MOUNT BARKER
DISTRICT COUNCIL

NOTICE OF MEETING

Pursuant to Section 83 of the Local Government Act 1999 notice is hereby given that the following meeting will held in the Council Chambers, Mount Barker Homemaker Centre, 6 Dutton Road, Mount Barker on Monday 3 March 2025.

7.00 pm Council Meeting

A. Stuart
CHIEF EXECUTIVE OFFICER

25 February 2025

Further information on Council's meeting procedures can be found on Council's website – www.mountbarker.sa.gov.au Council / Documents / Code of Practice for Meeting Procedures

Mount Barker District Council – Monday 3 March 2025 – 7.00pm

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1. COUNCIL OPENING

EXPRESSION OF FAITH

ACKNOWLEDGEMENT OF COUNTRY

1.1 Leave of Absence
1.2 Apologies

2. QUESTIONS FROM THE GALLERY (15 MINUTES)

3. CONFIRMATION OF MINUTES

3.1 Recommendation

That the minutes of the council meeting held on 3 February 2025 as circulated to members be confirmed as a true and accurate record of proceedings.

3.2 Recommendation

That the minutes of the special council meeting held on 24 February 2025 as circulated to members be confirmed as a true and accurate record of proceedings.

4. CONFLICT OF INTEREST DECLARATION

Council Members are reminded of the requirements for disclosure by Members of a general or material conflict of interest in relation to items listed for consideration on the agenda.

Any declaration of a conflict of interest by a council member needs to include the following:

- If the conflict is general or material;
- Which agenda item the conflict relates to; and
- If a general conflict of interest is declared – whether or not the member proposes to participate in the discussion of the matter and if so, how the member intends to deal with the conflict of interest including whether the member intends to vote on the matter and their reasons for participating in the discussion of the matter.
- If a material conflict of interest is declared, the member is to leave the room for the discussion of the matter unless the Minister has granted an approval to the member to participate in the discussion of the matter.

5. DEPUTATIONS

NIL

6. QUESTIONS WITH NOTICE – COUNCILLORS

NIL

7. QUESTIONS WITHOUT NOTICE – COUNCILLORS

8. MOTIONS ON NOTICE

NIL

9. MOTIONS WITHOUT NOTICE

For

- *requesting a report*
- *a simple matter with minor impact*
- *an urgent matter that without consideration by Council would result in a detriment to Council*

10. PETITIONS

NIL

11. RECOMMENDATIONS FROM COMMITTEES

11.1 AUDIT AND RISK COMMITTEE MEETING – 13 FEBRUARY 2025

Purpose

A meeting of the Audit and Risk Committee was held on 13 February 2025 as scheduled in the 2024 Work Plan. The agenda for that Audit and Risk Committee meeting is available on Council's website here.

The following items from the Audit and Risk Committee meeting held 13 February 2025 require a resolution of Council.

11.1.1

REPORT TITLE:	**AUDIT AND RISK COMMITTEE MEETING MINUTES OF 13 FEBRUARY 2025**
DATE OF MEETING:	**3 MARCH 2025**
FILE NUMBER:	**DOC/25/24282**
ATTACHMENTS:	**1: DOC/25/24268 – AUDIT AND RISK COMMITTEE MINUTES 13 FEBRUARY 2025**

Purpose

To provide to Council the minutes for Audit and Risk Committee meeting held 13 February 2025.

Recommendation 1:

That Council receive the minutes of the Audit and Risk Committee meeting held on 13 February 2025 as attached.

MINUTES OF THE MEETING	of the Audit and Risk Committee of the Mount Barker District Council held in the Council Chambers of the Local Government Centre, Mount Barker on 13 February 2025 at 8:00am.
PRESENT	Michele Bennetts (Chairperson), Michelle Hammond, Mayor David Leach
ONLINE ATTENDANCE	Mark Davies, Kym Della Torre
IN ATTENDANCE	Alison Hancock (Executive Manager), Alex Oulianoff (General Manager Corporate Services), Helen Edmonds (Head of Wastewater), Natalie Armstrong (General Manager, Planning and Regulatory Services), Phil Burton (General Manager Infrastructure), Steven Ireland (Manager Financial Services) and Rebecca Jeisman (Minute Secretary)

1. COMMITTEE OPENING

1.1 APOLOGIES/LEAVE OF ABSENCE

NIL

2. CONFIRMATION OF THE MINUTES

2.1 Moved Mayor Leach that the minutes of the meeting held on 12 December 2024 as circulated to members be confirmed as a true and accurate record of proceedings.

Seconded Michelle Hammond CARRIED

ARCM20250213.01

3. CONFLICT OF INTEREST DECLARATION

NIL

4. DEPUTATIONS

NIL

5. QUESTIONS WITH NOTICE

NIL

unconfirmed

6. QUESTIONS WITHOUT NOTICE

NIL

7. MOTIONS ON NOTICE

NIL

8. MOTIONS WITHOUT NOTICE

NIL

9. PETITIONS

NIL

10. REPORTS BY OFFICERS

10.1 REPORT TITLE: RESERVE FUND POLICY
DATE OF MEETING: 13 FEBRUARY 2025
FILE NUMBER: DOC/25/7391
ATTACHMENTS 1: DOC/24/177580 – RESERVE FUND POLICY

Moved Mayor Leach that the Audit and Risk Committee recommend to Council that:

1. The Reserve Funds Policy (attachment 1) be adopted.
2. Notes that retrospective adjustment of reserve balances as outlined in this report will be proposed and considered in a future report and will be reflected in Council's Audited Financial Statements.

Seconded Kym Della Torre CARRIED
ARCM20250213.02

11. INFORMATION REPORTS

Moved Michelle Hammond that the following information reports be noted enbloc.

11.1 REPORT TITLE: SUMMIT AQUATIC AND LEISURE CENTRE QUARTERLY UPDATE
DATE OF MEETING: 13 FEBRUARY 2025
FILE NUMBER: DOC/25/15009

unconfirmed

11.2 REPORT TITLE: PROGRESS UPDATE: 2024/25 ARC WORK PLAN
DATE OF MEETING: 13 FEBRUARY 2025
FILE NUMBER: DOC/25/18375
ATTACHMENTS: 1. DOC/25/18682 - 2025 ARC WORK PLAN PROGRESS UPDATE AS AT 5 FEBRUARY 2025

Seconded Mark Davies CARRIED
ARCM20250213.03

12. CONFIDENTIAL REPORTS

12.1 REPORT TITLE: CONFIDENTIAL ITEM: CYBER SECURITY UPLIFT PROGRAM STATUS UPDATE
DATE OF MEETING: 13 FEBRUARY 2025
FILE NUMBER: DOC/24/190296

Moved Mayor Leach that the Audit and Risk Committee:

1. Pursuant to Section 90(3)(e)

Pursuant to Section 90(2) of the Local Government Act 1999 the Audit and Risk Committee orders that all members of the public, except the Executive Manager, General Manager Corporate Services, General Manager Infrastructure, General Manager Planning and Regulatory Services, Head of Wastewater, Deputy Mayor Jones and the Minute Secretary, be excluded from attendance at the meeting for Agenda Item 12.1 Cyber Security Uplift Program Status Update.

The Council is satisfied that pursuant to Section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to prejudice matters affecting the security of information of the Council.

In addition the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of the information may prejudice Council's security of information.

Seconded Michelle Hammond CARRIED
ARCM20250213.04

Unconfirmed

Moved Mayor Leach that the Audit and Risk Committee:

Section 91(7) Order

4. Pursuant to Section 90 (3) (e)

That having considered Agenda Item 12.1 Cyber Security Uplift Program Status Update in confidence under 90(2) and (3)(e) of the Local Government Act 1999, the Audit and Risk Committee pursuant to Section 91(7) of the Act orders that the Agenda Item and all minutes be retained in confidence until such time as the Council determines that this is no longer required and that this order be reviewed every 12 months.

Seconded Kym Della Torre CARRIED

ARCM20250213.06

MEETING DECLARED CLOSED AT 8:37AM

CHAIRPERSON DATE

unconfirmed

11.1.2 REPORT TITLE: AUDIT AND RISK COMMITTEE RECOMMENDATIONS AS SEPARATE REPORTS

The following Audit and Risk Committee recommendation to Council from the ARC's 13 February 2025 meeting is provided as a separate report for Council consideration at Item 12.6 of this council meeting agenda.

- Reserve Fund Policy – refer Item 12.6

12. REPORTS

12.1 REPORT TITLE: PROPERTY STRATEGY AND ACTION PLAN – CONSULTATION SUMMARY

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/20042

ATTACHMENTS: ATTACHMENT 1: DOC/25/20043 – SUMMARY OF CONSULTATION
ATTACHMENT 2: DOC/25/20044 – SUMMARY OF AMENDMENTS
ATTACHMENT 3: DOC/25/21086 – AMENDED PROPERTY STRATEGY
ATTACHMENT 4: DOC/25/21087– ACTION PLAN

Key Contact Laura Morgan, Manager Property

Manager/Sponsor Alex Oulianoff, General Manager Corporate Services

Executive Alex Oulianoff, General Manager Corporate Services

Community Plan 2044:
The following objective/s from the Community Plan 2044 are relevant to this report:

Objective 16: Community Facilities: increase the use of community facilities to provide safe and accessible facilities which provide opportunities for social interaction and inclusion.

Objective 25: Foster strong leadership characterised by transparency and accountability.

Annual Business Plan:
Undertaken within existing resources. Any actions resulting from implementation of a draft Property Lead Strategy (Strategy) and draft Action Plan (Plan) to be considered as part of the 2025/26 Annual Business Plan process and Long Term Financial Plan.

Purpose:
To present a summary of the feedback received during the consultation on the draft Strategy and draft Plan, and seek final endorsement for the Property Lead Strategy and Action Plan.

Summary – Key Issues:

1. Council has undertaken community consultation on the draft Property Lead Strategy and the associated draft Action Plan. Feedback received during the consultation period covered various topics some of which was of an operational manner and sits outside the intent of the draft Property Strategy and Action Plan.
2. Feedback received will help inform the development of the Leasing and Licensing Policy and other Council policies and strategies.
3. Engagement with the community have influenced changes to the draft Property Lead Strategy and draft Action Plan.

Recommendation:

That Council:

1. **Receives the Summary of Consultation provided by the community on the draft Property Lead Strategy and draft Action Plan (Attachment 1 to the agenda item [item 12.1]);**
2. **Notes the Summary Of Amendments undertaken to the draft Property Lead Strategy (Attachment 2 to the agenda item [item 12.1]);**
3. **Adopts the now amended Property Lead Strategy (Attachment 3 to the agenda item [item 12.1]) and the draft Action Plan (Attachment 4 to the agenda item [item 12.1].**

Background:

1. The development of the new Strategy and Plan forms part of the newly endorsed Corporate Strategy Framework (April 2024).
2. Its primary focus is to formalise Council's approach to the strategic management of its property portfolio and align Council's organisational objectives with its service delivery objectives and community expectations.
3. The Strategy and Plan will enable Council to best realise the value and benefits from its properties, whether in financial or service delivery terms, and will enable Council to meet the needs of the community as they evolve over time.
4. Further, the Strategy and Plan will assist Council in minimising risk and guiding future strategic decision making, investment and budget allocations in relation to its property holdings.
5. At is meeting of 8 October 2024, Council endorsed the Community and Stakeholder Engagement Plan (Engagement Plan) for the development of the draft Strategy and draft Plan.

