A TheBarossaCouncil

MINUTES OF THE MEETING OF THE BAROSSA COUNCIL
held on Tuesday 21 July 2026 commencing at 5:30pm
in the Council Chambers, 43-51 Tanunda Road, Nuriootpa.

M I N U T E S

Welcome and Acknowledgement of Country by Mayor Bim Lange who declared the meeting open at 5:30pm.

1. ATTENDANCE RECORD

1.1 Members Present

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

Apologies

Cr Cathy Troup

Not Present

Nil

Leave of Absence

Nil

2. CONFIRMATION OF MINUTES

2.1 Minutes of previous meetings – for confirmation:

MOVED Cr Hurn

That the Minutes of the Council meeting held on Tuesday 16 June 2026 at 5:30pm and the Special Council meeting held on Wednesday 24 June 2026 at 5:00 pm, as circulated, be confirmed as true and correct records of the proceedings of those meetings.

SECONDED Cr Preece **CARRIED 2022-26/1012**

2.2 Matters arising from previous minutes

2.2.1 <u>2026-27 MANDATORY AND DISCRETIONARY RATE REBATES</u> 26/46478

Pursuant to Section 73 of the Local Government Act 1999, Cr Schilling disclosed an Material Conflict of Interest in the matter Item number - 2.2 - 2026-27 Mandatory and Discretionary Rate Rebates as she is a sitting member on the Nuriootpa Futures Association who applies for discretionary rate rebates and advised the Chamber that she will leave the meeting.

Cr Schilling left the meeting at 5:32pm.

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 an goes to the management of rebates to ensure the meeting of necessary deadlines.

MOVED Cr de Vries

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*.

SECONDED Cr Hurn **CARRIED 2022-26/1013**

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

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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.

SUPPORTING REFERENCES

The-Barossa-Council-Delegations-Register-April-2026.PDF

Cr Schilling returned to the meeting at 5:32pm.

3. PROCEDURAL ITEMS

3.1 Petitions

Nil

3.2 Deputations/Visitors to the meeting

Mayor Lange welcomed Volunteer, Suzanne Mann (Williamstown Memorial Hall) recognising 10 years of service and Louise Mason (Barossa Bushgardens) recognising 10 Years of service

Suzanne Mann – Williamstown Memorial Hall – 10 Years

Suzanne participated in the first Community Council Meetings held at the Williamstown War Memorial Hall as a youth representative at the age of 16.

She was one of the first members of the Williamstown Amateur Players Theatre Group and has been a member for almost 36 years.

She became an active participant in the Hall meetings roughly 30 years ago, progressively taking on more and more responsibility within the hall.

Approximately 10 years ago, Suzanne took over as the official caretaker of the Hall, assuming responsibility for the cleaning at first and then also the booking process on behalf of Council.

Louise Mason – Barossa Bushgardens – 10 Years

Louise is the legend behind the Barossa Community Labyrinth. She brought together a group of local people, advocated, raised funds, planned and designed until the completion of the labyrinth was achieved in 2018. The 9-year project was full of many twists and turns, but it was worth the effort.

Many people visiting the Bushgardens enjoy a relaxing walk or can join one of the facilitated walks, organised by Louise or one of her volunteer helpers. Louise is also part of the Barossa Bushgardens Section 41 Committee, contributing her wealth of knowledge, ensuring the Barossa Bushgardens follows the path to a bright future.

David de Vries – 20 Years of Service to Local Government

Mayor Lange presented Cr David de Vries with a Local Government Award for 20 years of service.

David has served on The Barossa Council since 2003 and during this time served as Deputy Mayor. David has been a strong advocate for major local government projects such as the Big Project including Council's recreational facilities and other community initiatives.

David has a strategic long-term approach to Growth & Infrastructure Planning to help coordinate long-term land-use and infrastructure priorities in the region. David is also well-known in creative circles as a filmmaker, comic artist, director and educator.

3.3 Notice of Motion

Nil

3.4 Questions with Notice

Nil

4. MAYOR

4.1 Mayor's Report

MOVED Cr Evans

That the Mayor's report be received.

SECONDED Cr Lane **CARRIED 2022-26/1014**

5. COUNCILLORS' REPORTS

5.1 Cr Kathryn Schilling - Report to Council

MOVED Cr Greatwich

That the Councillor Schilling report be received.

