local Government Act 1999*.

1. Particulars of the Complaint are as follows:

- 1.1 Between 19 January 2026 and 17 February 2026 in the Nuriootpa and other locations in the State of South Australia, you, as a member of The Barossa Council, a council constituted pursuant to the *Local Government Act 1999* (the **Act**), breached section 262W(1) of the Act.
- 1.2 In contravening section 262W of the Act, your behaviour has been found by the Behavioural Standards Panel (the **Panel**), established under the Act, to constitute **misbehaviour**, for the purposes of section 262E of the Act.
- 1.3 Accordingly, pursuant to section 262W(4) of the Act, the Panel has required the Council to lodge a complaint with the South Australian Civil and Administrative Tribunal against you for failing, within two (2) ordinary Council meetings to:
 - 1.3.1 issue six (6) public apologies for the breaches of the *Behavioural Standards for Council Members* (the **Behavioural Standards**) committed between February 2024 and April 2024, to have been found proved against you;
 - 1.3.2 issue the public apology in the manner determined by the Panel in accordance with section 262W(1)(c) of the Act;
 - 1.3.3 reimburse the Council the specified amount of \$810, as proportion of reimbursement of the costs to the Council in relation to dealing with the six (6) complaints made against you under the Behavioural Standards, in accordance with section 262W(1)(e) of the Act;with a view to obtaining an order under section 267(1) of the Act.
- 1.4 In my capacity as the Chief Executive Officer of the Council, I make this complaint against you in accordance with section 264(1)(b) of the Act.

2. Grounds of the Complaint are as follows:

- 2.1 Between February and April 2024, the Council received six (6) complaints (the **Complaints**) alleging the actions and behaviours of the Respondent breached certain clauses under the Behavioural Standards, as prescribed by the Minister in section 75E of the Act.
- 2.2 Each complaint was received and dealt with by the Mayor in accordance with the Council's *Elected Member Behavioural Management Policy*, later updated and

baro0001_260066_003.docx

3

adopted by the Council on 16 April 2024 as the *Elected Member Behavioural Management Process*.

- 2.3 It was found, following an Initial Assessment of each Complaint, and subsequent Investigation, during which, the Respondent was afforded procedural fairness at all times, that the Respondent breached the Behavioural Standards in the manner alleged.
- 2.4 At its Ordinary Meeting held on 20 May 2025, the Council received and considered the Investigation Reports, resolving to impose certain sanctions on the Respondent in accordance with section 262C of the Act.
- 2.5 On 22 May 2025, the Mayor wrote to the Respondent advising him of the outcome of the Council's decision making regarding the Complaints. The Mayor confirmed the required action to be undertaken by the Respondent for the breaches so found by the Council, and in giving effect to the sanctions imposed.
- 2.6 The Minutes of the next two (2) Ordinary Meetings of Council, held on 17 June 2025 and 15 July 2025, demonstrate the attendance of the Respondent, but his failure to tender the apologies as required of him in accordance with the resolutions of Council, made at its Meeting on 20 May 2025.

3. Referral to the Behavioural Standards Panel: Reference 25BSP-0007

- 3.1 On 24 July 2025, the Respondent having failed to give effect to the sanctions imposed by resolution by the Council at its Meeting of 20 May 2025, the Mayor referred the Complaints to the Panel under section 262Q of the Act.
- 3.2 On behalf of the Panel, in accordance with s262R(1) of the Act, the presiding member determined that the Panel would deal with the Complaints as one complaint of misbehaviour for the purposes of section 262E of the Act
- 3.3 The Panel noted the allegations in the six (6) Complaints and made Provisional Findings in a Provisional Report issued on 16 September 2025, including:

The Panel found that The Respondent failed to comply with council resolution 2022-26/703 and was in breach of section 262C of the Local Government Act 1999, and that The Respondent has therefore committed misbehaviour as defined by section 262E of the Act.

In relation to all allegations, the Panel was satisfied that Cr Preece has been give sufficient opportunity to comply with the actions determined by the council under section 262C(1) of the Act but had not done so.

4. The Panel's Findings and Orders

- 4.1 Having provided the Mayor and the Respondent an opportunity to make a submission on the Provisional Findings, by Final Report issued on 19 January 2026, the Panel determined that:

Cr Preece committed misbehaviour on five occasions as detailed above (see Provisional Findings).

baro0001_260066_003.docx

4

- 4.2 The five (5) occasions pertain to the fact that the first and second complaint were dealt with in a single report, raising substantially the same allegations, but involving two (2) separate complainants.
- 4.3 The Panel further Ordered that:
1. *It reprimands Cr Preece, by means of a public statement, in accordance with s262W(1)(a) of the Act.*
 2. *The Council is directed to pass a censure motion in respect of Cr Preece, in accordance with s262W(1)(b) of the Act.*
 3. *Cr Preece is required to issue public apologies in a manner which accords with the actions taken by the Council, in accordance with s262W(1)(c) of the Act.*
 4. *Cr Preece is required to issue a public apology in a manner determined by the Panel in accordance with s262W(1)(c) of the Act.*
 5. *Cr Preece is required to reimburse the Council the specified amount of \$810, as a proportion of reimbursement of the costs to the Council in relation to dealing with these complaints, in accordance with section 262W(1)(e) of the Act.*
- 4.4 The Panel required the Respondent give effect to the above Orders within two (2) Ordinary Meetings of the Council following the date of publication of the Final Report, being 19 January 2026.
- 4.5 The Council considered the Findings and Orders of the Panel in its Final Report at its Ordinary Council Meeting held on 27 January 2026 and resolved as follows:

MOVED Cr de Vries

That Council, having received the Final Report of the Behavioural Standards Panel into the behaviour of Cr Preece:

- (1) *Censure Cr Preece in accordance with the findings and orders of the Panel under s262W(1)(b) of the Local Government Act 1999 (the Act).*
- (2) *Authorise the Chief Executive Officer to provide written confirmation to the Panel as to the completion or otherwise of the Orders.*
- (3) *Note that if Cr Preece does not comply with the Behavioural Standards Panels' Orders, including Council directions of 20 May 2025, the Chief Executive Officer will refer the matter pursuant to Section 262W(4) of the Act to South Australian Civil and Administrative Tribunal as required by the Act*

SECONDED Cr Greatwich

CARRIED 2022-26/890

baro0001_260066_003.docx

5

- 4.6 The next two (2) ordinary Meetings of Council, following the delivery of the Final Report of the Panel, were held on 27 January and 17 February 2026.
- 4.7 The Council issued an invoice to the Respondent for the payment of \$810 , made payable by 17 February 2026. That invoice remains outstanding at the date of the filing of this complaint.
- 4.8 The Minutes of the Ordinary Meetings of Council held on 27 January 2026 and 17 February 2026 demonstrate that whilst the Respondent was in attendance at both Meetings, no apologies were tendered in accordance with the Orders made by the Panel.
- 4.9 By letter dated 20 February 2025, the Mayor informed the Panel of the Council's resolution made at its Meeting of 27 January 2026, and the Respondent's failure to comply with its Orders.
- 4.10 Given the Respondent's failure to comply with the orders of the Panel, the Council is now required to take action under section 262W(1) of the Act.
- 4.11 This complaint satisfies the Council's requirements to lodge a complaint under section 262W(4) of the Act.

5. Orders sought

- 5.1 On the hearing of a complaint the Tribunal may, if satisfied that the grounds for complaint exist and there is proper cause for taking action against the person to whom the complaint relates, by an order or orders, do one or more of the matters set out under section 267 of the Act.
- 5.2 In this matter, the following Orders are sought:
 - 5.2.1 an order requiring the Respondent to reimburse the Council **\$62,277.86**, being the Council's costs relating to the investigation of the six (6) complaints and giving effect to the Orders made under the Act; and
 - 5.2.2 an order disqualifying the Respondent from holding any Office under the Act; and
 - 5.2.3 an order disqualifying the Respondent from becoming a member of a council, a council committee or a subsidiary of a council for five (5) years; and
 - 5.2.4 such further or other order as the Tribunal deems fit.

DATED this 8 April 2026

Signed by



Tracy Riddle

Solicitor on behalf of the Applicant

baro0001_260066_003.docx

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.4 AMENDMENT TO THE SCHEDULE OF COUNCIL MEETINGS - DEFERRED LOCAL GOVERNMENT ELECTIONS

Author: Chief Executive Officer
26/46834

PURPOSE

To amend the previously authorised schedule of Ordinary Council meetings due to the deferral of the 2026 Local Government General Elections to April 2027.

RECOMMENDATION 1

That Council pursuant to the Chief Executive Officers motion under Regulation 21 of the Local Government (Procedures at meetings) Regulations 2013 rescind part (1) of resolution 2025-26/5.

Subject to Council approving Recommendation 1

RECOMMENDATION 2

That Council pursuant to Section 81(1) of the Local Government Act 1999 determine that ordinary meetings will be held on the third Tuesday of the month with the exception of:

1. the January monthly ordinary meeting shall be held on the fourth Tuesday of January, and where the fourth Tuesday is a public holiday, it shall be held the following workday.
2. the April 2027 meeting which shall be held on the Tuesday prior to polling day.

REPORT

Background

Council established its meeting schedule at the first meeting of a Council formed after a general election.

Council at its meeting of 22 November 2022 resolved on the understanding at that time the next general election would be in November 2026 it hold meetings as follows.

MOVED Cr Troup

That Council pursuant to Section 81 (4) of the Local Government Act 1999 determine that Ordinary Council meetings:

- (1) Will be held on the third Tuesday of the month, with the exception of:*
- a) the January Ordinary meeting which shall be held on the fourth Tuesday of January; and*

- b) the November 2026 meeting which shall be held on the Tuesday prior to polling day.*
- (2) Shall commence at 5.30pm; and*
- (3) Shall be held in The Barossa Council Chamber, 43-51 Tanunda Road, Nuriootpa.*
- SECONDED Cr de Vries* *CARRIED 2022-26/5*

With the recent deferral of the elections until April 2027 these dates require updating as there is a conflict with Australia Day in January 2027 and the final meeting will now be April 2027 not November 2026.

Discussion

With the recent deferral of the elections until April 2027 these dates require updating as there is a conflict with Australia Day in January 2027 and the final meeting will now be April 2027 not November 2026.

Pursuant to the powers conferred under Regulation 21 of the *Local Government (Procedures at meeting) Regulations 2013* I hereby submit this report to rescind part of the above resolution and seek Council to reset the dates to deal with the election extension and Australia Day meeting clash in January 2027.

Summary and Conclusion

The deferral of the elections necessitates this report to address meeting dates required under Section 81 of the Local Government Act to be enacted by Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

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
- 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 81 of the Local Government Act 1999

Regulation 21 of the Local Government (Procedures at meetings) Regulations 2013

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, and meeting agenda are always notified online prior to the scheduled meeting dates.

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.5 TALUNGA PARK - INVESTMENT AND SERVICE LEVEL AMENDMENTS POST BUSINESS CASE DETERMINATION

Author: Chief Executive Officer
26/46844

PURPOSE

To consider the service levels to be applied to Talunga Park post the consideration of the Business Case and community engagement.

RECOMMENDATION

That Council:

- (1) Endorse the treatment plan and financial model as presented at Attachment 1.
- (2) Approve the Chief Executive Officer to update the Corporate Plan with the revised service levels that are approved in accordance with part 1 of this resolution.
- (3) Approve the budget adjustments to support the work for the 2026-2027 year as follows:
 - a. Reduce the capital budget allocation from \$325,000 to \$193,850.
 - b. Increase the associated employee, maintenance, materials, and contractors budget by \$39,738 to align to the financial model outlined at Attachment 1.
- (4) Note the information pertaining to use of the oval and endorse the lease and licensing conditions outlined within this report, and any other condition deemed necessary by the Chief Executive Officer.
- (5) Approve the Chief Executive Officer to advise the Torrens Valley Football Club that Council cannot provide any assurance that the Football Club can use the oval for the 2026 grand final, and instruct them to seek alternative arrangements including Council's prior offers for alternative locations.
- (6) Note report 7.1.6 following this report, to rescind a prior resolution of Council to give effect to part 5 of this resolution.

REPORT

Background

Council are acutely aware of the geneses of this matter.

It considered the Business Case and community engagement outcomes at its ordinary meeting of 16 June 2026, and resolved as follows:

MOVED Cr Barrett

That Council having received and considered the consultation outcomes that note the desire to achieve dual use of Talunga Oval for Australian Rules Football and Equestrian services and being satisfied this project meets the critical test outlined in Councils motion of 16 December 2025:

- (1) Accept the risk profile outlined in the Business Case Part 5 and Part 9 – Attachment 6 and the assessment of the business case that no investment, programming management or maintenance program will achieve a full desired service level due to the incompatibility of the uses and level of uses being sought.*
- (2) With a clear understanding of the service level desires and risks involved and the need to cancel events should oval conditions not meet requisite standards at the time of events, that Option 3 be implemented with the following conditions:*
 - a. The Chief Executive Officer shall bring a report to Council:*
 - i. For basic remediation needs to allow dual use, noting the uses may result, periodically in the oval not being available for events (which includes any sporting or community event), and a annual maintenance plan.*
 - ii. Scoping a new governance and inclusive model for the users of the facility.*
 - iii. Proposed licensing and leasing conditions for the use of the oval.*
 - iv. Estimated timeframes to implement with a view to allowing Torrens Valley Football Club to host the grand final, noting this may not be able to be achieved.*
 - v. Propose a rescission motion to alter the decision of Council to allow football use on the oval contingent on all above matters, and any others that maybe developed in this report.*
- (3) The Council instruct the Chief Executive Officer to develop a proposal to move the high impact equestrian use to the north of the oval and develop a report for use in consultation with user groups for consultation in the first half of 2027 and consideration for funding in the 2027-2028 financial year budget.*

SECONDED Cr Preece

CARRIED 2022-26/990

Introduction

This report satisfies the immediate needs and decision making for the 2026-2027 financial year service levels and therefore interventions.

Discussion

Attachment 1 sets out the minimum intervention levels to achieve the desired level of service. In addition, the following provides analysis and relevant information pertaining to Council's resolution of 16 June 2026.

Council Resolution Part 2(a)(i) - For basic remediation needs to allow dual use, noting the uses may result, periodically in the oval not being available for events (which includes any sporting or community event), and a annual maintenance plan.

- Oval upgrade works are detailed on page 1 Attachment 1 and will require at least 4 months of work and management to ensure the realisation of the investment with no or minimal use during this period.
- Ongoing service level increases are presented at page 2 and 3 of the attachment and represent a net annual increase of \$39,738 to the 2026-2027 budget, which has also been indexed into the long-term financial plan.
- Potential remediation forecasts for expected remediation through the years is shown at page 4 Attachment 1 and it should be noted this is a guesstimate as ultimately the safety and service level outcomes in the long term are dependent on weather and use. Whilst we can control use, we cannot control weather, therefore costs are likely to differ materially in the future. It is also likely that materially different service costs will be realised in the future, as at this time Council have elected not to remove high impact equestrian from the oval. A further proposal has been requested but will not be determined until a future budget period, therefore any assessment of the works must be made on the known factor that the heavy impact equestrian uses will remain on the oval under current approved service levels.
- A revised financial model for the long-term financial plan is presented at page 4 of the attachment.
- The overall estimated changes to the long-term financial plan are set out at page 5 of the attachment and summarised in the financial section of this report.

Council Resolution Part 2(a)(ii) - Scoping a new governance and inclusive model for the users of the facility.

The management of sites requires stakeholders to come together to work with Council to maximise the best possible outcomes for the available resourcing.

At other Council recreational precincts, a recreation park stakeholders' group has traditionally proven to be a sound investment in collaborative site governance. It would seem this is a logical step forward.

To achieve a full scope, it is suggested a workshop be held with elected members and then engage with the community prior to reaching a new model. The new model is scoped around the following:

- The purpose will be to address communication and collaboration processes across the key stakeholders and user base. That will include regular and ongoing license and lease holders, a representative of Belgravia as our management company and a community representative.
- Establishment and management of a calendar of activities over the year, including a need to rest the oval for a period of at least 4 weeks during minor annual renovation timeframes or longer if interventions are more extensive, as outlined in Attachment 1 page 4.
- The group would not be a formal committee under the *Local Government Act 1999* so as to remove the burdensome governance requirements and would therefore be set up under a Terms of Reference as an Advisory Committee.
- It is suggested that the Committee only need to meet quarterly.

It is incumbent also for Council to note that each committee requires support and resourcing and is normally supported by a senior officer. The current capacity to absorb more committee work, will require resourcing support. This has not been

determined as yet as the model needs to be determined and then costed, therefore this is not included in the costing estimates.

Council Resolution Part 2(a)(iii) - Proposed licensing and leasing conditions for the use of the oval.

It is proposed post the upgrade works and increase in service level that licensing or leasing conditions for users will of course meet the standards required of the Lease, Licence and Permit Policy but also the following factors should be introduced for this facility given the desire to continue the cross use of equestrian and football despite known and accepted limitations in the facility's current and ongoing level of service and infrastructure standards.

- (1) The facilities do not meet the standards for female football therefore that activity should not be pursued by any club.
- (2) Each user shall undertake an inspection of the oval prior to its use and provide a copy to Council that in the opinion of the users they are satisfied it is fit for purpose.
- (3) Council, during the first 12 months will undertake fortnightly inspections of the oval and if determined unsafe, oval access will be restricted without penalty.
- (4) Long-term (greater than 6 months) lease and licence holders will indemnify Council and its agents in all things should it utilise the oval contrary to Council's instructions, outside of approved use, or where the sign off of safety has not been undertaken or has been found to be inadequate or incorrectly assessed.

Council Resolution Part 2(a)(iv) - Estimated timeframes to implement with a view to allowing Torrens Valley Football Club to host the grand final, noting this may not be able to be achieved.

To achieve the remediation work will require 4 months of work and management post investment. There is no capacity to guarantee the work can be started before and completed by the grand final.

It is also strongly recommended not to start the works until the weather is of sufficient warmth to promote strong growth and the best possible outcome for the investment.

It is therefore proposed the works will be as follows:

- Commence mid-September 2026 (if waiting to see if oval can host football final) early September if we proceed with works as soon as possible.
- Works complete end of October 2026.
- Rest period with no access mid December 2026.
- Reasonable use available to mid-February 2027.
- Full use post mid-January 2027

The above timeframe is subject to weather conditions and impacts, materials, contractors and supply chains and pricing. The critical pathway with any such project is ground temperature and to start too early will expose existing and new turf to unfavourable conditions, stressing the grass which is further exacerbated by frost conditions and a growing period where the grass is primarily dormant.

At this time no guarantee can be provided to Torrens Valley Football Club to use the oval to host the 2026 grand final. Normal maintenance on the oval will be undertaken until the commencement of the upgrade. If the oval presents as a safe option to use

and subject to Council direction on the following matter of revocation, it is the recommendation of those planning the work to have no football or other structured activity other than low impact activities in the interim and commence the works as soon as possible. The risks of trying to get the oval to a safe football standard at this time are:

- The whole project will push out resulting in no equestrian in 2027 and should weather and other risk matters materialise, risk to the show and other activities in early 2027.
- It will require additional work and cost to undertake a staged upgrade process, and we still cannot guarantee the oval will meet the necessary service standards by the mid-September 2026 grand final period.

Council Resolution Part 2(a)(v) - Propose a rescission motion to alter the decision of Council to allow football use on the oval contingent on all above matters, and any others that maybe developed in this report.

Forms part of a separate report in this months ordinary Council meeting agenda.

Summary and Conclusion

Extensive analysis and consideration has been undertaken by Council. This report provides a pathway for the implementation of the service level desired and approved by Council and highlights associated risks and treatment options in accordance with governance and administrative obligations under the *Local Government Act 1999*.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Talunga Park Service Levels and Financial Assessment [↓](#) 

Supporting references

[Lease-Licence-and-Hire-Permit-Policy-April-2025.pdf](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



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 community is welcoming, vibrant and safe.



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

Strategic Outcome

- Our places are planned, managed, and sustainable.

Corporate Plan

- CS3 Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)
- CS6 Community - To help the prosperity and wellbeing of the community. Community grants programs. Support for community groups – networking, advice, input to The Big Project
- CS19 Social Inclusion - Advocate and work in collaboration with core service providers to ensure vulnerable people have increased access and inclusion.
- BS5 Enterprise Risk and Safety - The management of Council's Enterprise Risk profile including strategic and operational risk assessment, control and monitoring; internal control and audit; business continuity and disaster recovery planning; organisational emergency management; insurance portfolio management; and Work Health Safety system coordination
- BS6 Finance - Provision of financial and budgetary accounting services, treasury and investment services, management reporting, reconciliation and taxation services, asset accounting, internal control, accounts payable and receivable services
- BS7 Governance - Provision of governance advice and support in the discharge of legislative responsibilities for policy development, delegations and authorisations, internal review of Council decisions, delegations and authorisations, Native Title claims

Legislative Requirements

Sections 49, 123, 196, 201, 202 of the Local Government Act 1999
Retail and Commercial Leases Act 1995

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.

Outlined in the Business Case considered by Council.

The net service changes will be "Sports field (A) Eq" being sports field A level of service with equestrian use, which increases the service level from Sports Field B and includes an extra 146 hours of service provision and an increase in 59 service interventions per annum, not including the potential remediation needs in future.

It remains officer advice that whilst every effort will be made to achieve ongoing and uninterrupted service levels whilst managing risk, there will be times the desired service level cannot be maintained due to the conflicting nature of the authorised uses and nature of the infrastructure itself. This will necessitate event cancellations, changes or restrictions in use of parts of or the entirety of the oval, and other mitigation at times and exposes Council

to greater risk of insurance claims because of this use. Council has considered this matter and elected to accept that risk as part of its deliberations at its Ordinary meeting of 16 June 2026.

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.

Not applicable

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 financial model and long-term financial plan impacts have been outlined in Attachment 1.

The changes to the 2026-2027 budget are:

- i. Increase in the operating deficit of \$41k.
- ii. No impact on the retrospective operating surplus outcomes.
- iii. 0.1% reduction of the operating surplus ratio for the year.
- iv. 0.1% reduction in net financial liabilities.
- v. No change to the asset renewal funding ratio.

All long-term financial plan indicators remain within targets.

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.

Already considered as part of the Business Case and community engagement and is directly related to the ability to achieve the service level desired with conflicting ongoing uses on the oval. No other location has ongoing mixed use of this nature in the Council area, and this is unique to Talunga Park.

COMMUNITY ENGAGEMENT

Already completed and considered by Council at the meeting of 16 June 2026.

Page 1

Compliance works for Talunga Park oval						
Item	Cost	Amount	unit	Unit Rate	unit	Description
Preliminaries	\$ 3,000.00					
Project Management	\$ 6,000.00	1	each	\$ 6,000.00	each	
Irrigation Upgrades	\$ 80,000.00	1	each	\$ 80,000.00	each	Per recommended, pumps + potential mains and tank or
Perimeter drain removal with reinstatement	\$ 20,000.00	1	each	\$ 20,000.00	each	Removal and neat backfill
Coreing/Aerating	\$ 6,000.00	1	each	\$ 6,000.00	each	More then BP2 but that's because we'll go both directions
Top Dressing	\$ 26,000.00	1	each	\$ 26,000.00	each	20mm application
Overseeding	\$ 9,000.00	1	each	\$ 9,000.00	each	10% kik added
Painting Goal Posts	\$ 1,500.00	1	each	\$ 1,500.00	each	
x2 dugouts roofing removal and reinstatement	\$ 20,000.00	1	each	\$ 20,000.00	each	Removal, concrete pad, bring in our dugouts
Perimeter fence removal/replacement	\$ 5,000.00	1	each	\$ 5,000.00	each	replacement of damaged sections only
Contingency	\$ 17,350.00	10%				
Total	\$ 193,850.00					

Mount Pleasant Oval Current Annual Service Cost

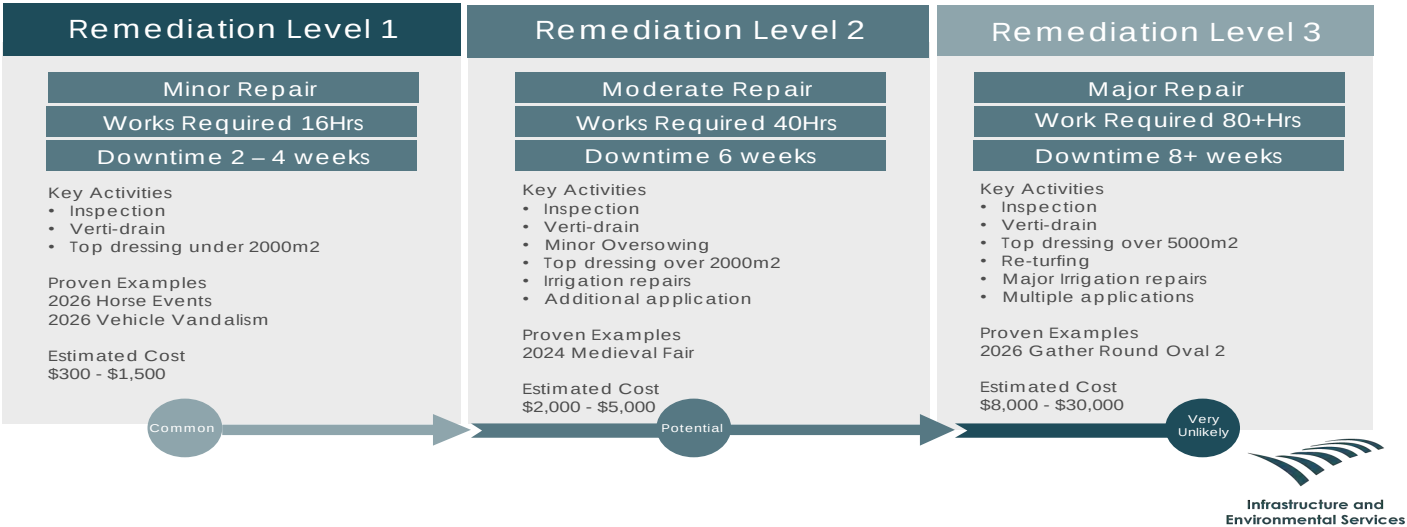
	Service Level	Responsibility	Rate	Unit	Volume	Line Total	AWU Hours/Service	Services/Yr	Hours/Yr	Plant Required	Cost/year
Mowing	Sports Field B	Council	\$ 0.01	m2	17500	\$ 125.09	1.5	52	78	Front Deck Mower	\$ 6,504.88
Verti Drain/Hollow Tine	Sports Field B	Council	\$ 0.04	m2	17500	\$ 662.81	8.5	1	8.5	Tractor	\$ 662.81
Fertiliser (Chemical Purchase)	Sports Field B	Council	\$ 6,000.00	Annual	1	\$ 6,000.00		1	0		\$ 6,000.00
Fertiliser Application	Sports Field B	Council	\$ 0.02	m2	17500	\$ 331.42	4	8	32	Tractor	\$ 2,651.32
Top Dressing		Council	\$ 0.63	m2	17500			1	0		\$ -
Over Sow		Council		m2	17500	\$ -			0		\$ -
Irrigation Repairs Contractor	Sports Field B	Council	\$ 3,500.00	Annual	1	\$ 3,500.00		1	0		\$ 3,500.00
Irrigation Repairs Internal	Sports Field B	Council	\$ 200.00		1	\$ 200.00	1	12	12	Ute	\$ 2,400.00
Irrigation Audits	Sports Field B	Council	\$ 80.00	Annual	6	\$ 480.00	2	6	12		\$ 2,880.00
Concrete Wicket Cover		Council	\$ 1,800.00	each	1				0		\$ -
						\$ -			0		\$ -
						\$ -			0		\$ -
						\$ -			0		\$ -
						\$ -			0		\$ -
TOTAL						\$ -	17	82	142.5		\$ 24,598.81

(A) Eq. Mount Pleasant New re-visited 28/6/26

	Service Level	Responsibility	Rate	Unit	Volume	Line Total	AWU Hours/Service	Services/Yr	Hours/Yr	Plant Required	Cost/year
Mowing	Sports Field (A) Eq	Council	\$ 0.01	m2	17500	\$ 125.09	1.5	39	58.5	Front Deck Mower	\$ 4,878.51
General Snip/Spray, minor works, compliance	Sports Field (A) Eq	Council	\$ 39.00	hr	1	\$ 39.00	2.5	52	130		\$ 2,028.00
Verti Drain/Hollow Tine	Sports Field (A) Eq	Council	\$ 0.04	m2	17500	\$ 662.81	8.5	3	25.5	Tractor	\$ 1,988.44
Fertiliser (Chemical Purchase)	Sports Field (A) Eq	Council	\$ 14,000.00	Annual	1	\$ 14,000.00		1	0		\$ 14,000.00
Fertiliser Application	Sports Field (A) Eq	Council	\$ 0.02	m2	17500	\$ 331.42	4	12	48	Tractor/ ute delivery	\$ 3,976.98
Top Dressing	Sports Field (A) Eq	Council	\$ 0.63	m2	17500	\$ 10,937.50		1	0		\$ 10,937.50
Over Sow		Council	\$ 0.29	m2	17500	\$ 5,075.00		1	0		\$ 5,075.00
Irrigation Repairs Contractor	Sports Field (A) Eq	Council	\$ 3,500.00	Annual	1	\$ 3,500.00		1	0		\$ 3,500.00
Irrigation Repairs Internal	Sports Field (A) Eq	Council	\$ 200.00		1	\$ 200.00	1	12	12	Ute	\$ 2,400.00
Concrete Wicket Cover	Sports Field (A) Eq	Council	\$ 1,800.00	each	0	\$ -			0		\$ -
Irrigation Audits	Sports Field B	Council	\$ 80.00	each	4	\$ 320.00	2	6	12		\$ 1,920.00
Hollow tine - Contractor (32mm plugs)	Sports Field (A) Eq	Council	\$ 2,400.00	each	1	\$ 2,400.00		1	0		\$ 2,400.00
Oval Risk assessment -Contractor	Sports Field (A) Eq	Council	\$ 250.00	each	1	\$ 250.00		12	0		\$ 3,000.00
									0		\$ -
TOTAL							19.5	141	286		\$ 56,104.43
Change							2.5	59	143.5		31505.615

Cost Estimate Increased Civil Works						
Project: Talunga Rec Park						
Scope: Track and Surround Maintenance						
Grading of oval surrounds inclusive of rubble twice per year Grading of driveway for new equestrian area Maintenance of equestrian carparking (if installed)						
Materials	Rate	Unit	Volume	Line Total	Services/Year	Annual Total
20mm Rubble (Oval Surrounds)	\$ 18.50	Tonne	10	\$ 185.00	2	\$ 370.00
20mm Rubble (Equestrian Driveway)	\$ 18.50	Tonne	5	\$ 92.50	2	\$ 185.00
20mm Rubble (Equestrian Carpark)	\$ 18.50	Tonne	3	\$ 55.50	2	\$ 111.00
Equipment	Rate / hr					
Grader 12M (Oval Surrounds)	\$ 55.00	hr	2	\$ 110.00	2	\$ 220.00
Grader 12M (Equestrian Driveway)	\$ 55.00	hr	1	\$ 55.00		
Skidsteer (Equestrian Carpark)	\$ 33.00	hr	2	\$ 66.00		
Single Truck 8t (Oval Surrounds)	\$ 41.50	hr	2	\$ 83.00	2	\$ 166.00
Single Truck 8t (Equestrian Driveway)	\$ 41.50	hr	1	\$ 41.50	2	\$ 83.00
Single Truck 8t (Equestrian Carpark)	\$ 41.50	hr	2	\$ 83.00	2	\$ 166.00
				\$ -		\$ -
Staff	Rate / hr					
Level 7				\$ -		\$ -
Oval Surrounds	\$ 45.07	hr	2	\$ 90.14	2	\$ 180.28
Equestrian Driveway	\$ 45.07	hr	1	\$ 45.07	2	\$ 90.14
Equestrian Carpark	\$ 45.07	hr	2	\$ 90.14	2	\$ 180.28
Level 5				\$ -		\$ -
Oval Surrounds	\$ 37.40	hr	2	\$ 74.80	2	\$ 149.60
Equestrian Driveway	\$ 37.40	hr	1	\$ 37.40	2	\$ 74.80
Equestrian Carpark	\$ 37.40	hr	2	\$ 74.80	2	\$ 149.60
TOTAL		Service Hr	38	\$ 1,183.85	Annual	\$ 2,125.70

Remediation Forecasting



THE BAROSSA COUNCIL



Financial Modelling - 40 Year Generational Model

Mount Pleasant Service Level Changes - January 2026

PROJECT YEARLY COST NET (GST Exclusive)		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Financial Year Ending 30 June		2027	2028	2029	2030	2031	2032	2033	2034	2035	2036
NI - Income	Total Funding External	-	-	-	-	-	-	-	-	-	-
NI - Capital	Total Capital	193,850	-	-	-	-	-	-	-	-	-
NI - Operating	Net Operating	(39,738)	(42,043)	(46,820)	(44,258)	(45,408)	(50,568)	(47,800)	(49,043)	(54,616)	(51,626)
	Project Annual Position - Surplus/(Deficit)	(233,588)	(42,043)	(46,820)	(44,258)	(45,408)	(50,568)	(47,800)	(49,043)	(54,616)	(51,626)
	Project Cumulative - Surplus/(Deficit)	(233,588)	(275,631)	(322,451)	(366,709)	(412,117)	(462,685)	(510,485)	(559,529)	(614,145)	(665,771)
	Projected General Rating Revenue	36,272,386	38,358,048	40,563,636	42,186,181	43,873,628	45,409,205	46,998,528	48,643,476	50,345,998	51,856,378
	Projected Rating Percentage Operating Impact	0.11%	0.11%	0.12%	0.10%	0.10%	0.11%	0.10%	0.10%	0.11%	0.10%
40 Year Funding Requirements & Financial Outcomes											
Capital Expenditure - Creative Industries Centre - Future Capital Replacement											
	Capital Upgrade Oval	193,850	-	-	-	-	-	-	-	-	-
Total - Capital Expenses - Future Capital Replacement		193,850	-	-	-	-	-	-	-	-	-
All Operating Revenue and Expenses below are <u>additional</u> ie., a result of the new initiative (with GST excluded) and do not include previous normal level operations											
Net Operating Result Profit/(Loss)		(39,738)	(42,043)	(46,820)	(44,258)	(45,408)	(50,568)	(47,800)	(49,043)	(54,616)	(51,626)
Total Operating Revenue		1,500	1,539	1,579	1,620	1,662	1,705	1,750	1,795	1,842	1,890
Total Operating Expenses		41,238	43,582	48,399	45,878	47,071	52,274	49,550	50,838	56,458	53,516
Operational											
Operating Revenue											
	Lease Fees	1,500	1,539	1,579	1,620	1,662	1,705	1,750	1,795	1,842	1,890
Operating Expenses											
	Depreciation	4,846	4,972	5,102	5,234	5,370	5,510	5,653	5,800	5,951	6,106
	Oval Maintenance Additional Costs for New Service Level	31,506	32,325	33,165	34,028	34,912	35,820	36,751	37,707	38,687	39,693
	Provision for mid tier remedial works every three years	-	-	3,684	-	-	3,979	-	-	4,298	-
	Provision for low tier remedial works every year bar the above line	1,500	1,539	1,579	1,620	1,662	1,705	1,750	1,795	1,842	1,890
	Increased civil works - oval surrounds	886	2,181	2,238	2,296	2,356	2,417	2,480	2,544	2,610	2,678
	Electricity consumption - greater training use	500	513	526	540	554	568	583	598	614	630
	Materials water - greater use	1,000	1,026	1,053	1,080	1,108	1,137	1,166	1,197	1,228	1,260
	Contingency	1,000	1,026	1,053	1,080	1,108	1,137	1,166	1,197	1,228	1,260