6. The Engagement Plan outlined Council's approach to engage with key stakeholders and community members, with a view to seek feedback to influence the drafting of:
    a. Objectives and Key Principles within the draft Strategy, and
    b. Actions within the draft Plan to determine what is required by community to support their growing needs and demands for Council Property.
7. On Tuesday 22 October 2024, a two hour stakeholder workshop was held with community and was the first stage to commence the drafting of the draft Strategy and draft Plan.
8. At the 2 December 2024 Council meeting, Council considered community feedback from the workshop and endorsed the draft Strategy and draft plan for the purpose of undertaking community engagement.
9. In accordance with the Council endorsed Engagement Plan, community engagement was undertaken between 3 December 2024 and 23 December 2024. However, due to community feedback, the consultation period was extended to conclude on Friday 17 January 2025.
10. Taking the same approach as the workshop, the purpose of the engagement was to seek feedback from the community and key stakeholders with particular reference to the draft Strategy Objectives, Key Principles and actions detailed within the draft Plan.

Discussion:

How we engaged

11. During the engagement period, the community engagement activities that were undertaken included:
    a. A project information page on Council's engagement platform "Your Say", that provided details on the draft Strategy and draft Plan;
    b. An advertisement in "The Courier" dated 4 December 2024;
    c. An online feedback survey was created for those taking part to give feedback online;
    d. An email address was provided for those wanting to provide more extended feedback responses; and
    e. A direct email sent to key identified stakeholders.

What we Heard

12. Feedback received during the engagement period has been captured in Attachment 1 - Summary of Consultation.
13. In total, 6 written submissions were received, with an additional 2 response received via the Your Say webpage and 20 stakeholders attending the 22 October 2024 strategy workshop.

14. In response to online survey one 'supported' the Strategy Objectives, Key Principles and Plan, while the other was 'unsure' about the Strategy Objective, Key Principles and Plan.
15. All responses were received from those living within the Mount Barker District Council area, with a few responses from those representing local Hall Committees and Recreation Grounds Committees.
16. General themes raised by community during the engagement period included consideration of:
    a. funding of community facilities,
    b. support for volunteers who manage Council community facilities,
    c. open space, the environment, conservation and biodiversity, and
    d. affordability and access for community groups.
17. While these themes raised do not require changes to the Strategy Objectives, Key Principles and Action Plan, the feedback received, will help inform the development of the Leasing and Licensing Policy as well as other key Council strategies and policies, such as the review of the Community Land Management Plans. This commentary has been noted and will prompt early discussions in the drafting of these future documents.

How we Listened

18. As a result of the feedback received and engagement with community, amendments have been made to the draft Strategy and draft Plan – these have been detailed in Attachment 2 – Summary of Amendments, and are embedded with the revised draft Strategy (Attachment 3) and draft Plan (Attachment 4).
19. Amendments have focused on developing master plan's for recreational spaces to ensure Council's future directions and decisions are based on endorsed plans.
20. As for our Community Halls, future works to these buildings will be managed by our Asset's Team and through the development of Asset Management Plans. This approach will assist Council determine appropriate levels of investment required to deliver a prioritised works program.
21. The Strategy and Plan have now been amended and is presented to Council for consideration and endorsement. It is the intent that should these documents be endorsed the Strategy and Plan will be revised in 5 years.

Community Engagement:

Informing only	Via Council's website and social media.

Policy:

Public Consultation Policy

Long Term Financial Plan:
The outcomes of the project and their impact on the LTFP are yet to be determined.

Budget:
Any actions resulting from implementation of a draft Strategy and draft Plan to be considered as part of the 2025/26 Annual Business Plan process.

Statutory/Legal:
Consultation undertaken in accordance with the Local Government Act 1999.

Staff Resource Requirements:
Undertaken within existing staff resources.

Environmental:
Responses received during consultation that relate to the management of environment, conservation and biodiversity are covered by the Biodiversity Strategy endorsed by Council in 2016 and Council's Community Land Management Plans (CLMP's).

As part of Council's Strategic Governance Framework (endorsed April 2024), Council will also draft an Environment and Sustainability Lead Strategy, and together with the review and amendment to Council's CLMP's, together they will provide the necessary strategic framework for the management of environment, conservation and biodiversity outcomes across the Mount Barker District Council.

Social:
The development of the draft Strategy and draft Plan is the result of extensive community engagement processes, including facilitating various community workshops and attending committee meetings. While the direct outcomes and social benefits are yet to be determined, it is proposed that formalising the draft Strategy and draft Plan, will create clear and transparent decision making framework to support communities now and into the future.

Risk Assessment:
The draft Strategy and draft Plan details a proactive approach to deliver property management outcomes whilst realising tangible outcomes for the community. The actions detailed with the draft Plan aims to reduce and effectively manage Councils inherent risks that exist across its property portfolio. This will be achieved by reviewing and developing strategies, policies and projects.

Asset Management:
The draft Strategy and draft Plan has been developed as a planning tool to manage Council Property portfolio in the short to medium term, as well as consider longer term outcomes. The development of Council's Strategic Asset

Management Plan (SAMP), is considered to be a companion document to the draft Strategy and draft Plan which will assist Council in its strategic decision making.

Conclusion:

The draft Strategy and draft Plan has been presented to community at various workshops, discussed at committee meetings and has been subject to an extensive community engagement process. Feedback received from community has informed the now amended Strategy and Plan attached to this report, and in a format that is ready to be adopted by Council.

The adoption of the draft Strategy and draft Plan, is a critical step in formalising Council Strategic Governance Framework and will pave the way for the development of a Leasing and Licensing Policy. Further, the draft Strategy and draft Plan will provide Council with a strategic decision making tool that will see Council's Property portfolio mature over the next five to ten years.

Previous Decisions By/Information Reports to Council

Meeting Date	8 October 2024	CM Reference	DOC/24/126012
Title	Property Lead Strategy and Action Plan – Engagement Plan		
Purpose	To present Council Members with the draft Strategy and Action Plan and to seek endorsement to undertake community consultation on the concept design.		

Meeting Date	2 December 2024	CM Reference	DOC/24/175516
Title	Property Lead Strategy and Action Plan – Community Engagement		
Purpose	To seek Council's approval for the draft Property Lead Strategy and Action Plan so that community engagement may formally commence.		

ATTACHMENT 1 – Summary of Consultation

Response Received	Comments/Feedback	Council's response
Written Submission *Callington Recreational Park Inc.*	I've had a read of the Draft Property Strategy & Action Plan. I can totally appreciate that the Council is trying to clarify / streamline goals & action plans. My concerns are: 1. That volunteers are not mentioned anywhere in the document. 2. That volunteers are not recognised as being managers and stake-holders. Many of them are passionate carers of the MBDC's community property. They put in an enormous number of hours to run and maintain the community properties, attend meetings, make difficult decisions, oversee other volunteers, etc. They do this because they take great pride in the facilities and want their towns to have a good reputation. This was very apparent at the Property Strategy meeting I attended in November. 3. The quickest and most efficient way to 'meet community needs and expectations' (Page 19, 4.1.2) is by having the involvement of local people who have the interests of the community property at heart. Council employees may live a long way away & so don't see the issues as they arise, & aren't prepared to put in the afterhours work to address the problems. I'm wondering if the MBDC has plans to do without or reduce the volunteer management committees? If so, I can see properties being minimally maintained and local residents losing involvement and interest. I'm not sure what the answers are, but it concerns me.	The Property Strategy has been design to be a high-level framework to assist Council with their strategic decision making that relates to all of Council's property holdings. Volunteers have not been captured in the Property Strategy, however the use of 'community/communities' has been used to universally capture all persons who benefit from the use of Council facilities. Volunteers more specifically are consider within the "*Community Development – Lead Strategy 2021-2026*" and Council's '*Volunteering Policy 2022,* who are further supported by Council's Community Development Team in collaboration with the Property Team. Actions from this strategy include: • *<u>Action 9:</u> Develop and implement Volunteer Development Action Plan.* An action arising from the Property Strategy, will be the development of a Leasing and Licensing Policy, and it will be via the development of this document that volunteers and their role will be captured.
Written Submission *Hahndorf Institute Management Committee.*	Council has considerable property holdings in 3 identified categories. It is both important and valid that the social value of these properties is considered in tandem with the financial and usage value as seen by Council. Community organisations have long associations and indeed "ownership'" of many properties ,with long time investment in maintenance and funding to keep their community hall/oval viable. This Committee has particular interest in the Community Groups category, as one of the related actions for this Strategy will be the Lease and Licensing policy, which will impact on our function in several ways. We appreciate the need for Council to establish a firm and transparent approach to property management. Some committee members have participated in workshops, therefore welcome the opportunity to make comment.	The Property Strategy has been design to be a high-level framework to assist Council with their strategic decision making that relates to all of Council's property holdings. The matters that have been raised in this submission will be captured in the development of a Leasing and Licensing Policy.

ATTACHMENT 1 – Summary of Consultation

	When implementing the Property Strategy, the following matters need to be included: 1. Funding of Community facilities. Due to the age of many halls and ovals, the upgrade or maintenance is considerable. Patronage is varied, committees have a vested interest to keep buildings safe and functional with self-funded improvements where possible. Council objectives must align with community asset and volunteer needs (Objective 4.1.4) how will this be measured, prioritised and actually implemented? Principle 4.2.3 Keeping facilities affordable for community groups should be an outcome. 2. Stewardship (4.1.2) Volunteer committees often turn over within 2 years. The ability to understand and implement the growing legislative and statutory requirements takes much volunteer time and energy. This has impacted on willingness to join committees. It is daunting to all, and in particular new members who lose heart when progress is hindered. There needs to be a balance between independence and dependence with some training/ workshopping early in the financial year. The provision of community facilities should be seen as a service to residents rather than a financial priority. 3. Legal and statutory compliance as above. Volunteers need to achieve. Delivery of Council requirements, assistance to understand the larger picture and approvals for upgrade or maintenance is essential. 4. Maintenance (4.1.5) Once the Property Strategy has been implemented, what level of maintenance will be provided under new Lease and Licensing agreements and how timely? As Council is aware, most district facilities are aging, non-compliant with disability requirements in particular, is aware that clients require modern digital facility and temperature control, so monitored action must be implemented to best value for each property.	
Written Submission *Local Flora Society.*	We have just learned that Council has a draft Property Strategy which is about to finish its consultation period. This is a brief submission to ask that the future of local native flora on all council land be properly considered during any acquisition, disposal, development and management. We understand that the primary focus of property management relates to service provision for a burgeoning population. We note that a reference is made in the draft plan to the open space strategy and that this strategy has natural areas as a reserve type. We do not think that the statements about native vegetation in the Open Space Strategy are strong enough and we would like to see some clear statements in the Property Strategy.	Conversations relating to native flora are captured not only by the Open Space Strategy, but also Council's community Land Management Plans (CLMP's). An Action arising from the Property Strategy is to update all CLMP's. It would be during this process that language relating to native flora be detailed in this policy. Additionally, as part of Council Corporate Strategic Framework, Council have also identified the need for an