SECONDED Cr Evans **CARRIED 2022-26/1015**

6. MATTERS FOR INFORMATION

6.1 Williamstown & Lyndoch Landcare Group Inc, - Minutes of Meeting
6.2 Barossa Character Area Project Update and Literature Review
6.3 SA Top Tourism Town
6.4 Gawler River Floodplain Management Authority - Minutes of Meeting
6.5 Northern and Yorke Local Government Association (N&YLGA) Waste & Resource Recovery Strategy 2026 - 2031
6.6 Nature and Natter 2025-2026 Summary Report
6.7 Additional Two Submissions - Talunga Park Consultation
6.8 Disaster Management System - Proposed Reforms
6.9 Recreation Grounds Act 1931 - Regulations Update
6.10 Annual Roadside Workplan - Northern & Yorke Landscape Board
6.11 Call for nominations for the South Australian Regional Organisation of Councils (SAROC)
6.12 Local Governement Finance Authority Annual General Meeting Notice

7. DEBATE REPORTS

7.1 Office of the Mayor and CEO

7.1.1 ANNUAL REPORT ON INTERNAL REVIEW OF COUNCIL DECISIONS 2025/26
26/41554

MOVED Cr Angas

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.

SECONDED Cr Greatwich **CARRIED 2022-26/1016**

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*.

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 1

Refusal

(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 2

Refusal

(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 3

Not 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.

<u>*Summary and Conclusion*</u>
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

<u>*Supporting references*</u>
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

<u>Corporate Plan</u>

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

<u>Corporate Plan</u>

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<u>Corporate Plan</u>

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

<u>Legislative Requirements</u>
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.

7.1.2 UPDATE TO THE POLICY GOVERNANCE FRAMEWORK
26/43747

MOVED Cr de Vries

That Council endorse the Policy Governance Framework as at Attachment 1.

SECONDED Cr Hurn **CARRIED 2022-26/1017**

PURPOSE

To seek Council endorsement for a minor update to the Policy Governance Framework following presentation to the Audit and Risk Committee.

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.

Pursuant to Section 73 of the Local Government Act 1999, Cr Preece disclosed an material Conflict of Interest in the matter Item number 7.1.3 - Complaint against Cr Preece - Tabling of Investigation Findings and recommendation to refer to the Behaviour Standards Panel - Complaint Matter 7 – as it pertains to him personally and advised the Chamber he would leave the meeting.

Cr Preece left the meeting at 5:47 pm.

7.1.3 COMPLAINT AGAINST CR PREECE - TABLING OF INVESTIGATION FINDINGS AND RECOMMENDATION TO REFER TO THE BEHAVIOUR STANDARDS PANEL - COMPLAINT MATTER 7

26/46641

MOVED Cr de Vries

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.

SECONDED Cr Greatwich **CARRIED 2022-26/1018**

PURPOSE

To review the independent final investigation report and associated documents and process, its findings and recommendations pertaining to a compliant about Cr Preece conduct and behaviour, by the Barossa United Football Club, under the Behavioural Standards for Council Members.

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 Kelledy 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.

Cr Preece returned to the meeting at 5:55 pm.

7.1.4 AMENDMENT TO THE SCHEDULE OF COUNCIL MEETING - DEFERRED LOCAL GOVERNMENT ELECTIONS
26/46834

MOVED Cr de Vries

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.

SECONDED Cr Greatwich **CARRIED 2022-26/1019**

MOVED Cr Preece

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.

SECONDED Cr Greatwich **CARRIED 2022-26/1020**

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.

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.

<u>*Discussion*</u>
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.

<u>*Summary and Conclusion*</u>
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

<u>*Supporting references*</u>
Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

<u>Corporate Plan</u>

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

<u>Legislative Requirements</u>
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 schedule meeting dates.

7.1.5 TALUNGA PARK - INVESTMENT AND SERVICE LEVEL AMENDMENTS POST BUSINESS CASE DETERMINATION
26/46844

MOVED Cr Barrett

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 7.16 following this report, to rescind a prior resolution of Council to give effect to part 5 of this resolution.

(7) Instruct the Chief Executive Officer to undertake a review of the governance and service level arrangements after one full year of operation of the upgraded infrastructure (likely to be early 2028).