Current Adopted													
Consolidated Results: Key Performance Indicators and Financial Parameters			2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
			Budget	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP
			\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %
Key Performance Indicators (KPI's) - Summary		Adopted target											
KPI 1 - Operating Surplus cumulative forward 10 year period		Surplus year 10	(742)	(908)	(870)	(13)	1,225	2,887	4,489	6,611	8,792	11,959	15,483
KPI 1 - Operating Surplus cumulative forward 10 year period - removing unawarded capital grants to be applied to renewal of assets		Surplus year 10	(2,449)	(4,053)	(4,023)	(3,174)	(1,937)	(274)	1,328	3,450	5,631	8,798	12,322
KPI 2 - Operating Surplus Ratio - Rolling 3 year - retrospective average		(2%) to 10%	(1.4%)	(1.8%)	(0.5%)	0.4%	1.0%	1.8%	2.1%	2.4%	2.5%	3.0%	3.4%
KPI 2 - Operating Surplus Ratio - Rolling 5 year - retrospective average		(2%) to 10%	(0.9%)	(1.4%)	(0.9%)	(0.8%)	0.3%	1.0%	1.5%	2.0%	2.3%	2.7%	3.0%
KPI 2 - Operating Surplus Ratio - Annual		(4%) to 10%	(1.3%)	(0.3%)	0.1%	1.3%	1.8%	2.3%	2.1%	2.7%	2.6%	3.7%	3.9%
KPI 3 - Net Financial Liabilities ratio		0-100%	86.7%	83.4%	83.7%	74.7%	75.6%	76.0%	72.3%	65.5%	61.7%	52.9%	52.1%
KPI 4 - Asset Renewal Funding Ratio - Annual - Using Asset Management Plan Forecast		80% to 110%	138.5%	136.8%	113.3%	127.8%	131.8%	120.3%	93.8%	96.7%	89.1%	86.0%	98.8%

Revised													
Consolidated Results: Key Performance Indicators and Financial Parameters			2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
			Budget	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP	LTFP
			\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %	\$'000 or %
Key Performance Indicators (KPI's) - Summary		Adopted target											
KPI 1 - Operating Surplus cumulative forward 10 year period		Surplus year 10	(783)	(990)	(998)	(185)	1,008	2,620	4,176	6,250	8,378	11,495	14,968
KPI 1 - Operating Surplus cumulative forward 10 year period - removing unawarded capital grants to be applied to renewal of assets		Surplus year 10	(2,490)	(4,135)	(4,151)	(3,346)	(2,154)	(541)	1,015	3,089	5,217	8,334	11,807
KPI 2 - Operating Surplus Ratio - Rolling 3 year - retrospective average		(2%) to 10%	(1.5%)	(1.9%)	(0.6%)	0.3%	1.0%	1.7%	2.0%	2.3%	2.4%	2.9%	3.3%
KPI 2 - Operating Surplus Ratio - Rolling 5 year - retrospective average		(2%) to 10%	(1.0%)	(1.4%)	(0.9%)	(0.9%)	0.2%	1.0%	1.4%	2.0%	2.2%	2.6%	2.9%
KPI 2 - Operating Surplus Ratio - Annual		(4%) to 10%	(1.4%)	(0.3%)	(0.0%)	1.2%	1.7%	2.2%	2.0%	2.6%	2.6%	3.6%	3.8%
KPI 3 - Net Financial Liabilities ratio		0-100%	86.6%	83.3%	83.7%	74.8%	75.7%	76.2%	72.6%	65.8%	62.1%	53.3%	52.5%
KPI 4 - Asset Renewal Funding Ratio - Annual - Using Asset Management Plan Forecast		80% to 110%	138.5%	136.8%	113.3%	127.8%	131.8%	120.3%	93.8%	96.7%	89.1%	86.0%	98.8%

Change												
Consolidated Results: Key Performance Indicators and Financial Parameters		2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35	2035-36	2036-37
		Budget \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %	LTFP \$'000 or %
Key Performance Indicators (KPI's) - Summary		Adopted target										
KPI 1 - Operating Surplus cumulative forward 10 year period		Surplus year 10 (41)	(82)	(128)	(172)	(217)	(267)	(313)	(361)	(414)	(464)	(515)
KPI 1 - Operating Surplus cumulative forward 10 year period - removing unawarded capital grants to be applied to renewal of assets		Surplus year 10 (41)	(82)	(128)	(172)	(217)	(267)	(313)	(361)	(414)	(464)	(515)
KPI 2 - Operating Surplus Ratio - Rolling 3 year - retrospective average		(2%) to 10%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
KPI 2 - Operating Surplus Ratio - Rolling 5 year - retrospective average		(2%) to 10%	0.0%	0.0%	0.0%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
KPI 2 - Operating Surplus Ratio - Annual		(4%) to 10%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%	-0.1%
KPI 3 - Net Financial Liabilities ratio		0-100%	-0.1%	-0.1%	0.0%	0.1%	0.2%	0.3%	0.3%	0.4%	0.4%	0.4%
KPI 4 - Asset Renewal Funding Ratio - Annual - Using Asset Management Plan Forecast		80% to 110%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.6 RECISSION MOTION TALUNGA PARK BUSINESS CASE

Author: Chief Executive Officer
26/48139

PURPOSE

To consider the revision of a prior decision of Council pending the Talunga Park Business Case and community engagement for the enactment of services relevant to the prior report in this agenda titled "Talunga Park – Investment and Service Level Amendments Post Business Case Determination".

RECOMMENDATION 1

That Council rescind part 3 of result 2022-26/914 of the ordinary meeting of Council dated 17 February 2026.

Subject to recommendation 1 being passed:

RECOMMENDATION 2

That Council having reviewed the business case as presented at Attachment 1 not agree to the request to program any activity in 2026 at Mount Pleasant Talunga Park to allow time for consultation and any revisions necessary to the masterplan and this business case and commencement of any subsequent work except that if the oval can accommodate the grand final, as determined by Council (or the Chief Executive Officer under delegation depending on timing) after receiving a oval inspection report to be undertaken with the association and club, hosted by Torrens Valley Football Club that will be permitted under normal licensing conditions and those resolved by Council under agenda item 7.1.5 of this 21 July 2026 meeting of Council.

REPORT

Background

Council are acutely aware of the geniuses of this matter.

It considered the Business Case and community engagement outcomes at its ordinary meeting of 16 June 2026 and resolved as follows:

MOVED Cr Barrett

That Council having received and considered the consultation outcomes that note the desire to achieve dual use of Talunga Oval for Australian Rules Football and Equestrian services and being satisfied this project meets the critical test outlined in Councils motion of 16 December 2025:

(1) Accept the risk profile outlined in the Business Case Part 5 and Part 9 – Attachment 6 and the assessment of the business case that no

investment, programming management or maintenance program will achieve a full desired service level due to the incompatibility of the uses and level of uses being sought.

(2) With a clear understanding of the service level desires and risks involved and the need to cancel events should oval conditions not meet requisite standards at the time of events, that Option 3 be implemented with the following conditions:

a. The Chief Executive Officer shall bring a report to Council:

i. For basic remediation needs to allow dual use, noting the uses may result, periodically in the oval not being available for events (which includes any sporting or community event), and a annual maintenance plan.

ii. Scoping a new governance and inclusive model for the users of the facility.

iii. Proposed licensing and leasing conditions for the use of the oval.

iv. Estimated timeframes to implement with a view to allowing Torrens Valley Football Club to host the grand final, noting this may not be able to be achieved.

v. Propose a rescission motion to alter the decision of Council to allow football use on the oval contingent on all above matters, and any others that maybe developed in this report.

(3) The Council instruct the Chief Executive Officer to develop a proposal to move the high impact equestrian use to the north of the oval and develop a report for use in consultation with user groups for consultation in the first half of 2027 and consideration for funding in the 2027-2028 financial year budget.

SECONDED Cr Preece

CARRIED 2022-26/990

Introduction

This report satisfies the immediate needs and decision making for the 2026-2027 financial year service levels and therefore interventions.

Discussion

This report provides the proposed rescission motion pas I have been instructed to provided by Council at its ordinary meeting of 16 June 2026 and relates to the enactment of services relevant to the prior report in this agenda titled "Talunga Park – Investment and Service Level Amendments Post Business Case Determination.

Council Resolution Part 2(a)(v) - Propose a rescission motion to alter the decision of Council to allow football use on the oval contingent on all above matters, and any others that maybe developed in this report.

The relevant resolution of Council for this item is that adopted at its meeting of 17 February 2026.

MOVED Cr Barrett

That Council having reviewed the business case as presented at Attachment 1:

- (1) *Undertake consultation on its intended direction, including this business case before making any decisions especially in light of part 2 of these recommendations, noting the business case does not provide a basis to measure decisions made for reasons other than the evidence base provided and represented utilising understood measures for benefits.*
- (2) *Note the cost benefit analysis of the two possible options are below accepted standards for investment based on the identifiable cost and benefits.*
- (3) *Not agree to the request to program any activity in 2026 at Mount Pleasant Talunga Park to allow time for consultation and any revisions necessary to the masterplan and this business case and commencement of any subsequent work.*
- (4) *Offer the use of the Williamstown oval for 2026; it requires little investment to ensure it is available for 4 games days and training in accordance with the requirements of the Lease and Licensing Policy.*
- (5) *Offer the use of Barossa Park Lyndoch for the grand final 2026, depending on usage and impacts on our clubs with the requirements of the Lease and Licensing Policy.*
- (6) *Require financial investment from the club for the upgrades in proportion with other clubs in the Council area; including long-term investment through a legally binding agreement should Council proceed with one of the Options in this business case, if Council proceeds with an upgrade option.*
- (7) *Undertake engagement with Adelaide Hills Council to ascertain their plans to support the club and determine any opportunities for collaboration or alternative options and outcomes.*
- (8) *That should an investment proceed in 2026 at Talunga Park to increase the levels of service for Australia Rules Football, that the option of two additional game weekends at Mount Pleasant be made available in 2027.*

SECONDED Cr de Vries

CARRIED 2022-26/914

I refer to the prior report and summarise that officers even with the interventions proposed cannot guarantee the oval will be available for the grand final and as recommended it is further recommended in the other report that alternative arrangements be put in place. However, Council rightly will have to rescind part of the above motion if it is to entertain trying to allow the grand final to be played.

The recommended recission and replace motion as requested and now provided pursuant to Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013.

Recission Motion

That Council rescind part 3 of resolution 2022-26/914 of the ordinary meeting of Council dated 17 February 2026.

Replacement Motion

That Council having reviewed the business case as presented at Attachment 1 not agree to the request to program any activity in 2026 at Mount Pleasant Talunga Park to allow time for consultation and any revisions necessary to the masterplan and this business case and commencement of any subsequent work except that if the oval can accommodate the grand final, as determined by Council (or the Chief Executive Officer under delegation depending on timing) after receiving a oval inspection report to be undertaken with the association and club, hosted by Torrens Valley Football Club that will be permitted under normal licensing conditions and those resolved by Council under agenda item 7.1.5 of this 21 July 2026 meeting of Council.

Summary and Conclusion

The report is to provide Council the requested motions to facilitate the grand final on Talunga Oval, noting the prior report outlining that is unlikely to be able to be achieved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSLegislative Requirements

Regulation 19 of the Local Government (Procedures at Meetings) Regulations 2013

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.

Facilitating grand final use of Talunga oval if its is safe to do so.

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.

Relates to the balancing of safety of use of the Talunga oval and provision of services to the community.

COMMUNITY ENGAGEMENT

Nil required or recommended this is an administrative process matter under the Local Government Act.

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.7 CORRESPONDENCE FROM THE SOUTH AUSTRALIAN OMBUDSMAN FOR ALL COUNCILS

Author: Chief Executive Officer
26/47254

PURPOSE

To formally table and receive and note the correspondence as requested by the South Australian Ombudsman.

RECOMMENDATION

That Council having reviewed the correspondence acknowledge its content and that the Chief Executive Officer inform the Ombudsman's Office that Council has received and noted the information.

REPORT

The correspondence is self-explanatory and provided to members as requested.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Correspondence from the South Australian Ombudsman [!\[\]\(626ce8ac21792b9405bfddfea8e0c96a_img.jpg\) !\[\]\(2b752d244c1fc411d86684a042d55b85_img.jpg\)](#)

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
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.

Nil

COMMUNITY ENGAGEMENT

Not required or recommended.

OFFICIAL

Telephone:
Email:

(08) 7322 7020
ombudsman@ombudsman.sa.gov.au



Notice to all South Australian Councils
Attention: Chief Executive Officer and Mayor
By email

Dear Council CEO and Mayor,

Complaints regarding the treatment of council legal advice

I have recently received a number of complaints and reports regarding situations where an elected member has been provided with legal advice by council administration by way of email. Members are alleged to have subsequently forwarded or shared the contents of the email, and the complaints and reports have alleged breaches by elected members of the integrity provisions in the *Local Government Act 1999 (LG Act)*, including section 62(4a).

Some of the advice has not been clearly marked as confidential; some has been forwarded as part of an extended email chain. The alleged disclosures have included disclosure to a member of the public and to an elected member's private solicitor for the purpose of seeking their own legal advice on the issue.

In these matters, there have been factors which have led my Office to conclude that it was not in the public interest to investigate the complaints. However, this may not always be the case.

I have determined that it is appropriate to issue a reminder to all elected members of their obligations under section 62(4a) of the LG Act, and that a breach of this section may also amount to misconduct as defined by section 4(1) of the *Ombudsman Act 1972*.

Section 62(4a) of the LG Act provides that:

- (4a) A member or former member of a council must not disclose information or a document—
 - (a) in relation to which there is an order of a council or council committee in effect under section 90 or 91(7) requiring the information or document to be treated confidentially; or
 - (b) that the member or former member knows, or ought reasonably to know, is information or a document that is otherwise required to be treated confidentially.

In the event I receive future complaints regarding alleged breaches of section 62(4a) of the LG Act, including in relation to the sharing of legal advice, I will take this reminder into account in assessing whether it is appropriate to investigate the matter.

I am also drawing this issue to the attention of all councils' administration as a reminder to be mindful of how legal advice is shared with elected members. If councils seek to preserve the confidentiality of legal advice, it should be provided to elected members in a way that makes it clear that it is confidential legal advice that has been provided to the *council*, and as such, that further disclosure may amount to a breach of the LG Act.

OFFICIAL

It would also be prudent for councils to consider whether a legal advice policy is required to address such matters; or if a policy already exists, councils may consider conducting refresher training to ensure elected members' obligations are clearly understood.

To ensure that these matters are brought to the attention of all elected members, I request that this letter be tabled at the next practicable meeting of council and that you provide written confirmation to my office that this has occurred.

Please feel free to contact my Office if you have any enquiries or wish to discuss this letter.

Yours sincerely



Emily Strickland
SA OMBUDSMAN

1 July 2026

DEBATE REPORT

7.1 Office of the Mayor and CEO

7.1.8 CONCILIATION CONFERENCE - SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL - CR PREECE MATTER

Author: Chief Executive Officer
26/48449

PURPOSE

To consider the outcomes from the conciliation conference and determine Councils support, or otherwise, for proposed orders for consideration of the South Australian Civil and Administrative Tribunal (the SACAT) by way of sanction in these disciplinary proceedings.

RECOMMENDATION

That Council supports the following proposed orders to be presented to the South Australian Civil and Administrative Tribunal (SACAT) by way of consent in the matter of The Barossa Council vs Cr Bruce Preece (2026/SA001141):

- (1) All apologies shall be provided by Cr Preece at a Council Meeting whilst open to the public, as prescribed by both the Behaviours Standards Panel, and the Council resolutions of 20 May 2025.
- (2) Cr Preece will draft the proposed apologies, and provide the same to the Mayor.
- (3) The Council authorises that the Mayor may determine the sufficiency, or otherwise, of the apologies, as drafted, prior to their delivery in a timeframe as determined in the final orders of SACAT.
- (4) The sum of \$810 shall be paid to Council as prescribed by the Behavioural Standards Panel within 3 months of the final orders of SACAT.
- (5) That Cr Preece will be suspended from Office for a minimum suspension period of 2 months from the date of the final orders of SACAT.

REPORT

Background

The background to this matter is well known to Council and arises from a set of six complaints made against Cr Preece, so determined, and the orders of the Behaviour Standards Panel in January 2026.

Introduction

As instructed by the Behavioural Standards Panel and Council, the Grounds of Complaint were lodged with the SACAT and the orders sought endorsed by Council at its meeting of 21 April 2026. After an initial directions hearing, a conciliation conference was scheduled and undertaken on Friday 10 July 2026 at the SACAT.

Discussion

The purpose of the conciliation conference was to determine if the parties could reach a conciliated outcome, for consideration by the SACAT, with a view to determining final orders.

As a disciplinary matter it is SACAT who must ultimately determine the form of the final orders, however, in doing so, it will consider any proposal that the parties may agree, and present by consent.

If the parties cannot reach agreement on proposed orders as part of the conciliation, the matter will be listed for a hearing, which would be scheduled, based on advice for approximately half a day.

At the conclusion of the conference, it was agreed a position would be put to Council for its consideration, the relevant conciliation conference outcome has not been received at the time of issuing the agenda. It will be provided under separate cover once it is received.

- (1) All apologies shall be provided by Cr Preece as prescribed by the Behavioural Standards Panel and Council resolution of 20 May 2026, which shall be drafted by Cr Preece.
- (2) It is recommended that Council authorises the Mayor to consider the draft apologies to determine if they are sufficient, prior to their delivery in a timeframe as determined in the final orders of SACAT.
- (3) It was further determined whilst the apologies could be read together, the apology provided by the Behavioural Standards Panel is to be read as prescribed, and each of the five apologies, as resolved by Council, are to address the issues, as resolved.
- (4) The sum of \$810 shall be paid to Council as prescribed by the Behavioural Standards Panel within 3 months of the final orders of SACAT.
- (5) A minimum suspension period from Office shall be 2 months from the date of the final orders of SACAT.

It is now for Council to determine if this conciliation proposal is acceptable, or not.

Summary and Conclusion

The process of conciliation has been undertaken, and this report summarises the outcomes for Council consideration.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

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

Chapter 13 Part A1 – Member Behaviour 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.

Impacts delivery due to utilisation of resources and funds that can be devoted to higher productivity uses.

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.

Impacts financial outcomes due to utilisation of resources and funds that can be devoted to higher productivity uses.

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.

Has had real impacts on individuals, clubs and groups who have felt compelled to report behavioural matters to the Mayor.

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.

Has had real impacts on reputation due to the media and community exposure.

COMMUNITY ENGAGEMENT

Nil required or recommended, this is a legal matter now with the Tribunal.

DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.1 MONTHLY FINANCE REPORT AS AT 30 JUNE 2026

Author: Senior Accountant
26/47188

PURPOSE

The monthly finance report update as at 30 June 2026 provides information on the financial position and performance of the Council, including notes on material trends and transactions.

RECOMMENDATION

That Council receives and notes the monthly finance update report as at 30 June 2026, as provided at Attachment 1.

REPORT

Background

The monthly finance report as at 30 June 2026 is at Attachment 1. It should be noted that this monthly update is not reflective of any adjustments or transactions that usually occur as part of Council's end of year financial processing (e.g. asset adjustments and revaluations, reserve reconciliations, expense and revenue accruals etc). The final figures for 30 June 2026 will be provided to Council later in the year as part of our audited financial statements.

This report has been prepared comparing the year-to-date actuals at the end of the period, to the original adopted 2025-26 budget and updated Q3 budget, as approved at the May 2026 Council meeting.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Monthly Finance Report Council June 2026 [↓](#) 

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 align budget and expenditure to meet approved levels of service.

2. SUSTAINABILITY & ENVIRONMENT

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

Nil

3. FINANCIAL

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

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

4. PEOPLE

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

Nil

5. REPUTATION

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

Nil

COMMUNITY ENGAGEMENT

Community consultation was undertaken as part of the original budget adoption process for 2025-26, as required by the relevant legislation. This report is advising Council of the monthly finance position compared to that budget.

MONTHLY FINANCE REPORT

AS AT 30 June 2026

For Year Ending 30 June 2026

	Notes	% Actual Expenditure to Revised Budget	Original Budget (Full-Year) \$'000	Revised Budget (Q3) (Full-Year) \$'000	Actual Result (Year-to-Date) \$'000
Uniform Presentation of Finances					
OPERATING ACTIVITIES:					
		<i>Operating</i>			
Operating revenue			52,900	52,923	51,694
Less: Operating expenses		98.44%	(53,078)	(55,005)	(54,146)
Operating Surplus / (Deficit)			(178)	(2,082)	(2,452)
CAPITAL ACTIVITIES:					
Net Outlays on Existing Assets					
		<i>Capital</i>			
Capital expenditure on renewal and replacement of existing	1	73.60%	(14,808)	(7,216)	(5,311)
Add back: Depreciation, amortisation & impairment			11,615	12,451	12,451
Add back: Proceeds from sale of replaced assets			344	344	94
Subtotal			(2,849)	5,579	7,234
Net Outlays on New and Upgraded Assets					
Capital Expenditure on new and upgraded assets	1	74.32%	(18,446)	(8,704)	(6,469)
Add back: Amounts received specifically for new and upgraded assets			5,673	1,387	3,345
Subtotal			(12,773)	(7,317)	(3,123)
Net Lending/(Borrowing) for the Financial Year					
			(15,800)	(3,820)	1,659
Total % Capital Budget Spent		73.99%			

NOTES

1) 2025-2026 capital expenditure to end of June 2026 includes:	\$
-Creative Industries Centre - The Big Project	2,136,615
-Nuriootpa Waste Water Treatment Plant	1,177,501
-Barossa Park Redevelopment	548,541
-Computer Hardware Refresh - Replacement	346,704
-Angaston Ovals Lighting Upgrade	345,202
-NCPA Main Oval Lighting Upgrade	321,604
-Computer Hardware Refresh - completion of prior contract	272,791
-Springton Oval - Play Equipment	168,956
-Eden Valley Playground	144,341
-Road Resealing	1,928,726
-Bridges	223,958
-Footpath Renewal	371,894
-Minor Plant Renewal	55,312
-Public Conveniences	41,917
-Road Pavement	1,552,576
-Stormwater and Drainage	187,018
-Streetscaping	74,327
-CWMS Network Pump Stations	42,240

DEBATE REPORT

7.2 Corporate Services, Strategy and Innovation

7.2.2 AMENDMENTS TO 2026-27 FEES AND CHARGES REGISTER

Author: Manager Financial Services
26/48038

PURPOSE

The 2026-27 fees and charges register was approved by Council at its 24 June 2026 meeting. It has been identified that some new and amended fees and charges are required to be added to the register to ensure alignment between the register and Bookable, Council's online booking system for its hireable facilities.

RECOMMENDATION

That Council approves the new and amended fees and charges associated with Council's hireable facilities as outlined in Attachment 1.

REPORT

Discussion

At its meeting on 24 June 2026, Council approved and adopted a list of fees and charges for the 2026-27 financial year. It has been identified that some new and amended fees and charges are required to be added to the register to ensure alignment between the register and Bookable, Council's online booking system for its hireable facilities.

These new and amended fees and charges are outlined in Attachment 1.

Summary and Conclusion

The new and amended fees and charges required to align the fees and charges register and Bookable are outlined in Attachment 1 for Council's consideration and approval.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 New and updated 2026-27 fees and charges - to Council July 2026


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
- 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 188 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.

Fees and charges raised for goods and services provided by Council allow the costs associated with providing these goods and service to be recovered, allowing Council to maintain an appropriate service delivery level to members of 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.

Nil impact.

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.

Fees and charges raised for goods and services provided by Council allow the costs associated with providing these goods and service to be recovered.

To minimise the general rates burden on our community, it is imperative that Council increases its fees and charges in line with the cost increases being experienced by Council in delivering such goods and services. In order to do this, all prior year fees and charges were indexed by the finance team

by 2.7%, which is the indexation rate approved by Council at its 16 December 2025 meeting. These indexed fees and charges were then reviewed by the relevant budget managers and only adjusted further if required.

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 impact.

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.

Fees and charges have been reviewed by the relevant budget managers and any increases have been kept at the level of inflation where possible. This helps to ensure that the goods and services provided by Council are accessible to all members of the community.

COMMUNITY ENGAGEMENT

The 2026-27 Annual Business Plan and Budget, which went out for public consultation in accordance with Council's Public Consultation Policy, is aligned to the proposed 2026-27 fees and charges register and this report represents no material change in risk, financial outcomes or resource allocations.

The adopted fees and charges for 2026-27 were made available to the community to access on the Council's website from 1 July 2026, and where required, were updated in Council's systems from that date (for example, in Council's Bookable system, which is used by members of the public to book Council's hireable facilities).

**Updated or New Fees and Charges - to July 2026 Council Meeting
As at 1 July 2026**

Service	Title	General Information	GST	2025-2026	2026-2027
Council Facilities Hire	Facility Hire - Additional Cleaning Fee	Per Hour - if required	Yes	\$16.00	At Cost
Council Facilities Hire	Mount Pleasant Library Meeting Room	Per Hour	Yes	-	\$11.50
Halls	Nuriootpa Soldier's Memorial Hall - Meeting Room	Per Hour	Yes	-	\$11.50
Other Administration	Facility Hire - Emergency Call-Out Fee (Out of Hours)	Per Call-Out	Yes	-	\$250.00
Other Administration	Facility Hire - Key Replacement	If key is lost or damaged	Yes	-	At Cost

DEBATE REPORT

7.3 Infrastructure and Environmental Services

7.3.1 REVOCATION OF THE BAROSSA BUSHGARDENS S41 COMMITTEE

Author: Executive and Project Support Officer
26/46386

PURPOSE

For Council to endorse the revocation of the Barossa Bushgardens S41 Committee pursuant to Section 41 of the *Local Government Act 1999*.

RECOMMENDATION

That Council:

- (1) Endorse the revocation of the Barossa Bushgardens S41 Committee pursuant to Section 41 of the *Local Government Act 1999*: and
- (2) Revoke the Terms of Reference for the Committee as per Attachment 1;
- (3) Review and ratify the Minutes of the Section 41 Committee meeting held 24 June 2026 as per Attachment 2, being the last meeting of the Committee.

REPORT

Background

Under Section 41 of the *Local Government Act 1999*, Council has the legal power to establish, alter, or dissolve its committees at any time. Revoking or dissolving a Section 41 Committee typically occurs when its purpose is fulfilled, or when a council wants to bring a function back under direct administration.

A council must pass a formal resolution to revoke or dissolve the Committee including the Terms of Reference for the Committee and also must ratify the minutes of the Meeting held on 24 June 2026, being the last meeting of the Committee.

Discussion

At its meeting held 24 June 2026, the Barossa Bushgardens S41 Committee considered a report recommending a more streamlined process for the administration of the Committee, which included a recommendation to support the dissolution of the Barossa Bushgardens S41 Committee.

The resolution is included below:

MOVED A Philpott

That Barossa Bushgardens Committee:

- (1) Support the dissolution of the Barossa Bushgardens S41 Committee

- (2) Recognise the Friends of the Barossa Bushgardens as the primary source of advice and community connection for the Barossa Bushgardens who will work together on the responsibilities and working relationship between both parties; and
- (3) Support the provision of a Quarterly Report to Council detailing Barossa Bushgardens activities and pending projects

SECONDED L Mason

CARRIED BB 2022-26/9

Summary and Conclusion

Council is now requested to endorse the revocation of the Barossa Bushgardens S41 Committee pursuant to Section 41 of the Local Government Act 1999, including the Terms of Reference for the Committee and ratify the Minutes of the meeting held on 24 June 2026, being the last meeting of the Committee.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Terms of Reference - The Barossa Bushgardens Section 41 Committee [↓](#) 
- Attachment 2 Minutes of Barossa Bushgardens S41 Committee - 24 June 2026 [↓](#) 

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
- 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 41 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

Not required.

THE BAROSSA COUNCIL

TERMS OF REFERENCE OF THE BAROSSA BUSHGARDENS SECTION 41 COMMITTEE



1. ESTABLISHMENT

- 1.1 The Barossa Council (hereinafter referred to as "the Council") at a meeting held on 6 March 2001 Minute Book Reference 2001/94 established the Barossa Bushgardens Committee (hereinafter referred to as "the Committee") pursuant to section 41 of the *Local Government Act 1999* ("the Act").
- 1.2 The Committee is established to manage the Barossa Bushgardens property ("the Bushgardens") [being a Crown Reserve for which Council has care and control, at Lot 100 Penrice Road, Part Section of Coulthard Reserve, Nuriootpa, and which is contained in Crown Record Volume 5660 Folio 149, H 160600, east of the watercourse] in accordance with the Objectives set out under clause 2 of these Terms of Reference.
- 1.3 The Committee may be wound up at any time by resolution of the Council.

2. OBJECTIVE

The Committee is established to fulfill the following functions in accordance with its allocated budget:

- 2.1 To develop and maintain the Bushgardens as:
 - 2.1.1 a model natural heritage resource for the Barossa region and South Australia;
 - 2.1.2 a vital human resource where people are valued for their contribution, knowledge and skills;
 - 2.1.3 a place of learning, where knowledge is shared and practical skills are enhanced;
 - 2.1.4 a model of sustainability through proactive seed collection, native plant propagation and garden development; and
 - 2.1.5 a Natural Resource Centre in conjunction with the Green Adelaide and the Northern and Yorke Landscape Board.
- 2.2 To work in partnership with the Council, the community and the Landscape Boards in all aspects of the development outlined in clause 2.1.
- 2.3 To liaise with the Friends of Barossa Bushgardens for the specific purpose of supporting the objectives outlined in clause 2.1.
- 2.4 To keep statistical information as required by Council and the Landscape Boards.
- 2.5 To contribute to the future development of Bushgardens' facilities for the benefit of the community in accordance with relevant legislation including the Crown Land Management Act 2009. Council and committee will come to agreement in developing an annual maintenance plan in respect of facilities as part of the budget process.

2.6 To promote a community spirit towards the Bushgardens.

2.7 To generate funds to fulfil the above objectives.

3.	MEMBERSHIP
----	------------

3.1 The Committee will consist of:

- (i) No less than 5 and no more than 11 Independent (community) members appointed by the Council; and
- (ii) 1 Elected Member nominated by the Council.

3.2 The Committee will at the first meeting following every periodic Local Government election (and further annually at its determination and as recorded in its Minutes), appoint at a minimum:

- (i) the Chairperson of the Committee (subject to clause 3.5).

3.3 In addition to appointing a Chairperson, the Committee may determine if there will be a Deputy Chairperson and, if so, will make the appointment. No other positions are to be formally appointed, although the Committee should determine which member or members will be responsible for recording and submitting to the Chairperson the minutes of each meeting.

3.4 Should there be more nominations than required then all voting will be by secret ballot.

3.5 Except for the Mayor or Deputy Mayor of Council, an Elected Member who has been nominated by Council pursuant to Clause 3.1(ii) may not hold the position of Chairperson nor Deputy Chairperson on the Committee.

3.6 Subject to clause 3.2, membership of the Committee is for the current term of the Council unless a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council.

3.7 Committee members are eligible for re-appointment to the Committee at the expiration of their term of office.

3.8 The Committee may by a vote supported by a majority of members of the Committee make a recommendation to the Council to remove a member of the Committee from office where a member has failed (without the leave of the Committee) to attend three consecutive meetings of the Committee.

3.9 The Council may at its discretion, remove from membership any member of the Committee and appoint others in their place. Where Council determines to remove a Committee member from office under this clause, procedural fairness will be observed in that:

- (i) the Committee member will be informed of Council's intention to remove him/her from office;
- (ii) the Committee member will be provided with an opportunity to comment upon his/her proposed removal from office; and
- (iii) the Council will have regard to any submissions received from the Committee member before determining to remove him/her from office.

- 3.10 If a vacancy arises, the Committee will make a recommendation to the Council with respect to the appointment of a Committee member to fill the vacancy.
- 3.11 Independent members of the Committee and any volunteer assisting Committee members for a particular project or event must be registered as a volunteer of Council by completing Council's Volunteer Registration Form.

4.	MEETINGS
----	----------

- 4.1 The meetings of the Committee will be held in accordance with Parts 1, 3 and 4 of the Regulations. Part 2 of the Regulations does not apply to this Committee.
- 4.2 Insofar as the Act and/or Regulations or these Terms of Reference do not prescribe the process to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own process. In that case, the Committee will document that process within its Minutes.
- 4.3 Ordinary meetings of the Committee will be held bi-monthly or as determined by the Committee. The day, time and place for such meetings will be determined each year at the first ordinary meeting.
- 4.4 If the Chairperson of the Committee is absent from a meeting, the Deputy Chairperson (if such position exists) will preside at that meeting in accordance with clause 6.1. If there is no position of Deputy Chairperson, or both the Chairperson and the Deputy Chairperson of the Committee are absent from a meeting of the Committee, then a member of the Committee chosen from those present will preside at that meeting until the Chairperson (or Deputy Chairperson, as appropriate) is present.
- 4.5 All decisions of the Committee will be made on the basis of the majority of the members present. All Committee members must (subject to a provision of the Act or Regulations to the contrary) vote on any matter arising for decision at a meeting of the Committee.

5.	QUORUM
----	--------

5.1 Quorum

- 5.1.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 5.1.2 A quorum for a meeting of the Committee is half of the current membership, ignoring any fraction resulting from the division and adding 1.
- 5.1.3 *Lack of Quorum*
 - (i) If, prior to the commencement of the meeting, the number of apologies received by the Chairperson (or their delegate as the case may be) indicates that a quorum will not be present at that meeting, or

if at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present,

the Chairperson (or their delegate as the case may be) may adjourn the meeting to a specified day and time or continue the meeting without any motions being formally resolved.

- (ii) If the meeting is adjourned for a want of quorum, the Chairperson (or their delegate as the case may be) will record in the minutes the reason for the adjournment, the names of any members present and the date and time to which the meeting is adjourned.

6.	CONFLICT OF INTEREST
----	----------------------

6.1 Conflict of Interest

- 6.1.1 No Committee member will vote or take part in debate who has a conflict of interest in any matters before the Committee that would contravene Sections 73, 74 and 75 of the Act.
- 6.1.2 If a Committee member has a conflict of interest in the particular matter to be voted upon or debated, he or she will declare a conflict of interest and then leave the meeting place until the matter is concluded. The declaration of a conflict and the time the member left the meeting and returned to the meeting will be recorded in the minutes.