ATTACHMENT 1 – Summary of Consultation

	We would like to see that the local native flora growing on all council land is documented and that these assets are taken into account in all management decisions related to that land, whether it is a declared nature area or not. Whenever any development is proposed for Council land, the local native flora growing there should adequate consideration of its future. At present, scant thought appears to be given to the presence of local native flora in areas being developed for public open space around Mt Barker. Local flora should not simply be ignorantly sprayed over or cultivated out. All flora needs to be assessed as to whether it can be incorporated, translocated or propagated prior to development. In order to satisfactorily assess native flora Council needs staff members whose knowledge and skills encompass both botany and practical ecological restoration and management.	Environment and Sustainability Strategy which sets the direction for environmental action over the next decade to 2035. The management of local native flora will also be captured in this document.
Written Submission Local resident	**Introduction** Open space, buildings, reserves and places to access in the Mount Barker District Council have been created through various means, including by land donations, historic decisions made at the local council level, land purchases to relocate land trusts, and places gifted to the community for sport and recreation. Without these efforts, many of the open spaces we have, and value today would not exist. Many of these open spaces are larger and in prime areas such as land on Mann Street Mount Barker purchased by Council and now used for a weekly popular farmers market, Keith Stephenson Park, Hahndorf Academy, Dunn Park, Hahndorf Pioneer Memorial Gardens on land donated to the Council in what is now a prime tourism and visitor destination, Mount Barker Showgrounds and Weld Park. Other areas have been provided through more arbitrary means such as mandated requirements in new housing estates in areas, some very basic in nature, limited in space and size often with poor quality areas selected (ones not overly suitable for the sale of homes in terms of best return on investment). **Open Space Policy – Essential for Future Decision Making** We are in urgent need of an open space policy at the Mount Barker District Council, with other Councils having such policies in place. We do not need more open space strategies full of pictures and words, but an actual policy which highlights what the Council actually stands for in terms of open space. Policies also have a legal status to them that is much stronger compared to a strategy, can be done in-house at a local Council level and avoid the need to use expensive, outside consultants. Consultation on such a policy is key and should be an urgent priority for a growth council like Mount Barker in terms of housing and increasing population. **Revision of Basics – More Detail is Required**	The Property Strategy has been design to be a high-level framework to assist Council with their strategic decision making. This means that the detail requested within this submission will be explored in future Council reports, projects, policies, master plans and documents as they are developed as topics arise. The commentary received via this submission will be shared with other areas of Council to ensure the principles that have been provided are explored and fully understood. An action arising from the Property Strategy, will be the development of a Leasing and Licensing Policy, and it will be via the development of this document that much of the details relating to community property and buildings will be explored. An Action arising from the Property Strategy acknowledges that Community Land Management Plans (CLMP's) are due to be renewed.

ATTACHMENT 1 – Summary of Consultation

	The document (Property Lead Strategy) includes a revision of a lot of basics in terms of what will happen in terms of something, when we need more in terms of future, bold, decision making at a local Council level. So, any additions in this area will be very much appreciated and valued to provide a more comprehensive document for people to take in. People are often looking for more detailed information in a day and age where misinformation and disinformation are key, and matters are simplified down via social media platforms or used to push certain messages onto the public. **Community Land Decisions – A Review is Needed** There is a pressing need to review the criteria and processes surrounding the designation of community land. Current determinations about what constitutes community land and what does not are unclear and the causational factors behind such moves, raise many questions that need to be addressed. One area of concern is the lack of clear definitions regarding the reasons for disposal of community land and land that is not community land. At present, reports presented to Council often fail to provide transparent and detailed justifications for the removal of community land status for example. There is a need for more detailed explanations of the causational factors and reasons behind such decisions. Additionally, community land status is inconsistently applied across Council properties. For instance, certain prime Council properties are not listed on the community land register, with reasoning's at an early stage of developing a community land register being vague, inconsistent or unclear with no real community knowledge to how such decisions were made and the principles that were applied at the time. A notable example is the situation of parcels of land on Mann Street, Mount Barker, where some adjacent properties on Mann Street are designated as community land, while others are not. This inconsistency is particularly concerning given that some of these parcels are used for community purposes, including the popular weekly Adelaide Hills Farmers Market. Furthermore, land disposals seem often driven solely by financial considerations at the expense of the environment and community rather than a comprehensive evaluation of the broader community and environmental impact. This approach may overlook the long-term value of open space for the well-being of the community. It is therefore important for Council to consider these issues carefully and establish clearer, more transparent processes for managing and protecting community and non-land (in terms of a register process), alongside any future disposals. **Further Discussions With the Community – Vital** Often with the development of these plans/strategies, community input, the users of open space, buildings and properties are left out of discussions and their voice is not considered. This is something the Council should revisit when developing strategies like this one, as	Council is committed to engaging with the community and delivering elements of the Property Strategy, Key Principle3 states that: *"4.2.9 - Council will consult with the community, tenants, and other stakeholders on all major property projects and act in a responsive manner when dealing with feedback"*. An Action arising from Property Strategy is to review the Disposal of Council Land and Other Assets Policy in 2026/27, in the mean this document will guide Council decision making when disposing of land and other assets.

	often our elected officials do not listen or take our views into account, and we are left to be the takers of activity for the community and environment in terms of protection of spaces, buildings and areas for future generations of people. **Land Purchase and Acquisition – Better Decision Making Needed** Action in this is area is not uniform and improved Council policy in this area is vital, with current decisions spasmodic, lacking transparency and openness, alongside fairness and equity. We have had two Council land purchases for example in Hahndorf, based on offerings to the Council before going onto the open market costing the Council over $2 million dollars in total, involving land and heritage buildings. Yet individuals have asked the Council to purchase land to expand Byethorne Park in Nairne and no action was taken by the Council at all. Funds from all land sales should go back into the purchase of open space to expand parks. This generally does not occur under present circumstances with funds going back into other projects and general revenue at the Council, with change in this area vital. **Disposal of property - More Transparency and Clear Direction is Important** The importance of a Council having a clear approach to the management and disposal of property and assets is important, particularly in relation to ensuring that properties are used efficiently and effectively to serve the needs of the community. However, there are concerns regarding the disposal process that exist with Council assets at present. While the strategy mentions that disposal decisions are based on certain factors, there is a need for more clarity and transparency in the criteria for determining when a property is no longer required by the Council. For example, there should be a clear explanation of how decisions are made regarding the future of properties to be disposed of and how community consultation and feedback was incorporated into the decision making process and how it will be incorporated into the future. This is very much an issue when decision making re the future of land based around the dollar with funds to upgrade facilities. This has occurred with the Mount Barker Community Library and the Glebe upgrades at Littlehampton as two examples. The fact that funds were going to other areas of Council were factors directing local elected members towards supporting other land sales as the funds were going to community projects. Furthermore, the need to consider alternative uses of property is important where required, but the Council needs to ensure that any proposed disposals of community land or spaces with significant local value are assessed with the long-term benefits to the community in mind beyond say 2050 and into the future when we have much larger populations and new demographics of people. It is essential that Council not just looks at the immediate financial returns or short-term capital gains but also weighs the broader social, environmental, and recreational value these spaces, buildings and areas provide,	

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	alongside potentials with proper investment put in place. Community spaces have irreplaceable value beyond monetary considerations, contributing to the health, well-being, environment and identity of the Mount Barker District Council, those who reside here and those who visit. A disposal process must be accompanied by clear guidelines on how the timing of sales will be evaluated, particularly where land could serve an alternative public or community function and how the community will be involved, alongside how to approach and engage such groups and individuals. For example, you may have a parcel of land suitable for a community garden for example. So, there needs to be discussions on all potential options before moving into a decision mode involving the transfer of land to a private entity or individual with the present process sees matters put to a full Council with little to no community input. The Council used to have an open space committee, but this was disbanded. It may be worthwhile considering the establishment of broad committees that cover multiple areas of Council and include members of the community as some Councils have, like on Eyre Peninsula for example. Additionally, we need the Council to provide more detailed justification for each proposed disposal of property, including the potential impacts on local residents, people, visitors, environment and community organisations that rely on these spaces, including when proposing to remove community land status. The Council's disposal function must be more transparent, with greater emphasis placed on community consultation, long-term planning, and careful consideration of the broader benefits of retaining open spaces. It is crucial that property decisions align with the long-term interests of the community, not just the wants of a Council or be driven by short-term financial considerations. **Leasing, use of buildings and spaces** The public tends to have no say in this area, despite the fact they may have good, future ideas for using buildings owned by the Council, say ones for example currently empty. This has occurred with the old school building purchased by Council next to the Hahndorf Academy, with multiple suggestions put, one being a history and research centre, another a visitor information centre, both ignored by Council, with the building recently leased/rented out by Council to a commercial tenant. **Objectives - What Will be Achieved** These are things written and put in place in terms of words, but seem spasmodic, leave gaps in terms of content, and don't seem to link to other parts of the strategy. This is something the Council should go away and revise, so people know what the outcomes are more likely to be. Whilst not everything will naturally be able to be included, things of a broader nature could address this, and this should be taken on board by Council as a priority, so people have confidence in these types of documents into the future and know	

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	what they are getting outcomes wise. Spasmodic outcomes and gaps provide people with little confidence and no real idea of what they will get into the future, so any action here can only be seen as a positive. **Implementing – The Public Should be Involved** As stated elsewhere in this submission the Council should see the public have more say via something like a committee process with the Council previously having an open space committee, later disbanded. Something new set up, covering a broader array of areas would assist in this area, including with the implementation of proposals with a future Property Strategy Action Plan. **Conclusion** People in our community also want liveable spaces, but we also want a Council that is serious about open space and public buildings and places, treats them with respect and value and understands the management and investment and looking after open space, buildings like halls and institutes and other outdoor assets are a basic service and key responsibility of local government. In terms of future direction there needs to be more than just words, but actual actions at a local government level to see positive outcomes and quality change for people today and for future generations who will appreciate pro-active actions taken at a local Council level, including in the Mount Barker District Council.	
Written Submission *Macclesfield Community Association Inc. &* *Littlehampton Peace Memorial Hall Committee.*	The Property Strategy provides an opportunity to collaborate and work out the principles of shared stewardship of community facilities such as halls/institutes and recreation grounds, the desired outcomes for each facility, and to improve the partnership between Council and the community. There are ways these arrangements could be improved and we are seeking an opportunity to work with council on positive improvements that result in 'win-win' outcomes. Defining 'community expectations': what matters to us. **1. Affordable access to facilities:** Fostering inclusion of the whole community, participation and continuation of the volunteer groups in our towns and District well into the future, requires affordable local spaces. Keeping these facilities affordable for community members and groups to use should be an outcome of the Property Strategy. Local organisations involved with managing community facilities understand the nuances and quirks of their communities. If Council takes on key functions without community involvement, it could reduce use and connection, and reduce community ownership. There is a risk that this results in increased costs that would not be offset by income generation ('cost recovery' in Council language). Council simply can't afford to run all these facilities without its community partners. The staff costs would be too high, and this cost would have to be passed on to user groups, hirers and ratepayers. Therefore, a principle for the Property Strategy should	The Property Strategy has been design to be a high-level framework to assist Council with their strategic decision making that relates to all of Council's property holdings. The matters that have been raised in this submission will be captured in the development of a Leasing and Licensing Policy. In response to the query raised about the 'Venue Hire Guidelines'. They will applied to Council's Venue Hire sites. If through the Leasing and Licensing policy hall committees (as an example) pursue venue hire, this will be managed via the policy and agreement with Council. This will not be governed by the Venue Hire Guidelines. Additionally, as part of Council Corporate Strategic Framework, Council have also identified the need for an Environment and Sustainability Strategy which sets the direction for environmental action over the next decade to