SECONDED Cr de Vries **CARRIED 2022-26/1021**

PURPOSE

To consider the service levels to be applied to Talunga Park post the consideration of the Business Case and community engagement.

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 activates 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 activates 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

Our Community

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

Strategic Outcome
- Our community is welcoming, vibrant and safe.

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.

<u>Corporate Plan</u>

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

<u>Legislative Requirements</u>
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 of16 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.

7.1.6 <u>RECISSION MOTION TALUNGA PARK BUSINESS CASE</u>
26/48139

MOVED Cr Greatwich

That Council rescind part 3 of result 2022-26/914 of the ordinary meeting of Council dated 17 February 2026.

SECONDED Cr Evans **CARRIED 2022-26/1022**

MOVED Cr Greatwich

That Council having reviewed the business case as presented at <u>Attachment 1</u> 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.

SECONDED Cr Angas **CARRIED 2022-26/1023**

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".

REPORT

<u>Background</u>
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 recission 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 REQUIREMENTS

Legislative 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.

7.1.7 CORRESPONDENCE FROM THE SOUTH AUSTRALIAN OMBUDSMAN FOR ALL COUNCILS
26/47254

MOVED Cr Preece

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.

SECONDED Cr Greatwich **CARRIED 2022-26/1024**

PURPOSE

To formally table and receive and note the correspondence as requested by the South Australian Ombudsman.

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

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.

7.1.8 CONCILIATION CONFERENCE - SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL - CR PREECE MATTER
26/48449

Pursuant to Section 73 of the Local Government Act 1999, Cr Preece disclosed an material Conflict of Interest in the matter Item number 7.1.8 - Conciliation Conference - South Australian Civil and Administrative Tribunal - Cr Preece Matter – as it pertains to him personally and advised the Chamber he would leave the meeting.

Cr Preece left the meeting at 6:12 pm.

MOVED Cr Greatwich

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.

SECONDED Cr Evans **LOST**

MOVED Cr de Vries

That Council:

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

Section 90(3)(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 South Australian Civil and Administrative Tribunal case 2026/SA001141 The Barossa Council vs Cr Bruce Preece.

SECONDED Cr Evans **CARRIED 2022-26/1025**

The meeting moved into confidence at 6.22pm

MOVED Cr de Vries

That Council suspend standing order to allow a general conversation on this matter and provide updated legal information for a period not exceeding 20 minutes.

SECONDED Cr Hurn **CARRIED 2022-26/1026**

The meeting was suspended at 6.23pm

MOVED Cr de Vries

That Council suspend standing order to allow a general conversation on this matter and provide updated legal information for a period not exceeding a further 20 minutes.

SECONDED Cr Hurn **CARRIED 2022-26/1027**

The meeting was suspended at 6.43pm

Resumption of open council meeting at 7.03pm

Cr Thompson left the meeting at 7.18pm.

Cr Thompson returned to the meeting at 7.20pm.

MOVED Cr de Vries

That Council noting that the South Australian Civil and Administrative Tribunal will proceed to a full hearing, and shall abide by the Tribunal's decision.

SECONDED Cr Evans

AMENDMENT

MOVED Cr Barrett

That the addition of the words 'as deemed appropriate given the gravity of this matter' be added following the word 'decision'.

SECONDED Cr Hurn

The amendment was **CARRIED**

The amendment motion:

MOVED Cr Greatwich

That Council noting that the South Australian Civil and Administrative Tribunal will proceed to a full hearing, and shall abide by the Tribunal's decision as deemed appropriate given the gravity of this matter.

SECONDED Cr Angas **CARRIED 2022-26/1028**

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.

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.

Cr Preece returned to the meeting at 7:27 pm.

7.2 Corporate Services, Strategy and Innovation

7.2.1 MONTHLY FINANCE REPORT AS AT 30 JUNE 2026
26/47188

MOVED Cr de Vries

That Council receives and notes the monthly finance update report as at 30 June 2026, as provided at Attachment 1.

SECONDED Cr Hurn **CARRIED 2022-26/1029**

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.

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.

Cr Preece left the meeting at 7:29 pm.