7.	MINUTES
----	---------

7.1 Minutes

7.1.1 Minutes of each meeting must include:

- (i) names of members present;
- (ii) each motion carried; and
- (iii) any disclosure of interest made by a member.

7.1.2 The Committee will:

- (i) keep minutes of each meeting; and
- (ii) within five days of the meeting, forward a copy of the draft minutes to the Committee and Committee's contact officer at Council, and
- (iii) submit for confirmation the draft minutes at the next Committee meeting.

7.1.3 The Council contact officer will:

- (i) register into Council's Electronic Document Record Management System a copy of the draft minutes upon receipt;
- (ii) upload the draft minutes to Council's website as soon as reasonable practicable; and
- (iii) submit the minutes to Council's Debate Agenda at the next available Council meeting.

8.	DELEGATED POWERS
----	------------------

- 8.1 In order for the Committee to perform its functions consistent with these Terms of Reference, the Council delegates to the Committee in accordance with section 137 of the Act the power to expend Council's approved budgeted funds up to \$2000 excluding GST for any one order subject to the Committee's budget allocation and Council's policies.
- 8.2 The Committee may establish a sub-committee to assist in the exercise of its power, objectives and responsibilities.
- 8.2.1 The sub-committee will not have any delegated power for the expenditure of approved budgeted funds.
- 8.2.2 The establishment, term, objectives and membership of any sub-committee must be minuted by the Committee and ratified by Council.
- 8.3 The Committee may raise funds through approved fees or charges to contribute to the Objectives outlined in clause 2, however, will first liaise with its assigned Council officer to ensure that the subject of the fundraising aligns with Council's overall Strategic Plan.
- 8.3.1 All funds raised pursuant to this clause must be deposited Council for receipting to the Committee's income account. The Committee cannot hold shares or establish a bank account in its own right nor in the names of its members held on trust for the Committee.

9.	GOVERNANCE
----	------------

- 9.1 No Committee member will be personally liable in respect of any transaction, act or omission of the Committee entered into, done or made in good faith.
- 9.2 Committee members do not enjoy the protection against defamation actions afforded to State and Commonwealth Parliaments and must be careful not to make remarks that could result in an aggrieved person seeking to take action against them.
- 9.3 Subject to clause 1.3, a recommendation by the Committee to the Council to amend the Terms of Reference must be made by majority of all Committee members.
- 9.4 Notwithstanding this Terms of Reference, all Committee members will observe the relevant requirements under the:
- (i) Act;
 - (ii) Regulations;
 - (iii) Code of Conduct for Elected Members (for Elected Member Committee members) or Council's Volunteer Management Policy (for Independent members); and
 - (iv) Council's policies and processes which are relevant to the operations of the Committee.
- 9.5 Independent members of the Committee are not required to register their interests and complete a Register of Interest return pursuant to section 64 of the Act.

- 9.6 All relevant documentation will be provided to the Committee members during Induction and when Council or legislative changes require further awareness. Committee members are expected to read, comply with and, where appropriate, to seek clarification with respect to Council policies and processes relevant to these Terms of Reference.

10.	CHAIRPERSON
-----	-------------

10.1 The Chairperson will:

- (i) be the contact point between Council and the Committee;
- (ii) be responsible for the proper observance of these Terms of Reference;
- (iii) oversee and facilitate the conduct of Committee meetings in accordance with the Act and the Local Government (Procedures at Meetings) Regulations 2013 ("the Regulations") Parts 1, 3 and 4 (noting that Part 2 does not apply);
- (iv) ensure all Committee members have an opportunity to participate in discussions in an open, respectful and encouraging manner; and
- (v) where a matter has been debated significantly and no new information is being discussed to call the meeting to order and ask for the debate to be finalised and the motion to be put.

11.	RESOURCES
-----	-----------

The Chief Executive Officer shall provide sufficient administrative resources to the Committee to enable it to adequately carry out its functions, in accordance with any budget allocation being approved by Council and in under the provisions outlined in the Act.

12.	TRAINING
-----	----------

- 12.1 Following his/her appointment to the Committee, an Independent Committee member will undertake a formal induction with Council officers in accordance with Council's Volunteer Management Policy which will:
- (i) highlight member responsibilities within the Committee, including financial duties where appropriate;
 - (ii) outline relevant Council policies and processes; and
 - (iii) aid compliance with relevant legislation.
- 12.2 Committee members will be encouraged to attend training related to the management of Local Government committees as sessions become available through the Local Government Association.
- 12.3 Committee members will be entitled to reimbursement of approved expenditure in accordance with Council policies and processes.

- 12.4 Council will assign a Council Officer to provide advice and act as a contact point between Council and the Committee.

13. DOCUMENT CONTROL			
Community Plan Link:		6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.	
Document Owner:	Manager, Health and Environmental Services		Document Control Officer: Executive and Project Support Officer
Audience:	External		Next Review Date: 28 November 2026
Version history			
Version No.	Date		Description of Change
1.0	11 November 2022		Updated into current template

2026/13



MINUTES OF THE MEETING OF BAROSSA BUSHGARDENS COMMITTEE
held on Wednesday 24 June 2026 commencing at 1:00 PM
in the Barossa Bushgardens, 653 Research Road Nuriootpa.

MINUTES

1. ATTENDANCE RECORD

1.1 Members Present

Sarah Barrett (Chairperson), Louise Mason, Trevor Waldhuter, Andrew Philpott, Kate Jenkins, Greg Donovan and Kathryn Schilling

Apologies

Andrew Fairney

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF PREVIOUS MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED A Philpott

That the Minutes of the Barossa Bushgardens Committee held on Wednesday 22 April 2026 at 1:00 PM, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

2026/14

SECONDED T Waldhuter

CARRIED BB 2022-26/7

2.2 Matters arising from previous minutes

Nil

3. MATTERS FOR INFORMATION

- 3.1 Correspondence
- 3.2 Partner Project Updates
- 3.3 Marketing Initiatives and Sales Opportunities
- 3.4 Risk Management/Work Health and Safety
- 3.5 Visitation to the Barossa Bushgardens
- 3.6 Friends of Barossa Bushgardens Update
- 3.7 Strategic Plan Progress Report

4. DEBATE REPORT

4.1 FINANCE REPORT - AS AT 31 MAY 2026 26/42261

MOVED K Jenkins

That Barossa Bushgardens Committee receive and note the report.

SECONDED L Mason

CARRIED BB 2022-26/8

PURPOSE

To provide progress on budget and expenditure as at 31 May 2026.

REPORT

Discussion

As at the end of May, the expenditure of most cost centres is progressing well.

Staff will review the budget and submit any required minor adjustments in Quarter 4.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Bushgardens Financial statements as at 31 May 2026

Supporting references

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

The Barossa Council 26/45924

Minutes of Barossa Bushgardens Committee Meeting
held on Wednesday 24 June 2026

2026/15



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

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.

Regular monitoring of financial performance ensures 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 effective and strategic decisions, a finance report is provided for 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

2026/16

stakeholders, other levels of government and its own employees and contractors.

Nil.

COMMUNITY ENGAGEMENT

Not required under legislation or Council's Consultation Policy.

4.2 DISSOLUTION OF BAROSSA BUSHGARDENS S41 COMMITTEE 26/45212

MOVED A Philpott

That Barossa Bushgardens Committee:

- (1) Support the dissolution of the Barossa Bushgardens S41 Committee
- (2) Recognise the Friends of the Barossa Bushgardens as the primary source of advice and community connection for the Barossa Bushgardens who will work together on the responsibilities and working relationship between both parties; and
- (3) Support the provision of a Quarterly Report to Council detailing Barossa Bushgardens activities and pending projects

SECONDED L Mason

CARRIED BB 2022-26/9

PURPOSE

To endorse a recommendation to Council for the revocation of the Barossa Bushgardens S41 Committee, noting the support of the Friend of Barossa Bushgardens to the Barossa Bushgardens Operations Team.

REPORT

Background

The Barossa Council at a meeting held on 6 March 2001 placed the care, control and management of the Part Section of Coulthard Reserve, Nuriootpa (Crown Reserve over which the title is issued to Council) in the hands of a Committee to be known as the Barossa Bushgardens Committee.

The Committee was recommended to liaise with the Friends of the Barossa Bushgardens for the specific purpose of supporting the environmental objects/purposes of the Barossa Bushgardens.

The Barossa Bushgardens Committee transitioned to the Barossa Bushgardens S41 Committee in 2010.

The Barossa Council 26/45924

*Minutes of Barossa Bushgardens Committee Meeting
held on Wednesday 24 June 2026*

2026/17

Discussion

Following a recent review of S41 Committees by Council, it has been identified that ceasing the operation of the S41 Committee would allow for more flexibility and less regulatory requirements, therefore easing several legislative and administrative obligations.

Summary and Conclusion

It is envisaged that the Friends of the Barossa Bushgardens would continue to operate under their current Constitution in providing advice to the Barossa Bushgardens Operational Team.

Council staff would then have a streamlined reporting process to Council for desired Bushgardens projects and updates for inclusion within the Council Agenda.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES
--

Nil

Supporting references

Nil.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
--

Community Plan

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

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.

2026/18

2. SUSTAINABILITY & ENVIRONMENT

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

Nil.

3. FINANCIAL

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

There would be no changes to financial processes, budgets and delegation obligations.

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.

5. CONFIDENTIAL AGENDA

Nil

6. URGENT OTHER BUSINESS

Final meeting of the Barossa Bushgardens S41 Committee

Pending Council's endorsement, it is likely that there will be no further meetings under the umbrella of the S41 Committee.

2026/19

As such, Sarah Barrett wished to note sincere thanks to Council staff and Cr Kathy Schilling for their tireless commitment, dedication and support of the Barossa Bushgardens over many years.

MOVED G Donovan

That Barossa Bushgardens Committee extend their sincere thanks to Council staff and Cr Kathy Schilling for their tireless commitment, dedication and support given to the Barossa Bushgardens over many years.

SECONDED S Barrett

CARRIED BB 2022-26/10

7. NEXT MEETING

Nil.

8. CLOSURE

Sarah Barrett (Chairperson) declared the meeting closed at 2:50pm.

Being the last meeting of the Barossa Bushgardens S41 Committee, confirmation of the minutes will occur at the Ordinary meeting of Council to be held on Tuesday 21 July 2026

Date:.....

Chairperson.....

DEBATE REPORT

7.3 Infrastructure and Environmental Services

7.3.2 MEMORIAL PLAQUE FOR BAROSSA BUSHGARDENS VOLUNTEER LYNETTE SCHMIDT

Author: Team Leader Environmental Services
26/47002

PURPOSE

To consider a request from the Schmidt family for a memorial plaque to be placed at the Barossa Bushgardens.

RECOMMENDATION

That Council endorse a request from the Schmidt family to install a memorial plaque on an existing park bench in our Community Nursery, at the Barossa Bushgardens with the plaque to be provided by the Schmidt family.

REPORT

Introduction

Lynette Schmidt was a valuable and committed volunteer of the Barossa Bushgardens. For the past five years, she came weekly to participate and contribute in our nursery volunteer program. For the past 18 months Lyn also became a volunteer at our Nature and Natter program every Monday morning.

Discussion

Lyn was loved by all who worked with her here at the Barossa Bushgardens and her contributions were significant in our nursery team. Her kind and caring nature was highlighted during her time with the Nature and Natter clients and everyone misses her friendship. The Barossa Bushgardens team were asked by the Schmidt family to consider recognising Lyns love of the gardens and are happy to install a memorial plaque on one of our new park benches in our Community Nursery.

Summary and Conclusion

The Barossa Bushgardens team fully support the installation of a memorial plaque for Lynette Schmidt.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS
--

Community Plan

Our Places

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

Strategic Outcome

- Our places are planned, managed, and sustainable.

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.

Costs of plaque will be covered by the family.

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

DEBATE REPORT

7.4 Development and Community Services

7.4.1 PROVISIONAL ENTRY OF STRAIT GATE LUTHERAN CHURCH LIGHT PASS AS A STATE HERITAGE PLACE

Author: Senior Growth and Strategic Planner
26/41193

PURPOSE

To endorse a draft submission to the Department for Environment and Water in response to the Provisional Entry of the Strait Gate Lutheran Church, Light Pass, into the South Australian Heritage Register as a State Heritage Place.

RECOMMENDATION

That Council:

- (1) Authorise the draft submission to the Department for Environment and Water as contained within Attachment 4.
- (2) Authorise the Chief Executive Officer, or delegate, to make minor or technical or typographical amendments to the submission.

REPORT

Background

The South Australian Heritage Council (SAHC), within the Department for Environment and Water (DEW), have undertaken an in-depth assessment of the heritage significance of the "Strait Gate Lutheran Church (Single-storey brick church with mezzanine and stone belltower)" under section 17(4) of the *Heritage Places Act 1993*. The intent is to elevate the church to state heritage significance.

Introduction

DEW has notified Council (Attachment 1) of the SAHC's resolution to provisionally enter the "Strait Gate Lutheran Church (Single-storey brick church with mezzanine and stone belltower)" located at 412 Light Pass Road, Light Pass into the South Australian (SA) Heritage Register as a State Heritage Place (SHP).

The process of entering a place into the SA Heritage Register includes a community consultation period of three months from 7 May 2026 until 7 August 2026, which includes opportunity for Council to provide a formal submission.

The proposal seeks to elevate the existing Local Heritage Place (LHP) listing of "Strait Gate Lutheran Church Tower" to a SHP listing that also includes the church building in addition to the tower structure.

This proposal will result in the elevation of heritage status of the existing LHP to a SHP resulting in the recognition of state importance of the church building and associated tower. If successful, the proposal will be included in the Planning and Design Code

and State Heritage Place Overlay pursuant to section 76(3)(a) of the *Planning, Development and Infrastructure Act 2016*.

DEW has provided supporting information for the proposal in both Attachment 2 and Attachment 3.

Discussion

The supporting information provided by DEW provides a detailed assessment of the site that supports the SAHC in reaching their resolution to Provisionally Enter the Strait Gate Lutheran Church as a SHP. The specific criteria are listed under section 16(1) of the Heritage Places Act 1993, these are:

- (a) it demonstrates important aspects of the evolution or pattern of the State's history*
- (b) it has rare, uncommon or endangered qualities that are of cultural significance*
- (c) it may yield information that will contribute to an understanding of the State's history, including its natural history*
- (d) it is an outstanding representative of a particular class of places of cultural significance*
- (e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics*
- (f) it has strong cultural or spiritual associations for the community or a group within it*
- (g) it has a special association with the life or work of a person or organisation or an event of historical importance*

Importantly, the detailed assessment provided to Council for this proposal identifies points (e) and (g) (as highlighted above) as the key criteria that are considered to be achieved for the Strait Gate Lutheran Church and are the basis as to why this proposal has progressed to the consultation phase.

Following internal review of the detailed assessment provided by DEW and with feedback provided by Council's consulting Heritage Advisor, there is general support for this proposal as it is seeking to elevate the 'bell tower' from a LHP to new SHP listing, ultimately providing greater protections, and to include the church building and its associated features that were not previously covered by heritage listings.

Council's Heritage Advisor provided additional comments for consideration around broader assessment of the site and the existing buildings, and whether they should also be considered for a heritage listing of state significance. Further to the comments received, the site currently contains a SHP for "Pastor Rechner's Cottage (associated with Strait Gate Lutheran Church)" that will remain separate to this proposal but is of close association, therefore there is a question as to whether the connection of all heritage buildings on the site collectively should be afforded greater consideration to one consolidated heritage listing.

The draft submission in Attachment 4 provides general support for the proposal whilst also suggesting that greater consideration should be provided to the 'Old Mission House' located south of the existing church building.

Summary and Conclusion

The proposal to enter the "Strait Gate Lutheran Church (Single-storey brick church with mezzanine and stone belltower)" is generally considered to be a positive outcome for Council by way of having the heritage church recognised at a state level.

The draft submission as outlined in [Attachment 4](#) confirms Council's support for the proposal whilst suggesting the proposal could be expanded.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Attachment One - Provisional entry S17(2)(a) - Letter to LGA - Strait Gate Lutheran Church ↓ 
Attachment 2	Attachment Two - Provisional Entry s17 2 a Notice_7 MAY2026 - Strait Gate Lutheran Church ↓ 
Attachment 3	Attachment Three - 26621_Provisional Entry S17 2 a - Summary_7 MAY 2026 - Strait Gate Lutheran Church ↓ 
Attachment 4	Attachment 4 - Draft Submission - Strait Gate Lutheran Church ↓ 

Supporting references

[Department for Environment and Water - SA Heritage Register entries](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

- CS14 Heritage - Ensuring the heritage of the Barossa is recorded and available to the community to access. Support of the heritage network (museums, historical societies)
- 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

Heritage Places Act 1993

RISK MANAGEMENT CONSIDERATIONS

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

1. SERVICE DELIVERY

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

The proposal to elevate the existing church to state heritage status increases protection of the site from development pressures and from any potential demolition. This creates clear assessment criteria for any future development proposed on the land where it may impact on the proposed heritage listing.

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 proposal to elevate the existing church to state heritage status increases protection of the site from development pressures and from any potential demolition. The heritage listing will promote the ongoing preservation and maintenance of the building and allow the opportunity to seek state heritage grant funding. This provides greater confidence to the protection of heritage buildings within the council area.

3. FINANCIAL

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

There is no financial risk to Council for this proposal.

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.

This proposal will elevate an existing Local Heritage Place (the church tower) into a broader State Heritage Place listing. This reduces the considerations at a local level but does ultimately provide greater control and preservation from the state level. Overall, any reputational impacts are considered unlikely due to the elevation and ongoing protection of the heritage site.

COMMUNITY ENGAGEMENT

The broader community are provided the opportunity to make submissions to the SA Heritage Council as part of the consultation process concluding on 7 August 2026.

South Australian
HERITAGE COUNCIL

DEW Reference Number: 26621
7 May 2026

Heritage/Planning
The Barossa Council
PO Box 867,
NURIOOTPA SA 5355
barossa@baross.sa.gov.au

RE: Notice of Provisional Entry of Strait Gate Lutheran Church in the South Australian Heritage Register

Place: Strait Gate Lutheran Church
Address: Peramangk Country, 412 Light Pass Road, Light Pass SA 5355
Title Information: CT 5832/907 F 172757 A 496; CT 5738/143 F 172758 A 497;
Hundred of Moorooroo

Dear Sir/Madam,

Please be advised that at its meeting on 30 April 2026, the South Australian Heritage Council (the **Council**) resolved to **provisionally enter** Strait Gate Lutheran Church (Single-storey brick church with mezzanine and stone belltower) (the **Place**) in the South Australian Heritage Register (the **Register**) as a State Heritage Place.

Pursuant to section 17(4)(d) of the Heritage Places Act 1993 (the **Act**), Notice of Provisional Entry in the South Australian Heritage Register (**Attachment A**) and a Summary of State Heritage Place (**Attachment B**) is provided to you as the local council where the Place is located.

If the provisional entry is confirmed, the Summary of State Heritage Place will form part of the information that is placed in the Register in relation to this Place.

In accordance with section 17(4)(b) of the Act, a public Notice will be published on the DEW Heritage Notifications webpage on **7 May 2026**, please visit:
<https://www.environment.sa.gov.au/topics/heritage/notifications>

Entry in the Register is formal recognition that the **Place** is an important part of South Australia's rich non-Aboriginal heritage and should be afforded the

Phone: +61 8 8372 7521 | Email: DEWHeritage@sa.gov.au | Post: GPO Box 1047, Adelaide SA 5001
www.environment.sa.gov.au/topics/Heritage

protection provided to State Heritage Places by the Act and the *Planning, Development and Infrastructure Act 2016* (PDI).

Pursuant to section 76(3)(a) of PDI, the Place will be included in the Planning and Design Code and State Heritage Place Overlay.

Development Advice

State Heritage listing means there are now additional development requirements. Development of a State Heritage Place includes the demolition, removal, conversion, alteration or painting of, or addition to, the place. Proposals to undertake development of a State Heritage Place may need to be referred by you as the relevant authority, to the Minister responsible for administering the Act (the **Minister**), for consideration of impact on the heritage values of the State Heritage Place. The State Heritage Place Overlay specifies the classes of development that must be referred to the Minister.

Officers within Heritage South Australia (Heritage SA) in the Department for Environment and Water are the Minister's delegates for advice on referred development applications. Generally, Heritage SA can support the proposal and direct conditions of approval, or direct refusal if heritage values are unacceptably compromised.

Written Submissions

As required by the Act, notice of the provisional entry will be published on the DEW Heritage Notifications webpage and any member of the public may make a written representation to the Council:

<https://www.environment.sa.gov.au/topics/heritage/notifications>

Written representations must be returned within three months of the date of the Notice, on whether the provisional entry should be confirmed in the Register. If you wish to make a written representation, please use the Submission Form which is available on our website:

www.environment.sa.gov.au/topics/Heritage/SA_Heritage_Register/entries-confirmations

Your representation must address the relevant heritage significance criteria in section 16(1) of the Act. For help in making a submission, please refer to the Guidelines for Interpreting State Heritage Criteria which is available online:

[Guidelines-for-Interpreting-State-Heritage-Criteria-Final-2024.pdf](#)

Anyone who has made a written submission may also request to appear personally before the Council to make an oral representation, under section 18(2)

of the Act. Please indicate on the submission form should you wish to exercise this right.

It is Council's policy to make all nominations, submissions and information regarding State heritage listings, publicly available on the following webpage: http://www.environment.sa.gov.au/topics/Heritage/SA_Heritage_Register/entries-confirmations

The Council will adhere to Privacy Principles. Names, identifiers and personal details will be redacted, unless you, the author, indicate otherwise.

State Heritage Places can be viewed on the SA Heritage Places Database web site <http://maps.sa.gov.au/heritagesearch/HeritageSearchLocation.aspx>, which is maintained by the Planning Division of the Department of Infrastructure and Transport and is updated overnight on working days.

If you have any questions relating to the decision regarding this place, please contact Chris Burns, Heritage Assessment Officer on 8429 8465 or email chris.burns@sa.gov.au.

Yours sincerely,



Celeste Klose

Heritage Register Officer

Delegate of the South Australian Heritage Council

Attachments:

- Attachment A – Notice of Provisional Entry in SA Heritage Register
- Attachment B – Summary of State Heritage Place

OFFICIAL

South Australian
HERITAGE COUNCIL**NOTICE OF PROVISIONAL ENTRY IN
THE SOUTH AUSTRALIAN HERITAGE REGISTER**

DEW Reference Number: 26621, 7 May 2026

NOTICE is given by the South Australian Heritage Council (the Council) under section 17(4) of the *Heritage Places Act 1993* (the Act), that the place set out in Item 1 of the Schedule has been **provisionally entered** in the South Australian Heritage Register (the Register) as a **State Heritage Place** (the Place).

The reason for the provisional entry is that Council holds the opinion that the Place is of **heritage significance** under section 17(2)(a) of the Act as specified in Item 2 of the Schedule.

Schedule**Item 1 – the Place**

Place: Strait Gate Lutheran Church

Address: Peramangk Country, 412 Light Pass Road, Light Pass SA 5355

Title Information: CT 5832/907 F 172757 A 496, CT 5738/143 F 172758 A 497, Hundred of Moorooroo

Item 2 – State heritage significance

The Council is of the opinion that the Place specified in Item 1 of this Schedule satisfies the following criteria under section 16(1) of the Act:

(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics

Strait Gate Lutheran Church is an outstanding, highly innovative example of late twentieth-century ecclesiastical Modern Movement architecture in South Australia. Strait Gate Lutheran Church was designed by South Australian architect Eric von Schramek and completed in 1961. Unusually for a postwar South Australian church, at Strait Gate, direct symbolism was the primary generator of form, with the plan and elevation of the church directly inspired by a quotation from the Gospel of Matthew, from which the church also took its name. Strait Gate Lutheran Church was one of the first postwar South Australian churches to depart from a traditional rectangular plan, and the first to employ a radical roof shape outside of the established gable, A-Phone: +61 8 8372 7521 | Email: DEWheritage@sa.gov.au | Post: GPO Box 1047, Adelaide SA 5001
www.environment.sa.gov.au/topics/Heritage

OFFICIAL

frame and flat roof types. As one of the more radical church designs of the early 1960s, Strait Gate helped establish a precedent for places of worship with more complicated plans and forms.

Strait Gate Lutheran Church articulates many key attributes of late-twentieth century ecclesiastical architecture, namely:

- a radical plan-shape, in this instance, a triangular overall plan with a rhomboid worship space,
- new structural materials facilitating dramatic shapes, achieved through the use of a welded steel structural frame incorporating lightweight web trusses, to create a unique roofline,
- architectural 'distinctiveness' employed to set the church apart from secular buildings and connote a religious function through its gabled double-butterfly roof, and deliberate integration of an existing 1887 church belltower as an architectural statement,
- coloured glass, incorporated into the large reredos designed by Stan Ostojak-Kotkowski,
- windows with vertically proportioned openings, notably in the sawtooth-profile side walls of the nave and front elevation rebates,
- a clerestory window,
- plain wall surfaces achieved through the use of cream face brick,
- play of light through the clerestory window through a coloured glass reredos screen, designed to create a special mood,
- unbroken straight lines emphasising verticality, notably in the sawtooth side walls and reredos studwork,
- inverted V shapes reminiscent of Gothic pointed arches, notably in the shallow gables of the main roof,
- a prefabricated welded-steel spire reminiscent of a Gothic flèche or spire, pointing 'heavenward',
- adoption of commonplace materials with domestic connotations employed to integrate the church into community, such as cream face brick, tile, and clear-finished oak and pine.

While a number of minor changes have occurred to the church, such as the addition of air-conditioning units to the northern side and the removal of one pew, these are considered to be either inconsequential or reversible. These changes have not diminished the place's architectural integrity to the point that its values can no longer be understood and appreciated.

(g) it has special association with the life or work of a person or organisation or an event of historical importance

Strait Gate Lutheran Church has a special association with South Australian architect Eric von Schramek, who made a notable contribution to South Australian history through his role in the development of innovative ecclesiastical architecture in South Australia, especially during the 1950s and 1960s. Von Schramek was knighted in 1982 for service to architecture. His early ecclesiastical architectural commissions, such

OFFICIAL

as Immanuel Lutheran Church, North Adelaide, Trinity Methodist Church, Glenelg and Strait Gate Lutheran Church, Light Pass are considered to have been important influences on the development of post-war ecclesiastical architecture in South Australia and were widely emulated.

Strait Gate Lutheran Church is a preeminent example of von Schramek's instinct-driven, self-expressive approach to church design, placing him at odds with orthodox Modernist thinking on church architecture, which discouraged symbolism and creative expression. Unusually for a South Australian postwar church, von Schramek's design drew upon direct symbolism as the primary generator of form, with the plan and elevation of the church directly inspired by a quotation from the Gospel of Matthew, from which the church also took its name. Reflecting on his career in 2007, Eric von Schramek considered Strait Gate Lutheran Church to be his most radical church design. For these reasons, Strait Gate Lutheran Church is considered to satisfy criterion (g) for its special association with Eric von Schramek.



South Australian
HERITAGE COUNCIL

SUMMARY OF STATE HERITAGE PLACE

Entry in the South Australian Heritage Register in accordance with s14(1)(a) of the **Heritage Places Act 1993**

NAME:	Strait Gate Lutheran Church	PLACE NO.: 26621
ADDRESS:	Peramangk Country	
	412 Light Pass Road	
	Light Pass SA 5355	
	CT 5832/907 A496 FP172757; CT 5738/143 A497 FP172758	
	Hundred of Moorooroo	

Draft for Consultation

OFFICIAL

OFFICIAL

COMMENTARY ON THE LISTING

Heritage significance in accordance with s17(2) of the ***Heritage Places Act 1993***

STATEMENT OF HERITAGE SIGNIFICANCE

Strait Gate Lutheran Church, opened in 1961, is an outstanding, highly innovative example of late twentieth-century ecclesiastical Modern Movement architecture in South Australia, drawing on symbolism as the primary generator of form, with the plan and elevation of the church directly inspired by a quotation from the Gospel of Matthew. Strait Gate Lutheran Church articulates many key attributes of late-twentieth century ecclesiastical architecture, including a radical plan shape; a distinctive roof in the form of a double-butterfly gable; and the adoption of commonplace materials such as cream face brick, tile and clear-finished timber. Strait Gate Lutheran Church also has a special association with its designer, South Australian architect Eric von Schramek, who made an important contribution to South Australian history through his role in the development of innovative ecclesiastical architecture. Strait Gate Lutheran Church exemplifies von Schramek's instinct-driven, self-expressive design philosophy and was considered by the architect to be his own most radical church design.

Summary of State Heritage Place: 26621 2 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Relevant criteria in accordance with s16(1) of the *Heritage Places Act 1993*

(e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics

Strait Gate Lutheran Church is an outstanding, highly innovative example of late twentieth-century ecclesiastical Modern Movement architecture in South Australia. Strait Gate Lutheran Church was designed by South Australian architect Eric von Schramek and completed in 1961. Unusually for a postwar South Australian church, at Strait Gate, direct symbolism was the primary generator of form, with the plan and elevation of the church directly inspired by a quotation from the Gospel of Matthew, from which the church also took its name. Strait Gate Lutheran Church was one of the first postwar South Australian churches to depart from a traditional rectangular plan, and the first to employ a radical roof shape outside of the established gable, A-frame and flat roof types. As one of the more radical church designs of the early 1960s, Strait Gate helped establish a precedent for places of worship with more complicated plans and forms.

Strait Gate Lutheran Church articulates many key attributes of late-twentieth century ecclesiastical architecture, namely:

- a radical plan-shape, in this instance, a triangular overall plan with a rhomboid worship space,
- new structural materials facilitating dramatic shapes, achieved through the use of a welded steel structural frame incorporating lightweight web trusses, to create a unique roofline,
- architectural 'distinctiveness' employed to set the church apart from secular buildings and connote a religious function through its gabled double-butterfly roof, and deliberate integration of an existing 1887 church belltower as an architectural statement,
- coloured glass, incorporated into the large reredos designed by Stan Ostojka-Kotkowski,
- windows with vertically proportioned openings, notably in the sawtooth-profile side walls of the nave and front elevation rebates,
- a clerestory window,
- plain wall surfaces achieved through the use of cream face brick,
- play of light through the clerestory window through a coloured glass reredos screen, designed to create a special mood,
- unbroken straight lines emphasising verticality, notably in the sawtooth side walls and reredos studwork,

Summary of State Heritage Place: 26621 3 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

- inverted V shapes reminiscent of Gothic pointed arches, notably in the shallow gables of the main roof,
- a prefabricated welded-steel spire reminiscent of a Gothic flèche or spire, pointing 'heavenward',
- adoption of commonplace materials with domestic connotations employed to integrate the church into community, such as cream face brick, tile, and clear-finished oak and pine.

While a number of minor changes have occurred to the church, such as the addition of air-conditioning units to the northern side and the removal of one pew, these are considered to be either inconsequential or reversible. These changes have not diminished the place's architectural integrity to the point that its values can no longer be understood and appreciated.

(g) it has special association with the life or work of a person or organisation or an event of historical importance

Strait Gate Lutheran Church has a special association with South Australian architect Eric von Schramek, who made a notable contribution to South Australian history through his role in the development of innovative ecclesiastical architecture in South Australia, especially during the 1950s and 1960s. Von Schramek was knighted in 1982 for service to architecture. His early ecclesiastical architectural commissions, such as Immanuel Lutheran Church, North Adelaide, Trinity Methodist Church, Glenelg and Strait Gate Lutheran Church, Light Pass are considered to have been important influences on the development of post-war ecclesiastical architecture in South Australia and were widely emulated.

Strait Gate Lutheran Church is a preeminent example of von Schramek's instinct-driven, self-expressive approach to church design, placing him at odds with orthodox Modernist thinking on church architecture, which discouraged symbolism and creative expression. Unusually for a South Australian postwar church, von Schramek's design drew upon direct symbolism as the primary generator of form, with the plan and elevation of the church directly inspired by a quotation from the Gospel of Matthew, from which the church also took its name. Reflecting on his career in 2007, Eric von Schramek considered Strait Gate Lutheran Church to be his most radical church design. For these reasons, Strait Gate Lutheran Church is considered to satisfy criterion (g) for its special association with Eric von Schramek.

Summary of State Heritage Place: 26621 4 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

The South Australian Heritage Council provides the following information as a part of public consultation.

SITE DETAILS

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621

DESCRIPTION OF PLACE:	Single-storey brick church with mezzanine and stone belltower.	
HISTORIC THEME/S	4. Building Settlements, Towns and Cities 4.5 Living in country towns 6. Developing Social and Cultural Life (supporting and building communities) 6.1 Supporting diverse religions and maintaining spiritual life 6.7 Continuing cultural traditions	
DATE OF CONSTRUCTION:	1887 (belltower); 1960 – 1961 (church)	
REGISTER STATUS:	Identified: 13 August 2020 Provisionally entered 30 April 2026	
LOCAL HERITAGE STATUS:	Authorised 25 March 2004 (1887 belltower only)	
CURRENT USE:	Lutheran place of worship 1960 – present	
ARCHITECT:	Eric von Schramek 1960 – 1961	
BUILDER:	Hausler & Post in assoc. with C. O. Junken Pty Ltd 1960 – 1961	
LOCAL GOVERNMENT AREA:	Barossa Council	
LOCATION:	Street	412 Light Pass Road, Light Pass 5355
	Address:	
LAND DESCRIPTION:	Title	CT 5832/907 A496 FP172757;
	Reference:	CT 5738/143 A497 FP172758
	Hundred:	Moorooroo

Summary of State Heritage Place: 26621 5 of 31
 Provisionally entered by the South Australian Heritage Council on 30 April 2026
 Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

Site Plan

PLACE NO.: 26621

N ↑

OFFICIAL

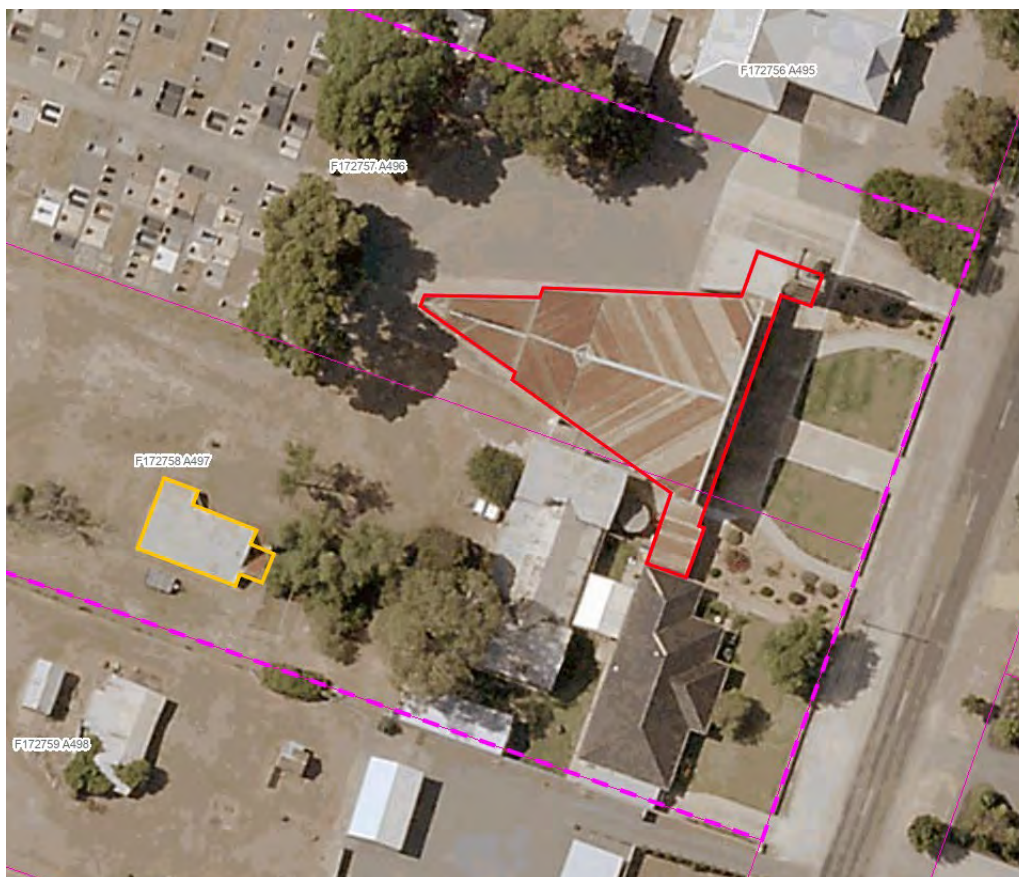
OFFICIAL

Site Plan

Strait Gate Lutheran Church

PLACE NO.: 26621

412 Light Pass Road, Light Pass



Strait Gate Lutheran Church (detail).*

N ↑

LEGEND

- Parcel boundaries
- Pastor Rechner's Cottage SHP 16344
- Outline of Elements of Significance for State Heritage Place

*Red outline is indicative of elements of significance, noting imperfect alignment of aerial imagery with parcel cadastre.