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	be to support and increase community involvement in these facilities as a strategy for keeping them affordable. **2.** **Social capital:** It is important that the social value of property is not only defined by maximising number of hours of hire or use ('activation' in Council language). Whilst the use of the buildings matters, the active involvement of community members and groups in their management, maintenance and operation is also part of the social value that community facilities produce. Sharing responsibility, sharing contributions, taking initiative to improve the buildings, working together to fundraise for improvements, volunteering on management committees etc is part of our country town traditions and it strengthens our communities' social capital. This part of the cultural traditions and social fabric of the District's small towns is worthy of protection, preservation and enhancement. The Property Strategy should, therefore, explicitly recognise the role and importance that community organisations and volunteers play in development, maintenance and operation of facilities such as halls and recreation grounds. This is partly addressed in 'Objective 4.1.2. meet community needs and expectations by taking into consideration future trends and changes in community demographics by fostering a community stewardship approach;' Supporting and facilitating community stewardship would be better put in a separate point to meeting 'community needs'. Often our communities have paid for (or even built) these facilities in the past. There is a strong connection and commitment to them. People in our towns see these as their spaces and places. This attachment and sense of belonging is important and Council should as much as possible seek to strengthen it by supporting the community groups as partners in this role. Council should only take over operations of community halls and recreation grounds when all other community management options have been exhausted, and the community does not want to manage the facility. **3.** **Wellbeing:** Community property is an investment in social connection, physical activity, belonging, participation, and volunteering and community pride. It is not only about meeting community needs for a bookable space, or achieving the 'highest and best' return. Council should value the provision of community facilities intrinsically as a service to residents, and not seek to maximise income generation and cost recovery as its high priority. The value of these facilities is not in the income they generate, but the activity and relationships that they foster in our communities. **Additional comments on Objectives and Actions**: Proposed new Objective: To foster and strengthen community capacity to manage, care for and facilitate community use of facilities, in a community stewardship approach.	2035. The management land for conservation outcomes will be considered by this Strategy and facilitated by traditional licensing processes delivered by the Property Team. Natural areas and land managed for conservation outcomes (section 3.2) are Captured by the Land Transaction Category. Following recent workshops for the Strategy and Policy, it was identified that our community groups would like more regular engagement with Council, to provide advice, training and support. Response to these actions are driven by the "*Community Development – Lead Strategy 2021-2026*" and Council's Community Development Team in collaboration with the Property Team. Actions from this strategy include: • *Action 12: Design and deliver community leadership training;* • *Action 23: Support learning opportunities for community groups to develop and implement social enterprise ideas;*

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	New Actions that relate to this Objective could include promotion of facilities, assisting groups with governance responsibilities (e.g. training), support and advice on facility improvements, development of a partnership model. *Action Plan*: Who will the 'Venue Hire Guidelines' apply to? *Other*: ▪ Have groups involved in managing public land for conservation outcomes been engaged? The draft strategy does not seem to cover their role on managing public land for biodiversity / conservation. ▪ Categories of use of Council properties section does not seem to include natural areas and land managed for conservation outcomes (section 3.2) ▪ Why the following are civic and community facilities described under "Commercial" where "They seek commercial outcomes for community benefit": Short Term Venue Hire: Brukunga Hall, Town Hall, Town Hall Den. ▪ Core Property Functions: Acquisition should include acquiring property for addressing a community need not just provision of a 'Council service'. An example of this could be strategic acquisition to facilitate an affordable housing opportunity in partnership with a housing provider. The current wording may not cover that scenario because housing is not currently a Council service.	
Written Submission *Meadows Memorial Hall Committee.*	The overall property strategy reads well as an economic driven document. Its principles make good economic sense but they do not make it clear about providing good community facilities within the community. If we follow the broader principles we can end up with all the assets centrally located and managed that make it too hard for the broader community to use. New developments in Mt Barker are expensive to use, expensive to get to in terms of time and often impractical to get to due to parents working and no real public transport outside of Mt Barker and Nairne. Kids need to be able to walk to local facilities to train for sport or participate in activities close to home. Kids need to be able for them to participate in positive development opportunities and the absence of these can lead to negative outcomes with boredom. The document does not define highest and best use from our community's perspective so one assumes it is the standard economic model that ignores cultural, community and other environmental objectives. The document is good at outlining a view that as a council we have a big job to do and we need to manage this property at its highest and best use. It does not acknowledge or	The Property Strategy has been design to be a high-level framework to assist Council with their strategic decision making that relates to all of Council's property holdings. The matters that have been raised in this submission will be captured in the development of a Leasing and Licensing Policy. The application of "highest and best use" will be dependant of whether the assessment is for a commercial or community building, for which the outcome will be intrinsically different. At a high level, the application of "highest and best use" should be viewed as an assessment tool to achieve the best and most appropriate use for 'community buildings', as well as the best and most appropriate for commercial buildings. It is not the intention of the Property Strategy to centralise facilities or disadvantage communities. As a decision making

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	propose a partnership model to continue to maintain and develop community facilities. (it mentions a stewardship community model in objective but nothing elsewhere) It may be just the legal jargon that has been used but after reading the document you do not see any real mention of the community groups and individuals who have worked tirelessly to maintain and develop community facilities. There has been heaps of local fund raising for decades to ensure facilities are local. The language in the document is dis-empowering and unless carefully thought through in the final documents given to the current community managers will drive them away, and there are no other volunteers lining up-to help there hall or oval. The risk is that as a council you will manage all asset by yourself. We do like the idea of groups being treated equitable rather than equally (this may mean Meadows could have had potable water for hall), but we also believe communities that put the effort in need to be treated better than the communities that do not. There is no mention of comfort in use of facilities and it is the lack of this that can minimize the facilities use. You mention the minimization of greenhouse gases, but not providing heating, cooling and acoustics to make facilities more usable. Many of the community facilities would get better use if upgraded. Attendance at meetings using halls can be very thin on cold winters night or hot summers night. If you are not careful in managing future needs in that by not investing in some of the poorer used assets they will end up with extremely low use, not due to real demand but quality of the facilities. So in summary broadly we support the idea of the document but have concerns in that the highest and best use model will lead to centralized facilities and leave the smaller communities without and without careful use of language in lease license model, lead to community volunteers just giving up and leaving it to you to manage in totality. It should be remembered also that groups like ours are tasked with other community activities as well as managing community assets owned by the council.	tool, this framework provides an opportunity to address inequity across our region to ensure all communities managing Council facilities are equally supported.
Your Say *Respondent No. 1*	In the main I agree with what is being proposed. I'd like to make sure though that local hall management people/teams maintain say in how much the facilities are rented out for, and ensure that rents are not determined by council. I'm involved with the Prospect Hill community association, and each of our two halls (council owned and maintained) are rented out to various people and organisations during the year. We have a commercial rate for any businesses that wish to use the halls - including a regular booking by a dog obedience business - and we have community rates for smaller	The matters that have been raised in this submission will be captured in the development of a Leasing and Licensing Policy. The community still have ample time and opportunity to participate in the engagement and development of the Leasing and Licensing Policy, which includes providing feedback on facility hire and fees.

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	local communities such as a small dance studio. We also provide free rental for purely community based uses, including CFS and local area information nights. Other than that, it looks OK. Council has to run a business providing services, and we are very aware of what council provides local associations in the way of property maintenance and upkeep.	
Your Say *Respondent No. 2*	The draft Strategy places the uses of Council properties into 4 categories. This list does not include natural areas and land managed for conservation. Council has a number of reserves where the primary function is conservation of the native vegetation and protection of fauna habitat. These reserves have quite a different function to the listed category of Sport and Recreation and should have a category of their own which reflects their prime function of conserving these areas of native flora and fauna in perpetuity. As outlined in Council's Biodiversity Strategy, some of these areas are Mt Barker Summit, Yantaringa, The Drover's Rest, the Macclesfield reserves including the Day Paddock, Stone Reserve, the Water Reserve at Flaxley etc. Volunteer groups have been helping to care for these areas over many decades by careful minimal disturbance weed control to protect the native vegetation. I would like to see the Strategy provide recognition of these natural areas and commitment to long term land management to protect their natural values. In order to protect, conserve and enhance the native vegetation and biodiversity of the Mt Barker Council area it should be ensured that Council Property staff and the Property Strategic Working Group understand and obtain specialist advice on the natural and conservation values of any land under consideration.	An Action arising from the Property Strategy is to update all CLMP's. It would be during this process that language to protect, conserve and enhance native vegetation and biodiversity can be considered. Additionally, as part of Council Corporate Strategic Framework, Council have also identified the need for an Environment and Sustainability Strategy which sets the direction for environmental action over the next decade to 2035.

ATTACHMENT 2 –Summary of Amendments

Summary	Current drafting	Proposed edits / amendment
STRATEGY: Section 202 of the Local Government Act 1999, allows for lease over community land to be for a period of time not exceeding 42 years. A drafting error references 21 years, to be corrected in the draft Strategy.	3.1 PROPERTY CLASSIFICATIONS: Can have the grant of a lease or licence for occupation, as approved by Council, for a period of time not exceeding **21 years** (Section 202 of the Local Government Act 1999).	AMENDMENT: 3.1 Property Classifications: Can have the grant of a lease or licence for occupation, as approved by Council, for a period of time not exceeding **42 years** (Section 202 of the Local Government Act 1999).
STRATEGY: Based on feedback received during community consultation, the paragraph that references Acquisition will be extended to include : *…the delivery of a Council provided service **and or community needs**, the assessment of options….*	3.3 CORE PROPERTY FUNCTIONS Acquisition: *…the delivery of a Council provided service, the assessment of options….*	AMENDMENT: *…the delivery of a Council provided service **and or community needs**, the assessment of options….*

Mount Barker District Property Lead Strategy

2035

MOUNT BARKER
DISTRICT COUNCIL

Acknowledgement of country

Council acknowledges the traditional owners and Custodians of the lands of the Mount Barker District. We respect the First Nations people and their spiritual relationship with their country and their cultural and heritage beliefs.

Revision	Issue Date	Distribution	Notes
1	02/12/24	MDBC Staff	Preliminary draft issue for consultation
2	03/03/25	MBDC Staff	For endorsement

Our 2044 vision

To be the most liveable region in South Australia.

Which means...

"A liveable place is somewhere that is: safe, attractive, inclusive, and environmentally sustainable; with affordable and diverse types of housing, public open space, local shops, health and community services, leisure and cultural opportunities; with opportunities for employment and education all accessible by convenient public transport, walking and cycling."

— Australian Urban Observatory, 2024

Our 5 pillars to achieve this are



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Laratinga Pavilion

1. Introduction

Mount Barker District Council (Council) is responsible for the management of property including land and built assets across 776.45 ha, of which 249.9 ha is classified as Crown Land. Council's Property portfolio includes Community, Operational and Commercial assets that are leased, licensed or under a management agreement.

As a growth Council, we are presented with a unique opportunity to take steps and actions that anticipate and advance the interests, needs and demands of our community, from now into the future. Property by its very nature involves substantial commitments that have long term impacts, that is why we have aligned the objectives, key principles and action plan of the Property Strategy with the overarching, long-term strategic priorities of Council and the vision and strategic objectives set out in the Community Plan 2044.

Purpose

The Property Strategy formalises Council's approach to the strategic management of its property portfolio and aligns Council's organisational objectives with its service delivery objectives and community expectations.