7.2.2 AMENDMENTS TO 2026-27 FEES AND CHARGES REGISTER
26/48038

Cr Barrett ask for confirmation on the purpose of the $250 call out fee, listed on page 456 of the agenda and what that covers. To ensure complete accuracy of the circumstances it is applied the question was taken on notice.

MOVED Cr de Vries

That Council approves the new and amended fees and charges associated with Council's hireable facilities as outlined in Attachment 1.

SECONDED Cr Greatwich **CARRIED 2022-26/1030**

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.

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).

7.3 Infrastructure and Environmental Services

7.3.1 REVOCATION OF THE BAROSSA BUSHGARDENS S41 COMMITTEE
26/46386

MOVED Cr Greatwich

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.

SECONDED Cr Schilling **CARRIED 2022-26/1031**

PURPOSE

For Council to endorse the revocation of the Barossa Bushgardens S41 Committee pursuant to Section 41 of the *Local Government Act 1999*.

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 Committee 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.

7.3.2 MEMORIAL PLAQUE FOR BAROSSA BUSHGARDENS VOLUNTEER LYNETTE SCHMIDT 26/47002

MOVED Cr Angas

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.

SECONDED Cr Evans **CARRIED 2022-26/1032**

PURPOSE

To consider a request from the Schmidt family for a memorial plaque to be placed at the Barossa Bushgardens.

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

7.4 Development and Community Services

7.4.1 PROVISIONAL ENTRY OF STRAIT GATE LUTHERAN CHURCH LIGHT PASS AS A STATE HERITAGE PLACE
26/41193

MOVED Cr Greatwich

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.

SECONDED Cr Schilling **CARRIED 2022-26/1033**

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.

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.

7.4.2 ACCREDITED PROFESSIONALS NOTIFICATION POLICY AND PROCESS
26/46809

MOVED Cr Greatwich

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.

SECONDED Cr Hurn **CARRIED 2022-26/1034**

PURPOSE

To endorse the updated Accredited Professionals Notification 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.

7.4.3 DRAFT STATE-WIDE FLOOD HAZARD CODE AMENDMENT
26/46815

MOVED Cr Hurn

That Council endorse the draft submission contained within Attachment 1 in relation to the Draft State-Wide Flood Hazard Code Amendment.

SECONDED Cr Barrett **CARRIED 2022-26/1035**

PURPOSE

To endorse a draft submission 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.

7.4.4 EMPOWERINGSA COMMUNITY BATTERY PROPOSAL - LOT 30 MILWAY AVENUE/ DRINKWATER CRESCENT NURIOOTPA
26/47105

MOVED Cr Barrett

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.

SECONDED Cr Greatwich **CARRIED 2022-26/1036**

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.

REPORT

<u>*Background*</u>
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 Cresent 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.

7.4.5 <u>BAROSSA VINTAGE FESTIVAL ART COLLECTION TRANSFER TO THE BAROSSA COUNCIL</u>
26/47405

MOVED Cr Evans

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.

SECONDED Cr Angas **CARRIED 2022-26/1037**

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.

REPORT

<u>Background</u>
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

Our Community

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

Strategic Outcome

- We 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.

Our Council

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

Strategic Outcome

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

Corporate Plan

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.

7.4.6 DEVELOPMENT APPLICATION FOR LAND DIVISION AT LOT 1, CEMETERY ROAD, EDEN VALLEY - STATE PLANNING COMMISSION REQUEST FOR CONCURRENCE
26/48483

MOVED Cr de Vries

That Council resolves to concur 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*.

SECONDED Cr Hurn **CARRIED 2022-26/1038**

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*.

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:

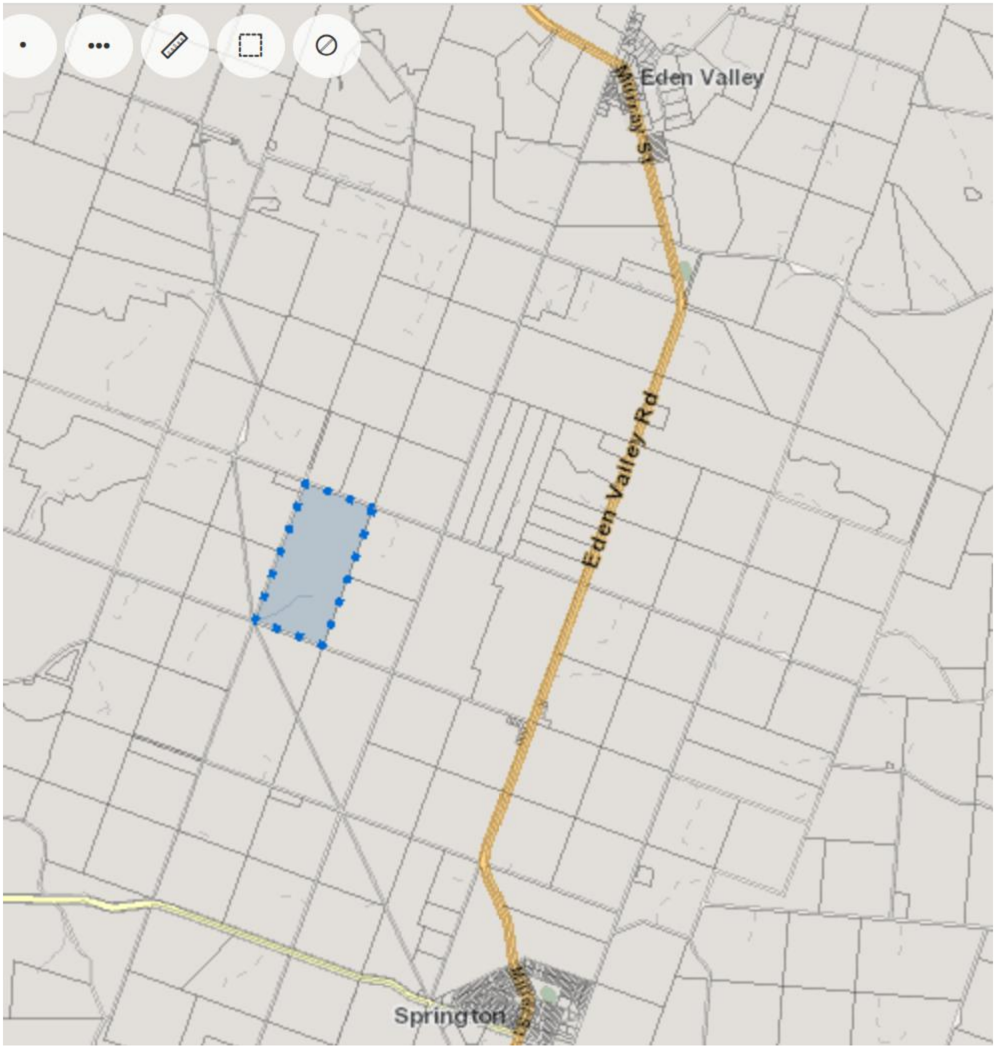
- Proposed Allotment 200 –32.4 ha with frontage to Vigars Road and W Forrests Road. This allotment will contain the Local Heritage Place.
- Proposed Allotment 201 – 32.4ha with frontage to W Forrests Road and Cemetery Road. This allotment will contain the former quarry.

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

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 Ac 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.

8. CONFIDENTIAL REPORTS

8.1 Office of the Mayor and CEO

8.1.1 <u>SUPREME COURT CASE MATTER - QUARTERLY UPDATE</u>
26/46793

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.

MOVED Cr de Vries

That Council:

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

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

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

(2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential in order that information that is related to the Supreme Court Case between Councils and TTEG.

SECONDED Cr Hurn **CARRIED CO 2022-26/1039**

The meeting moved into confidence at 7.51pm

MOVED Cr de Vries

That Council:

(1) Council resolution

(2) Council resolution

(3) Having considered this matter in confidence under Sections 90(2) and 90(3)(i) of the *Local Government Act 1999,* makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 21 July 2026 in relation to item 8.1.1 Supreme Court Case Matter Update be kept confidential and not available for public inspection and authorise the Chief Executive Officer to review and revoke the order.

SECONDED Cr Angas **CARRIED CO 2022-26/1040**

Resumption of open council meeting at 7.55pm

9. URGENT OTHER BUSINESS

Nil

10. NEXT MEETING

Tuesday 18 August 2026 at 5:30pm

11. CLOSURE

Mayor Lange declared the meeting closed at 7.55pm.

Confirmed at Council Meeting on 18 August 2026

Date:……………………………… Mayor:…………………………………