Summary of State Heritage Place: 26621 7 of 31

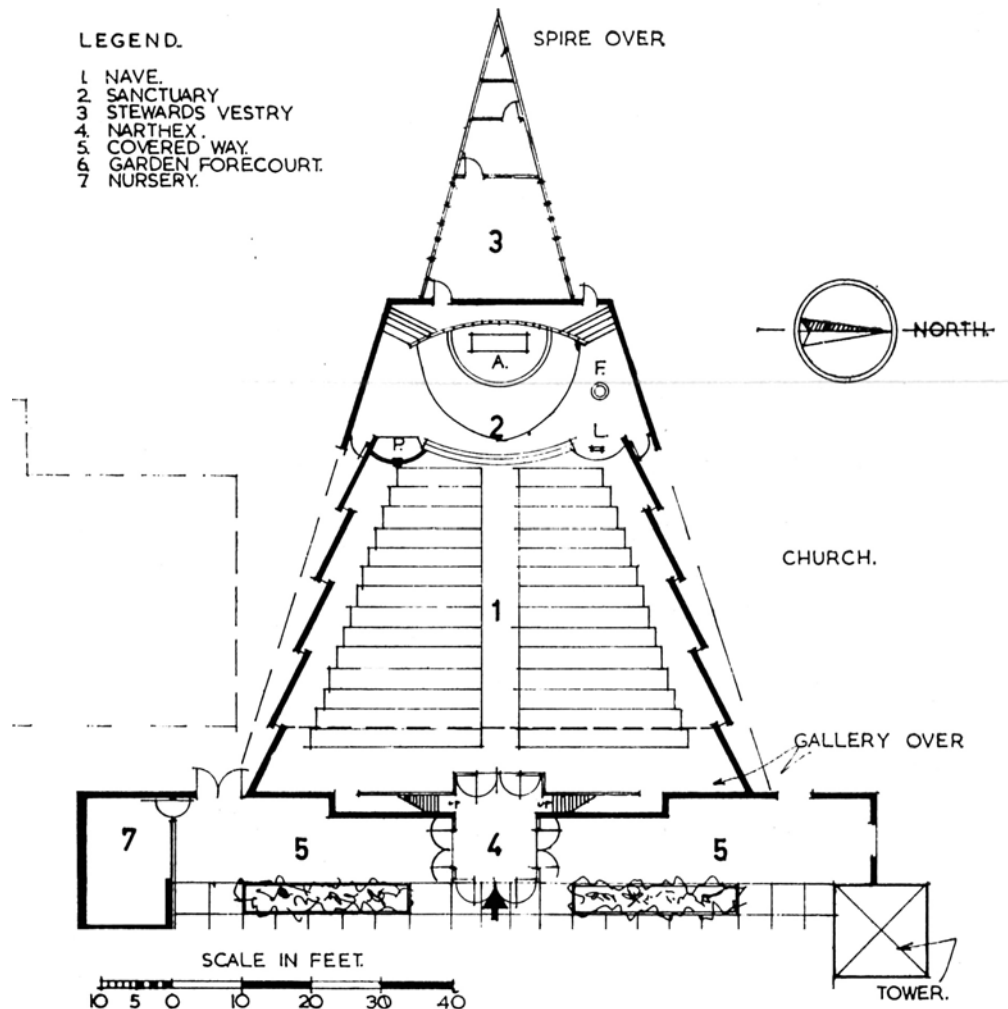
Provisionally entered by the South Australian Heritage Council on 30 April 2026

Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Physical Description



Indicative plan of Strait Gate Lutheran Church

Source: Strait Gate Lutheran Church, *Strait Gate Lutheran Church Light Pass, S.A. Centenary 1861–1961*

Strait Gate Lutheran Church is a single-storey, steel-framed, cavity-brick church with a symmetrical triangular plan and a double-butterfly gable roof. The church is oriented roughly east-west. The main roof is comprised of web trusses held aloft by paired steel columns. These columns in turn frame window openings which form a sawtooth profile to the nave side walls.

The building comprises three main sections: a butterfly gable-roofed main worship space with a trapezoidal plan; a butterfly gable-roofed vestry section with a triangular plan; and a semi-detached stone and brick tower retained from the earlier church (tower built 1887).

Summary of State Heritage Place: 26621 8 of 31

Provisionally entered by the South Australian Heritage Council on 30 April 2026

Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Exterior features include:

- cream face brick exterior walls,
- deck profile steel roof covering, positioned diagonally to follow the fall of the roof,
- overhanging eaves,
- three crosses to street (northern) elevation, two in glazed brick, one in boxed copper sheet,
- relief lettering to street elevation ‘“ENTER YE IN AT THE STRAIT GATE” MATTH 7:13’ in boxed copper sheet,
- narrow timber-framed awning windows to rebates in street elevation,
- gable-roofed porch to centre of street elevation,
- semi-detached nursery block at southern end of street elevation,
- flat-roofed covered way on street elevation between nursery block and porch and porch and tower,
- toilet block at northwestern end of covered way (c.1970s, not significant fabric),
- pink Angaston marble foundation stone,
- pink Angaston marble porch steps,
- copper doors to porch street elevation with bronze detailing and door pulls,
- glazed doors to porch side elevations,
- concrete slab paving to covered way floor,
- double doors in covered way wall flanking front of church, with transom lights above,
- timber-framed hopper windows in nave side window openings,
- fixed clerestory window to western end of nave,
- timber-framed floor-to-ceiling window units forming part of external walls to vestry section), containing fixed and awning windows and Hardie’s Colorboard or similar spandrels (asbestos-bearing),
- flat-roofed awning to northern side of vestry,
- welded-steel spire to western end of vestry roof,
- low stone front fence.
- reverse-cycle air conditioning units (not significant fabric).

Internal features include:

- cream face brick interior walls,
- tiled narthex (porch) floor,
- glazed screen between narthex and nave,
- triple pendent light fitting in narthex (two of three shades damaged),
- Alpha and Omega motif sandblasted into glazed doors between narthex and nave,
- radiata pine matchboard narthex and nave ceiling and gallery soffit,
- flush-mount ceiling lights to gallery soffit,
- web trusses boxed-in with timber,

Summary of State Heritage Place: 26621 9 of 31

Provisionally entered by the South Australian Heritage Council on 30 April 2026

Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

- fluorescent light fittings fixed to sanctuary side of boxed web trusses,
- fibrous plaster sanctuary ceiling,
- tiled chancel floor, raised two steps above nave level,
- carpeted sanctuary floor raised one step above chancel floor,
- curved oak communion rails to sanctuary,
- concave studwork reredos, glazed with green, yellow white and transparent rippled glass, behind sanctuary,
- black timber cross mounted on reredos,
- projection screen mounted on reredos (not significant fabric),
- pink Angaston marble altar with black granite top, standing two steps above sanctuary level,
- fixed coarse aggregate concrete pulpit, with curved wall and oak top,
- fixed coarse aggregate concrete font stand with oak top and pewter lid,
- fixed oak lectern,
- low jarrah platforms supporting two banks of pews, approximately 70mm above nave level,
- fixed oak pews with integrated folding oak kneelers,
- concrete steps behind and flanking reredos, leading down to vestry level,
- built-in speakers in nave walls,
- cross motif in projecting stretchers on nave walls,
- glazed crying room under gallery, with speaker in timber wall-mounted cabinet,
- organ cabinet in gallery (built 1925),
- oak studwork screen at rear of gallery with painted acoustic ply panels and frosted glazing,
- access and ventilation space above staircases with inclined board ladders providing access to hopper windows,
- two vestry rooms, divided by brick wall,
- sink and built-in cabinets in first vestry room,
- toilet at far western end.

Elements of Significance:

Elements of heritage significance include:

- Church building,
- Timber and glass reredos by Stanislaus Ostojka-Kotkowski,
- Original exterior and interior materials and material finishes, including brick, tile, marble, copper, bronze and clear-finished timber,
- Plain internal and external wall surfaces,
- Original fittings including façade lettering, fixed pews, original light fittings and original speakers,
- Semi-detached stone and brick tower.

Summary of State Heritage Place: 26621 10 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Elements not considered to contribute to significance of place include:

- Cemetery, adjoining manse, and adjacent hall,
- SHP 16344 Pastor Rechner's Cottage (remains a separate State Heritage Place),
- Tanks and sheds,
- Vineyard, trees, shrubs and landscaping.

Summary of State Heritage Place: 26621 11 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

History of the Place

Lutheran settlement in South Australia

In 1817, Friedrich Wilhelm III attempted to gain control of the protestant church in the German State of Prussia. His plan was to merge the Lutheran and Calvinist confessions through the introduction of a common state liturgy and a Prussian Union of Churches.¹ Many Lutheran pastors resisted union by persisting with familiar 'old Lutheran' liturgies,² and so in 1834 Wilhelm III compelled all Prussian congregations to adopt his state liturgy. Those who did not comply were subjected to persecution.³ Many Lutherans, who tended to be 'uncompromising'⁴ in their beliefs, viewed emigration as their only recourse. The emigration of Lutherans exacerbated mass emigration already underway due to the difficult economic conditions of the time.⁵

August Ludwig Christian Kavel, Pastor of Klemzig (now Klepsk) in the parish of Züllichau (now Sulechów, in Poland) initially complied with Wilhelm III's edict, but subsequently reconsidered and resigned in 1835.⁶ The following year he travelled to Hamburg to arrange emigration for his congregation. Through Hamburg contacts, Kavel was introduced to George Fife Angas, a founder of the South Australian Company.

The planners of South Australia, of whom Angas was one, envisaged what historian Douglas Pike called a 'paradise of dissent,' meaning a society based on the principle of religious freedom. As part of that vision, they actively recruited Dissenters (members of denominations outside the established Church of England) for migration.⁷ Angas personally sponsored the emigration of around six hundred Prussian Lutherans, including Kavel's congregation, on the understanding that they would work his land upon settlement in South Australia.⁸

Kavel and his followers arrived in November 1838 and settled on land owned by Angas on the Torrens, north-east of Adelaide, named 'Klemzig' after the village in Brandenburg.⁹ Meanwhile, another group of Prussian families arrived in December. This second group settled on William Hampden Dutton's land on Peramangk country at Hahndorf in the Adelaide Hills.¹⁰

In May 1839 the first Lutheran convention on Australian soil was held at Glen Osmond. The convention resolved to invite Pastor Gotthard Daniel Fritzsche, an itinerant pastor and prominent Lutheran theologian,¹¹ to join the South Australian Lutheran community.¹² Fritzsche arrived in October 1841 with another group of Lutheran migrants and settled at Lobethal in the Adelaide Hills.¹³

Kavel and his followers later relocated to the Barossa Valley on land also owned by Angas.¹⁴ Ultimately, they established twelve villages there, notably Bethanien (Bethany, 1842), and Langmeil (now part of Tanunda, 1846).¹⁵ The success of Lutheran communities in the Adelaide Hills and the Barossa Valley established a 'chain' of German migration to South Australia which endured to 1914,¹⁶ and South Australian Lutheran settlements served as the nucleus from which Lutheran communities and missions throughout Australasia were established.

Summary of State Heritage Place: 26621 12 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

From settlement onwards, conflict arose within the South Australian Lutheran community on questions of orthodoxy. Kavel and Fritzsche sometimes disagreed, yet the pair deliberately put their theological differences aside to prioritise harmony and cohesiveness within the South Australian Lutheran community.¹⁷

Tensions between the followers of Kavel and Fritzsche finally boiled over at the Bethany convention in August 1846.¹⁸ Kavel and his followers departed the meeting and defied Fritzsche's pleas for them to return.¹⁹ This incident split the South Australian Lutheran Church, resulting in the creation of the Bethany-Lobethal Synod (subsequently known as the Evangelical Lutheran Synod of Australia, and later the Evangelical Lutheran Church in Australia, or ELCA) led by Fritzsche, and the Langmeil-Light Pass Synod (subsequently known as the Evangelical Lutheran Immanuel Synod, and later the United Evangelical Lutheran Church of Australia, or UELCA) led by Kavel. As a result of this and subsequent rifts, many South Australian towns possessed two competing Lutheran congregations.

The schism that occurred in Bethany in 1846 was not fully resolved until 1966, when the UELCA and the ELCA merged to form the Lutheran Church of Australia (LCA). Following the creation of the LCA, many congregations merged, and their surplus churches were subsequently closed. Sometimes this required the construction of new church buildings to accommodate larger congregations. New, modern Lutheran Churches built during the period c.1970 – c.1990 are unusually numerous in country areas, compared to those built by other denominations.²⁰

Light Pass and Zur Engen Pforte

Silesian mineralogist Johannes Menge visited the area now known as the Barossa Valley, and praised the quality of the country in a letter written to George Fife Angas in April 1838.²¹ On Menge's advice Angas claimed seven Special Surveys in the Barossa Valley through his agent Charles Flaxman, which were surveyed in 1840.²² The Peramangk people, the traditional owners of the Barossa Valley, were rapidly dispossessed²³ through European land use practices that made it difficult for the Peramangk to survive, let alone carry on their complex cultural life.

The introduction of pastoralism from about 1838 resulted in widespread degradation of the land and pollution of the waterways with dung,²⁴ especially in the Barossa, where large flocks of sheep and herds of cattle were sometimes held for months to rest and fatten for sale.²⁵ Later, land selection by the claimants of Special Surveys restricted access to water, since claimants typically selected land along both sides of watercourses in an attempt to make the surrounding land less desirable to other selectors.²⁶ Within a few years the Peramangk people were displaced and restricted from their traditional lands, though First Nations people from around the River Murray continued to camp in the area.²⁷

Light Pass was named for Colonel Light, who visited the area during 1839 while undertaking a Special Survey for Flaxman.²⁸ On 17 September 1845, the barque

Summary of State Heritage Place: 26621 13 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Heerjeebhoy Rustomjee Patel arrived in Port Adelaide, carrying 262 migrants from Bremen,²⁹ many of whom subsequently settled at Light Pass.³⁰ In 1846, the year of the tumultuous Bethany convention, Pastor Kavel established a Lutheran congregation at Light Pass and subsequently oversaw construction of a *fachwerk* (timber-framed) schoolhouse and chapel,³¹ the latter completed in 1850. From the time of its foundation, the congregation was served by Pastor Kavel, then based in Langmeil, with assistance from Pastor G. W. Staudenmeyer, who arrived from Germany at Christmas 1857 to become the first resident minister at Light Pass.³²

Kavel died on 12 February 1860. In the absence of his leadership, 'simmering' tensions boiled over and split the Langmeil – Lights Pass Synod.³³ 25 families left the Light Pass congregation and established their own,³⁴ calling on district schoolteacher Gustav Julius Rechner to serve as their Pastor. The congregation built a new church approximately 200 metres west of the existing church, adjacent to Pastor Rechner's existing cottage (SHP 16344). They named the new church Zur Engen Pforte (To the Narrow Gate), in allusion to a scriptural passage in the New Testament's Book of Matthew (Matthew 7:13-14):

¹³ *Gehet ein durch die enge Pforte. Denn die Pforte ist weit, und der Weg ist breit, der zur Verdammnis abführt; und ihrer sind viele, die darauf wandeln.*

¹⁴ *Und die Pforte ist eng, und der Weg ist schmal, der zum Leben führt; und wenige sind ihrer, die ihn finden.*

¹³ Enter ye in at the strait gate: for wide is the gate, and broad is the way, that leadeth to destruction, and many there be which go in thereat:

¹⁴ Because strait is the gate, and narrow is the way, which leadeth unto life, and few there be that find it.³⁵

This first church and an adjacent manse were both opened and dedicated on 4 August 1861.³⁶

In c.1872, the congregation acquired a large 36-inch (915mm) diameter bronze bell from the Kleinwelka Foundry, Germany, with a tone of G#, which it temporarily suspended from a timber platform near the church.³⁷ In 1887, a stone belltower was added to the front of the church to house the bell. In 1914, a schoolhouse was built on the northern side of Zur Engen Pforte Church. In 1925, the Zur Engen Pforte congregation acquired a pipe organ, purpose-built for the church by Adelaide-based organ builder Josia Eustace Dodd (b. 1856 – d. 1952).³⁸ The tower spire was replaced and the new spire dedicated on 12 February 1939.³⁹ At some point, a church hall was built on the southern side of the church.

Strait Gate Lutheran Church

By the end of the Second World War, the UELCA Light Pass congregation's church was known as Strait Gate Church,⁴⁰ reflecting broader trends away from the use of the German language in Lutheran worship. By the late 1940s, the existing Zur Engen Pforte

Summary of State Heritage Place: 26621 14 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Church could no longer support its growing congregation. This and the considerable financial expenditure necessary to repair the building encouraged the congregation to consider building a new church.⁴¹

On 21 November 1949, the Church Committee recommended the election of a Building Committee, originally intended only to oversee extensions to the Lutheran school, now known as the Strait Gate Church Hall. This Building Committee, comprised of Pastor Rudolph Berthold Reuther (b. 1897 – d. 1973) and 12 members of the congregation.⁴²

On 25 January 1951, the annual Church Management Committee meeting began planning the congregation's centenary, then due to occur in ten years' time. At this meeting, the Committee resolved to establish a Jubilee Fund and a Jubilee Committee to oversee fundraising.⁴³ Three years later on 31 January 1954, the Jubilee Committee considered the future of the church building and determined that the most economical approach would be to demolish the existing church, leaving only the tower, and to build a brand-new church from the ground up. By 30 January 1955, the Jubilee Committee had raised £1,242/9/3.⁴⁴

On 21 December 1958, the Church Management Committee called a special church conference meeting to consider the progress of the Jubilee Committee. This meeting resolved to engage Eric von Schramek to prepare plans and specifications for a new church and an adjacent manse.⁴⁵ The existing Building Committee was tasked with overseeing their construction.⁴⁶

Unusually for a postwar South Australian church, von Schramek's proposed design drew upon direct symbolism as the primary generator of form.⁴⁷ Viewed from above, the plan formed a triangle, a shape associated with the Holy Trinity. The plan and elevation of the church was directly inspired by the quotation from which the name of the church was derived, 'Enter ye in at the strait gate', with a tall, broad, and plain cream brick façade serving to emphasise the narrowness of the main entry door. Inside, the ceiling was designed to slope downwards and the walls angled to converge towards the sanctuary, emphasising the altar.⁴⁸

The phrase 'Enter ye in at the strait gate' was also spelled out on the façade in large copper letters. This idea was probably borrowed from Bundaberg's St John Lutheran Church, designed by notable Queensland-based émigré architect Karl Langer (b. 1903 – d. 1969), in which the front façade was designed to resemble an open Bible with prominent scriptural quotations. St John's Lutheran Church, which opened in April 1960, also formed part of the UELCA synod and photographs of the church under construction featured prominently in Lutheran publications of the time.⁴⁹

The overall triangular plan of von Schramek's proposed new Strait Gate Church was covered by a pair of gabled, butterfly roofs, creating a highly unusual roofline which remains unique for a church in South Australia.⁵⁰ The proposed church was steel-framed, with non-loadbearing cavity brick walls. Notably, four pairs of steel columns, arrayed down either side of the nave, framed sawtooth window openings in the side

Summary of State Heritage Place: 26621 15 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

walls, while also carrying much of the weight of the main nave roof. The sawtooth windows admitted natural light into the nave while avoiding glare for the seated congregation.

The siting of the new church was constrained by the need to retain the old church, which was still required for worship throughout the construction of the new. The new church was built to the south of the old church and behind the existing manse. This resulted in an off-axis relationship between the church and what became a freestanding tower, connected only by a cloister, and a broad forecourt, which was paved and landscaped.

At the congregation's suggestion, von Schramek deliberately integrated the tower from Zur Engen Pforte Church into the new design.⁵¹ The retention of the tower juxtaposed new and old and in von Schramek's words symbolised a congregation that was 'alive and aggressive, planning for the future whilst respecting and carrying on our traditions and heritage.'⁵²

Inside the church, von Schramek hoped to provide 'a place for quiet meditation and undisturbed worship'.⁵³ He provided nominal seating for 450 in the nave and a gallery.⁵⁴ In the nave, he provided two banks of pews, each standing on a raised jarrah floating floor raised approximately two inches above the level of the main concrete slab floor. On the ceiling, he employed partly-concealed fluorescent lighting, mounted on the western side of boxed-in roof trusses, to illuminate the interior while also minimising glare for the congregation, an innovative approach at the time of its implementation.⁵⁵ At the back of the gallery, von Schramek provided a studwork screen fitted with perforated acoustic ply and frosted glass panels. The latter afforded borrowed natural light to the gallery, in turn admitted from brick-screened windows folded into the street elevation of the church. Strait Gate Lutheran Church also featured an enclosed, glass-fronted 'crying room' for parents with young children.

Von Schramek specified a palette of materials including cream face brick, manufactured by local Nuriootpa brickmaker O. J. Kreig, for the interior and exterior walls; copper front doors; tiles for the sanctuary and narthex floor; a pulpit and font base in coarse aggregate concrete; pink Angaston marble for the porch steps and freestanding altar; radiata pine matchboard ceilings and gallery soffit; and clear-finished Tasmanian oak pews.

The church was designed with a complete, integrated PA system, including permanent microphones on the altar, pulpit and lectern; loudspeakers built into the nave brickwork; headphone jacks in the first three pews for parishioners with hearing impairment; and another loudspeaker in the crying room.⁵⁶

Probably on von Schramek's recommendation, South Australian émigré artist Josef Stanislaus (Stan) Ostojka-Kotkowski, a previous collaborator, was commissioned to design a reredos for the sanctuary of the church. Comprised of coloured glass mounted in a timber studwork frame, the reredos depicted the 'stormy sky' at Calvary or Golgotha,⁵⁷ the traditional site of Christ's crucifixion outside the walls of ancient

Summary of State Heritage Place: 26621 16 of 31

Provisionally entered by the South Australian Heritage Council on 30 April 2026

Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Jerusalem. The reredos was designed to be backlit, with natural light from clerestory windows in the wall at the sanctuary end of the nave.

In 1959, Eric von Schramek submitted his 'radical contemporary' proposal 'with trepidation' to a Church Committee meeting, considering it likely to be rejected. To his surprise, the Committee accepted his proposal 'without dissent.'⁵⁸ Pastor Reuther was pleased with the progressive design; that evening, as architect and pastor celebrated, Reuther explained that while a traditional design would have encouraged criticism and discussion, von Schramek's progressive design was accepted readily,⁵⁹ perhaps because of its unfamiliarity.

Final working drawings and specifications for both the new church and the manse were completed prior to Christmas 1959. These were shared with the congregation on 21 February 1960.⁶⁰ Tenders were called around this time, resulting in the receipt of five tenders. On 21 February 1960, at a special congregational meeting, the Church Committee accepted the lowest tender of £26,828 from Hausler & Post in conjunction with C. O. Junken Pty Ltd,⁶¹ and voted to proceed with construction of the new Strait Gate Church.

Work began on site soon afterward. The footings and steel structure of the church were erected first. The existing manse, known as the Jacob house, which also housed the Light Pass Post Office, was demolished near the end of this process to make way for a forecourt in front of the new church. With the structural frame in position, bricklaying and roof construction proceeded concurrently.⁶²

On 7 August 1960, J. J. Stolz, a former pastor of the Light Pass congregation and subsequent UELCA President General, laid the new church's foundation stone, in pink Angaston marble. About 800 people attended this ceremony. Exactly three months later, the last brick was laid. By this time, the steel roof covering was in position and the ceiling lining was almost completed.⁶³ The steel spire at the western end was prefabricated on the ground and then hoisted into position.⁶⁴ During construction of the new church, work by volunteers shed approximately £900 off the tender price.⁶⁵

For a brief period in 1961, the old and nearly completed new churches stood side-by-side. The last service in Zur Engen Pforte Church was held on 7 May 1961 and services were thereafter held in the adjacent church hall until the opening of the new church. The old church was then demolished in June, leaving only the tower, which was subsequently integrated into the new church per von Schramek's design.⁶⁶ The Zur Engen Pforte organ, built in 1925, was reinstalled in the new organ gallery.⁶⁷

Strait Gate Lutheran Church was opened and dedicated on 6 August 1961. An estimated 1,800 people attended the service, which also marked the centenary of the congregation.⁶⁸ Financial offerings received to the building fund during the opening service amounted to £1,755/3/-, allowing the new church, built at a total cost £34,858/16/5, to be declared open free of debt.⁶⁹ Nevertheless, financial constraints on the congregation meant that the manse, designed at the same time as the church, was not commenced during the 1960s.

Summary of State Heritage Place: 26621 17 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Along with St Catherine of Sienna Anglican Church at Hallett (1957), designed by Lawson Cheesman Doley and Partners, and St Antony of Padua Catholic Church at Edwardstown (1959), designed by Sydney architect Kevin Curtin, the new Strait Gate Lutheran Church was one of the first South Australian postwar churches to depart from a traditional rectangular floorplan.⁷⁰ As one of the more radical church designs of the 1960s, Strait Gate helped establish a precedent for places of worship with more complicated plans and forms.⁷¹ Echoing an idea first used at Strait Gate, Von Schramek also retained an earlier church tower in his design for the new St Petri Lutheran Church, Nuriootpa, completed in 1968.

A manse was added to the southern side of the church and completed in 1978, though not to von Schramek's original design. In 1987, the original stone tower was pressure-cleaned, the mortar was repaired and relined, new box gutters were installed, the weathervane was sandblasted and refixed, and the spire floodlit.⁷² The tower was listed as a Local Heritage Place in March 2004. When reflecting on his career in 2007, Eric von Schramek regarded Strait Gate Lutheran Church as his most radical church design.⁷³ The Light Pass Strait Gate congregation celebrated its 150th anniversary in 2011. One pew was removed from the nave during the early 2020s to accommodate parishioners with mobility difficulties.⁷⁴



Strait Gate Lutheran Church.

Source: DEW Files, 1 October 2025

Summary of State Heritage Place: 26621 18 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Chronology

Year	Event
1817	In Prussia, monarch Friedrich Wilhelm III introduces a common state liturgy and union of churches.
1834	Friedrich Wilhelm III compels all Prussian congregations to adopt his state liturgy.
1835	August: Ludwig Christian Kavel, Pastor of Klemzig, resigns in protest.
c.1838	Pastoralism is introduced to the Barossa Valley, resulting in widespread land and water degradation, and beginning the displacement of the Peramangk people from their traditional lands.
1838	April: Johannes Menge writes to George Fife Angas, praising the quality of the country in the Barossa Valley. November: Kavel and his followers, sponsored by George Fife Angas, arrive at Port Adelaide aboard the <i>Prince George</i> , and subsequently settle at Klemzig on the River Torrens. 28 December: another group of Lutheran families arrive in Port Adelaide aboard the <i>Zebra</i> , under command of Captain Dirk Meinerts Hahn.
1839	Colonel William Light visits the Barossa Valley while undertaking a Special Survey for Angas's agent, Charles Flaxman.
1839	March: the <i>Zebra</i> families settle in Hahndorf, named after Hahn. Some Klemzig families also relocate to Hahndorf, geographically splitting Kavel's congregation.
1839	May: the first Lutheran convention on Australian soil resolves to invite Pastor Gotthard Daniel Fritzsche, from Posen in Prussia, to join the South Australian Lutheran community.
1841	October: Fritzsche arrives in South Australia.
1842	Bethany becomes the first Lutheran township to be established in the Barossa Valley.
c.1844	Gottfried Scholz selects land at Light Pass. ⁷⁵
1845	17 September: the barque <i>Heerjeebhoy Rustomjee Patel</i> arrives in Port Adelaide, carrying 262 migrants from Bremen, many of whom subsequently settle at Light Pass.
1846	Kavel establishes and begins preaching to a Lutheran congregation at Light Pass. 16-18 August: a schism occurs at the Bethany convention, splitting the South Australian Lutheran Church.
1850	The first Light Pass Lutheran chapel is completed.

Summary of State Heritage Place: 26621 19 of 31

Provisionally entered by the South Australian Heritage Council on 30 April 2026

Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

- 1857 Pastor G. W. Staudenmeyer arrives from Germany to assist Kavel, becoming the first resident minister at Light Pass.
- 1860 12 February: Kavel dies.
25 families leave the Light Pass congregation and establish their own, building a new church a short distance west of the existing church.
- 1861 18 March: Zur Engen Pforte Church foundation stone laid by Pastors Rechner and Auricht.
4 August: Zur Engen Pforte Church opened.
- c.1872 Zur Engen Pforte congregation acquires a bronze bell from Germany.
- 1887 A stone belltower is added to the front of Zur Engen Pforte Church to house the bell.
- 1925 The Zur Engen Pforte congregation acquires a pipe organ, purpose-built for the church by Adelaide-based organ builder Josia Eustace Dodd (b. 1856 – d. 1952).
- 1939 12 February: a new Zur Engen Pforte tower spire is dedicated.
- 1945 The United Evangelical Lutheran Light Pass congregation's church is widely known as Strait Gate Church, rather than Zur Engen Pforte.
- 1949 21 November: the Church Committee recommends election of a building committee.
- 1951 25 January: Church Management Committee meeting begins planning the Strait Gate congregation's centenary, due in ten years' time, and establishes a Jubilee Fund and a Jubilee Committee.
- 1954 31 January: the Jubilee Committee determines to demolish the existing church, leaving the tower, and to build a replacement church from the ground up.
- 1957 25 July: the Strait Gate congregation becomes an incorporated body, known as Evangelical Lutheran Strait Gate Congregation Light Pass Inc.
- 1958 21 December: the Church Management Committee resolves to engage Eric von Schramek to prepare plans and specifications for a new church and adjacent manse.
- 1959 Eric von Schramek submits his 'radical contemporary' proposal to the Church Committee; the committee accepts his proposal 'without dissent.'
Christmas: final working drawings and specifications for both the new church and the manse are completed.
- 1960 21 February: the Church Committee accepts a tender of £26,828 from Hausler & Post in conjunction with C. O. Junken Pty Ltd to build the new church.
3 April: St John's Lutheran Church, Bundaberg is opened and dedicated.

Summary of State Heritage Place: 26621 20 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

- 7 August: J. J. Stolz lays the foundation stone of the new Strait Gate Lutheran Church.
- 7 November: the last brick of the new Strait Gate Lutheran Church is laid.
- 1961 7 May: the last service is held in the old church.
- June: the old Zur Engen Pforte Church and the adjacent Jacob house are both demolished.
- 6 August: the new Strait Gate Lutheran Church is opened and dedicated at a service which also marked the centenary of the congregation.
- 1966 Amalgamation of the United Evangelical Lutheran Church in Australia (UELCA) with the Evangelical Lutheran Church of Australia (ELCA) to form the Lutheran Church of Australia.
- 1978 16 April: the manse adjacent to Strait Gate Lutheran Church is dedicated.
- 1987 The surviving Zur Engen Pforte tower is cleaned, repaired and floodlit.
- 2004 The surviving Zur Engen Pforte tower is Local Heritage listed.
- 2011 The Strait Gate Light Pass congregation celebrates its 150th anniversary.
- c.2022 One pew is removed from the nave to accommodate people with reduced mobility.