The Property Strategy will enable Council to best realise the value and benefits from its properties, whether in financial or service delivery terms, and will enable Council to meet the needs of the community as they evolve over time. Further, the Property Strategy will assist Council in minimising risk and guiding future strategic decision making, investments and budget allocations in relation to its property holdings.

Scope

This Property Strategy applies to all Council property assets (land and buildings), that are either Council owned or managed (including Crown land), whether in full or part, or occupied by Council as lessee.

Council's Open Space Strategy (OSS) should be referenced in relation to land use matters relevant to Council's Parks and Reserves.

Council's Strategic Asset Management Plan (SAMP) should be referenced in relation to the condition ratings of Council's building assets.

Council owns considerable road assets which are not included in the scope of this Strategy. Council-owned roads are managed through Council's Strategic Asset Management Plan (SAMP).



2. Context and background

Strategic Framework

The Strategy is influenced by the Mount Barker District Community Plan 2044 and the draft Strategic Asset Management Plan (2024). Likewise, the Strategy sets and influences the development of numerous future council documents and actions as shown in the figure below.



Background

Mount Barker District Council's strategic vision is:

"To be the most liveable region in South Australia."

Mount Barker District Council has 5 key pillars to help achieve its 2044 vision. These pillars are environment, people, place, economy, and leadership.

Property is a highly valuable resource that can do much to support and deliver Council's vision and strategic objectives. By its very nature, Property directly impacts and supports, the success and performance of services provided by the Mount Barker District Council, particularly when community services and priorities change over time. It is understood, that the demand on Council's Properties will increase as a result of predicted growth and development occurring in the district. As such, it is important that Council's property portfolio remains flexible and adapt to changing needs.

With the current and forecast growth predictions for our region, Mount Barker District Council is committed to ensuring a strategic, robust set of objectives, key principles, action plans and policies exist to guide decision making when it comes to its property holdings. This is relevant whether it be for acquisition, leasing, use, maintenance or disposal.

This Property Strategy will enhance the performance of key property assets and in turn assist in delivering the Council's Community Plan 2044 objectives in the context of its long-term goals.

The Property Strategy 2025-2035 will serve as the highest level of planning and lay the path for the future development of additional policies, plans and procedures in the property area.



3. Property Classifications and Categories of Uses

3.1 Property classifications

Council owned land

All Council owned land must be classified as either Community Land or Excluded Land.

Community Land:

Community Land is described by Chapter 11 of the Local Government Act 1999 as all local government land (except roads) that is owned by a Council, or under a Council's care, control and management at the commencement of the Act and is taken to have been classified as community land unless otherwise excluded and is held for the use and enjoyment of the public.

Community Land is also characterised as land that:

- cannot be sold unless revocation of the community land classification is approved by Council and The Minister (Sec 194 of the Local Government Act 1999);
- cannot be used for business purposes unless approved by Council (Sec 200 of the Local Government Act 1999);
- can have the grant of a lease or licence for occupation, as approved by Council, for a period of time not exceeding 42 years (Section 202 of the Local Government Act 1999).
- can have a permit for activity of a 'short term' nature issued by Council.

Community Land must have a Community Land Management Plan prepared for it in accordance with Section 196 of the Local Government Act 1999.

Excluded Land:

Excluded Land does not have any special legislative restrictions other than those that may apply to any piece of land e.g. Planning & Development.

Land classified as 'excluded' includes commercial property (either held for capital gain or providing rental yields).

Council owned public roads

Public Roads are described by Section 4 of the Local Government Act 1999; as any road or land that was, immediately before the commencement of this Act, a public street or road, including an alley, laneway, walkway or other similar thoroughfare vested in the council.

In accordance with the Roads (Opening and Closing) Act 1991, council's may open land to create a road or close a road to create a separate land holding (either community or excluded land).

Division 6 of the Local Government Act 1999, allows Councils to issue a:

- Licence for an activity on Road Reserve (Section 221), or a
- Permit for business purposes on Road Reserve (Section 222).

Crown land (Council as custodian of land)

The management of Crown Land is governed by the Crown Land Management Act 2009, which authorises Council to manage Crown Land as if it were Community Land under the Local Government Act 1999.

Council, in its capacity as a custodian of Crown Land, is required to create Community Land Management Plans for these parcels of land under Section 196 of the Local Government Act 1999.

Properties leased / licensed from others

Council may lease or license properties from other parties where:

1. The property or part of the property being used by Council will contribute to Council meeting its statutory, service delivery and/or community requirements;
2. Council possesses the required resources and capability (which may be supplemented by external parties as required) to manage the property or part thereof; and
3. Ownership of the property would be impractical, inappropriate or otherwise problematic. This may be due to a pre-existing arrangement, or as a result of Council determining the value to be realised from leasing / licensing being greater than the value that could be realised if Council were to assume ownership of the property, or similar reason.

Examples of properties currently being leased / licensed by Council include 6 Dutton Road, Mount Barker (Civic Centre).



3.2 Categories of uses of Council property

Council has defined and categorised its property portfolio to include the following:

Community property - sport and recreation

Community Property – Sport and Recreation properties are sporting and recreation grounds, buildings and facilities used by the community, sporting groups, associations and committees to provide formal and informal sporting, recreational and community activities.

These facilities are generally located on Community Land and are managed within the provisions of a Community Land Management Plan to deliver facilities that provide opportunity for sporting participation and community events.

Community property - halls and other facilities

Buildings which provide indoor spaces and facilities for the community to gather and meet for formal and informal programs and activities.

These facilities are generally located on Community Land and are managed within the provisions of a Community Land Management Plan to provide the community with spaces to undertake a variety of mostly indoor activities and community events.

Operational property

Operational Property is required by Council to oversee, manage and deliver Council's administrative and support service functions relating to direct service delivery.

The types of properties that directly provide community services include the Civic Centre (Council Chambers and Administration Offices), Environmental Service Center (ESC) and the library.

Commercial property

Commercial Property relates to the use and management of land or assets where the primary purpose is an investment for the generation of revenue. A key financial objective for commercial properties is to achieve self-sufficient operation and to supplement the funding of the operation, management, maintenance and capital requirements for Council's other services.

Properties of a commercial nature may also include a provision for community benefit, albeit this secondary function may not always apply. It is preferable, however, to maximise opportunities for community benefit wherever practical to maximise the overall value being realised.

Council will generally determine which of the above applies during the planning stage of new developments. Council may re-categorise the use of a property to meet service requirements as required. Where buildings accommodate multiple uses, the property will be designated according to the primary or majority use.

In addition to the four usage categories outlined above, Council property may from time to time become categorised as vacant. Where a property remains vacant for an extended period Council may declare property as surplus and therefore redundant to needs. Where a property is identified as redundant a decision will need to be made regarding the most appropriate action to take for the property, for example disposal, development or other action. This decision should take into consideration not only the financial implications but also the impacts to the current and future members of the community.

Managed Facilities and Short Term Venue Hire

A sub-category of Commercial Property are the council properties that are either managed on behalf of the council or hired by a third parties. They are seek commercial outcomes for community benefit. At the time of drafting this strategy, they are:

Managed Facilities: Mount Barker Caravan & Tourist Park, Mountain Pool, and Adelaide Hills Recreation Centre.

Short Term Venue Hire: Polo Clubrooms, Laratinga Pavilion, Brukunga Hall, Town Hall and Town Hall Den.

Land transactions

Land transactions relate to certain functions and activities that are required to effectively deliver and support the strategic objectives of Councils property portfolio and the overall management of its land holdings, including Community Land, Excluded Land, Crown Land and Roads.

In a practical sense this includes transactions that relate to the creation of easements and encroachments, undertaking road opening and/or closing processes, community land processes, land acquisitions and disposals, and any associated leasing, licensing and permits to facilitate an activity on Council land.

3.3 Core property functions

Council's property portfolio, it is divided into four core property functions which are shown in Figure 1 and summarised below.

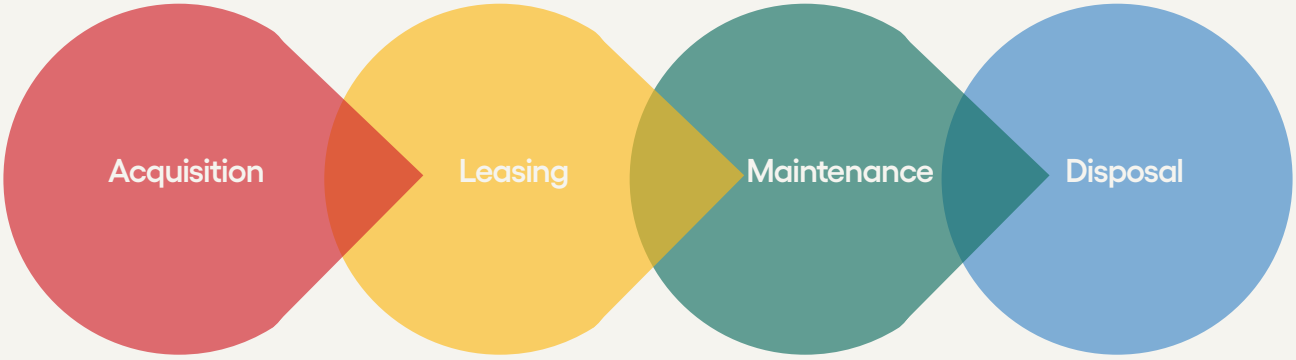


Figure 1 - Core Property Functions

Acquisition

The acquisition function relates to the identification of a property need to support or facilitate the delivery of a Council provided service and or community needs, the assessment of options, analysis of costs and benefits and approval to proceed with a property purchase.

Leasing and licensing

The Leasing and Licensing function relates to Council's role as Landlord (Lessor) in either leasing property/land to third parties to deliver Council services by not-for-profit or community associations or commercial leasing of property unrelated to delivery of services.

Leasing also refers to Council's role as a Lessee of facilities owned by others but used by Council to deliver services. The policy, process and procedures associated with Leasing and Licensing can be found in Councils Leasing and Licensing Policy (currently under development) which will be a companion document to the Property Strategy.

Disposal

The Disposal function relates to the assessment of property assets held by Council for which there is no ongoing service need or where the delivery approach has altered and the property is no longer required to supply the service to the community. As part of this function, Council will consider the assessment of disposal options, testing alternative uses of property, consideration of benefits of disposal including alternative uses of capital and the timing of sale to maximise returns. The policy, process and procedures associated with the Disposal of Council property are found in Councils Disposal of Council Land and Other Assets Policy, and is a companion document to this Property Strategy.

Echunga Recreation Grounds



4. Objectives and Key Principles

Council has structured its Property Strategy by adopting the following elements:

Element	Description
Objective	What will be achieved (by adopting the Key Principles and performing the Strategic Actions)
Key Principles	How the Property Actions will be performed
Property Action Plan	What property management activities will be performed to meet the objectives

4.1 Objectives - what will be achieved?

Council has defined Strategic Property Objectives which represent the tangible outcomes that will be realised from its property management activities. The Objectives are expressed in such a manner that future outcomes can be measured and monitored over time to inform Council in relation to whether the Property Strategy or actions need to be adjusted.