Summary of State Heritage Place: 26621 21 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Bibliography

Books and Chapters

- Richard Apperly, Irving and Reynolds, *A Pictorial Guide to Identifying Australian Architecture: styles and terms from 1788 to the present* (1989) North Ryde NSW: Angus and Robertson
- Lothar Brasse, 'The First Special Survey' in Gordon Young, Ian Harmstorf, Lothar Brasse and Alexandra Marsden, *Hahndorf Volume 1: A survey carried out for the Australian Heritage Commission* (1981) Techsearch Inc.
- Gretchen Buggeln, *The Suburban Church: Modernism and Community in Postwar America* (2015) University of Minnesota Press
- Chris Burns, *Liturgy, Community, Modernity: postwar places of worship in South Australia 1945 – 1990* (2020) Adelaide SA: Architecture Museum, University of South Australia
- Ian A. Harmstorf, 'German Settlement in South Australia to 1914' in Ian A. Harmstorf (ed), *Insights into South Australian History Volume 2: South Australia's German History and Heritage* (1994) Adelaide SA: Historical Society of South Australia Inc.
- Ian Harmstorf, 'The history of German migration and the reasons for emigration to South Australia: Economic, Political, Religious' in in Gordon Young, Ian Harmstorf, Lothar Brasse and Alexandra Marsden, *Hahndorf Volume 1: A survey carried out for the Australian Heritage Commission* (1981) Techsearch Inc.
- Theodor Hebart, *The United Evangelical Lutheran Church in Australia (U.E.L.C.A.): its history, activities and characteristics, 1838-1938* (1938) North Adelaide SA: Lutheran Book Depot
- Immanuel Lutheran Church Light Pass, *The Centenary of Immanuel Lutheran Church, Light Pass, Nov. 1950* (1950) Light Pass SA: Immanuel Lutheran Church
- Greg Kretschmer, *Celebrating 150 Years: Strait Gate Church, Light Pass, 1861-2011* (2011) Light Pass, SA: Evangelical Lutheran Strait Gate Congregation
- Everard Leske, *For Faith and Freedom: the story of Lutherans and Lutheranism in Australia 1838-1996* (1996) Bowden SA: Friends of Lutheran Archives
- Michael Page, *Sculptors in Space: South Australian Architects 1836-1986* (1986) Adelaide SA: Royal Australian Institute of Architects (South Australian Chapter)
- Nain Lutheran Church, *The Centenary of the Lutheran Church Nain* (1956) Nain SA: Nain Lutheran Church
- Geoff Saegenschnitter, *Greenock and district 1846-1986: a history of Greenock and the surrounding districts of Nain, Daveyston, Moppa, Walton and Seppeltsfield* (1986), Adelaide SA: Lutheran Publishing House
- Eric von Schramek and Helen Gordon, *Reminiscences: Eric von Schramek and his churches* (2007) Adelaide: Lutheran Archives, South Australia
- David Schubert, 'Lutheran Church' in Wilfred Prest (ed) *The Wakefield Companion to South Australian History* (2001) Kent Town SA: Wakefield Press

Journals

- Christopher Clark, 'Confessional policy and the limits of state action: Frederick William III and the Prussian Church Union 1817-40' in *The Historical Journal* (1996) 39, 4
- Ian Harmstorf, 'Some common misconceptions about South Australia's Germans' in *Journal of the Historical Society of South Australia* (1979) No. 1

Pamphlets

- Strait Gate Lutheran Church, *Strait Gate Lutheran Church Light Pass, S.A. Centenary 1861-1961* (1961) Light Pass SA: Strait Gate Lutheran Church

Summary of State Heritage Place: 26621 22 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Reports and Theses

Chris Burns, 'Postwar Places of Worship in South Australia 1945 – 1990, Report for the Environment and Water South Australian Built Heritage Research Project 2018-2019' (2019) Adelaide: Architecture Museum, University of South Australia

J. K. Chilman, *Barossa Valley Aboriginal Heritage Survey: Pilot Study*, a report to Aboriginal Heritage Branch South Australian Department of Environment and Planning (1990)

Newspapers and Periodicals

'Shipping Intelligence' in *South Australian* 19 September 1845 p. 2 <http://nla.gov.au/nla.news-article71602779>

'The "Herjeebhoy Rustomjee Pattle," from Germany.' in *South Australian Register* 20 September 1845 p. 2 <http://nla.gov.au/nla.news-article27450921>

'Angaston.' in *South Australian Register* 12 August 1861 p. 3 <http://nla.gov.au/nla.news-article50085817>

'Miss Valma Linke and Cpl. F. R. Klix Married at Light Pass' in *Leader* (Angaston) 1 March 1945 p. 3 <http://nla.gov.au/nla.news-article166391792>

'A New Church at Bundaberg' in *Lutheran Herald* 13 February 1960 p. 45

'South Australia, Foundation Stone Laying, Strait Gate, Light Pass, Sunday August 7th' in *Lutheran Herald* 27 August 1960 p. 257

Web

Alison McDougall, 'Von Schramek, Eric Emil (Sir)' in Architects of South Australia Database https://architectsdatabase.unisa.edu.au/arch_full.asp?Arch_ID=53

June Edwards, Joseph Stanislaus Ostojka-Kotkowski, SA History Hub <https://sahistoryhub.history.sa.gov.au/people/josef-stanislaus-ostojka-kotkowski/#tab-content>

D. Van Abbè, 'Kavel, August Ludwig Christian (1798–1860)' in Australian Dictionary of Biography <https://adb.anu.edu.au/biography/kavel-august-ludwig-christian-2287>

'Light Pass' in Manning Index of South Australian History <https://manning.collections.slsa.sa.gov.au/pn//l3.htm#lightP>

Organ Historical Trust of Australia, Immanuel Lutheran Church <https://www.ohota.org.au/organs/organs/LightPassLuth.html>

Archival

RAIA Significant 20th Century Architecture Card Index (RAIA Collection S301/2 AM); <https://web.archive.org/web/20160304002703if/http://www.architecture.com.au/docs/default-source/act-notable-buildings/120-notable-buildings.pdf>

State Library of South Australia Catalogue <https://collections.slsa.sa.gov.au/resource/B+16011>

Presentations

Chris Burns, 'Architectural Innovators: Eric von Schramek and Norman Drogemuller,' talk for the Friends of the Lutheran Archives, 21 September 2023, Pilgrim Lutheran Church, Magill, available online: <https://www.youtube.com/watch?v=qfIMpDi3O0M>

Summary of State Heritage Place: 26621 23 of 31

Provisionally entered by the South Australian Heritage Council on 30 April 2026

Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

PHOTOS

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621

All images in this section were taken by DEW staff on 4 October 2024, unless otherwise indicated.



Strait Gate Lutheran Church, exterior, street elevation.



Strait Gate Lutheran Church, exterior, street elevation, note quotation in copper letters.

Summary of State Heritage Place: 26621 24 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621



Strait Gate Lutheran Church, part of western elevation, note spire on right.



Strait Gate Lutheran Church, northern and western elevations, note butterfly roof form.

Summary of State Heritage Place: 26621 25 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621



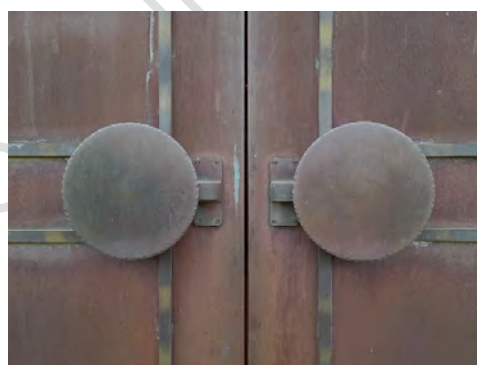
Southern and western elevations.



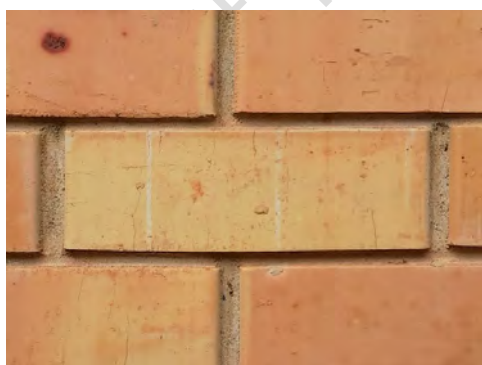
Porch.



Foundation stone dated 7 August 1960.



Detail of front door.



Detail of cream brick, note rounded ends.



Covered way to street elevation.

Summary of State Heritage Place: 26621 26 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621



Interior nave looking towards sanctuary.



Strait Gate Lutheran Church, interior viewed from gallery.

Summary of State Heritage Place: 26621 27 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621



Nave looking towards sanctuary.



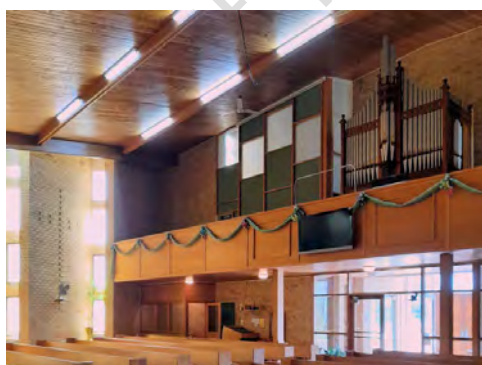
Reredos screen in coloured glass.



Nave showing sawtooth windows in side wall.



Interior nave looking towards gallery.



Gallery showing organ.



Cross motif in projecting stretchers on nave walls.

Summary of State Heritage Place: 26621 28 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

Strait Gate Lutheran Church
412 Light Pass Road, Light Pass

PLACE NO.: 26621



Pulpit in coarse aggregate concrete.



Lectern; note tiled sanctuary floor.



Font; note base in coarse aggregate concrete.



Detail of reredos screen.



Vestry.



Vestry.

Summary of State Heritage Place: 26621 29 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

-
- ¹ Christopher Clark, 'Confessional policy and the limits of state action: Frederick William III and the Prussian Church Union 1817-40' in *The Historical Journal* (1996) 39, 4 p. 985
- ² Ian A. Harmstorf, 'German Settlement in South Australia to 1914' in Ian A. Harmstorf (ed), *Insights into South Australian History Volume 2: South Australia's German History and Heritage* (1994) Adelaide SA: Historical Society of South Australia Inc. p. 18
- ³ Harmstorf, 'German Settlement in South Australia', p. 18
- ⁴ David Schubert, 'Lutheran Church' in Wilfred Prest (ed) *The Wakefield Companion to South Australian History* (2001) Kent Town SA: Wakefield Press p. 323
- ⁵ Ian Harmstorf, 'The history of German migration and the reasons for emigration to South Australia: Economic, Political, Religious' in Young et al p. 49
- ⁶ D. Van Abbè, 'Kavel, August Ludwig Christian (1798-1860)' in Australian Dictionary of Biography <https://adb.anu.edu.au/biography/kavel-august-ludwig-christian-2287>
- ⁷ Burns, *Postwar Places of Worship*, p. 18
- ⁸ Everard Leske, *For Faith and Freedom: the story of Lutherans and Lutheranism in Australia 1838-1996* (1996) Bowden SA: Friends of Lutheran Archives p. 25
- ⁹ D. Van Abbè, 'Kavel, August Ludwig Christian (1798-1860)'
- ¹⁰ Lothar Brasse, 'The First Special Survey' in Young et al p. 57
- ¹¹ Everard Leske, *For Faith and Freedom* p. 35
- ¹² Leske, *For Faith and Freedom* pp. 33-34
- ¹³ Leske, *For Faith and Freedom* p. 37
- ¹⁴ Ian Harmstorf, 'Some common misconceptions about South Australia's Germans' in *Journal of the Historical Society of South Australia* (1979) No. 1 p. 43
- ¹⁵ Harmstorf, 'German Settlement in South Australia to 1914', p. 18
- ¹⁶ Harmstorf, 'The history of German migration' in Young et al p. 51
- ¹⁷ Leske, *For Faith and Freedom* p. 45
- ¹⁸ Leske, *For Faith and Freedom* p. 51
- ¹⁹ Leske, *For Faith and Freedom* p. 51
- ²⁰ Burns, 'Postwar Places of Worship' Appendix 1
- ²¹ J. K. Chilman, *Barossa Valley Aboriginal Heritage Survey: Pilot Study*, a report to Aboriginal Heritage Branch South Australian Department of Environment and Planning (1990) p. 2
- ²² Chilman, *Barossa Valley Aboriginal Heritage Survey*, p. 19
- ²³ Chilman, *Barossa Valley Aboriginal Heritage Survey*,
- ²⁴ Chilman, *Barossa Valley Aboriginal Heritage Survey*, pp. 23-24
- ²⁵ Chilman, *Barossa Valley Aboriginal Heritage Survey*, p. 23
- ²⁶ Chilman, *Barossa Valley Aboriginal Heritage Survey*, p. 17
- ²⁷ Chilman, *Barossa Valley Aboriginal Heritage Survey*, p. 5
- ²⁸ 'Light Pass' in the Manning Index of South Australian History <https://manning.collections.slsa.sa.gov.au/pn/l/l3.htm#lightP>
- ²⁹ 'Shipping Intelligence' in *South Australian* 19 September 1845 p. 2; 'The "Herjeebhoy Rustomjee Pattle," from Germany.' in *South Australian Register* 20 September 1845 p. 2
- ³⁰ Organ Historical Trust of Australia, Immanuel Lutheran Church, Light Pass South Australia <https://www.ohota.org.au/organs/organs/LightPassLuth.html>
- ³¹ State Library of South Australia Catalogue <https://collections.slsa.sa.gov.au/resource/B+16011>
- ³² Nain Lutheran Church, *The Centenary of the Lutheran Church Nain*; Immanuel Lutheran Church Light Pass, *The Centenary of Immanuel Lutheran Church, Lights Pass*, Nov. 1950 (1950) Light Pass SA: Immanuel Lutheran Church p. 4
- ³³ Geoff Saegenschnitter, *Greenock and district* p. 112
- ³⁴ Leske, *For Faith and Freedom* p. 57; Theodor Hebart, *The United Evangelical Lutheran Church in Australia (U.E.L.C.A.): its history, activities and characteristics, 1838-1938* (1938) North Adelaide SA: Lutheran Book Depot p. 69
- ³⁵ Luther Bible; King James Version
- ³⁶ 'Angaston.' in *South Australian Register* 12 August 1861 p. 3
- ³⁷ Organ Historical Trust of Australia, Immanuel Lutheran Church (web)
- ³⁸ Organ Historical Trust of Australia, Immanuel Lutheran Church (web)
- Summary of State Heritage Place: 26621 30 of 31
- Provisionally entered by the South Australian Heritage Council on 30 April 2026
- Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

OFFICIAL

- ³⁹ Greg Kretschmer, *Celebrating 150 Years: Strait Gate Church, Light Pass, 1861-2011* (2011) Light Pass, SA: Evangelical Lutheran Strait Gate Congregation p. 131
- ⁴⁰ For example, 'Miss Valma Linke and Cpl. F. R. Klix Married at Light Pass' in *Leader* (Angaston) 1 March 1945 p. 3 <http://nla.gov.au/nla.news-article166391792>
- ⁴¹ Strait Gate Lutheran Church, *Strait Gate Lutheran Church Light Pass, S.A. Centenary 1861-1961* (1961) Light Pass SA: Strait Gate Lutheran Church
- ⁴² Kretschmer, *Celebrating 150 Years*, p. 43
- ⁴³ Kretschmer, *Celebrating 150 Years*, p. 43
- ⁴⁴ Kretschmer, *Celebrating 150 Years*, pp. 44-45
- ⁴⁵ Kretschmer, *Celebrating 150 Years*, p. 46
- ⁴⁶ Kretschmer, *Celebrating 150 Years*, p. 43
- ⁴⁷ Burns, 'Postwar Places of Worship', p. 158
- ⁴⁸ Burns, 'Postwar Places of Worship', p. 158
- ⁴⁹ For example, 'A New Church at Bundaberg' in *Lutheran Herald* 13 February 1960 p. 45
- ⁵⁰ One other butterfly-roofed church is known in South Australia, namely Hawthorn Church of Christ, attributed to South Australian architect Lance Brune and opened in 1965.
- ⁵¹ Kretschmer, *Celebrating 150 Years* p. 49
- ⁵² Strait Gate Lutheran Church, *Strait Gate Lutheran Church* p. 15
- ⁵³ Kretschmer, *Celebrating 150 Years* p. 60
- ⁵⁴ Burns, 'Postwar Places of Worship' p. 158
- ⁵⁵ 'South Australia, Foundation Stone Laying, Strait Gate, Light Pass, Sunday August 7th' in *Lutheran Herald* 27 August 1960 p. 257
- ⁵⁶ Kretschmer, *Celebrating 150 Years* p. 59
- ⁵⁷ Von Schramek and Helen Gordon, *Reminiscences* p. 73
- ⁵⁸ Von Schramek and Helen Gordon, *Reminiscences* p. 73
- ⁵⁹ Von Schramek and Helen Gordon, *Reminiscences* p. 73
- ⁶⁰ Kretschmer, *Celebrating 150 Years* p. 46
- ⁶¹ Kretschmer, *Celebrating 150 Years* pp. 46, 50
- ⁶² Kretschmer, *Celebrating 150 Years* pp. 49-53
- ⁶³ Kretschmer, *Celebrating 150 Years* p. 49
- ⁶⁴ Kretschmer, *Celebrating 150 Years* p. 53
- ⁶⁵ Kretschmer, *Celebrating 150 Years* p. 57
- ⁶⁶ Kretschmer, *Celebrating 150 Years* p. 50. The tower stonework was cleaned and the spire refurbished at this time.
- ⁶⁷ Organ Historical Trust of Australia, Immanuel Lutheran Church (web)
- ⁶⁸ Kretschmer, *Celebrating 150 Years* p. 55
- ⁶⁹ Kretschmer, *Celebrating 150 Years* p. 57
- ⁷⁰ St Catherine's and St Antony's Churches both deployed square floorplans with atypical seating arrangements oriented around a corner altar; Strait Gate Lutheran Church was the first known church with a triangular floorplan to be built in South Australia.
- ⁷¹ Burns, 'Postwar Places of Worship' p. 159
- ⁷² Kretschmer, *Celebrating 150 Years*
- ⁷³ Von Schramek and Helen Gordon, *Reminiscences* p. 72; von Schramek uses the word 'contemporary' which is implied to be synonymous with radical.
- ⁷⁴ Rev Wally Schiller, Pers. Comm. 1 October 2025
- ⁷⁵ Immanuel Lutheran Church Light Pass, *The Centenary of Immanuel Lutheran Church, Lights Pass, Nov. 1950* (1950) Light Pass SA: Immanuel Lutheran Church p. 3

Summary of State Heritage Place: 26621 31 of 31
Provisionally entered by the South Australian Heritage Council on 30 April 2026
Open for Public Consultation from 7 May 2026 to 7 August 2026

OFFICIAL

Reference: TRIM

29 May 2026

Board and Policy Officer

South Australian Heritage Council

GPO Box 1047

Adelaide SA 5001

Dear Sir/Madam,

Thank you for providing information from the South Australian Heritage Council pertaining to the provisional entry of Strait Gate Lutheran Church, 412 Light Pass Road, Light Pass as a State Heritage Place (SHP) in the South Australian Heritage Register to be known as "Strait Gate Lutheran Church (Single-storey brick church with mezzanine and stone belltower)".

This submission forms an attachment to the formal submission form.

After careful review of the proposed provisional SHP listing, Council supports the broader proposal and detailed assessment provided in accordance with Section 16(1) of the *Heritage Places Act 1993* as it seeks to:

- Elevate the 'bell tower' from Local Heritage Place (LHP) to new SHP listing; and
- Include the church building and its associated features.

Council has identified the following additional feedback for consideration:

- The history references the adjacent SHP, Pastor Recliner's Cottage, and the existing manse constructed in the 1970's, however seems to be silent on the existing building to the south of the Church and behind the Manse. This is believed to be known as the 'Old Mission House' and that it played a not insignificant role in spreading the Lutheran gospel throughout the far north of South Australia and into the Northern Territory. The Old Mission House seems to reflect the broader development of the Lutheran Church in Light Pass and its outreach.

The proximity of the Old Mission House to the Church must have had some impact on the proposed design of the Church.

- It should be noted the Old Mission House building was proposed for demolition through a development application in 2010, and again in 2019, with both applications being subsequently refused (or withdrawn) based on unacceptable heritage impacts identified by Heritage SA through their formal referral response.

The referral response in the 2019 application did make mention the Old Mission House may meet criteria for a LHP. Council does not consider the inclusion of a LHP amongst a broader site of state heritage significance as being an appropriate measure to enable its protection given its connection to the broader state heritage importance of the site.

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215



- Council sees greater efficiency and consistency can be achieved through the holistic heritage management of the overall site. Therefore, Council suggests greater consideration to the following:
 - o Whether the Mission House should be further considered/assessed to form part of the proposed state heritage listing;
 - o Whether the heritage listings of the site should be revised to include a broader heritage listing to include the Church, Bell Tower, Pastor Rechner's Cottage, Mission House and graveyard.

Thank you for the opportunity to provide a submission in response to the Provisional Entry of Strait Gate Lutheran Church into the South Australian Heritage Register.

If you have any queries to the above or if you would like to discuss in greater detail, please feel free to contact Tom Marshall, Senior Growth and Strategic Planner, on (08) 8563 8434 or tmarshall@barossa.sa.gov.au.

Sincerely,

Martin McCarthy
Chief Executive Officer, The Barossa Council

SA Heritage Register

Place Submission form

South Australian
HERITAGE COUNCIL

South Australian Heritage Council

Submission on whether the entry of **Strait Gate Lutheran Church** should be confirmed in the South Australian Heritage Register

A place is eligible for entry in the Heritage Register if it meets one or more of the criteria in Section 16(1) of the *Heritage Places Act 1993* (Act). Using the table below, please explain why you believe the place should or should not be entered into the Register, using the said criteria. The South Australian Heritage Council invites your submission regarding the entry of this place. For help in making a submission, please refer to the Guidelines for Interpreting State Heritage Criteria, also available online: [Guidelines-for-Interpreting-State-Heritage-Criteria-Final-2024.pdf](#)

Criteria

Criteria under the <i>Heritage Places Act 1993</i> , section 16(1)	Provide evidence or other information to support your submission
a) it demonstrates important aspects of the evolution or pattern of the State's history	N/A
b) it has rare, uncommon or endangered qualities that are of cultural significance	N/A
c) it may yield information that will contribute to an understanding of the State's history, including its natural history	N/A

Phone: +61 8 8372 7521 | Email: DEWHeritage@sa.gov.au | Post: GPO Box 1047, Adelaide SA 5001

www.environment.sa.gov.au/topics/Heritage

d) it is an outstanding representative of a particular class of places of cultural significance	N/A
e) it demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of particular construction techniques or design characteristics	Support the assessment of the South Australian Heritage Council. See attached further comments.
f) it has strong cultural or spiritual associations for the community or a group within it	N/A
(g) it has a special association with the life or work of a person or organisation or an event of historical importance	Support the assessment of the South Australian Heritage Council. See attached further comments.

Declaration

The South Australian Heritage Council is committed to transparency in relation to the listing process and wishes to enhance public confidence in the nomination, listing and decision-making process. The Council's policy is to make nominations for State heritage listing and submissions on provisional entries publicly available via webpage or to interested parties. The Council will adhere to the Privacy

Principles and your name and personal details will not be released unless authorised or required under the Privacy Principles.

~~I do~~ **I do not** want my personal details to be released when this nomination / submission is published on the Department for Environment and Water's webpage, noting the above requirements.

~~I~~ We, The Barossa Council

wish to make a written representation regarding the provisional entry of **Strait Gate Lutheran Church**. The information I have provided is correct to my knowledge.

☒ **I support** the confirmation of this provisional entry.

☐ **I do not support** the confirmation of this provisional entry.

~~I do~~ **I do not** wish to appear personally before the Council to make oral representations.

Signature: _____ Date: _____

Please attach any relevant documents and be aware that a heritage officer may contact you to discuss your submission.

Please provide your contact details here:

Phone: _____

Email: _____

Address: _____

This form must be received by 5pm on **7 August 2026**.

Please return completed submission form to the
Board and Policy Officer, South Australian Heritage Council
Via email: **DEWHeritage@sa.gov.au**
Or via post: **GPO Box 1047, Adelaide SA 5001**

DEBATE REPORT

7.4 Development and Community Services

7.4.2 ACCREDITED PROFESSIONALS NOTIFICATION POLICY AND PROCESS

Author: Senior Manager Development Services
26/46809

PURPOSE

To endorse the updated Accredited Professionals Notification Policy & Process.

RECOMMENDATION

That Council endorse the updated Accredited Professionals Notification Policy & Process contained in Attachment 1 and Attachment 2 and authorise the Chief Executive Officer to approve and implement the final Policy & Process.

REPORT

Background

The Accredited Professionals Notification Policy and Process was approved by Council on 17 November 2020 and 23 November 2020 respectively.

The Policy and Process was established in anticipation of the introduction of the Accredited Professionals Scheme in 2021 which requires any decision-maker in the planning system involved in assessing development applications be accredited.

Introduction

The Accredited Professionals Notification Policy & Process is now due for review.

The Accredited Professionals Notification Policy and Process establishes a framework for Accredited Professionals to notify Council of their accreditation, renewals and in relation to Notifiable Events with respect to their accreditation.

The existing Policy & Process are considered to be working successfully and are proposed to be retained within the new update as presented in Attachment 1 and Attachment 2.

Discussion

Accreditation is divided into different classes pursuant to the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019* and includes Planning Level 1, 2, 3 and 4, Surveyor and Building Level 1, 2, 3 and 4.

Accredited Professionals include members of the Barossa Assessment Panel, the Assessment Manager, building surveyors (Team Leader – Building) and relevant consultants given delegation to make decisions under delegated authority.

The Assessment Manager must hold Level 1 Planning accreditation and members of the Assessment Panel must hold Level 2 Planning Accreditation. Council's Team Leader – Building, holds Level 1 Building Accreditation.

The Process requires that Accredited Professionals will be advised of the Policy and the Process:

- Upon an Accredited Professional commencing their role as a Worker at Council;
- Upon an Accredited Professional being engaged as a consultant at Council; or
- Upon an Accredited Professional being appointed as a member of the Barossa Assessment Panel.

Including via induction processes, where applicable.

Development Services also track the accreditation status of all relevant workers defined under the Policy to ensure accreditation is kept up to date pursuant to the Policy and Process.

Since endorsement, the Policy and Process have been observed to be working effectively. As such, there are no substantive changes proposed to amend the Policy or the Process. The updated Policy & Process are presented within Attachment 1 and Attachment 2.

Summary and Conclusion

The Accredited Professionals Notification Policy & Process are presented to Council for endorsement in a largely unchanged format to that which was authorised in 2020.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Accredited Professionals Notification Policy [↓](#) 
- Attachment 2 Accredited Professionals Notification Process [↓](#) 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

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

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019

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.

The Policy & Process ensures staff and contractors engaged by Council are accredited and suitably qualified to make decisions within the scope of their authority.

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 Policy & Process builds trust and credibility in decision making by ensuring all staff in positions of authority have the appropriate accreditation pursuant to the Act.

COMMUNITY ENGAGEMENT

The Policy does not require public consultation as the amendments are considered to be minor in nature and do not alter the original intent of the Policy or Process.

Accredited Professionals Notification Policy



1. Document control

Policy Number:	CD/20/64	Council Resolution Number:	xx
Document Owner:	Director Development and Community Services	Document Author:	Senior Manager Development Services
Approval Date	xx	Next Review Date:	xx

2. Statement of Intent

The purpose of this Policy is to establish a framework for Accredited Professionals to notify Council of their accreditation, renewals and any Notifiable Events with respect to their accreditation.

3. Scope

3.1. This Policy applies to all:

- 3.1.1. Workers of Council, including contractors and/or agents of Council during the course of their engagement; and
- 3.1.2. Members of the Barossa Assessment Panel.

who are or become accredited as Accredited Professionals pursuant to the scheme established under Section 88 of the *Planning, Development and Infrastructure Act 2016* (the "Act") and *Planning, Development and Infrastructure (Accredited Professionals) regulations 2019* (the "Regulations").

- 3.2. For the purposes of this Policy, the persons identified in Clause 3.1 are known as "Accredited Professionals".
- 3.3. For avoidance of doubt, this Policy applies to Accredited Professionals who require accreditation in order to carry out the functions and/or duties associated with their employment with, or engagement or appointment by, the Council.

4. Responsibilities

4.1. Responsibilities of Accredited Professionals

- 4.1.1. All Accredited Professionals must take the necessary steps to gain and maintain accreditation under the Act and Regulations at the class required under the Act and Regulations and for the role or function they have been employed, engaged or appointed to perform (Accreditation).
- 4.1.2. Without limiting Cause 4.1.1, all Accredited Professionals must:

- take all steps necessary to maintain their Accreditation by applying for the continuation of their Accreditation annually as required under the Act and Regulations;
- ensure they fulfil all requirements of continuing professional development under the Regulations; and
- act in accordance with the Accredited Professionals Scheme Code of Conduct adopted by the Minister under Schedule 3 of the Act (Code of Conduct) when carrying out their functions and duties as an Accredited Professional.

4.2. Obligations of Accredited Professionals

4.2.1. An Accredited Professional must, within five (5) business days of the occurrence of any of the following events:

- becoming registered as an Accredited Professional by the accreditation authority;
- commencing employment with the Council;
- being engaged by the Council to act as, or provide advice to the Council in the person's capacity as, an Accredited Professional; or
- accepting an appointment to the Barossa Assessment Panel,

provide a copy of his or her Accreditation in a manner prescribed in the *Accredited Professionals Notification Process*, including any conditions or limitations imposed on the Accreditation by the accreditation authority, unless the Accreditation has already been provided to the Council (for example, during the recruitment process).

4.2.2. An Accredited Professional must, within five (5) business days of receiving confirmation of the renewal of his or her accreditation, provide a copy of the renewal in a manner prescribed in the *Accredited Professionals Notification Process*.

4.2.3. An Accredited Professional must, within five (5) business days of the occurrence of a Notifiable Event (as defined in this Policy), provide in a manner prescribed in the *Accredited Professionals Notification Process*, written notification of the Notifiable Event and a copy of any correspondence or other documentation (including electronic) received from the accreditation authority in relation to the Notifiable Event.

4.3. Action taken by the Chief Executive Officer

4.3.1. The Chief Executive Officer may take such action as is fair, reasonable and appropriate, which may include disciplinary action under Council's Human Resource Management framework and relevant Codes of Conduct, in relation to:

- the failure of an Accredited Professional to comply with this Policy; or
- written notification from an Accredited Professional of a Notifiable Event.

5. Legislation and References

Legislation

- Planning, Development and Infrastructure Act 2016

- Planning Development and Infrastructure (Accredited Professionals) Regulations 2019

Additional resources

- Accredited Professionals Notification Process

6. Definitions

Accredited Professional	The persons identified in Clause 4.1 of this Policy
Act	Planning, Development and Infrastructure Act 2016
CEO	Chief Executive Officer of The Barossa Council
Council	The Barossa Council
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.
Notifiable Event	Notifiable Event means: (i) a change to the class of an Accredited Professional's Accreditation; (ii) the addition, substitution or deletion of a condition or limitation on an Accredited Professional's Accreditation pursuant to Regulation 17(5) of the Regulations; (iii) the surrender by an Accredited Professional of his or her Accreditation pursuant to Regulation 20 of the Regulations; (iv) the cancellation or suspension of an Accredited Professional's Accreditation pursuant to Regulation 21(1) of the Regulations or Regulation 93A of the <i>Development Regulations 2008</i>; (v) the provision of notice to an Accredited Professional by the accreditation authority of a proposal to suspend or cancel the Accredited Professional's Accreditation pursuant to Regulation 22(1) of the Regulations; (vi) the provision of a final report by a qualified auditor pursuant to Regulation 27(13) of the Regulations, where a copy of the report is provided to the Accredited Professional; (vii) any action taken by the accreditation authority (including giving directions to an Accredited Professional) pursuant to Regulation 27(14), (15) or (16) of the Regulations; (viii) the provision of notice to an Accredited Professional of a decision by the accreditation authority to investigate a complaint made against the Accredited Professional under Regulation 28 of the Regulations which relates to an act or omission of the Accredited Professional in the course of their employment with, or engagement or appointment by, the Council; (ix) the provision of a final report of an investigator to the accreditation authority pursuant to Regulation 28(11)(b) of the Regulations, or the outcome of any process that the accreditation authority has adopted to

	investigate a complaint made against an Accredited Professional pursuant to Regulation 28 of the Regulations; (x) any action taken by the accreditation authority against an Accredited Professional pursuant to Regulation 28(13) of the Regulations following the investigation of a complaint; (xi) any decision made by the South Australian Civil and Administrative Tribunal (SACAT) or any South Australian Court in relation to an Accredited Professional's Accreditation; (xii) a finding of guilt for an offence against the Act or the <i>Development Act 1993</i> (Repealed Act); and (xiii) a finding of guilt for an offence against any regulations under the Act or the Repealed Act, including the Regulations.
Regulations	Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.

7. Version History

This Policy will be reviewed by the Policy Author in consultation with the relevant stakeholders, within 4 years or more frequently if legislation or Council's need changes.

Version No.	Date.	Summary of Changes
1	17/11/2020	New Policy
2	xx	Minor formatting changes, update to new template

8. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa during ordinary business hours. A printed copy of this Policy can be obtained upon payment of a fixed fee.

Feedback regarding this Policy or its application can be made to the Customer Service Team on 8563 8444 or barossa@barossa.sa.gov.au in first instance, who will refer you to the most appropriate officer.

Accredited Professionals Process



1. Document control

Process Number:	CD/20/125	Council Resolution Number:	xx
Document Owner:	Director Development and Community Services	Document Author:	Senior Manager Development Services
Approval Date	xx	Next Review Date:	xx

2. Purpose

- 2.1. This Process provides a framework for how Accredited Professionals should provide documents and notifications to the Chief Executive Officer of The Barossa Council (the "Council") in accordance with the *Accredited Professionals Notification Policy*.

3. Scope

- 3.1. This Process applies to all:
- 3.1.1. Workers of Council, including contractors and/or agents of Council during the course of their engagement; and
 - 3.1.2. Members of the Barossa Assessment Panel who are or become accredited as Accredited Professionals pursuant to the scheme established under Section 88 of the *Planning, Development and Infrastructure Act 2016* (the "Act") and *Planning, Development and Infrastructure (Accredited Professionals) regulations 2019* (the "Regulations").

4. Process for Council Workers

- 4.1. Accreditation and Renewals
- 4.1.1. Accredited Professionals who are Workers, must provide copies of their accreditation and renewals to:
 - Council's Human Resource Department; and
 - Council's Assessment Manager.
 - 4.1.2. Where scanned copies of the documents can be provided electronically, the Accredited Professional should provide the documents electronically.
 - 4.1.3. The documents must be provided within the timeframes stated in the Accredited Professionals Notification Policy.
- 4.2. Written Notification of a Notifiable Event
- 4.3. Accredited Professionals who are Workers must provide written notification of a Notifiable Event to:

- The Chief Executive Officer;
 - Council's Assessment Manager;
 - Council's Human Resource Department.
- 4.4. Council's Human Resources department will ensure that any document received under clause 2 of this Process will be registered in the appropriate EDRMS location.
- 4.5. In accordance with the Policy, it is always the responsibility of the Accredited Professional to ensure that while they are working for, or engaged by Council as an Accredited Professional, that they, at all times, comply with the responsibilities and obligations set out in the Policy and this Process.
- 4.6. While it is the responsibility of the Accredited Professional to ensure that the appropriate level of Accreditation is maintained, Council's Human Resource department will monitor records and notify the Assessment Manager and Chief Executive Officer (where appropriate), accordingly.

5. Process for Barossa Assessment Panel Members

- 5.1. Accreditation and Renewals
- 5.1.1. Accredited Professionals who are members of the Barossa Assessment Panel, must provide copies of their accreditation and renewals to Council's Assessment Manager.
- 5.1.2. Where scanned copies of the documents can be provided electronically, the Accredited Professional should provide the documents electronically.
- 5.1.3. The documents must be provided within the timeframes stated in the Accredited Professionals Notification Policy.
- 5.2. Written Notification of a Notifiable Event
- 5.2.1. Accredited Professionals who are members of the Barossa Assessment Panel must provide written notification of a Notifiable Event to:
- Council's Chief Executive Officer; and
 - Council's Assessment Manager.

6. Responsibilities

- 5.1 Accredited Professionals will be advised of the Policy and this Process:
- At the commencement of the Policy and Process;
 - Upon an Accredited Professional commencing their role as a Worker at Council;
 - Upon an Accredited Professional being engaged as a consultant at Council; or
 - Upon an Accredited Professional being appointed as a member of the Barossa Assessment Panel.
- including via induction processes, where applicable.

Legislation and References

- Part 2 - Local Government Act 1999
- Local Government Act (Financial Management) Regulations 2011
- Relevant Accounting Standards

7. Definitions

Accredited Professional	The persons identified in Clause 1.3 of this Policy
Act	Planning, Development and Infrastructure Act 2016
Business Day	A day when Council is normally open for business – Monday to Friday, excluding Public Holidays and when Council's Principal Office may be closed (e.g. over the Christmas holiday period).
CEO	Chief Executive Officer of The Barossa Council
Council	The Barossa Council
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.
Supervisor	Any direct line supervisor, including Chief Executive Officer, Director, Team Manager, Line Manager, Coordinator, Supervisor or Leading Worker who are responsible for Worker(s) reporting to them.
Notifiable Event	Notifiable Event means: (i) a change to the class of an Accredited Professional's Accreditation; (ii) the addition, substitution or deletion of a condition or limitation on an Accredited Professional's Accreditation pursuant to Regulation 17(5) of the Regulations; (iii) the surrender by an Accredited Professional of his or her Accreditation pursuant to Regulation 20 of the Regulations; (iv) the cancellation or suspension of an Accredited Professional's Accreditation pursuant to Regulation 21(1) of the Regulations or Regulation 93A of the <i>Development Regulations 2008</i>; (v) the provision of notice to an Accredited Professional by the accreditation authority of a proposal to suspend or cancel the Accredited Professional's Accreditation pursuant to Regulation 22(1) of the Regulations; (vi) the provision of a final report by a qualified auditor pursuant to Regulation 27(13) of the Regulations, where a copy of the report is provided to the Accredited Professional; (vii) any action taken by the accreditation authority (including giving directions to an Accredited Professional) pursuant to Regulation 27(14), (15) or (16) of the Regulations; (viii) the provision of notice to an Accredited Professional of a decision by the accreditation authority to investigate a complaint made against the Accredited Professional under Regulation 28 of the Regulations which relates to an act or omission of the Accredited Professional in the course of their employment with, or engagement or appointment by, the Council; (ix) the provision of a final report of an investigator to the accreditation authority pursuant to Regulation 28(11)(b) of the Regulations, or the outcome of any process that the accreditation authority has adopted to

	investigate a complaint made against an Accredited Professional pursuant to Regulation 28 of the Regulations; (x) any action taken by the accreditation authority against an Accredited Professional pursuant to Regulation 28(13) of the Regulations following the investigation of a complaint; (xi) any decision made by the South Australian Civil and Administrative Tribunal (SACAT) or any South Australian Court in relation to an Accredited Professional's Accreditation; (xii) a finding of guilt for an offence against the Act or the <i>Development Act 1993</i> (Repealed Act); and a finding of guilt for an offence against any regulations under the Act or the Repealed Act, including the Regulations.
Worker	A person is a worker if the person carries out work in any capacity for Council, including work as: (a) an employee; or (b) a contractor or subcontractor; or (c) an employee of a contractor or subcontractor; or (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or (e) an outworker; or (f) an apprentice or trainee; or (g) a student gaining work experience; or (h) a volunteer; or (i) a person of a prescribed class.
Accredited Professional	The persons identified in Clause 1.3 of this Policy
Act	Planning, Development and Infrastructure Act 2016
Business Day	A day when Council is normally open for business – Monday to Friday, excluding Public Holidays and when Council's Principal Office may be closed (e.g. over the Christmas holiday period).
CEO	Chief Executive Officer of The Barossa Council
Council	The Barossa Council
Employee	All full-time, part-time and casual employees of The Barossa Council including trainees, apprentices, and on-hire employees.
Electronic Document and Records Management System ("EDRMS")	An automated system used to manage the creation, use, management, storage and disposal of physical and electronic Documents and Records, for the purposes of supporting the creation, revision and management of digital Documents; improving Council's work-flow, and providing evidence of business activities.

8. Version History

This Process will be reviewed by the Policy Author in consultation with the relevant stakeholders, within 4 years or more frequently if legislation or Council's need changes.

Version No.	Date	Summary of Change/s
-------------	------	---------------------

1	23/11/2020	New Process
2		Minor formatting changes, update to new template

9. Further Information

This Process is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa during ordinary business hours. A printed copy of this Process can be obtained upon payment of a fixed fee.

Feedback regarding this Process or its application can be made to the Customer Service Team on 8563 8444 or barossa@barossa.sa.gov.au in first instance, who will refer you to the most appropriate officer.

DEBATE REPORT

7.4 Development and Community Services

7.4.3 DRAFT STATE-WIDE FLOOD HAZARD CODE AMENDMENT

Author: Senior Manager Development Services
26/46815

PURPOSE

To endorse a draft submission in relation to the *Draft State-Wide Flood Hazard Code Amendment*.

RECOMMENDATION

That Council endorse the draft submission contained within Attachment 1 in relation to the Draft State-Wide Flood Hazard Code Amendment.

REPORT

Introduction

The State Planning Commission initiated the State-wide Flood Hazard Code Amendment on 12 December 2023. The draft Code Amendment seeks to update flood hazard mapping and planning rules across the state, based on new and updated flood studies and modelling.

The proposed changes focus on three main aspects:

- More consistent and updated mapping – using latest flood studies and data to update flood hazard overlay mapping and applying the three flood hazard overlays more consistently across the state;
- Improved planning rules – introducing definitions and enhanced policies to make development assessments within flood hazard areas clearer and more consistent and to align with national guidance;
- Faster process for future mapping updates – enabling a streamlined process to update flood hazard overlay mapping in the future as more contemporary flood studies and data become available.

The draft Code Amendment has been reviewed in detail by Council's Development Services and Engineering Services Departments. While there is support for the intent of the draft Code Amendment, there are some technical aspects of the Code Amendment that need clarification or further review.

A draft submission has been prepared and is contained within Attachment 1.

Discussion

Focusing on flood hazards from watercourses and surface water across the state, the proposed overlay mapping and planning rules have been updated using:

- 30 new and enhanced flood studies which model flood hazard to 2050, including projected climate conditions and development growth scenarios;
- Previous council flood studies which have not yet been integrated into the Planning and Design Code;
- Coarse-scale data (rather than more detailed data identified through flood studies) based on river and surface water flood information, used mostly in regional areas.

This has enabled the Hazards (Flooding – Evidence Required) Overlay to be removed or reduced in many parts of the state and thus assist in reducing costs for building in areas where precautionary measures are no longer considered necessary.

Proposed new and updated planning rules provide greater protection to vulnerable people by avoiding developing buildings such as aged care facilities, hospitals and schools where there is an intolerable flood risk.

While there is support for the intent of the draft Code Amendment, there are some technical aspects of the Code Amendment that need clarification or further review. The following matters are identified within the draft submission:

General Policies for Flood Protection

The notion of water in road corridors may not always be classified as flood water and may be overland flow path that is reasonably expected in an urban stormwater drainage system. Underground pipe systems may be designed only up to a 10% or a 5% average exceedance probability (AEP) with the gap flow up to 1% AEP being catered for in the gutter and road pavement.

While the properties adjacent to the road may not be identified as being subject to flood hazard, general flood protection is achieved for buildings by having them 300mm above the top of kerb and this is a well understood and accepted part of building construction in urban areas. Such policy presently exists in the Hazards (Flooding – Evidence Required) Overlay (DTS/DPF 1.1).

A general policy should be applied to dwellings in all cases that the finished floor level is at least 300mm above the highest point of top of kerb, as per DTS/DPF 1.1 referred above. It is noted this policy cannot always be achieved due to some sites being lower than the road, but consideration still needs to be given to flood protection, for example by:

- Preserving an overland flow path through the property on one side where required;
- Raising the levels of the driveway and creating a bund at the front of the property to avoid ingress of water.

Access to Properties

A limitation identified within the current Planning & Design Code that will continue to endure under the draft Code Amendment is the risk attached to properties that are reliant upon access through a flood hazard overlay.

While a site that is subject of development may not be affected by a flood hazard overlay, we have seen cases where a site has only one route of access and in such case, is subject to access limitations if/when the road is flooded.

Similar to properties in bushfire hazard areas, this issue is more likely to occur in rural and peri-urban areas more than in urban areas.

It is noted there is a current policy within the Hazards (Flooding) Overlay (Performance Outcome 6.1) which addresses the matter of access by emergency services vehicles, however, this policy cannot be applied unless the site falls within the Overlay.

This matter should be given further consideration.

A further matter identified within the policy is in relation to Performance Outcome 6.2 of the Hazards (Flooding) Overlay which refers to access driveways and tracks to a Class 1 to 9 building. However, the related DTS/DPF 6.2 refers to development comprising a Class 10 non-habitable building or structure. This inconsistency between the Performance Outcome and the DTS/DPF should be resolved.

Storage of Hazardous Materials

Performance Outcome 4.1 of the Hazards (Flooding) Overlay refers to storage of hazardous materials and states that they should be designed to prevent spills or leaks during the defined flood event. It is considered the Performance Outcome should be strengthened to preclude storage of hazardous materials within the Overlay.

Risk Assessment Framework

It is noted there is a change in terminology within the new policy settings to address intolerable flood risk within the Hazards (Flooding) Overlay and tolerable flood risk within the Hazards (Flooding – General) Overlay. The Hazards (Flooding – Evidence Required) Overlay applies where flood hazard is unknown or there is insufficient data to rule out flood risk.

The definition of 'intolerable' and 'tolerable' risk is open to subjective opinion, noting that public safety cannot be empirically aligned just to depth of flood water. The flood mapping and associated risk requires nuanced interpretation by appropriately qualified / experienced practitioners. Inexperienced reading or application may incorrectly either underestimate or overestimate the associated risks.

It is noted that 'Flood Hazard Classification' is now provided for within the Administrative definitions and a corresponding diagram is provided for within Column C. The related text within the diagram is too small to read and thus is not suitable in its current form. This matter should be resolved.

Flood Mapping for Nuriootpa

The Nuriootpa North Para River flood area mapping has been updated to include additional flood and risk extent that appears incongruent with current North Para River and Kalimna Creek flood studies and recent Nuriootpa Stormwater Drainage Management Plan Report, prepared by Tonkin Engineering.

Additionally, it appears that the completed Nuriootpa flood mitigation measures such as masonry flood walls and temporary road barriers are not taken into account in the modelling, which mitigate the extent of flood spread hazard through the Nuriootpa township.

Council has been in contact with Tonkin Engineering, the author of the flood studies and Stormwater Drainage Management Plan Report, to seek clarification on the data and flood risk. Further discussions between Council, the Department and Tonkin are requested to resolve these inconsistencies before the Code Amendment is finalised.

Flood Studies from Development Assessment

It is noted that Council holds data for a number of existing flood studies including in relation to development applications that have potential to be transitioned into the Planning & Design Code. A faster process for future mapping updates is supported, however, means of transitioning the data into the Planning & Design Code will need effort including resources to make this happen. The ongoing upkeep of the data will also be important to ensure it remains relevant.

A concern with 'spot' updating of the Overlay is that it could create inconsistencies and irregular flood mapping, if only updating one site or one area at a time.

Naming Convention for Overlays

The Code Amendment seeks to update the three flood hazard overlays more consistently across the state. The three flood hazard overlays are:

- Hazards (Flooding) Overlay – applies to areas that can be subject to an intolerable flood risk, where development should generally be avoided;
- Hazards (Flooding – General) Overlay – applies to areas with tolerable flood risk and seeks actions such as raising floor levels to mitigate flood risk;
- Hazards (Flooding – Evidence Required) Overlay – applies to areas where there is no suitable flood study data so precautionary actions are required.

A concern with the current naming convention is that they do not convey the intended meaning of the overlays and thus are confusing for users. It is suggested new naming convention should be adopted for the Overlays that provides clearer guidance as to what each Overlay means, similar to the bushfire hazard overlays.

An alternate name for the Hazards (Flooding – Evidence Required) Overlay could reference 'Possible' or 'Potential' noting the spatial layer is applied at coarse scale and may not therefore be accurate.

Access to Spatial Layers

There is concern that the detailed core data associated with the flood studies is not able to be viewed within SAPPA. Access to the core data within SAPPA is critical to enable effective application of the data. Councils should not be expected to provide access to this data through their own spatial mapping systems.

It is suggested that SAPPA or another spatial mapping tool provided by the State Government be established to enable the core data to be accessed by all users.

Summary and Conclusion

It is recommended that Council endorse the draft submission contained in Attachment 1. The draft submission supports the intent of the draft Code Amendment but identifies a number of technical aspects that need clarification or further review.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 Draft Letter to State Planning Commission - Draft State-Wide Flood Hazard Code Amendment [↓](#) 
- Attachment 2 Fact Sheet - Draft State-Wide_Flood_Hazard_Code_Amendment - June 2026 [↓](#) 

Supporting references

[Updating South Australia's flood hazard mapping and planning rules | YourSAy](#)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan

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

Legislative Requirements

Planning, Development and Infrastructure Act 2016

RISK MANAGEMENT CONSIDERATIONS

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

1. SERVICE DELIVERY

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

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.

The draft Code Amendment seeks to update flood hazard mapping and planning rules across the state, based on new and updated flood studies and modelling. Modelling of projected climate conditions for flood studies is based on a 2050 scenario.

The draft Code Amendment will improve consistency, certainty and currency of flood hazard information used to assess development across the State.

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 draft Code Amendment seeks to improve the consistency, certainty and currency of flood hazard information with aim of delivering better planning decisions in regards to flood hazard. This provides greater certainty for applicants and seeks to preclude development within intolerable risk areas and to manage development within tolerable risk areas.

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 draft Code Amendment adopts a new risk framework to classify levels of flood hazard and associated vulnerabilities. While there is greater complexity to the risk framework, the Code Amendment seeks to better manage flood hazard to protect people, property, infrastructure and the environment from flood risk arising from flood hazards.

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.

More sophisticated flood studies and best practice approaches to flood hazard policy will build confidence in the assessment of development related to flood hazard.

COMMUNITY ENGAGEMENT

Community consultation is being undertaken by the Department for Housing and Urban Development and is open from 21 May to 13 August 2026.

Reference:

21 July 2026

State Planning Commission
GPO Box 1815
ADELAIDE SA 5001

By email: plansasubmissions@sa.gov.au

Dear Sir/Madam,

Draft State-Wide Flood Hazard Code Amendment

Thank you for opportunity to make a submission in respect to the draft State-Wide Flood Hazard Code Amendment.

Broadly, Council supports the intent of the Code Amendment which seeks to update flood hazard mapping and planning rules across the state, based on new and updated flood studies and modelling.

We wish to highlight the following feedback in relation to the draft Code Amendment that needs clarification or further review:

General Policies for Flood Protection

The notion of water in road corridors may not always be classified as flood water and may be overland flow path that is reasonably expected in an urban stormwater drainage system. Underground pipe systems may be designed only up to a 10% or a 5% average exceedance probability (AEP) with the gap flow up to a 1% AEP being catered for in the gutter and road pavement.

While the properties adjacent to the road may not be identified as being subject to flood hazard, general flood protection is achieved for buildings by having them 300mm above the top of kerb and this is a well understood and accepted part of building construction in urban areas. Such policy exists in the Hazards (Flooding – Evidence Required) Overlay (DTS/DPF 1.1).

A general policy should be applied to dwellings in all cases that the finished floor level is at least 300mm above the highest point of top of kerb, as per DTS/DPF 1.1 referred above. It is noted this policy cannot always be achieved due to some sites being lower than the road, but consideration still needs to be given to flood protection, for example by:

- Preserving an overland flow path through a property on one side where required;
- Raising the levels of the driveway and creating a bund at the front of the

(08) 8563 8444 | barossa@barossa.sa.gov.au

43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5341



property to avoid ingress of water.

Access to Properties

A limitation identified within the current Planning & Design Code that will continue to endure under the draft Code Amendment is the risk attached to properties that are reliant upon access through a flood hazard overlay.

While a site that is subject of development may not be affected by a flood hazard overlay, we have seen cases where a site has only route of access and in such case, is subject of access limitations if/when the road is flooded.

Similar to properties in bushfire hazard areas, this issue is more likely to occur in rural and peri-urban areas than in urban areas.

It is noted there is a current policy within the Hazards (Flooding) Overlay (Performance Outcome 6.1) which addresses the matter of access by emergency services vehicles, however, this policy cannot be applied unless the site falls within the Overlay.

This matter should be given further consideration.

A further matter identified within the policy is in relation to Performance Outcome 6.2 of the Hazards (Flooding) Overlay which refers to access driveways and tracks to a Class 1 to 9 building. However, the related DTS/DPF 6.2 refers to development comprising a Class 10 non-habitable building or structure. The inconsistency between the Performance Outcome and the DTS/DPF should be resolved.

Storage of Hazardous Materials

Performance Outcome 4.1 of the Hazards (Flooding) Overlay refers to storage of hazardous materials and states that they should be designed to prevent spills or leaks during the defined flood event. It is considered the Performance Outcome should be strengthened to preclude storage of hazardous materials within the Overlay.

Risk Assessment Framework

It is noted there is a change in terminology within the new policy settings to address intolerable flood risk within the Hazards (Flooding) Overlay and tolerable flood risk within the Hazards (Flooding – General) Overlay. The Hazards (Flooding – Evidence Required) Overlay applies where flood hazard is unknown or there is insufficient data to rule out flood risk.

The definition of 'intolerable' and 'tolerable' risk is open to subjective opinion, noting that public safety cannot be empirically aligned just to depth of flood water. The flood mapping and associated risk requires nuanced interpretation by appropriate qualified / experienced practitioners. Inexperienced reading or application may incorrectly either underestimate or overestimate the associated risks.

It is noted that 'Flood Hazard Classification' is now provided for within the Administrative definitions and a corresponding diagram is provided for within Column C. The related text within the diagram is too small to read and thus is not suitable in its current form. This matter should be resolved.

Flood Mapping for Nuriootpa

The Nuriootpa North Para River flood area mapping has been updated to include additional flood and risk extent that appears incongruent with current North Para River and Kalimna Creek flood studies and recent Nuriootpa Stormwater Drainage Management Plan Report, prepared by Tonkin Engineering.

Additionally, it appears that the completed Nuriootpa flood mitigation measures such as masonry flood walls and temporary road barriers are not taken into account in the modelling, which mitigate the extent of flood spread hazard through the Nuriootpa township.

Council has been in contact with Tonkin Engineering, the author of the flood studies and Stormwater Drainage Management Plan Report, to seek clarification on the data and flood risk. Further discussions between Council, the Department and Tonkin are requested to resolve these inconsistencies before the Code Amendment is finalised.

Flood Studies from Development Assessment

It is noted that Council holds data for a number of existing flood studies including in relation to development applications that have potential to be transitioned into the Planning & Design Code. A faster process for future mapping updates is supported, however, means of transitioning the data into the Planning & Design Code will need effort including resources to make this happen. The ongoing upkeep of the data will also be important to ensure it remains relevant.

A concern with 'spot' updating of the Overlay is that it could create inconsistencies and irregular flood mapping, if only updating one site or one area at a time.

Naming Convention for Overlays

The Code Amendment seeks to update the three flood hazard overlays more consistently across the state. The three flood hazard overlays are:

- Hazards (Flooding) Overlay – applies to areas that can be subject to an intolerable flood risk, where development should generally be avoided;
- Hazards (Flooding – General) Overlay – applies to areas with tolerable flood risk and seeks actions such as raising floor levels to mitigate flood risk;
- Hazards (Flooding – Evidence Required) Overlay – applies to areas where there is no suitable flood study data so precautionary actions are required.

A concern with the current naming convention is that they do not convey the intended meaning of the overlays and thus are confusing for users. It is suggested new naming convention should be adopted for the Overlays that provides clearer guidance as to what each Overlay means, similar to the bushfire hazard overlays.

An alternate name for the Hazards (Flooding – Evidence Required) Overlay could reference 'Possible' or 'Potential' noting the spatial layer is applied at coarse scale and may not therefore be accurate.

Access to Spatial Layers

There is concern that the detailed core data associated with the flood studies is not able to be viewed within SAPPA. Access to the core data within SAPPA or another suitable spatial system is critical to enabling effective application of the data. Councils should not be expected to provide access to this data through their own spatial mapping systems.

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215

It is suggested that SAPPA or another spatial mapping tool provided by the State Government be established to enable the core data to be accessed by all users.

Conclusion

Thank you again for opportunity to make submission in relation to the draft State-wide Flood Hazard Code Amendment. We welcome opportunity to discuss the contents of this submission. Should you wish to discuss this matter further, please contact Aaron Curtis, Senior Manager – Development Services, acurtis@barossa.sa.gov.au or 8563 8492.

Yours faithfully

Martin McCarthy
Chief Executive Officer



Government of South Australia

Department for Housing
and Urban Development

Fact Sheet

Updating South Australia's flood hazard mapping and planning rules

Have your say on the draft State-Wide Flood Hazard Code Amendment, which aims to guide how development should address flood risk and be designed to keep people and property safe from floods.

About the draft State-Wide Flood Hazard Code Amendment

The State Planning Commission has prepared the draft State-Wide Flood Hazard Code Amendment to update flood hazard planning rules across the state, based on new and updated flood studies and modelling.

The draft code amendment focusses on addressing flood hazards along water courses, such as creeks and rivers (riverine flooding), and due to surface water (pluvial flooding).

The Planning and Design Code contains three 'overlays' that set out planning rules to guide development in areas with a flooding hazard:

- the Hazards (Flooding) Overlay, which applies to areas that can be subject to an intolerable flood risk, where development should generally be avoided
- the Hazards (Flooding – General) Overlay, which applies to areas with tolerable flood risk and seeks actions such as raising floor levels to mitigate flood risk
- the Hazards (Flooding – Evidence Required) Overlay, which applies to areas where there is no suitable flood study data so precautionary actions are required, such as ensuring the floor levels of new homes are raised above the kerb.

The draft State-Wide Flood Hazard Code Amendment proposes updates to these overlays, focussing on three aspects:

- **more consistent and updated mapping:** using the latest flood studies and data to update flood hazard overlay mapping based on more contemporary standards and modelling, and applying the three flood hazard overlays more consistently across the state

plan.sa.gov.au

- **improved planning rules:** introducing definitions and enhanced policies to make development assessments clearer and more consistent, and to align with national guidance
- **faster process for future mapping updates:** enabling a streamlined process to update flood hazard overlay mapping in the future, as more contemporary flood studies and data become available.

Planning rules to address flood hazards along the River Murray and coastal areas are in separate overlays and are not being changed through this code amendment.

Flood hazard mapping updates

The proposed updated flood hazard mapping utilises flood studies that cover a range of flood events (including modelling of a 2050 scenario with projected climate conditions and development growth) to protect new homes from flooding now and in the future.

The proposed mapping and planning rules have been updated using:

- 30 new and enhanced flood studies with modelling of a 2050 scenario with projected climate conditions and development growth
- previous council flood studies which have not yet been integrated into the Planning and Design Code
- coarse-scale data (rather than more detailed data identified through flood studies) based on river and surface water flood information, used mostly in regional areas.

These different data sources mean the flood hazard overlays may look different but still represent the best available data for use today.

While the updated mapping has resulted in the flood hazard level for some areas increasing, using these three forms of flood hazard mapping updates has allowed the Hazards (Flooding – Evidence Required) Overlay to be removed or reduced in many parts of the state.

This will reduce costs and red tape for building in areas where precautionary measures are no longer considered necessary.

You can compare the current flood hazard mapping against the proposed updates and find which overlays apply to your property using the Map Viewer tool:

plus.geodata.sa.gov.au/floodconsult/index.html.

The code amendment also proposes a streamlined way to update flood hazard overlays in the future as more up-to-date flood studies become available.

It is proposed to allow the Minister for Planning to determine these updates in the future, provided that the flood studies align with requirements set out in a practice direction published by the State Planning Commission.

Protecting vulnerable people and key infrastructure

The draft code amendment includes new and updated planning rules to provide greater consistency and protection from extreme flood events to buildings for vulnerable communities, such as schools, hospitals and aged care facilities.

It also provides greater consistency and protection to community and emergency services facilities and infrastructure for critical services, such as electricity supply.

Proposed changes discourage these types of development in the Hazards (Flooding) Overlay area where possible, taking the design and operation of these buildings during an extreme flood event into account, as well as where they are located.

Next steps

All feedback received during the consultation will be considered in finalising the draft State-Wide Flood Hazard Code Amendment and captured in an engagement report, which will be provided to the State Planning Commission and Minister for Planning to assist with final decision-making.

Once a decision has been made, the engagement report, including all feedback received during consultation, will be published on the [PlanSA](#) and [YourSAy](#) websites.

Note: names and organisations will be included with published submissions but personal addresses, email addresses and phone numbers will be redacted.

Have your say

Consultation on the [draft State-wide Flood Hazard Code Amendment](#) is open from 21 May to 13 August 2026.

Send us your feedback via:

- online survey: yoursay.sa.gov.au/state-wide-flood-hazard-code-amendment
- email: PlanSASubmissions@sa.gov.au
(subject: State-Wide Flood Hazard Code Amendment)
- post: Submission: State-Wide Flood Hazard Code Amendment,
Code Amendment Team, Department for Housing and Urban Development,
GPO Box 1815, Adelaide SA 5001

More information

For more information about the draft State-Wide Flood Hazard Code Amendment:

- visit YourSAy: yoursay.sa.gov.au/state-wide-flood-hazard-code-amendment
- visit PlanSA: plan.sa.gov.au/en/ca/state-wide-flood-hazard
- email: CodeAmendmentCoordination@sa.gov.au
- phone: 1800 752 664

We are also hosting a suite of online and in-person information sessions to share information, answer questions and gather feedback. Visit the YourSAy website for details.

If you would like to view a hard copy of the draft code amendment, contact us during standard business hours to arrange a time.

DEBATE REPORT

7.4 Development and Community Services

7.4.4 EMPOWERINGSA COMMUNITY BATTERY PROPOSAL - LOT 30 MILWAY AVENUE/ DRINKWATER CRESCENT NURIOOTPA

Author: Sustainability Officer
26/47105

PURPOSE

To seek a decision on Council's participation in the emPoweringSA program, noting the informal feedback received about hosting a community battery at Lot 30 Milway Avenue, Nuriootpa.

RECOMMENDATION

That Council:

- (1) Do not proceed to formal community consultation about leasing a section of this community land in accordance with *Section 202(2) & Section 50(6)* of the Local Government Act 1999 for the purpose of a community battery, and instead,
- (2) Withdraw The Barossa Council from the emPoweringSA program in its entirety, formally acknowledging The Department for Energy and Mining for collaborating with The Barossa Council in considering the Barossa as a host site.

REPORT

Background

At the Council meeting 17 March 2026, Council resolved (2022-26/932) to explore the suitability of a section of Community Land at Allot 30 Milway Avenue Nuriootpa for a community battery, which included pre-engagement with Drinkwater Crescent properties, before returning to Council with a recommendation to either withdraw from the emPoweringSA program, or recommend proceeding to formal community consultation about leasing a section of this community land in accordance with *Section 202(2) & Section 50(6)* of the Local Government Act 1999.

The Community Battery Initiative is part of the Government of South Australia's *emPowering SA* program which is delivering 18 community batteries across South Australia for the direct benefit of South Australian government nominated households facing cost of living pressures. *emPowering SA* is also supported by the Australian Government's \$200m Community Batteries for Household Solar program through the Department of Climate Change, Energy, the Environment and Water (DCCEEW), and the Australian Renewable Energy Agency's (ARENA's) Advancing Renewables Program.

Lot 30 Milway Avenue was a second location explored after hosting at Stockwell Oval returned as unsuitable.

Discussion

Pre-engagement with Drinkwater Crescent occurred between 30 March 2026 and 29 June 2026. This was informal and facilitated by 2 separate letter drops. Copies of both communications are attached to this report. Council did not receive any feedback following letter 1. Letter 2 however, resulted in contact by 3 properties and one of these responders also attended Council in person to discuss.

Table 1 (below) summarises timeline of activities undertaken in line with Council decision x to informally engage.

17 March 2026	Council decision 2022-26/932
30 March 2026	Letter drop to all Drinkwater Crescent Nuriootpa properties (Attachment 1)
2 April 2026	Sustainability Officer and Planning Team Lead met on site at Allot 30 Milway with the Department for Energy and Mining (DEM), SA Power Networks (SAPN), AGL & Battery Representatives. Preferred location on site was identified.
14 April 2026	Letter drop extended to some houses on Milway – 17, 15, 15A, 13 & 30 Milway.
16 June 2026	Noted no submissions or enquiries from first letter. Second letter drop (Attachment 2) to: - all Drinkwater Crescent Nuriootpa, - Milway Avenue Nuriootpa - 17, 15, 15A, 13, 11, 9A, 9B, 9C, 30, 28, 26, 24, 22 and 20, and - By email to Tanunda Lutheran Homes - ilu@tlhome.com.au
16 June 2026 – 29 June 2026	Informal feedback invited. Responses from 3 properties received in writing. One of these responders also attended Council.

The feedback received held concerns about equitable community benefit, appropriateness for zoning and alignment to long-term plans for the area, closeness to properties and potential impact to residential amenity, house values, insurance risk premiums, and public safety particularly around fire, noise and health aids. Council did not receive any submissions in favour of the proposal.

Although the original Stockwell Oval consultation generated some constructive community feedback regarding the potential for a community battery at an alternative location within The Barossa Council, the overall feedback was consistent with that received during the formal consultation on the proposed Stockwell Oval site.

Summary and Conclusion

The Community Battery Initiative is part of the Government of South Australia's *emPowering SA* program which is delivering 18 community batteries across South Australia for the direct benefit of South Australian government nominated households facing cost of living pressures.

Council has collaborated with the Department for Energy and Mining (DEM) over the last 2 years to explore the suitability of hosting a community battery in the Barossa. Two locations were short listed, explored in detail, and presented to community for consideration of leasing community land for the purpose of hosting a community battery.

While the merits of the proposal remain high and there are reasonable and sound responses to concerns raised, community sentiment is consistent that the benefits of the community battery are outweighed by the perceived risks, and it is not viewed as a good use of community land in the Barossa. This view is further influenced by the relatively low number of eligible households in the Barossa region, limiting the potential local benefits of the community battery compared with those achievable in other communities.

Consequently, the recommendation is that Council withdraws from the emPoweringSA program, extending thanks to the Department for Energy and Mining for considering Barossa as a host site.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1 First notification letter to residents [↓](#) 
- Attachment 2 Second notification letter to residents [↓](#) 

Supporting references

[emPowering SA | Energy & Mining](#)

Council report 25/91964 17 March 2026

Council report 25/96481 16 December 2025

Council report 25/93619 18 November 2025

Council report 25/71965 16 September 2025

Council report 25/19413 18 March 2025

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Our Environment

Supporting a sustainable Barossa.

Strategic Outcome

- We sustainably manage our resources and encourage sustainable practices.

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.

SA Housing Trust Households in the Barossa may only secure a place in the emPoweringSA program if other batteries in other regions have residual capacity.

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.

Potential loss of credibility with Department for Mining and Energy for withdrawing support.

COMMUNITY ENGAGEMENT

Informal pre-engagement with Drinkwater Crescent and Milway Avenue undertaken as per table 1 in main body of report.

Reference: 2026/022511

[REDACTED]

Dear Resident

[REDACTED]

[REDACTED]

Dear Resident,

**emPowering SA Community battery initiative - Lot 30 Milway Avenue Nuriootpa
(Drinkwater Crescent Nuriootpa)**

The Government of South Australia's emPowering SA program is delivering 18 community batteries across South Australia for the direct benefit of South Australian government nominated households facing cost of living pressures.

Since 2025, the Department for Energy and Mining (DEM) and Council have been liaising about a possible host site for one of these community batteries in the Barossa.

Why we are contacting you

At the March 2026 Barossa Council Meeting a decision was made to explore the suitability of a section of Community Land at Allotment 30 Milway Avenue, Nuriootpa, as a site for a community battery, with pre-engagement with Drinkwater Crescent properties a priority.

For clarity, whilst the land title is listed as Milway Avenue, it is in fact located on Drinkwater Crescent. An approximate location of the site and artist impressions of how these batteries can look are provided at the end of this letter. The relevant report from the Council meeting can be accessed at <https://www.barossa.sa.gov.au/council/agendas-and-minutes-2>.

In the coming days, representatives from DEM, Council, and other project partners will be visiting the site to undertake non-invasive site assessments and collect more information to determine if the site is suitable from a technical perspective.

This work will then inform whether the site should or should not proceed to the next stage of consideration.

There is nothing for you to do for this visit, no access will be needed to your property, and the site will not be disturbed in any way. Letting you know about this is simply part of our efforts to ensure you are kept informed about activity in your area.

What happens next

If this work determines that the site is *not* suitable from a technical perspective, nothing further will happen.

If this work determines that the site is suitable from a technical perspective, we will contact you and all residents in Drinkwater Crescent again to share more specific details of the battery and the proposal and seek initial feedback from you. If the site proceeds to this next step, Council expects to letter drop properties in Drinkwater Crescent again before the end of May 2026.

(08) 8563 8444 | barossa@barossa.sa.gov.au | [barossa.sa.gov.au](https://www.barossa.sa.gov.au)
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215



In line with the Council Meeting decision, this pre-engagement is informal and if the proposal progresses, community consultation will be undertaken in accordance with [Council's Public Consultation Policy](#), and *Section 202(2) & Section 50(6) of the Local Government Act 1999* before any final decisions are made about the suitability of a Community Land Lease to hosting a battery at this location.

More information

If you have any queries about this process or proposal in the meantime, please don't hesitate to contact me or Jake McVicar, Director Development and Community Services, on (08) 8563 8444 or barossa@barossa.sa.gov.au.

You can also learn more about the emPowering SA program at www.empowering.sa.gov.au.

Sincerely,

Robyn Ridsdale

Sustainability Officer, The Barossa Council



Figure 1 – Aerial view Drinkwater Crescent, Nuriootpa and the proposed assessment area (blue shaded area).

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215



Figure 2 - street view Drinkwater Crescent, Nuriootpa - showing existing transformer.



Figure 3 - ARTIST IMPRESSION ONLY of battery unit in situ (Not Barossa location). The battery enclosure having dimensions of approximately 11.5m long by 7.2m wide and 2.5m high.

Reference: 2026/43464

[REDACTED]

Dear Resident

[REDACTED]

[REDACTED]

Dear Resident,

emPowering SA Community battery initiative - Lot 30 Milway Avenue Nuriootpa

Second and final Informal pre-engagement opportunity.

The Government of South Australia's emPowering SA program is delivering 18 community batteries across South Australia for the direct benefit of South Australian government nominated households facing cost of living pressures. You can learn more about the emPowering SA program at www.empowering.sa.gov.au.

Since 2025, the Department for Energy and Mining (DEM) and Council have been liaising about a possible host site for one of these community batteries in the Barossa.

Why we are contacting you

At its March 2026 meeting, Council approved a decision to explore the suitability of a section of Community Land at Allotment 30 Milway Avenue, Nuriootpa, as a site for a community battery. The relevant report from the Council meeting can be accessed at <https://www.barossa.sa.gov.au>

Following this decision, Council letter dropped residents on Drinkwater Crescent and selected properties on Milway Avenue to inform them about pending site assessments to gather information and determine if the site was suitable from a technical perspective.

These assessments have now been completed, and the project is proceeding to the next stage of consideration.