Council will manage its property portfolio in accordance with the Key Principles and achieve the following Objectives:

4.1.1.	ensure its property management practices are consistent with Council's strategic goals, as defined in its Community Plan 2044 and other strategic documents;
4.1.2.	meet community needs and expectations by taking into consideration future trends and changes in community demographics by fostering a community stewardship approach;
4.1.3.	regular and transparent communication and decision making that is consistent with Council endorsed strategies and policies, ensuring that fairness and good governance are at the heart of decisions and actions.
4.1.4.	legal and statutory compliance to ensure properties are safe, secure and compliant with relevant legislation and other regulatory obligations including Council policies, procedures and guidelines, which are to a modern-day standard and 'fit for purpose' that benefit the community;
4.1.5.	ensuring properties are maintained in accordance with best practice strategic asset management principles, with all buildings being maintained such that their condition ratings are either very good, good or fair as defined in Council's Strategic Asset Management Plan;
4.1.6.	promote highest and best use principles for Community, Commercial and Operational Properties to maximise return and minimise related costs to Council and its community;
4.1.7.	ensuring that Council's property portfolio is managed in a financially sustainable way that optimise the balance of both commercial and community outcomes specific to each property;
4.1.8.	properties are managed to improve environmental sustainability and reduce greenhouse gas emissions, and optimise environmental outcomes and performance.

4.2 Key principles - how will we achieve?

Council will adopt the following Property Management Key Principles to ensure good governance, practice and outcomes. Strategic Actions have been identified which will be undertaken in accordance with relevant Key Principles, thereby ensuring Council meets its strategic Objectives for the property portfolio.

Key principle 1

Best practice property management which is regularly reviewed and improved.

4.2.1 Council will adopt property management practices that are based on good governance, ethical behaviour and can be transacted in a transparent and accountable manner.

4.2.2 Council will continuously monitor and review its property management performance to ensure Council has the necessary current and relevant information on which to base its decisions.

4.2.3 Council will consider short, medium and long-term implications of property projects when undertaking an acquisition, disposal, proposal for alternative use or refurbishment of Council property.

4.2.4 Council will make property decisions with consideration of the financial, social, environmental and economic performance of a property.

Key principle 2

Maximisation of the overall value of Council property, in terms of both community outcomes and commercial value.

4.2.5 Council will manage its property portfolio in a financially sustainable way, to optimise value, whether through delivering quality community outcomes, maximising investment yield or through a combination thereof.

4.2.6 If Council is unable to maximise investment yield, consider alternate uses for commercial property through other strategies such as redevelopment or disposal.

4.2.7 Council will maximise utilisation of property assets through the collocation of services in multi-use facilities wherever possible.

Key principle 3

Community and stakeholder needs are sought, and expectations are met.

4.2.8	Council's property portfolio will be managed and maintained to meet community needs and expectations now and into the future.
4.2.9	Council will consult with the community, tenants and other stakeholders on all major property projects and act in a responsive manner when dealing with feedback.
4.2.10	Council will partner with external organisations and agencies where appropriate to optimise community outcomes and provide highest and best use.
4.2.11	Council will implement Ecological Sustainability Development (ESD) principles when undertaking new developments or building upgrades.

Brukunga Hall



5. Definitions

Following are the key definitions relating to Mount Barker District Council's Property Strategy:

Acquisition	An asset or object bought or obtained by Council.
Asset	Means any physical form of the building or item of infrastructure. Assets may be either owned by Council or used by Council, such as in the form of a lease or license.
Building	Means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code), whether temporary or permanent, moveable or immovable, as defined by the Planning, Development and Infrastructure Act 2016.
Community Land	All local government land (except roads) that is owned by a council or under a council's care, control and management is classified as community land unless: • the council resolves to exclude the land from classification as community land; and • the land is unaffected by provisions of a reservation, dedication, trust or other instrument that would prevent or restrict its alienation. S.193 Local Government Act 1999
Crown Land	Crown Land as defined by the Crown Land Management Act 2009.
Disposal	The sale or transfer of an asset beyond Council.
Public Land	Land that is vested in or under Council's control.
Land	Includes community land, vacant land, excluded land, road reserves, any legal interest in land, and any other land-related assets, including all buildings (community and excluded) on Land.
Lease	An agreement via contract between the Lessor and Lessee that secures the use of an asset by the Lessee subject to conditions, such that the Lessee has exclusive possession of the asset and there is a fixed term of occupation with rent payable.
License	An agreement via contract between the Licensor and Licensee that secures the use of part of an asset by the Licensee for a fee subject to conditions and such that the Licensee does not have exclusive possession of the asset.
Remnant Land	Land that is generally not capable of independent development or obsolete use and include lanes, road closures, excess land from old subdivisions, verge extensions or footpath widening.
Road	Roads are defined by the Local Government Act 1999 as a public street or road, including an alley, laneway, walkway or other similar thoroughfare vested in the council.
Surplus Assets	Surplus assets are assets that are considered to be of no benefit to either the community through the delivery of services, or long-term strategic property portfolio or for any other Council related purposes.

Anembo Park



Appendix 1

Mount Barker District Council Property Policy Register

Property Strategy - Policy Register	Status	
Disposal of Council Land and Other Assets Policy	Current	2024
Leasing and Licensing Policy	In development	2024-25
Venue Hire Guidelines	In development	2024-25
Strategic Property Review	Deliver	2024-29
Review of Disposal of Council Land and Other Assets Policy	Deliver	2027-28
Update Community Land Management Plans	Deliver	2025-29



Appendix 2

Applicable Legislation and Related Documents

Legislation, Strategy and Policy
Local Government Act 1999
Retail and Commercial Lease Act 1995
Real Property Act 1886
Property and Business (Sales and Conveyancing Act) 1994
Crown Land Management Act 2009
Roads (Opening and Closing) Act 1991
Planning, Development and Infrastructure Act 2016
Open Space Strategy
Strategic Asset Management Plan
Public Consultation Policy
Procurement Policy
Unsolicited Proposal Policy
Commercial Policy

MOUNT BARKER
DISTRICT COUNCIL

Mount Barker District Property Strategy Action Plan

2029

MOUNT BARKER
DISTRICT COUNCIL



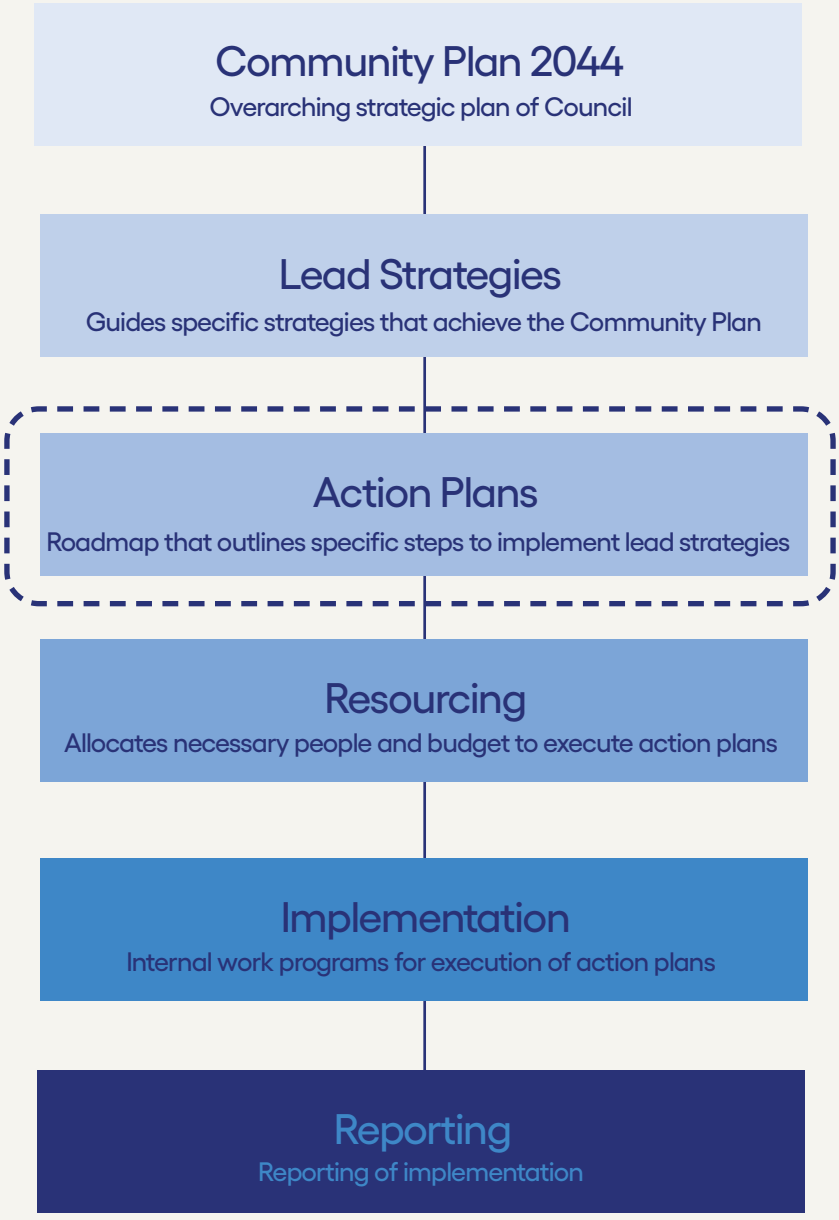
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1. Introduction

To complement the Property Strategy, the Corporate Strategy Framework, seeks that all Lead Strategies have an accompanying Action Plan, which sets a prescribed list of achievable actions that will be undertaken to achieve the objectives set in the Lead Strategy.

It is proposed that the actions detailed in this action plan will assist Council to meet its strategic Objectives and Key Principles set in the Property Strategy, which are aligned to the vision of Mount Barker District Council as described in Council's Community Plan 2044 which is 'to be the most livable region in South Australia'.




Echunga Recreation Grounds

2. Action and Implementation Plan

The Property Strategy has been developed to provide a holistic framework for the management of all property assets and establishes objectives and key principles for the alignment of Council's property portfolio with its future community and service delivery requirements.

The implementation of the strategic actions outlined in the Strategy will be undertaken as outlined in the table below. The Strategic Property Working Group will be responsible for the delivery of the strategy.

The Group will be chaired by a member of the Corporate Governance Group (CGG) and will include internal representatives and subject matter experts from across Council. The group will meet monthly and will provide briefings, advice and recommendations to CGG and involve Councillors through workshops and reports to Council to support delivery of the strategy. The group will engage external property consultants and financial experts on an as needs basis.