A preferred location, artist impression, and FAQ document for the battery have been generated and are included at the end of this letter. The proposal includes leasing this section of community land for the purpose of establishing the battery to the Department for Energy and Mining for a minimum 15-year lease term.

What happens now

All properties on Drinkwater Crescent and Milway Avenue are receiving this second letter from Council about the preferred location for the battery. In line with the Council Meeting decision, this pre-engagement is informal.

Any comments or questions you have about this proposal can be directed to myself or Jake McVicar, Director Development and Community Services, on (08) 8563 8444 or barossa@barossa.sa.gov.au.

Any **feedback received by close of business 29 June 2026** will be considered and used to inform whether a recommendation is made to Council for formal

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215



endorsement. The would include widespread community consultation in accordance with [Council's Public Consultation Policy](#), and *Section 202(2) & Section 50(6) of the Local Government Act 1999* before any final decisions are made about the suitability of a Community Land Lease to hosting a battery at this location.

Sincerely,

Robyn Ridsdale
Sustainability Officer, The Barossa Council

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215



Figure 1 – locality plan: ariel view – Lot 30 Milway Avenue Nuriootpa

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215



Figure 2 - Artist impression at site location – Lot 30 Milway Avenue Nuriootpa

FAQs Community Battery Proposal – Lease of Community Land

What is proposed?

It is proposed that a portion of Community Land at the northern end of Milway Avenue and adjacent to Drinkwater Crescent, Nuriootpa, 5355 is leased for 15 years to the South Australian Department for Energy and Mining (DEM) to host a 700kW/ 1,828kWh battery.

The battery is one of eighteen batteries planned for South Australia as part of the South Australian Government's emPowering SA program. emPowering SA is jointly funded by the Government of South Australia, energy retailer AGL, and the Australian Government's Community Batteries for Household Solar program through the Department of Climate Change, Energy, the Environment and Water (DCCEEW), and the Australian Renewable Energy Agency's (ARENA's) Advancing Renewables Program.

Why this location?

The Department for Energy and Mining invited expressions of interest from Councils to host a battery (April 2024). Hosting a battery aligns with the Barossa Community Plan, Strategic Outcome 'Support a sustainable Barossa – we support actions that manage our environment for future generations'.

Several locations were proposed, with this one shortlisted primarily due to its proximity to suitable electrical infrastructure including an electrical substation. Other key factors included good general access, the ability to install the battery without impacting existing trees or vegetation, the availability of land that is unlikely to be developed, good passive surveillance, and maintenance accessibility.

The South-east corner of the community battery will be 34°27'43.1"S 138°59'14.8"E. Refer to locality plan and images attachment for visual representation.

Who will it benefit?

The battery will deliver reduced electricity rates for **eligible** households, keep more renewable energy in the Barossa and support local electricity network stability.

Once installed and operational, this battery at this location will delivery direct benefit to 650 households facing cost of living pressure, through a retail electricity rate 25 percent below the Default Market Offer (DMO, the default price for electricity). Eligible Housing SA tenants in the Barossa Council will be among the first to be offered the opportunity to take up places in emPowering SA. Eligibility and offers will be facilitated by the State Government, not Council.

On current figures, a typical household benefitting from emPowering SA could save up to \$575 off their annual electricity bill (based on the annual saving estimate for a new residential customer when compared to the 2025-2026 DMO with an annual energy consumption of 4000 kilowatt-hours per year).

Every household benefitting from emPowering SA will be in a home that cannot support its own solar panels or a battery. As a program, emPowering SA will deliver direct benefits to more than 10,000 South Australian government nominated households. Households will not apply, instead they will be shortlisted and invited by the State Government to join.

Other co-benefits of the battery include that more renewable energy will stay in the Barossa and contribute to electricity network stability by storing excess energy from the grid when renewable energy is abundant and then making that energy available at night during periods of high demand, or when the grid need stability support.

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215

What will it cost Council?

Under the Lease conditions, Council will provide a low-value peppercorn lease, waive any land rates payable, and continue to maintain the site up to the edge of the fenced battery. Other than in-kind contributions, there are no cost to Council for any part of the project including, but not limited to, site preparation, installation, connection, maintenance or decommissioning at end of life.

The battery will be owned by the Government of South Australia and operated by energy retailer AGL as part of a virtual power plant (a network of distributed energy resources). AGL is responsible for all ongoing maintenance of the community battery equipment. This will include annual maintenance in line with manufacturer's recommendations, and remote monitoring.

SA Power Networks is responsible for the ongoing maintenance of the high voltage/low voltage transformer.

The South Australian Government is committed to returning the site to its original condition at the end of the usable life of the battery.

What will the battery look like?

The equipment will largely look like cabinets on a concrete slab with perimeter fencing – see artist image below. DEM are committed to working with Council to meet community and project expectations regarding visual amenity, security and maintenance, including but not limited to the requirements of the Character Preservation (Barossa Valley) Act 2012.

The proposed location of the battery is unlikely to be clearly visible from Milway Avenue due to established tree cover. Image (below) – artist impression of the community battery on the proposed site with viewpoint facing North.



Image above: Artist impression only

How long is construction expected to take? And what impact will construction have on community?

The construction time for the battery is expected to be 12 – 18 months from approval to operation. An extended area around the proposed battery will also be temporarily fenced to facilitate construction.

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215

emPowering SA has committed to returning any temporary changes that support construction back to how it was prior.

What is the technical specification of the battery and how will they work?

The battery will be a 700kW/ 1,828kWh battery comprising of:

- Three (3) battery cabinets, one (1) battery connection panel, seven (7) power conversion systems, and one (1) switchboard that will sit on an approximately 11.5 metre by 5.5 metre fenced concrete slab; and
- a separate approximately 3 metre by 3 metre concrete slab/culvert on which an SA Power Networks high voltage/low voltage transformer will sit, as part of connecting the battery to the grid.

The battery will store excess energy from the grid when renewable energy is abundant and then make that energy available at night during periods of high demand, or when the grid need stability support.

Eligible households are not physical connected to the community battery – instead they benefit from it virtually.

What noise might it create?

Noise from the battery will be limited to the operation of small ventilation fans and is expected to be well below environmental noise requirements and described as less than the existing noise from the Sturt Highway.

Will any trees or established vegetation be removed?

No – the battery will comfortably be hosted within existing trees. Tree canopy will be maintained to ensure that it does not hang over the battery, and all pruning will be within normal tree maintenance.

There will be a concrete pad (approximately 11.5 metre by 5.5 metre) that will be constructed. No significant vegetation has been identified and native revegetation up to 1.5 metres around the fenced area is proposed.

Will there be any easements created to connect the battery?

When installed and operational, community will not be able to access the fences area that houses the battery. This area will be approximately 12 metres long by 8 metres wide.

There is a requirement to run underground cables to connect the battery to the new electrical transformer, but these are low voltage and will not require an easement. These cables will be run underground and to respect the structural root zone (SRZ) of established trees.

The new electrical transformer will need to connect to the nearest high voltage power pole, however this will be connected via underground cabling. The new electrical transformer will be placed as practicably as possible to limit easement on community land.

Will the existing electrical capacity at Milway Avenue and Drinkwater Crescent be affected?

No - the battery will not change the existing electrical capacity or set up at in the Milway Avenue and Drinkwater Crescent areas. A new dedicated electrical transformer will be installed to support the battery and future proof any other long-term site developments at this location.

(08) 8563 8444 | barossa@barossa.sa.gov.au | barossa.sa.gov.au
43-51 Tanunda Road (PO Box 867), Nuriootpa SA 5355 | ABN: 47 749 871 215

Is there any increased fire risk?

No - The energy storage technology of the batteries is certified to the most stringent safety standards for energy storage.

This includes lithium cell and battery safety standards IEC 62619:2022 and IEC 63056:2020, and grid connection, installation, and inverter standards AS/NZS 5139, AS/NZS 4777.2, AS 3000, and AS 3008.

The CFS and MFS were engaged early in emPowering SA project design and approval. With an understanding of the project, installation, and technology being used, neither CFS nor MFS raised any objections to emPowering SA. Their advice, together with that of the Australian and NZ Council for Fire and Emergency Services (AFAC) Battery Energy Storage Systems Commercial and Industrial Installations Guideline (April 2025), has informed project and site designs. They have engaged successfully with the MFS to deliver two community batteries in Edwardstown and Magill to meet their needs regarding access, orientation and signage.

In the unlikely event it is required, the battery cabinets also contain fire detection and an automatically activated fire suppression system.

What about land contamination?

There are no known contamination risks. The battery equipment will be hosted on a concrete pad. Whilst community batteries are a relatively new concept, the technology and operating models behind them are already widely used across Australia in use cases from household batteries through to grid-scale installations, with no known environmental issues with regards to land contamination.

Could it interfere with radio, internet, or TV signals?

No - Similar community batteries have been installed across Australia with no known interference.

Will households outside of Housing SA tenants be invited to benefit directly from the battery?

At this stage, the proposal is limited to supporting South Australian government nominated households facing cost of living pressure. Any changes to eligibility would be determined by the Government of South Australia, not Council.

DEBATE REPORT

7.4 Development and Community Services

7.4.5 BAROSSA VINTAGE FESTIVAL ART COLLECTION TRANSFER TO THE BAROSSA COUNCIL

Author: Team Leader Gallery and Creative Industries
26/47405

PURPOSE

To seek Council endorsement to accept the transfer of ownership of the Barossa Vintage Festival Art Collection from Barossa Australia Incorporated to The Barossa Council and to authorise the Chief Executive Officer to execute the necessary legal documentation to give effect to the transfer.

RECOMMENDATION

That Council:

- (1) Accepts the transfer of ownership of the Barossa Vintage Festival Art Collection from Barossa Australia Incorporated to The Barossa Council as a gift for the benefit of the Barossa community.
- (2) Authorises the Chief Executive Officer to negotiate, finalise and execute a Deed of Gift and any documentation necessary to give effect to the transfer of ownership of the Collection to Council.
- (3) Notes that the transfer is to occur at no cost to Council other than reasonable legal, administrative and transactional costs associated with completing the transfer.

REPORT

Background

The Barossa Vintage Festival Art Collection (the Collection) was established through the Barossa Vintage Festival Art Prize Exhibition, first held in 1965, with the intention of building a permanent public collection of artworks for the benefit of the Barossa community. Over the subsequent six decades, the Collection has grown to comprise more than 80 artworks with a strong emphasis on landscape works across a range of mediums and styles. The Collection includes works by artists of local, regional and national significance.

The Collection has historically formed part of the assets of organisations associated with the Barossa Vintage Festival, most recently Barossa Australia Incorporated and its predecessor organisations. Artworks acquired by Council since 2002 have remained Council owned.

As the Collection expanded, the need for appropriate storage, preservation, conservation and exhibition facilities contributed to the establishment of the Barossa

Regional Gallery in 2003. Since this time, the Collection has been permanently housed and managed by the Council at the Barossa Regional Gallery.

Council has undertaken responsibility for the storage, insurance, conservation, cataloguing, valuation, exhibition and public access arrangements associated with the collection through the operations of the Barossa Regional Gallery. These arrangements were formally recognised through a Memorandum of Understanding between The Barossa Council and Tourism Barossa Incorporated in 2018.

Barossa Australia has now indicated its intention to gift and transfer ownership of the Collection to Council, to ensure that the Collection continues to be preserved and managed as a community asset for the benefit of future generations.

Introduction

Barossa Australia Inc. has advised of its intention to transfer ownership of the Barossa Vintage Festival Art Collection to the Council as a gift, recognising Council's long-standing role in the stewardship, management and public presentation of the Collection through the Barossa Regional Gallery.

The purpose of this report is to seek Council's consideration of the proposed transfer and, should Council support the proposal, authorise the Chief Executive Officer to enter into the necessary legal documentation to give effect to the transfer.

Discussion

The Collection currently comprises more than 80 artworks and represents approximately sixty years of cultural investment by the Barossa community, local businesses, sponsors and the Barossa Vintage Festival. The Collection continues to hold significant and historical value for the region.

The transfer would also enable consolidation of pre-2002 and post-2002 acquisitions under a single ownership structure and future collection management framework.

Legal Advice

Independent legal advice has been obtained regarding the proposed transfer arrangement. Advice confirms that the transfer may appropriately be structured as a gift from Barossa Australia to Council and that the arrangement does not constitute a taxable supply for GST purposes. Legal advice further confirms that no significant legal impediment exists to Council accepting ownership of the Collection.

The advice recommends that the transfer be formalised through a Deed of Gift to provide certainty regarding the transfer of legal title, ownership responsibilities and any conditions associated with the donation.

Collection Management and Governance

Legal advice notes that Council has effectively undertaken custodial responsibility for the Collection for many years through the operation of the Barossa Regional Gallery.

Council currently provides for the insurance, storage, conservation, cataloguing, valuation, exhibition and management of the Collection and has undertaken these

responsibilities in practice since at least 2018 under formal agreement, and for many years prior through operational arrangements associated with the Gallery. Acceptance of ownership would align legal ownership with existing stewardship and collection management responsibilities already undertaken by Council.

Financial Considerations

The Collection was independently valued in May 2025 by an approved Australian Cultural Gifts Program valuer at approximately \$278,550.

The transfer is proposed as a gift and does not involve any purchase price or acquisition cost to Council.

As Council currently funds the insurance, storage, conservation and management of the Collection through the operations of the Barossa Regional Gallery there is no additional ongoing operational costs as a result of the transfer.

Minor legal and administrative costs associated with the preparation and execution of the transfer documentation may arise and can be accommodated within existing operational budgets.

Summary and Conclusion

The proposed transfer formalises existing stewardship arrangements, provides clarity regarding ownership and governance responsibilities and supports the ongoing preservation of an important cultural asset for the benefit of the Barossa community.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Barossa Vintage Festival Art Collection Fact Sheet [↓](#) 

Supporting references

nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



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

Strategic Outcome

- We have a healthy respect for our diversity, character and history and are welcoming and supportive of all people.
- Our community is welcoming, vibrant and safe.



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

- CS2 Art and Culture - Organising and facilitating the Barossa gallery, arts culture and events
- CS3 Assets - Planning, construction, maintenance and operation of Council's assets (Transport, Bridges, Community Wastewater Management System, Community, Cultural, Recreation and Stormwater)

Legislative Requirements

Local Government Act 1999 (SA)

Copyright Act 1968 (Cth)

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.

Acceptance of ownership of the Collection formalises stewardship and collection management responsibilities already undertaken by Council through the Barossa Regional Gallery. No material change to existing service delivery arrangements is anticipated.

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 transfer supports the long-term preservation and conservation of an important regional cultural asset for the benefit of future generations. No environmental risks have been identified.

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 Collection is proposed to transfer to Council as a gift and does not involve any acquisition cost. Council currently funds the insurance, storage and management of the Collection and no significant additional operational costs are anticipated beyond minor legal and transactional expenses associated with the transfer.

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.

No additional staffing impacts are anticipated. Existing collection management responsibilities will continue to be undertaken through the Barossa Regional Gallery.

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.

Acceptance of ownership provides clarity regarding governance and stewardship arrangements for an important community cultural asset and supports Council's reputation as a responsible custodian of the region's cultural heritage.

COMMUNITY ENGAGEMENT

The current proposal reflects the shared objective between Barossa Australia, Council officers and the Barossa Regional Gallery Management Advisory Group of ensuring the Collection continues to be preserved and managed as a community asset. As the report relates to the transfer of ownership and governance arrangements between organisations rather than a change in public access, service delivery or use of the Collection, broader community consultation is not considered necessary.



BAROSSA REGIONAL GALLERY
3 Basedow Road, Tanunda, SA 5352

☎ 08 8563 8340
🌐 www.barossagallery.com.au
✉ gallery@barossa.sa.gov.au

DAVID DALLWITZ
'KING PROTEA' 1987
Sponsored by Smorgan Fibre Containers



An important role for public galleries is to collect art and to ensure that it is preserved for future generations and that it is accessible over time for people to enjoy and respond to.

The Barossa Vintage Festival Art Collection documents and preserves culture, people, places and how things have changed. It conveys how skills and creativity have altered through technological changes and innovation.

The Collection tells a unique story about the evolution of social, cultural life and the environment. Many of the works are of high quality, often by significant artists and many have supported local and emerging artists.

Nurturing a sense of community and shared history, the Collection contributes to the well-being of our community.

“The Vintage Festival Art Prize is an important event as it provides an opportunity to discover new creative talent and it helps fuel cultural appreciation in the Barossa and beyond.”

MARNIE WARK
'IN THE CLOUDS' 2005



ABOUT THE

BAROSSA VINTAGE FESTIVAL ART COLLECTION

ART PRIZE & HISTORY





About the Collection

The Barossa Vintage Festival Art Collection contains over 80 artworks which have been collected over the last 60 years since 1965, and has a strong emphasis on landscapes in all mediums and styles. The Barossa Regional Gallery is fortunate to be the custodians of the Collection and ensures that works from the Collection are displayed regularly and preserved as a cultural asset for future generations.

This Collection is rotated and displayed at least once a year at the Barossa Regional Gallery and features well-known artists including Imants Tillers, Kwementyaye (Kathleen) Petyarre, Hilarie Mais, Rod Schubert, Marnie Wark, David Dallwitz, Pamela Kouwenhoven and Dianne Longley.

The insurance, storage and maintenance of the Collection works are funded through The Barossa Council and entrusted to the Gallery management, with support from the Gallery Management Advisory Group. The Collection is considered a community owned collection but has a majority of ownership under Barossa Australia.

MARNIE WARK
'IN THE CLOUDS' 2005
Sponsored by The Barons of the Barossa

History

The inaugural Barossa Vintage Festival Art Prize Exhibition commenced in April 1965. The Collection began originally when the Vintage Festival Art Exhibition committee was formed, and sponsorships were mainly given to purchase art works. For many years the purchasing of paintings for the collection was provided by wineries and business within the Barossa Valley and purchasing arranged by the Vintage Festival.

The Collection began to grow and the housing and preservation of such a large collection became a concern. At the time the Barossa Arts Council along with the Barossa Regional Gallery Steering Committee sought funding to create the Barossa Regional Gallery. Wineries and businesses who had previously donated to purchasing art works for the Collection came forward to help with the Community contribution needed to match the Government grant required for this to occur.

The Tanunda Soldiers' Memorial Hall was additionally developed into a quality art gallery, opening in 2003, with proper lighting and professional hanging systems. When the gallery opened, the Collection had a permanent home.



The Art Prize

Between 1965 and 2003, the Vintage Festival Art Exhibition was organised by a sub-committee of the Vintage Festival Committee. The original philosophy of the Prize was to form a collection for the community.

Between 1965 and 2001, the Exhibition was held at various locations throughout the Barossa region including Chateau Yaldara and the Angaston Town Hall.

Since 2003, the Vintage Festival Exhibition has always been held at the Barossa Regional Gallery during the Vintage Festival every second year. The Collection has been used as an educational resource since it has been held within the Barossa Regional Gallery. The works have been viewed and studied by thousands of school students alone as well as adult art appreciation seminars.

ALLYSON PARSONS
'WILD FLOWERS - YORKE PENINSULA' 1985
Sponsored by The Campaign Palace State Government Insurance Commission

DEBATE REPORT

7.4 Development and Community Services

7.4.6 DEVELOPMENT APPLICATION FOR LAND DIVISION AT LOT 1, CEMETERY ROAD, EDEN VALLEY - STATE PLANNING COMMISSION REQUEST FOR CONCURRENCE

Author: Senior Manager Development Services
26/48483

PURPOSE

To seek Council concurrence in relation to Development Application 26006078 for land division at Lot 1, Cemetery Road, Eden Valley, pursuant to Section 8(3) of the *Character Preservation Act 2012*.

RECOMMENDATION

That Council concurs with the decision of the State Planning Commission to grant Planning Consent in relation to Development Application 26006078 for "Land Division 1 into 2 allotments" at Lot 1, Cemetery Road, Eden Valley, pursuant to Section 8(3) of the *Character Preservation Act 2012*.

REPORT

Background

Development Application 26006078 was lodged by Civil Surveys & Design on 23rd March 2026 for "Land Division 1 into 2 allotments" at Lot 1, Cemetery Road, Eden Valley. A copy of the application documents including plan of division and the assessment report are contained in *Attachment 1*.

The State Planning Commission was determined to be Relevant Authority for the Development Application on basis that the land division is a Restricted form of development, pursuant to Table 4 of the Rural Zone.

Restricted development refers to an impact assessed development that is defined in Section 110 of the *Planning, Development and Infrastructure Act 2016* and can only be assessed by the State Planning Commission. Such form of development may be approved subject to a prescribed process that includes public notice and provides rights of third party appeal.

In Table 4 of the Rural Zone, land division within the Limited Land Division Overlay is Restricted development, other than land division that is a boundary realignment. Due to the land division creating an additional allotment, it is Restricted development.

The State Planning Commission have undertaken an assessment of the land division against the relevant provisions of the Planning & Design Code and have resolved to grant Planning and Land Division Consent.

However, the decision of the State Planning Commission is subject to concurrence of the Council for the area in which the development is located due to the land division creating an additional allotment within the Character Preservation District.

Pursuant to Section 8 of the *Character Preservation Act 2012*, subsection (3) states:

8 – Limitations on land division in district

(3) If the State Planning Commission is the Relevant Authority, the State Planning Commission must not grant development to a development to which this section applies unless the council for the area where the proposed development is situated concurs in the granting of the authorisation.

There are no delegations in place to enable staff to determine whether to grant concurrence to a development application in which this section applies. As such, this request is presented to Council for consideration.

Introduction

This report seeks Council's concurrence in relation to Development Application 26006078 for "Land Division 1 into 2 allotments" at Lot 1, Cemetery Road, Eden Valley. This report recommends that Council grant concurrence to the State Planning Commission for the reasons set out in this report.

Discussion

The land division involves division of the existing allotment 1, Cemetery Road, Eden Valley, formally described as Certificate of Title Volume 6140 Folio 785 into two allotments. The site comprises a rectangular rural allotment having an area of 64.8ha and having extensive frontages to Vigars Road (566.3m), W Forrests Road (1,145.9m) and Cemetery Road (567.3m).

The land is currently used for general farming purposes and contains scattered vegetation, several farm dams (including a former quarry) and the remains of a Local Heritage Place identified as Local Heritage Place 16854 – Farmhouse Ruin. An aerial view of the site is below in Figure 1.

The farmhouse ruin is located at the northern end of the site, approximately halfway along the frontage to Vigars Road. There are two water storage dams on the site, one in the north-eastern corner and the other central south of the allotment. The former quarry is located in the south-eastern corner adjacent to a more densely established area of vegetation between the quarry and Cemetery Road.

Figure 1. Aerial plan of site

The proposal will divide the land into two allotments as follows:

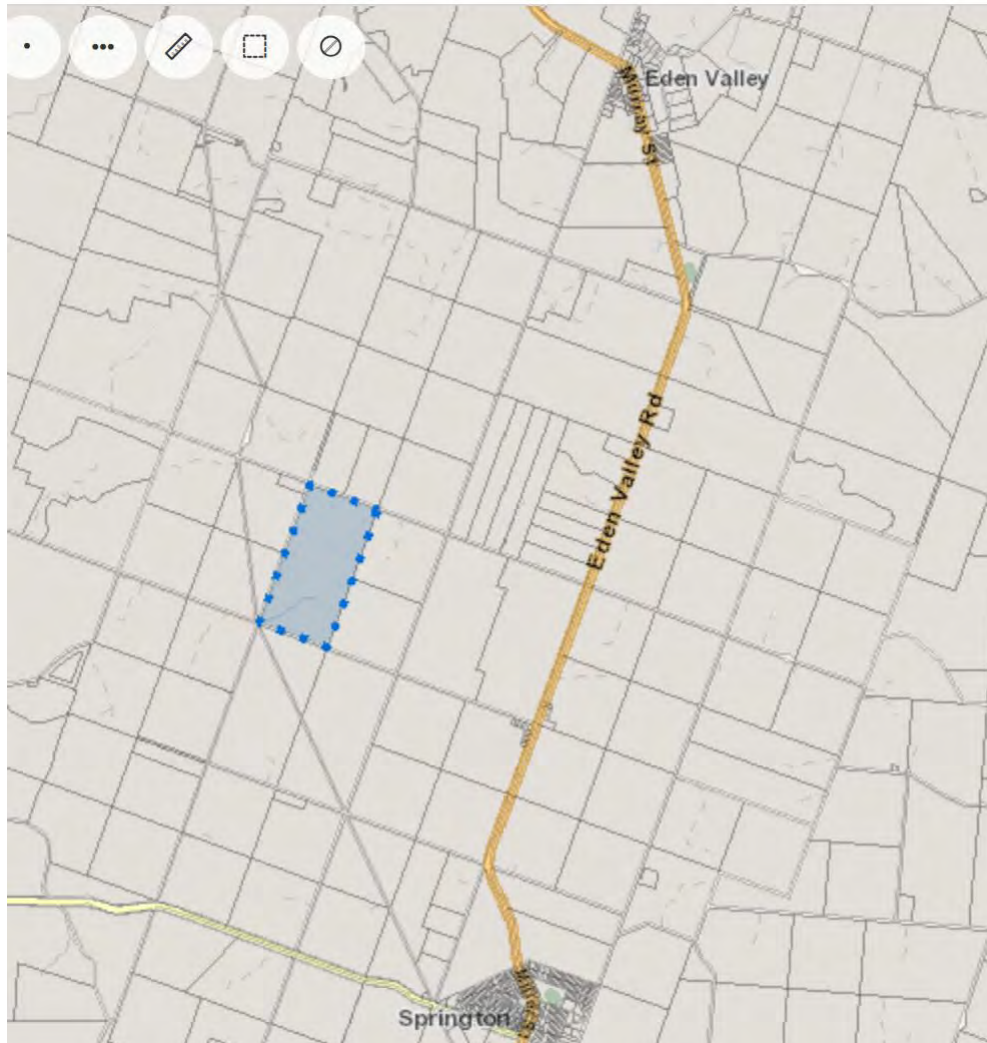
- Proposed Allotment 200 – 32.4 ha with frontage to Vigars Road and W Forrests Road. This allotment will contain the Local Heritage Place.
- Proposed Allotment 201 – 32.4ha with frontage to W Forrests Road and Cemetery Road. This allotment will contain the former quarry.

No change in land use is proposed, with both allotments intended to continue to be utilised for primary production purposes. The allotments will both have frontages to a public road and all of the roads are formed in all-weather construction.

The land is located within the Rural Zone under the Planning & Design Code. The minimum site area Technical & Numeric Variation (TNV) prescribed for this part of the Rural Zone is 32ha. Thus, the proposed allotment sizes satisfy the minimum allotment site area.

The proposed form of land division is consistent with the sizes and form of land parcels in the locality. As evidenced in Figure 2 below, the allotment is larger than the majority of allotments in this locality which are half the size of the subject land. On this basis, division of the allotments is not in conflict with the existing pattern of allotment sizes and is broadly consistent with the pattern of existing subdivision.

Figure 2. Cadastre Plan with site identified in blue



While the land division is a Restricted form of development in the Rural Zone and requires a concurrence pursuant to Section 8(3) of the *Character Preservation Act 2012*, the Act does not preclude a land division from creating an additional allotment except where the allotment is for residential purposes.

Further, the land division is not considered to be in conflict with any of the five Character Values enshrined in Section 7 of the *Character Preservation Act 2012* which are:

- a) *The rural and natural landscape and visual amenity of the district;*
- b) *The heritage attributes of the district;*
- c) *The built form of the townships as they relate to the district;*
- d) *The viticultural, agricultural and associated industries of the district;*
- e) *The scenic and tourism attributes of the district.*

The proposed land division will not result in a change to the appearance of the land, in that it is simply drawing a line on the page through the middle of the allotment, to accord with the existing boundary of the adjacent allotments to the east and west.

Further, the allotment sizes are such that they will support continued agricultural activities on the land in a manner that is consistent with adjacent land parcels of similar size.

In summary, the land division is considered to warrant Planning and Land Division Consent in that the sizes of the allotments and formation of the land division accords with the Rural Zone and existing pattern of development in the locality. Further, the land division is not in conflict with the Character Values under the *Character Preservation Act 2012*.

Summary and Conclusion

This report seeks Council's concurrence in relation to Development Application 26006078 for "Land Division 1 into 2 allotments" at Lot 1, Cemetery Road, Eden Valley. For the reasons set out in this report, it is recommended that Council grant concurrence to the State Planning Commission.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Planning Assessment Concurrence Documentation [!\[\]\(3211b5d1d968fc1665909b34f9f16010_img.jpg\)](#) 

Supporting references

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

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 & Infrastructure Act 2012

Character Preservation Act 2012

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.

There are no adverse environmental consequences arising from the granting of Planning and Land Division Consent for the proposed land division. The resultant allotment sizes exceed the minimum allotment size threshold prescribed in this part of the Rural Zone of 32ha. The allotments are suitable to continue to be used for agricultural purposes, consistent with the objectives of the Rural Zone.

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.

The proposed land division is considered to be in accordance with the relevant provisions of the Planning & Design Code and the Character Values defined in Section 7 of the *Character Preservation Act 2012*.

COMMUNITY ENGAGEMENT

The application was subject to public notification pursuant to the Restricted Assessment pathway and no representations were received by the State Planning Commission.



DECISION NOTIFICATION FORM **DRAFT ONLY - UNOFFICIAL VERSION**

Section 126(1) of the Planning, Development and Infrastructure Act 2016

TO THE APPLICANT(S):

Name: CIVIL SURVEYS & DESIGN
Postal address: 14 SUNBEAM ROAD GLYNDE SA 5070
Email: cadastral@civilsurveys.com.au

IN REGARD TO:

Development application no.: 26006078	Lodged on: 23 Mar 2026
Nature of proposed development: Land division 1 into 2 allotments	

LOCATION OF PROPOSED DEVELOPMENT:

Location reference: LOT 1 CEMETERY RD EDEN VALLEY SA 5235		
Title ref.: CT 6140/785	Plan Parcel: D93072 AL1	Council: THE BAROSSA COUNCIL

DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Granted	13 Jul 2026	1	0	State Planning Commission
Land Division Consent	Granted	13 Jul 2026	2	0	State Planning Commission
Development Approval - Planning Consent; Land Division Consent	Still Required				The Barossa Council

FROM THE RELEVANT AUTHORITY: State Planning Commission
Date: 13 Jul 2026

CONDITIONS

Planning Consent

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning for the Purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017. Published: 7 July 2022.



Government of South Australia

Department for Trade and Investment

Land Division Consent**Conditions imposed by Minister for the time being administering the River Murray Act 2003 under Section 122 of the Act****Condition 1**

During works or construction activities associated with the development, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Conditions imposed by SPC Planning Services under Section 122 of the Act**Condition 2**

A final plan complying with the requirements for plans set out in the Plan Presentation Requirements issued by Land Services SA to be lodged with the State Planning Commission for Land Division Certificate purposes. At the time of lodgment, the Land Division Registration fee (currently \$1190.00) will also be payable. Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7133 3028, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001

ADVISORY NOTES**Planning Consent****Advisory Note 1**

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 2

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 3

No works, including site works can commence until a Development Approval has been granted.

Land Division Consent**Advisory Note 1**

The development must be substantially commenced or application for certificate made within 12 months of the date of the operative authorisation, unless this period has been extended by the State Planning Commission.

Advisory Note 2

The applicant is advised that this approval relates to a land division for the continued use of the allotments for primary production purposes. Nothing in this approval authorises the use of the additional allotment for residential purposes. Any future development or use of the land must comply with the requirements of the *Planning, Development and Infrastructure Act 2016*, the Planning and Design Code, and the *Character Preservation (Barossa Valley) Act 2012*.

Advisory Notes imposed by Minister for the time being administering the River Murray Act 2003 under Section 122 of the Act**Advisory Note 3**

The applicant is reminded of the General Duty of Care under Section 23 of the *River Murray Act 2003*, which requires that a person must take all reasonable measures to prevent or minimise any harm to the River Murray through his or her activities.

Advisory Note 4

Prior to the clearance of native vegetation (including reeds) for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance'

means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.

Advisory Note 5

Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.

Advisory Note 6

The applicant is advised that the approved development is subject to the provisions of the *Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area* (available at: <https://www.landscape.sa.gov.au/mr/water/water-allocation-plans/marne-saunders>) and the *Northern and Yorke Landscape Board Water Affecting Activity Control Policy* (available at: https://cdn.environment.sa.gov.au/landscape/docs/ny/201206_ny_waa_control_policy.pdf).

Advisory Note 7

If there is any use of water from the *Marne Saunders Prescribed Water Resources Area* (surface water, watercourse water or ground water) that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department for Environment and Water (DEW) to ensure relevant requirements under the *Landscape South Australia Act 2019* are met. For further information contact the DEW Water Licensing Branch on telephone 8595 2053 or visit: <http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>.

Advisory Note 8

Section 119 of the *Landscape South Australia Act 2019* requires the occupier of the land on which a well is situated to ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department for Environment and Water (DEW) for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from www.waterconnect.sa.gov.au. For information regarding permit applications contact DEW on telephone (08) 8735 1134 or visit: <http://www.environment.sa.gov.au/topics/water/water-licences-and-permits>.

Advisory Note 9

The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects or remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object or remains (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information and to request a search of the Register of Aboriginal Sites and Objects from the Attorney-General's Department - Aboriginal Affairs and Reconciliation visit: <http://taawika.sa.gov.au>.

Advisory Notes imposed by SPC Planning Services under Section 122 of the Act**Advisory Note 10**

Under Part 20A of the *Telecommunications Act 1997* (Cth), developers are required to install fibre-ready facilities (e.g. pit and pipe) in their developments, unless the development qualifies for an exemption. Developers can face penalties if they sell or lease building lots or units in new developments without fibre-ready facilities installed.

Under the Commonwealth's Telecommunications in New Developments Policy, developers are also expected to contract a telecommunications carrier (being any statutory infrastructure provider (SIP) or NBN Co as the default SIP) to provide services in their development. Carriers should install fixed-line network infrastructure in new developments, unless that is not commercially feasible, in which case they should use fixed-wireless or satellite technologies.

Further details of these requirements can be found at:

www.infrastructure.gov.au/departments/media/publications/telecommunications-new-developments

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: State Planning Commission	Type of consent: Planning and Land Division
Telephone: +611800752664	Email: spcapplications@sa.gov.au
Postal address: GPO Box 1815, ADELAIDE SA 5001	

OFFICIAL

ASSESSMENT REPORT

DEVELOPMENT NO.:	26006078
APPLICANT:	CIVIL SURVEYS & DESIGN
NATURE OF DEVELOPMENT:	Land division 1 into 2 allotments
ZONING INFORMATION:	Zones: • Rural Overlays: • Character Preservation District • Hazards (Bushfire - Medium Risk) • Heritage Adjacency • Hazards (Flooding - Evidence Required) • Local Heritage Place • Limited Land Division • Murray-Darling Basin • Native Vegetation • Prescribed Water Resources Area • River Murray Tributaries Protection Area • Water Resources Technical Numeric Variations (TNVs): • Minimum Site Area (Minimum site area is 32 ha)
LODGEMENT DATE:	23 Mar 2026
RELEVANT AUTHORITY:	State Planning Commission
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2026.5 12/03/2026

DETAILED DESCRIPTION OF PROPOSAL:

DETAILED DESCRIPTION OF PROPOSAL

The application seeks Planning Consent for a restricted development comprising a 1 into 2 Torrens Title land division at Lot 1 Cemetery Road, Eden Valley.