Action no.	Action	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
1	Establish officer led Strategic Property Working Group to oversee the delivery of Council's Property Strategy.	✓				
2	Develop a suite of new Property related Policies and review / update existing policies, to support the delivery of the strategy. (See Property Strategy - Policy Register Appendix 1).	✓	✓			
2.1	Lease and Licence Policy	✓	✓			
2.2	Venue Hire Guidelines	✓	✓			
2.3	Review of the Disposal of Council Land and Other Assets Policy			✓		
3	Carry out a review and audit of Council's Property and Land Register to ensure accuracy of information.	✓	✓			
4	Investigate options for a Property Management System and then establish the system to improve the effectiveness with which Council manages its property portfolio		✓			
5	Carry out a Council Staff Accommodation Review, to investigate agile working opportunities within Council's property portfolio, to provide optimal staffing and service levels to meet future needs.	✓	✓			
6	Update Community Land Management Plans for all Council owned and managed Community and Crown Land.		✓	✓	✓	✓
7	Undertake a high-level analysis of Council's property portfolio to develop a list of priority projects (Strategic Property Review).	✓	✓	✓	✓	✓
8	Develop a list of remnant/underutilised land parcels for possible reuse or disposal.		✓		✓	
9	Undertake a review of all Property holdings to determine current and future highest and best use.	✓	✓			
10	Investigate acquisition of new land holdings to support future recreational, social and environmental outcomes.		✓	✓	✓	✓

Brukunga Hall



3. Definitions

Following are the key definitions relating to Mount Barker District Council's Property Strategy and Action Plan:

Acquisition	An asset or object bought or obtained by Council.
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Community Land	All local government land (except roads) that is owned by a council or under a council's care, control and management is classified as community land unless: • the council resolves to exclude the land from classification as community land; and • the land is unaffected by provisions of a reservation, dedication, trust or other instrument that would prevent or restrict its alienation. S.193 Local Government Act 1999
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Lease	An agreement via contract between the Lessor and Lessee that secures the use of an asset by the Lessee subject to conditions, such that the Lessee has exclusive possession of the asset and there is a fixed term of occupation with rent payable.
License	An agreement via contract between the Licensor and Licensee that secures the use of part of an asset by the Licensee for a fee subject to conditions and such that the Licensee does not have exclusive possession of the asset.
Remnant Land	Land that is generally not capable of independent development or obsolete use and include lanes, road closures, excess land from old subdivisions, verge extensions or footpath widening.
Road	Roads are defined by the Local Government Act 1999 as a public street or road, including an alley, laneway, walkway or other similar thoroughfare vested in the council.
Surplus Assets	Surplus assets are assets that are considered to be of no benefit to either the community through the delivery of services, or long-term strategic property portfolio or for any other purpose Council related purposes.

MOUNT BARKER
DISTRICT COUNCIL

12.2 REPORT TITLE: RAILWAY CREEK / MOUNT BARKER CREEK / BERNHARDT COURT / FLETCHER ROAD FLOOD MITIGATION SCHEME – STORMWATER MANAGEMENT AUTHORITY GRANT APPLICATION

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/20816

ATTACHMENTS: Nil

Key Contact: Martin Waddington, Project Engineer

Manager/Sponsor: Matthew Dawkins, Manager Infrastructure Planning

Executive: Phil Burton, General Manager Infrastructure

Community Plan 2044:
Objective 12. Safety and Resilience: people feel safe throughout the district and community resilience is supported and encouraged.

Objective 17. Growth and Development: ensure sustainable and balanced growth while preserving the unique character and natural assets of the District.

Objective 24. Infrastructure Development: the timely and effective delivery of critical infrastructure that supports the long-term growth and sustainability of the local economy.

Annual Business Plan:
A key annual objectives of Councils 2024/25 Annual Business Plan includes to "develop detailed designs for flood mitigation of Railway Creek/Bernhardt Court" and is funded accordingly. Construction is proposed to take place in three stages beginning with the first stage (Fletcher Road) in 2025/26 with some early works occurring in 2024/25.

Purpose:
To seek endorsement for the construction of the Mount Barker and Railway Creek, Fletcher Rd, Bernhardt Court flood mitigation scheme in three stages subject to a Stormwater Management Authority (SMA) grant application for an anticipated commencement in 2025/26.

Summary – Key Issues:

1. Councils Mount Barker, Totness and Littlehampton Stormwater Management Plan (2016) identifies Mount Barker and Railway Creek, Fletcher Road and Bernhardt Court as high priority projects for upgrade to ease flooding risks to residents in Bernhardt Court.
2. Council endorsed detailed design in the 2024/25 annual business plan which is part funded through a grant obtained from the SMA. That design work is ongoing and is currently approaching 70% complete stage.
3. Discussions with the SMA regarding the possible funding of the construction phase of the project has been positive while keeping in mind the commitment the SMA has already made to the design phase of the project.

Recommendation:

That Council:

1. **Authorises the CEO, or their delegate, making application to the Stormwater Management Authority for up to 50% contribution to construct Railway Creek / Mount Barker Creek / Bernhardt Court / Fletcher Road Flood Mitigation Scheme in 3 stages at an estimated total cost of $2,313,000 (excl. GST), and;**

2. **Notes that the balance of the project will need to be funded by Council and will be incorporated into future budget reviews once the outcome of the grant funding application is known.**

Background:

1. Mount Barker Creek and Railway Creek burst their banks in a large storm 1987 that left many homes in Bernhardt Court flooded.

2. Works were undertaken on Mount Barker Creek and Railway Creek soon after to increase the carrying capacity of the creeks and thus reduce likelihood of further flooding in Bernhardt Court.

3. With the passage of time the nature of the catchment upstream of these creeks has changed significantly as well as changes to rainfall patterns has resulted in an increase in flood risk again for residents of Bernhardt Court.

4. Council's Mount Barker, Totness & Littlehampton Stormwater Management Plan identifies Mount Barker and Railway Creek, Fletcher Road and Bernhardt Court as high priority projects for upgrade to ease flooding risks to residents in Bernhardt Court.

5. Council endorsed detailed design in the 2024/25 annual business plan which is part funded through a grant obtained from the SMA. That design work is currently ongoing and is approaching 70% complete stage.

6. Community consultation was undertaken between 3 – 24 July 2024. An explanation of the project and works plan was displayed on Council's website and YourSay platform and abutting/nearby residents (50) were letterboxed.

7. At the 2 September 2024 Council meeting, Council resolved to note the results of community engagement and endorse the concept design for Railway and Mount Barker Creek, Bernhardt Court and Fletcher Road flood mitigation scheme.

8. Further consultation will occur with interest groups such as Voice for the Environment who have shown special interest in the project. Consultation will also continue with the Landscape Board.

9. Applications for the Stormwater Management Authority (SMA) funding round for construction applications opened on Wednesday 15 January 2025 and will close Friday 14 March 2025.

10. Council has been successful in previous applications for SMA funding including:
    - The drafting of the Mount Barker, Totness and Littlehampton Stormwater Management Plan (2016)
    - Mount Barker Creeks Rejuvenation (Design phase of this project)

Discussion:

11. Construction is proposed to be split up into three stages to be undertaken in three consecutive years beginning in 2025/26. This allows for a more desirable funding model for the SMA who have a limited budget to support their annual allocations grants to applicants.

12. Given the commitment the SMA has already made to the design phase of the project, a follow up meeting with SMA on 19 February 2025 concerning the construction phase of the project has indicated that the SMA would encourage Council to make application for up to 50% contribution.

13. Stage 1 of the project will focus on Fletcher Road with upgraded pipes and pits from Railway Creek to the entrance of Eldercare (retirement home).

14. Stage 2 will focus on works on Mount Barker and Railway Creek including removing built up silt and debris, some reshaping of the creek banks, construction of a stilling basin to capture future silt loads and the construction of earth levee banks and revegetation. Continued consultation with interest groups and the public in general will focus on the environmental benefits of the project and will aim to ensure disturbance of any nesting fauna is mitigated as much as possible.

15. Stage 3 will involve the construction of a pump station and associated pipework in Bernhardt Court to enable stormwater to be pumped into the adjacent Railway Creek at times when the creek water levels are higher than in Bernhardt Court.

16. A small section of pipe has already been installed under the Steamranger railway track in February 2025, taking advantage of Steamranger planned renewal of the Fletcher Road railway crossing. This small component of work accords with the overall pipe design for the remainder of Fletcher Road.

17. Council staff will prepare the SMA grant application with input from consultants that are preparing the detailed design for the works.

18. An outcome from the grant application will be known in June 2025.

19. Subject to a successful funding outcome, the works are scheduled to be tendered between July and August 2025 with construction to start in January 2026.

Community Engagement:

Informing only	Staff will develop an engagement plan which will include uploading plans and descriptive text onto Council's website and other Council controlled social media platforms ahead of construction and providing regular updates on progress.

Policy:
N/A

Long Term Financial Plan:
The LTFP includes expenditure on stormwater assets but this project is not specifically provisioned for. The completion of the design and associated cost estimate will be used to inform the next iteration of the LTFP.

Budget:
Railway Creek/Mount Barker/Bernhardt Court flood mitigation detailed design was included in the 2023/24 Annual Business Plan and Budget for $160,000. A Stormwater Management Authority subsidy of $80,000 has been granted. Future budget reviews will incorporate the funding required to deliver the project across three stages.

Statutory/Legal:
A funding agreement between Council and the SMA will need to be entered into if a grant is offered.

Staff Resource Requirements:
The design work is contracted to a consultant and project management is being undertaken internally using current resources. Construction will be undertaken by suitably qualified civil and landscape contractors sourced through a formal tender process.

Environmental:
The project includes the installation of a new Gross Pollutant Trap (GPT) at Fletcher Road with its purpose to capture silts and litter from local stormwater before being discharged to Railway Creek.

The concept design has avoided the removal of any desirable tree and vegetation and includes extensive revegetation with local desirable species. The detailed design work will build upon that principle and give consideration to other positive environmental outcomes.

Ongoing consultation during the completion of the landscape design with special interest groups and subject matter experts will continue.

Social:
The project will have a positive benefit for local residents impacted by flooding and the general community will benefit from the enhancement of the creek environment.

Risk Assessment:
A safety in design assessment will be completed as part of the design phase of this project.

The project will mitigate the risk of local adjacent properties being flooded for up to a 1 in 100 year ARI flood event which mitigates some of the risk of flood damage.

There is a risk that the forecast project cost may be different to the actual cost due to unexpected market response (higher than expected). The cost estimate used has been indexed and includes a suitable contingency to allow for unforeseen circumstances.

There is risk that the grant application at 50% of the project cost will be unsuccessful or may only support certain aspects of the project and thus reduced.

Asset Management:
The project will create new storm water assets in Fletcher Road and Bernhardt Court, including a pump station that will require additional ongoing operational and maintenance costs.

Silt collection ponds in Mount Barker Creek will require periodic cleaning as well as continual control of the growth and re-establishment of undesirable vegetation.

Conclusion:

The proposed flood mitigation works will provide protection for a number of properties in Bernhardt Court. Council has endorsed the concept plan for this project and application will be made to the Stormwater Management Authority for up to 50% funding pending approval to do so. The Mount Barker and Railway Creek environments will be rejuvenated by the removal of built up silts, debris and undesirable vegetation and will be provided with a purpose built stilling basin that will capture future silt loads in Mount Barker Creek. Regular maintenance of this stilling basin will ensure silts are removed before they deposit themselves along the length of the creek downstream.

Previous Decisions By/Information Reports to Council

Meeting Date	2 September 2024	CM Reference	DOC/24/106956
Title	RAILWAY CREEK/MOUNT BARKER CREEK AND BERNHARDT COURT FLOOD MITIGATION CONCEPT DESIGN – RESULTS OF COMMUNITY ENGAGEMENT		
Purpose	To present Council Members with a summary of the community feedback and officer comments to the responses to the draft concept design (Attachment 1) for the proposed flood mitigation of portions of Railway Creek/Mount Barker Creek and Bernhardt Court..		

Meeting Date	6 November 2023	CM Reference	DOC/23/139955
Title	STORMWATER MANAGEMENT AUTHORITY (SMA) GRANT FUNDING SUCCESS		
Purpose	To advise that Council has been successful in securing a grant from the Storm Water Management Authority (SMA) for the design of rejuvenation works along Railway Creek Mount Barker, from Mount Barker Creek to Fletcher Road including a small portion of Mount Barker Creek itself.		