The subject land comprises a single rural allotment with a total site area of approximately 64.8 hectares and is currently used for general farming purposes. The proposal will divide the land into two allotments as follows:

OFFICIAL

OFFICIAL

2

- Proposed Allotment 200 – approximately 32.4 hectares, with frontage to Vigers Road and W Forrests Road. This allotment contains the existing Local Heritage Place (Farmhouse Ruin).
- Proposed Allotment 201 – approximately 32.4 hectares, with frontage to W Forrests Road and Cemetery Road.

No change in land use is proposed, with both allotments intended to continue to be utilised for primary production purposes. No new roads, access arrangements, buildings or engineering works form part of this application. Existing access to each proposed allotment will continue to be available from the adjoining public road network.

LOCATION OF DEVELOPMENT:

Figure 1: Locality of subject site (from SAPPA)

Location reference: LOT 1 CEMETERY RD EDEN VALLEY SA 5235

Title ref.: CT 6140/785 **Plan Parcel:** D93072 AL1 **Council:** THE BAROSSA COUNCIL

The subject site is located at Lot 1 Cemetery Road, Eden Valley and is described as Certificate of Title Volume 6140 Folio 785.

The site comprises a rectangular rural allotment with an area of approximately 64.8 hectares. It has extensive frontages to Vigers Road (approximately 566.3 metres), W Forrests Road (approximately 1,145.9 metres) and Cemetery Road (approximately 567.3 metres).

The land is currently used for general farming purposes and contains scattered vegetation, several farm dams (including a former quarry), and the remains of a locally listed heritage place

OFFICIAL

OFFICIAL

3

identified as Local Heritage Place 16854 – Farmhouse Ruin, located in the northern portion of the site.

The surrounding locality is characterised by large rural holdings predominantly used for broadacre farming and grazing activities, with occasional rural dwellings and associated agricultural outbuildings. The site is located within the Rural Zone and is affected by the Character Preservation District (Not in Township), Hazards (Bushfire – Medium Risk), Heritage Adjacency, Hazards (Flooding – Evidence Required), Local Heritage Place, Limited Land Division, Murray-Darling Basin, Native Vegetation, Prescribed Water Resources Area, River Murray Tributaries Protection Area and Water Resources Overlays. The site is also subject to a Minimum Site Area Technical and Numeric Variation of 32 hectares.

CONSENT TYPE REQUIRED:

Planning and Land Division Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Land division
Land Division within the Limited Land Division Overlay: Impact Assessed - Restricted
- **OVERALL APPLICATION CATEGORY:**
Impact Assessed - Restricted
- **REASON**
P&D Code; Listed in Table 4 Restricted Development - Rural Zone - Land division under Limited Land Division Overlay.

PUBLIC NOTIFICATION

Yes

- **REASON**
Restricted development mandate public notification
No representation received during the notification period

AGENCY REFERRALSMinister for the time being administering the River Murray Act 2003

The application was referred to the Minister for the time being administering the River Murray Act 2003 pursuant to Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

The referral response advised that the proposal had been assessed against the Objects and Objectives of the River Murray Act 2003 and concluded that, subject to appropriate conditions and advisory notes, the proposal is unlikely to adversely affect the health of the River Murray system. The referral noted that no native vegetation clearance is proposed and that any future infrastructure works should minimise erosion, sedimentation and disturbance of vegetation to protect water quality. The response also highlighted the need for the applicant to comply with relevant water allocation requirements within the Marne River and Saunders Creek Prescribed Water Resources Area and to be aware of obligations relating to Aboriginal heritage should ground disturbance occur.

OFFICIAL

OFFICIAL

4

The Minister directed, pursuant to section 122(5)(b)(ii) of the Planning, Development and Infrastructure Act 2016, that a condition be imposed requiring the subject land to be managed during any works associated with the development to prevent erosion, pollution and the entry of pollutants into the River Murray system. A series of advisory notes were also recommended regarding the applicant's general duty of care under the River Murray Act 2003, native vegetation, water allocation requirements, well management and Aboriginal heritage obligations. These referral requirements are recommended to be incorporated into any Development Approval.

South Australian Water Corporation

No comment.

SPC Planning Services

No objection, with comments.

The Barossa Council

Pursuant to Regulation 23(2)(b) of the Planning, Development and Infrastructure (General) Regulations 2017, the application was referred to The Barossa Council for comment.

Council advised that it has no specific comments in relation to the matters prescribed under Regulation 23(3)(a) and raised no objection to the proposal. Council considered that the land division would not unreasonably prejudice the ongoing use of the land for primary production, noting that the proposed boundary generally follows an existing fence line and is consistent with the established pattern of allotments within the locality. Council further advised that the proposal would not have a notable impact on the setting of the existing Local Heritage Place due to the separation between the proposed boundary and the heritage place.

Council also noted the provisions of the Character Preservation (Barossa Valley) Act 2012, which require refusal of land divisions creating additional allotments for residential purposes. As the proposal does not create allotments for residential purposes, Council recommended that an advisory note be included to reinforce that the additional allotments are not approved for residential use. This matter has been considered as part of this assessment.

PLANNING ASSESSMENT**Question of Seriously at Variance**

The proposed development is classified as Restricted Development as it is a land division within the Limited Land Division Overlay that creates one additional allotment.

The proposal is considered to be at variance with Limited Land Division Overlay PO 1.1, which seeks land divisions that do not result in the creation of an additional allotment.

Notwithstanding this, the proposal is not considered to be seriously at variance with the Planning and Design Code. The underlying intent of the Limited Land Division Overlay is to minimise fragmentation of rural land and maintain the long-term use of land for primary production. In this instance, the proposal creates two viable rural allotments of approximately 32.4 hectares each, both exceeding the applicable 32-hectare Minimum Site Area Technical and Numeric Variation prescribed by the Rural Zone.

The resulting allotments are regular in shape, retain extensive frontage to existing public roads, are capable of supporting ongoing commercial-scale farming activities and will continue to be

OFFICIAL

OFFICIAL

5

used for primary production. The proposal does not facilitate rural residential development, nor does it compromise the productive use of the land or the rural character of the locality.

On balance, while the proposal departs from the literal wording of Limited Land Division Overlay PO 1.1, it achieves the broader policy intent of maintaining viable rural holdings and protecting land for ongoing primary production. Accordingly, the proposal is not considered to be seriously at variance with the Planning and Design Code.

OverlaysCharacter Preservation District (Not in Township) Overlay

The Character Preservation District Overlay seeks to recognise, protect and enhance the special character of the Barossa Valley while promoting the long-term use of land outside townships for primary production (DO 1 and DO 2). PO 1.1 requires land division to be undertaken in accordance with Section 8 of the Character Preservation (Barossa Valley) Act 2012.

The proposal creates one additional allotment within the Character Preservation District. Section 8 of the Character Preservation (Barossa Valley) Act 2012 applies to this proposal; however, Section 8(5) is not applicable as it relates specifically to the creation of allotments for residential purposes, and the proposed land division is not intended to facilitate additional residential development. Both proposed allotments exceed the applicable 32-hectare minimum site area, remain suitable for ongoing commercial primary production and retain extensive public road frontages. The proposal therefore maintains the productive rural character of the locality and is consistent with the intent of the Overlay and the Character Preservation legislation.

Section 8(3) requires State Planning Commission must not grant development authorisation to a development to which this section applies unless the council for the area where the proposed development is situated concurs in the granting of the authorisation.

Hazards (Bushfire – Medium Risk) Overlay

The Hazards (Bushfire – Medium Risk) Overlay seeks to ensure land division responds appropriately to bushfire risk (DO 1 and DO 2). PO 4.1 and PO 4.2 seek land divisions that minimise bushfire risk and provide safe access and evacuation.

The proposal does not introduce additional sensitive land uses, habitable buildings or new road infrastructure. Both proposed allotments retain direct frontage to existing public roads, allowing safe and convenient access for emergency services and evacuation if required. The land division maintains the existing rural land use and does not materially increase bushfire exposure. Accordingly, the proposal is considered to satisfy PO 4.1 and PO 4.2.

Heritage Adjacency Overlay

The Heritage Adjacency Overlay seeks to ensure development adjacent to heritage places maintains their heritage and cultural values. PO 2.1 seeks allotments of sufficient size and dimension to enable future development without adversely affecting the setting of the heritage place.

The adjoining Local Heritage Place is separated from the subject land by a public road and substantial distance. The proposed allotments remain large rural holdings capable of accommodating future development well clear of adjoining heritage assets. As no building works

OFFICIAL

OFFICIAL

6

are proposed and the land division will not alter the existing rural setting, the proposal is consistent with PO 2.1.

Local Heritage Place Overlay

The subject site contains Local Heritage Place 16854 (Farmhouse Ruin). PO 4.1 seeks land division that maintains the heritage values and setting of the Local Heritage Place while creating allotments capable of accommodating compatible development.

The existing heritage place will remain wholly within proposed Allotment 200. The proposal does not involve demolition, alteration or relocation of the heritage place, nor does it diminish its rural setting. The resulting allotment remains of sufficient size to ensure any future development can occur without adversely affecting the heritage values of the place. Accordingly, the proposal is considered to satisfy PO 4.1.

Limited Land Division Overlay

The Limited Land Division Overlay seeks to minimise fragmentation of rural land and maintain its long-term use for primary production (DO 1). PO 1.1 seeks land divisions that do not create an additional allotment.

While the proposal creates one additional allotment and is therefore performance assessed as Restricted Development, the resulting allotments each comprise approximately 32.4 hectares, exceeding the applicable minimum site area prescribed by the Rural Zone. Both allotments are regular in shape, retain substantial road frontages and are capable of supporting ongoing primary production activities. The proposal does not result in fragmentation into uneconomic allotments and maintains the long-term productive use of the land. On balance, although the proposal does not satisfy the literal wording of PO 1.1, it achieves the broader Desired Outcome of the Overlay by preserving viable rural holdings.

Native Vegetation Overlay

PO 2.1 seeks to avoid fragmentation of land containing native vegetation or clearance of native vegetation as a consequence of land division.

The application does not propose the removal of native vegetation or require new access roads or infrastructure that would necessitate vegetation clearance. The proposed allotment boundaries generally utilise the existing allotment configuration and do not adversely affect areas of native vegetation. Accordingly, the proposal is consistent with PO 2.1.

River Murray Tributaries Protection Area Overlay

The River Murray Tributaries Protection Area Overlay seeks to protect the health and function of the River Murray tributary system. PO 2.1 seeks to ensure land division does not intensify development to a level that would adversely affect natural flow paths or riverine environments.

The proposal is limited to a rural land division and does not introduce a more intensive land use, additional development or changes to drainage patterns. Existing farming activities will continue, and no engineering works are proposed. The proposal is therefore considered to satisfy PO 2.1.

Other Overlays

The Hazards (Flooding – Evidence Required), Murray-Darling Basin, Prescribed Water Resources Area and Water Resources Overlays primarily regulate future development, water management and building outcomes rather than the creation of two compliant rural allotments. As the proposal does not involve building works, changes in land use or engineering works that

OFFICIAL

OFFICIAL

7

would trigger assessment against the relevant Performance Outcomes, these overlays are not considered to raise planning issues in the assessment of this land division.

Rural Zone

The Rural Zone seeks to support the economic prosperity of South Australia through primary production and associated rural industries (DO 1). The subject land is currently utilised for general farming purposes and the proposed land division does not involve a change in land use. Both resulting allotments will continue to be used for primary production, thereby maintaining the productive value of the land consistent with PO 1.1.

The proposal is also assessed against the land division provisions of the Rural Zone. PO 11.1 seeks land divisions that promote productive, efficient and sustainable primary production by establishing allotments of sufficient dimension and area to support their intended use. The applicable Minimum Site Area Technical and Numeric Variation (DPF 11.1) prescribes a minimum allotment size of 32 hectares.

The proposed land division will create two Torrens Title allotments, each with an area of approximately 32.4 hectares, thereby exceeding the minimum site area requirement. Both allotments are regular in shape, retain extensive frontage to existing public roads and are capable of accommodating and supporting ongoing commercial-scale farming activities. The proposed configuration is considered to maintain viable rural holdings and reflects the prevailing pattern of development within the locality, where numerous similarly sized allotments resulting from past land divisions are evident.

Although the proposal is classified as Restricted Development due to the Limited Land Division Overlay, rather than the Rural Zone provisions, the resulting allotments fully comply with the Rural Zone minimum site area requirement and are of sufficient size and configuration to facilitate the ongoing productive use of the land. Accordingly, the proposal is considered to satisfy the intent of PO 11.1 and DPF 11.1, together with PO 1.1, by maintaining productive rural land for its intended primary production purpose.

Land Division

The proposal has been assessed against the General Development Policies – Land Division provisions of the Planning and Design Code.

PO 1.1 seeks land divisions that create allotments suitable for their intended use. The proposal will create two regular shaped rural allotments of approximately 32.4 hectares each, both exceeding the applicable minimum site area prescribed by the Rural Zone. Each allotment has substantial frontage to existing public roads and is capable of supporting ongoing primary production activities. The proposed allotments are therefore considered suitable for their intended rural use.

With regard to PO 1.2, the proposal has appropriately considered the physical characteristics of the site and the prevailing rural context. The land division generally follows the existing allotment configuration, retains the existing Local Heritage Place on a single allotment, avoids impacts on environmental features and maintains the established pattern of large rural holdings within the locality.

The proposal also satisfies the intent of PO 2.2 and PO 2.4, as the resulting allotments will continue to accommodate the existing farming use without creating land use conflicts or

OFFICIAL

OFFICIAL

8

requiring new infrastructure. The land division integrates with the existing transport network and available services while maintaining the long-term productive use of the land.

In relation to PO 2.8, the proposal does not necessitate the removal of native vegetation or significant site features. Existing environmental attributes can be retained within the resulting allotments and no new roads or access tracks are proposed.

The proposed allotments will each retain direct frontage and access to existing all-weather public roads, satisfying the intent of PO 3.1. No alterations to the existing road network are proposed, and the development will not adversely affect the safe and efficient operation of the surrounding transport network.

The proposal does not introduce additional infrastructure demands beyond those associated with the continued rural use of the land. Wastewater disposal and servicing requirements can continue to be addressed at the time of any future development, consistent with PO 4.2.

Overall, the proposed land division creates two functional rural allotments that are appropriate for their intended ongoing primary production use, responds to the physical characteristics of the site, integrates with existing infrastructure and access arrangements, and is consistent with the relevant General Development Policies for Land Division.

Land Division Assessments

Section 102 of the PDI Act 2016 states:

Subject to this Act, a development is an approved development if, and only if, a relevant authority has assessed the development against, and granted a consent in respect of, each of the following matters (insofar as they are relevant to the particular development):

In terms of a land division proposal like the one being assessed Section 102(1)(c) states:

in relation to a proposed division of land (otherwise than under the Community Titles Act 1996 or the Strata Titles Act 1988)—the requirement that the following conditions be satisfied (or will be satisfied by the imposition of conditions under this Act):

- (i) requirements set out in the Planning and Design Code made for the purposes of this provision are satisfied;*
- (ii) any relevant requirements set out in a design standard has been satisfied;*
- (iii) the requirements of a water industry entity under the Water Industry Act 2012 identified under the regulations relating to the provision of water supply and sewerage services are satisfied;*
- (iv) where land is to be vested in a council or other authority—the council or authority consents to the vesting;*
- (v) requirements set out in regulations made for the purposes of this provision are satisfied;*

The subject land is located within a rural area where water supply and wastewater services are to be provided on-site. As the land is not serviced by SA Water infrastructure, no requirements arise under Section 102(1)(c)(iii) of the Planning, Development and Infrastructure Act 2016. On-site servicing can be addressed at the time of any future development requiring approval.

The proposal has also been referred to the relevant agencies in accordance with the Planning, Development and Infrastructure Act 2016 and the Planning, Development and Infrastructure

OFFICIAL

OFFICIAL

9

(General) Regulations 2017. Any mandatory conditions or advisory notes required by referral bodies have been incorporated into the recommended decision. Where applicable, the proposal is capable of complying with the requirements of the relevant water industry entity through standard conditions requiring compliance prior to the issue of Certificates of Title.

No land is proposed to be vested in a council or other authority as part of this land division. Accordingly, the requirements of Section 102(1)(c)(iv) are not applicable.

The proposal is therefore considered to satisfy the requirements for the granting of Land Division Consent under Section 102(1)(c) of the Planning, Development and Infrastructure Act 2016, subject to the recommended conditions of consent.

RECOMMENDATION

The proposed development **is not** considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Warrant planning consent.

CONDITIONSPlanning Consent

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Land Division Consent

Conditions imposed by Minister for the time being administering the River Murray Act 2003 under Section 122 of the Act

Condition 1

During works or construction activities associated with the development, the subject land must be managed in a manner as to prevent erosion and pollution of the site and the environment, including keeping the area in a tidy state and ensuring any waste materials are appropriately contained to ensure no pollutants (including excavation or fill material) enter the River Murray system.

Conditions imposed by SPC Planning Services under Section 122 of the Act

Condition 2

OFFICIAL

OFFICIAL

10

A final plan complying with the requirements for plans set out in the Plan Presentation Requirements issued by Land Services SA to be lodged with the State Planning Commission for Land Division Certificate purposes. At the time of lodgment, the Land Division Registration fee (currently \$1190.00) will also be payable. Payment may be made via credit card (Visa or MasterCard) online at plan.sa.gov.au, over the phone on 7133 3028, or cheques may be made payable to the State Planning Commission, marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001

ADVISORY NOTES

Planning Consent

Advisory Note 1

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 2

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the Relevant Authority).

Advisory Note 3

No works, including site works can commence until a Development Approval has been granted.

Advisory Note 4

The development must be substantially commenced or application for certificate made within 12 months of the date of the operative authorisation, unless this period has been extended by the State Planning Commission.

Advisory Note 5

The applicant is advised that this approval relates to a land division for the continued use of the allotments for primary production purposes. Nothing in this approval authorises the use of the additional allotment for residential purposes. Any future development or use of the land must comply with the requirements of the *Planning, Development and Infrastructure Act 2016*, the Planning and Design Code, and the *Character Preservation (Barossa Valley) Act 2012*.

OFFICIAL

OFFICIAL

11

Land Division Consent

Advisory Notes imposed by Minister for the time being administering the River Murray Act 2003 under Section 122 of the Act

Advisory Note 1

The applicant is reminded of the General Duty of Care under Section 23 of the *River Murray Act 2003*, which requires that a person must take all reasonable measures to prevent or minimise any harm to the River Murray through his or her activities.

Advisory Note 2

Prior to the clearance of native vegetation (including reeds) for any purpose, the applicant should consult the Native Vegetation Council to determine relevant requirements under the *Native Vegetation Act 1991* and its Regulations, which may include the provision of a Significant Environmental Benefit. Note that 'clearance' means any activity that could cause any substantial damage to native plants, including cutting down and removing plants, burning, poisoning, slashing of understorey, removal or trimming of branches, severing roots, drainage and reclamation of wetlands, and in some circumstances grazing by animals. For further information contact the Native Vegetation Council on telephone 8303 9777 or visit: <http://www.nvc.sa.gov.au>.

Advisory Note 3

Any fencing required to identify allotment boundaries should avoid the unnecessary removal of native vegetation and disturbance of soil, to minimise the risk of soil erosion and subsequent impacts on water quality through increases in siltation, nutrient loading and turbidity.

Advisory Note 4

The applicant is advised that the approved development is subject to the provisions of the *Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area* (available at: <https://www.landscape.sa.gov.au/mr/water/water-allocation-plans/marne-saunders>) and the *Northern and Yorke Landscape Board Water Affecting Activity Control Policy* (available at: https://cdn.environment.sa.gov.au/landscape/docs/ny/201206_ny_waa_control_policy.pdf).

Advisory Note 5

If there is any use of water from the *Marne Saunders Prescribed Water Resources Area* (surface water, watercourse water or ground water) that may be affected by the land division, or if it is intended to use water from these resources to service the new allotments, the interested parties should contact the Department for Environment and Water (DEW) to ensure relevant requirements under the *Landscape South Australia Act 2019* are met. For further information contact the DEW Water Licensing Branch on telephone 8595 2053 or visit: <http://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>.

Advisory Note 6

OFFICIAL

OFFICIAL

12

Section 119 of the *Landscape South Australia Act 2019* requires the occupier of the land on which a well is situated to ensure that the well (including the casing, lining and screen of the well and any mechanism used to cap the well) is properly maintained. A permit is required from the Department for Environment and Water (DEW) for any work to be carried out on a well or for new wells to be drilled. Information on specific wells can be obtained from www.waterconnect.sa.gov.au. For information regarding permit applications contact DEW on telephone (08) 8735 1134 or visit: <http://www.environment.sa.gov.au/topics/water/water-licences-and-permits>.

Advisory Note 7

The River Murray and many of its tributaries and overflow areas have abundant evidence of Aboriginal occupation and Aboriginal sites, objects or remains may be present on the subject land. Under section 20 of the *Aboriginal Heritage Act 1988* (the Act), an owner or occupier of private land, or an employee or agent of such an owner or occupier, must report the discovery on the land of any Aboriginal sites, objects or remains to the Minister responsible for the administration of the Act, as soon as practicable, giving the particulars of the nature and location of the Aboriginal sites, objects or remains. It is an offence to damage, disturb or interfere with any Aboriginal site or damage any Aboriginal object or remains (registered or not) without the authority of the Minister for Aboriginal Affairs and Reconciliation (the Minister). If the planned activity is likely to damage, disturb or interfere with a site, object or remains, authorisation of the activity must be first obtained from the Minister under Section 23 of the Act. Penalties may apply for failure to comply with the Act. For further information and to request a search of the Register of Aboriginal Sites and Objects from the Attorney-General's Department - Aboriginal Affairs and Reconciliation visit: <http://taawika.sa.gov.au>.

Advisory Notes imposed by SPC Planning Services under Section 122 of the Act

Advisory Note 8

Under Part 20A of the *Telecommunications Act 1997* (Cth), developers are required to install fibre-ready facilities (e.g. pit and pipe) in their developments, unless the development qualifies for an exemption. Developers can face penalties if they sell or lease building lots or units in new developments without fibre-ready facilities installed.

Under the Commonwealth's Telecommunications in New Developments Policy, developers are also expected to contract a telecommunications carrier (being any statutory infrastructure provider (SIP) or NBN Co as the default SIP) to provide services in their development. Carriers should install fixed-line network infrastructure in new developments, unless that is not commercially feasible, in which case they should use fixed-wireless or satellite technologies.

Further details of these requirements can be found at:
www.infrastructure.gov.au/departments/media/publications/telecommunications-new-developments

OFFICIAL

OFFICIAL

13

OFFICER MAKING RECOMMENDATION

Name: Hugh Wang

Title: Senior Planning Officer

Date: 13/07/2026

DECISION AUTHORITY

Relevant Authority: State Planning Commission

Consent: Planning and Land Division Consent

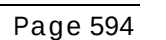
Date: <<User input>>

Delegation Policy: <<User input>>

Delegate Name: <<User input>>

Delegate Title: <<User input>>

OFFICIAL



Ref: 25ADL-1546

25 February 2026

Hugh Wang
Senior Planning Officer
State Planning Commission

Uploaded via PlanSA Portal

Dear Hugh

Land Division at Lot 1 Cemetery Road, Eden Valley

Introduction

URPS has been engaged by HLM Pastoral Pty Ltd, to provide planning advice and prepare this letter in support of land division at Lot 1 Cemetery Road, Eden Valley.

This report has been prepared in support of the proposal to be assessed by State Planning Commission (the Commission), pursuant to section 109(1)(a)(ii) of the PDI Act.

This letter establishes the merits of the proposed development, such that an assessment of the development proceeds.

Together with this statement I enclose a Plan of Division prepared by Civil Surveys and Design.

Site and Locality

The subject land is Lot 1 Cemetery Road, Eden Valley (CT 6140/785)

The subject site is a rectangular allotment with a site area of approximately 64.8 hectares. The land has multiple frontages, with 566.29m to Vigars Road, 1,145.85m to W Forrests Road, and 567.29m to Cemetery Road.

The land is used for general farming purposes. Vegetation is sparsely scattered across this large land. In the northern portion are farm building ruins. Bodies of water can be found across the site, one of which has been formed by an old quarry.

Access to the land is possible via Vigars Road to the north, and at the intersection of Cemetery and W Forrests Roads to the south.

Building ruins exist on the land and are identified as Local Heritage Place ID 16854.

We acknowledge the Kaurna people as the Traditional Custodians of the land on which we work and pay respect to Elders past, present and emerging.

https://urpsau.sharepoint.com/sites/SynergyProjects/Shared%20Documents/SA%20Synergy%20Projects/25ADL-1546%20-%20Lot%201%20Cemetery%20Road,%20Eden%20Valley/Working/URPS%20Planning%20Advice/260216_L1_V1_Planning%20Statement.docx



Adelaide
27 Halifax Street
Adelaide SA 5000
08 8333 7999

urps.com.au

ADL | MEL | PER | BNE





The SA Heritage Places Database describes this listing as 'Farmhouse Ruin'.

The land and zoning arrangement is shown in Figure 1 below.

Figure 1. Site and Zoning Arrangement



This rural locality is predominantly characterised by large rural allotments used for general farming or grazing purposes.

Allotments are generally larger in size, however there is a mixture of some smaller and irregular shaped allotments that reflect road layouts and established uses.

Several allotments within the locality are improved by a single dwelling with ancillary structures.

Land use patterns are typically informal and varied, however the landscape is generally open rural land used for primary production purposes.

Nature of Development

The proposed development is a 1 into 2 Torrens Title land division.

The following lots will be created:



Lots	Site Area	Frontage
Lot 200	32.4 ha	566.3m to Vigars Rd 572.5m to W Forrests Rd
Lot 201	32.4 ha	573.3m to W Forrests Rd 567.3m to Cemetery Rd

Procedural Matters

The land is in the Rural Zone of the Planning and Design Code (the Code).

The following Overlays apply to the land and this development:

- Character Preservation District Not in Township
- Hazards (Bushfire - Medium Risk)
- Heritage Adjacency
- Hazards (Flooding - Evidence Required)
- Local Heritage Place 16854
- Limited Land Division
- Murray-Darling Basin
- Native Vegetation
- Prescribed Water Resources Area
- River Murray Tributaries Protection Area
- Water Resources

A minimum site area guideline of 32 hectares applies to the land as per the Zone.

Planning and Design Code Assessment

Land Use

The Desired Outcome of the Rural Zone seeks:

- DO1** *A zone supporting the economic prosperity of South Australia primarily through the production, processing, storage and distribution of primary produce, forestry and the generation of energy from renewable sources.*

Zone PO 1.1 states:



PO 1.1 *The productive value of rural land for a range of primary production activities and associated value adding, processing, warehousing and distribution is supported, protected and maintained.*

The Zone specifically envisages land that is maintained as productive rural land for primary production land uses and associated value adding.

The land is currently open farming land that will be maintained for this purpose. The proposal will not change the use of the land.

The proposed allotments are suitable for their existing use and can continue to be developed for primary production in accordance with the above DOs for the following reasons:

- They are regular shaped allotments.
- Both allotments have dual frontage, with flexible access and site layout options.
- The allotment configuration follows the established pattern of development in the locality.
- The allotments continue to be large and suitable for commercial scale primary production. This is explained further below.

This land division application does not seek to introduce a change in land use and does not impact the ability to continue the ongoing farming land use.

Site Area and Frontage

The minimum site area for allotments within the Zone is provided in DPF 11.1 as follows:

***DPF 11.1 Allotments have an area not less than:
Minimum site area is 32 ha***

This application proposes two allotments that are 32.4 hectares in size. Both allotments exceed 32 hectares and satisfy the Zone.

The Zone does not nominate a minimum frontage guideline; however each allotment will continue to have ample frontage to a public road for safe and convenient vehicle access.

The land is also located within the Limited Land Division Overlay. This policy states that:

DO 1 The long term use of land for primary production is maintained by minimising fragmentation through division of land.

PO 1.1 Land division does not result in the creation of an additional allotment.



The development seeks to create an additional allotment. However it is important to note the above Overlay DO seeks to achieve long term primary production uses and avoid the fragmentation of land.

In this instance, the primary production use is maintained given the compliant shape and size of allotments proposed. Further, the development will not result in the fragmentation of land but instead reflects the existing pattern of development in the locality.

Character Preservation District

The Desired Outcomes of the Character Preservation District Overlay seeks:

DO 1 *Recognise, protect and enhance the special character of Character Preservation Districts.*

DO 2 *The long term use of land outside of townships for primary production and associated value adding enterprises is assured and promoted.*

As noted above, the proposed division will retain the existing general farming use of the land. This is consistent with the overall intent to maintain land for primary production purposes outside of townships.

Further, Overlay PO 1.1 states:

PO 1.1 *Land division is undertaken in accordance with Section 8 of the Character Preservation (Barossa Valley) Act 2012 and Section 8 of the Character Preservation (McLaren Vale) Act 2012.*

Section 8 of the *Character Preservation (Barossa Valley) Act 2012* refers to any land division that would create one or more additional allotments.

Within this Section, clause 5 states that land division in this Zone creating an additional allotment for residential purposes must be refused. Additionally, clause 8 states that an approval would be subject to a condition that the additional allotments are not used for residential purposes.

The proposal does not create land for residential purposes. The land will continue to be used for commercial scale primary production as per the Zone.

Site Contamination

In accordance with Practice Direction 14, it is necessary to consider the potential for site contamination where a sensitive land use is proposed in relation to a land division.

Further, it is necessary to determine if a change of use to a more sensitive use is proposed.

In this instance, the existing use of the land is general farming. This use falls within a primary production category under the Practice Direction.



The proposed division does not seek to alter the established use of this land and a more sensitive use is not proposed.

In accordance with Practice Direction 14, a site contamination assessment is not required for this development.

Bushfire Risk

The Hazards (Bushfire – Medium Risk) Overlay applies to the subject site.

The Overlay seeks the following:

DO 1 *Development, including land division responds to the medium level of bushfire risk and potential for ember attack and radiant heat by siting and designing buildings in a manner that mitigates the threat and impact of bushfires on life and property taking into account the increased frequency and intensity of bushfires as a result of climate change.*

PO 4.1 *Land division is designed and incorporates measures to minimise the danger of fire hazard to residents and occupants of buildings, and to protect buildings and property from physical damage in the event of a bushfire.*

PO 4.2 *Land division is designed to provide a continuous street pattern to facilitate the safe movement and evacuation of emergency vehicles, residents, occupants and visitors.*

The proposed division does not increase the current level of risk already present on site for the following reasons:

- There is no change to the activity already occurring on the land. The proposal does not introduce a habitable building that could be sensitive to bushfire.
- No additional buildings are proposed.
- No roads are proposed. The land already has safe and convenient access and people working the farm can readily evacuate via the existing road network if required.
- The allotment configuration follows the existing pattern of development in the locality by creating large, regular shaped allotments with extensive public road frontage.

The development therefore meets the intent of this Overlay and will not affect bushfire risk.

River Murray Tributaries Protection

The River Murray Tributaries Protection Area Overlay applies to the subject site. Overlay seeks the following:

PO 2.1 *Land division does not lead to the intensification of development to a level that would have a negative impact on the health or natural flow paths of the River Murray Tributaries.*

This land division application will not have an impact on the flow paths of the River Murray Tributaries for the following reasons:



- The division will not result in an intensification of development and will not impede the natural flow of waters on the land.
- There is no change of use occurring on the land
- The site is more than 30km from the nearest section of River Murray Flood Plain.

The Overlay has been sufficiently addressed.

Heritage

Local Heritage Place Overlay PO 4.1 seeks:

PO 4.1 Land division creates allotments that:

- (a) maintain the heritage values of the Local Heritage Place, including setting**
- (b) are of a dimension to accommodate new development that reinforces and is compatible with the heritage values of the Local Heritage Place.**

The local heritage place listing refers to the farmhouse ruins. The ruins are in the northern portion of Lot 200 adjacent Vigars Road.

The ruins will not be impacted by this division. There is no change to the existing general farming use of the land.

Additionally, the land is subject to the Heritage Adjacency Overlay as a local heritage place is located on an adjoining property at 661 Craneford Road, Flaxman Valley.

This property is separated from the subject site by a public road and all structures are setback at least 300m from the subject site. The proposed division will not impact the setting of the adjoining heritage place.

The intent of the heritage-related Overlay provisions have been achieved.

Native Vegetation

This development does not propose the removal of any native vegetation, and the provisions of the Overlay are satisfied.

Effects on Subject Land, Locality and Environment

Land and Locality



The current use of the land is low intensity general farming. The allotment configuration and existing nature of use is consistent with that existing on site and within the locality.

This development would not unreasonably impact the land and its surrounds.

Environment

The proposal would not unreasonably impact the natural environment because:

- The division will not change the existing land use intensity on site and on adjoining land.
- Minimum allotment sizes satisfy the Zone, ensuring the character of the locality is maintained.
- No native vegetation is being removed.
- The site is not a critical wildlife corridor for any endangered species based on the current farming use of the land.

The proposed division will not impact upon the environment.

Social, Economic and Environmental Impacts

The proposed development would have the following social, economic and environmental impacts:

- Commercial primary production opportunities for the local business owners and operators through the creation of an additional commercial allotment.
- Temporarily contribute to the local economy through the provision of new allotment services or employment opportunities in the local area.
- There is limited environmental impact as this division will not result in an intensification of use or destruction of environmental value on the land.

The proposed division will not impact upon the environment.

Conclusion

The proposed land division is consistent with the Planning and Design Code. The proposal has sufficient merit to proceed to further assessment based on the following:

- The Zone anticipates land for the purpose of primary production and value adding activities.
- The allotments exceed the minimum allotment size nominated in the Zone.



- The division is consistent with the Character Preservation District Overlay and does not compromise the intent of the Limited Land Division Overlay.
- The land is not contaminated and will maintain the existing general farming land use.
- Any changes to servicing will meet the requirements of the relevant authority.
- The development will not compromise the River Murray Tributaries Protection Area.
- The proposal does not include the removal of native vegetation.
- The proposal will have neutral social and economic effects upon the locality.
- The proposal will not have unreasonable environmental impacts.

The proposal satisfies the Planning and Design Code and carries suitable merit to be proceed to assessment by the Commission.

Please contact me on 08 8333 7999 or at ctully@urps.com.au if you require additional information.

Yours sincerely

Chelsea Tully
Senior Consultant

COVER SHEET

CONFIDENTIAL REPORT

21 July 2026

Council Meeting

8.1 Office of the Mayor and CEO

8.1.1 SUPREME COURT CASE MATTER - QUARTERLY UPDATE

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 information that is related to the Supreme Court Case between Councils and TTEG.

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

RECOMMENDATION

That Council:

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

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

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

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

- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that information that is related to the Supreme Court Case between Councils and TTEG.