Meeting Date	1 July 2024	CM Reference	DOC/24/25422
Title	RAILWAY CREEK/MOUNT BARKER CREEK AND BERNHARDT COURT FLOOD MITIGATION		
Purpose	To present Council Members with the draft concept design for the proposed flood mitigation of portions of Railway Creek/Mount Barker Creek and Bernhardt Court and top seek endorsement to commence community engagement on the design		

12.3 REPORT TITLE: CEMETERIES SERVICE REVIEW

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/19753

ATTACHMENTS: ATTACHMENT 1 DOC/25/25145 MOUNT BARKER DISTRICT COUNCIL CEMETERIES REVIEW EXECUTIVE SUMMARY AND KEY FINDINGS
ATTACHMENT 2 DOC/25/25146 MOUNT BARKER DISTRICT COUNCIL CEMETERIES REVIEW ACTION PLAN

Key Contact Daniel Newson, Team Leader Technical Services, Infrastructure

Manager/Sponsor Jamie Thornton, Manager Maintenance and Operations, Infrastructure

Executive Phil Burton, General Manager Infrastructure

Community Plan 2044:
Place Objectives

18. Heritage: safeguard and celebrate the cultural heritage and historical significance of the District.

Economy Objectives

24. Infrastructure Development: the timely and effective delivery of critical infrastructure that supports the long term growth and sustainability of the local economy.

Leadership Objectives

27. Efficient Public Services: enhance the efficiency and effectiveness of public services provided by Council, ensuring timely delivery of services that meet the evolving needs of the community and provide value for money.

Purpose:
For Council to receive the Mount Barker District Council Cemeteries Review and Action Plan.

Summary – Key Issues:
1. A review of the Mount Barker District Council's Cemeteries has been undertaken by the Adelaide Cemeteries Authority.
2. The review contains 18 key findings and 16 key recommendations to ensure council meets it statutory obligations for management of cemeteries under the *Burials and Cremations Act 2013 (SA*), improve operational procedures and

provide for future improvement of cemeteries and service offerings to meet the growing community needs.

3. An action plan will guide Council's investment into cemeteries across coming years and a review of future management options will be undertaken across the next 12 months.

Recommendation:

That Council:

1. **Endorses the Mount Barker District Council Cemeteries Review Summary (shown in Attachment 1) as undertaken by Adelaide Cemeteries Authority;**
2. **Endorses the Action Plan (shown in Attachment 2) for consideration as part of future annual business plans and budget reviews, and;**
3. **Notes that a further report on the cemetery management options and status of the action plan implementation will be brought back to Council within 12 months.**

Background:

1. There are twenty one (21) known Cemeteries within the Mount Barker District Council area. The Mount Barker District Council has responsibility for the care and control of eleven (11) of these. Of the 11 cemeteries seven (7) are currently active with four (4) closed to further burials.

2. Cemeteries are managed by the Council in accordance with the *Burial and Cremations Act 2013 (SA),* the *Burial and Cremations (IR's) Amendment Act 2023*, and the *Burial and Cremations Regulations 2014 (SA).*

3. Prior to February 2014, the provision of cemeteries in South Australia was prescribed in Part 30 *Local Government Act 1934 (SA),* meaning councils were tasked with establishing public cemeteries where a need existed. This was repealed with the enactment of the *Burial and Cremation Act 2013 (SA)* meaning that Council are not obligated to provide this service.

4. With the retirement of the council's previous Cemetery Curator in 2024 and council's commitment to "*enhance the efficiency and effectiveness of public services provided by Council, ensuring timely delivery of services that meet the evolving needs of the community and provide value for money*" as part of the Community Plan 2044, Council engaged the Adelaide Cemeteries Authority to undertake a review of council cemeteries operations, policies, process and future requirements.

5. The review was undertaken by Adelaide Cemeteries Authority. In summary, the review assessed council's compliance against current legislative

requirements, the suitability of council's system of management of burials, the risks to council in regard to operating the cemeteries, future requirements and enhancement of the cemeteries and the service offering into the future with changing community needs.

6. Council received an informal briefing from the Adelaide Cemeteries Authority on the 21 October 2024, which summarised the key findings and presented options for the future improvement to services and operations of council's cemetery assets.

Discussion:

7. There are two parts to the review undertaken:
    a. Part one – The Cemeteries Review included an assessment of legislative requirements, risks and operational performance with a view to meeting the growing demand for services. The Executive Summary, Key Findings and Action Plan are presented in attachments 1 and 2.
    b. Part two – The Asset Review assessed all cemetery assets and records for each site to assist the Council's Asset Team in updating the asset register to improve future planning. This document is an internal facing operational document.

8. The review identifies 18 key findings and provides 16 key recommendations for council to consider. The Executive Summary including these findings and recommendations is shown in Attachment 1.

9. The review found that council has a high level of compliance with relevant legislation and standard administration requirements of the *Burial and Cremations Act 2013 (SA),* the *Burial and Cremations (IR's) Amendment Act 2023*, and the *Burial and Cremations Regulations 2014 (SA)* as outlined in the table below'

Complying items	Partial Compliance Items	Unsure Items	Non-Complying Items
46 (79%)	3 (5%)	4 (7%)	5 (9%)

10. Areas of non-compliance relate mainly to Council's cemetery records and registers and their alignment to legislative requirements and changes to industry process. The recommendation to address these shortcomings is the review of paper based records in 2025/26 and the transfer of cemetery records to an electronic based system in 2026/27 which can provide online access for the public, funeral directors and monumental mason enquiries. This will deliver efficiencies for Council, while enhancing end-user experiences.

11. Review of the cemeteries financial records identified that Council currently provides cemetery services on a subsidised basis i.e. where the general rate revenue pays for a proportion of the service. On average over the past 3 years, circa $21k per annum (or circa 12.5% of cemetery operating costs) has been subsidised. This is not based on any policy position.

12. The report recommends reviewing Council's cemetery fees and charges with a view to increasing some fees over the coming financial years, to bring them into line with industry benchmarks. This could negate the need for a subsidy and return the service to a user pays basis.

13. The review has identified that a large percentage of existing interment rights in Council cemeteries have expired or will expire over the next 25 years. It proposes offering an expanded range of terms for the tenure of Interment Rights (IRs) formerly known as grave leases, licences or grants, along with the introduction of new contemporary ashes and memorial products and natural burials as additional revenue options for Council.

14. In relation to cemetery heritage matters, it is recommended that Council draft and adopt a Cemeteries Conservation Management Plan. This plan would have a 10-20-year implementation schedule and depend upon Council's priorities and resources.

15. The report also explores future cemetery management options for Council to consider. While in the past the provision of cemeteries was part of Council's core business, this is less so since the introduction of the *Burial and Cremation Act 2013* (SA). Options have been provided to initiate discussion on how Council delivers its cemetery services and includes:
    a. Retaining administration and grounds maintenance 'in-house'.
    b. Outsourcing cemetery administration but retaining grounds maintenance 'in-house'.
    c. Creating a regional subsidiary with adjacent and interested Councils to manage all the Councils' cemeteries.
    d. Enter into a shared services agreement with other Councils for cemetery management services.

16. These options will be discussed through briefings with Council over the next 12 months.

17. The review provides a draft action plan for endorsement as part of this report (see Attachment 2). The action plan has actions over five years with projects broken into administrative, operational works and capital projects and outlines indicative budget to undertake these actions. The total investment over 5 years is circa $450K with $60k identified in the first year. Additional revenue is also anticipated across the 5 years.

18. It is intended that the implementation of the action plan will be considered at future budget reviews and the timing of investment determined by Council's other competing priorities and plans.

Community Engagement:

Informing only	The review will be available on council's website. Implementation of actions will have their own engagement plan as required .

Policy:
Council will develop a Cemeteries policy as part of the actions from this review .

Long Term Financial Plan:
The management of the Cemeteries is accounted for in the LTFP and annual operating budgets. There will be requirement to adjust the LTFP if the action plan is endorsed.

Budget:
The cemeteries review has been completed within the current adopted budget.

Statutory/Legal:
Council has obligations under *Burial and Cremations Act 2013 (SA),* the *Burial and Cremations (IR's) Amendment Act 2023*, and the *Burial and Cremations Regulations 2014 (SA).*

Staff Resource Requirements:
The cemeteries review has been completed using external resources. The implementation of the action plan can be delivered largely within existing resources, assuming that the Cemeteries Curator role is filled.

Environmental:
The review looks at the enhancement of environmental and heritage outcomes for the cemetery sites and improvements in the landscape and appeal of the cemetery sites, with low impact burial options, commensurate with changing community needs.

Social:
The review looks at the need to consider the changing social landscape of burials and memorials within the community and looks to consider a wider service offering to meet the needs of the changing demographic within the Mount Barker District Council area. The review suggests further community consultation and heritage provision be key parts of future service delivery enhancements within the cemeteries.

Risk Assessment:
Key risk areas include non-compliance with legislative requirements, reputational damage from poor administration and record keeping and poor future planning leading to not being able to meet future needs of the community. There is substantial risk to council if the compliance and administration key recommendations and actions from this review are not considered and implemented.

Asset Management:
An asset review considered the current state, future maintenance requirements and future asset renewal and development to meet community needs. Within the actions plans there is an emphasis on capital investment in the assets within the cemeteries to improve and diversify council service offerings.

Conclusion:
The cemeteries service review has provided council with a good understanding of its current risks and non-conformance with its legislative obligations and requirements for improvement. The review has provided insight into council future investment needs relating to cemeteries and the future projected requirements of these services within the district.

EXECUTIVE SUMMARY

The Cemeteries Review report is provided in two parts, with this document being part one. It explores topics that underpin Council's forward planning for their cemeteries. Themes in part one of the Cemeteries Review are intrinsically linked. Part two provides information sheets on each cemetery, including core information on each site, an audit of interment inventory, asset collection and ratings, and site-specific heritage and environmental issues. In this sense, part one of the Cemeteries Review is the forward planning document for Council, whereas part two is effectively a "stocktake" of Council's 11 cemeteries.

The starting point in part one is the Compliance Review. This found that Council has a high level of compliance with relevant legislation and standards. It also identifies areas of non-compliance and how to address these. Major areas of non-compliance relate mainly to Council's cemetery records and registers. Recommendations to address these shortcomings are the precursor to Council considering the transfer of cemetery records to an electronic based system which can provide online access for the public, funeral directors and monumental mason enquiries. This will deliver efficiencies for Council, while enhancing 'end-user' experiences.

Financial observations identify that Council currently provides cemetery services on a subsidised, community service basis. This appears to be a historical approach, not a policy position. It may also reflect a lack of understanding of the 'whole of life' costs of cemetery services and interment products. These require maintenance and upkeep over a very long period. The report recommends reviewing Council's cemetery fees and charges with a view to significantly increase some fees over the coming financial years. The goal is for Council to operate its cemeteries on at least a 'cost neutral' basis, whereby cemetery capital and maintenance costs are fully recovered. To assist in achieving this, the report also proposes offering an expanded range of terms for the tenure of Interment Rights (IRs) formerly known as grave "leases", "licences" or "grants", along with new contemporary ashes and memorial products and natural burials as additional proposed revenue raising options for Council.

Current state and local death statistics are complimented by a summary of the findings of independent research on forward annual state death projections. The forecast is for the annual number of deaths in South Australia to nearly double by the 2050. This reflects a national, if not a western world trend. Given this forecast, it is important that Council plans ahead for their cemeteries. The end of IR tenure is another consideration for Council in how it provides burial grounds well into the future. The review has identified that a large percentage of existing IRs in Council cemeteries have expired or will expire over the next 25 years. This creates risks for Council in relation to the provision of burial grounds, ownership of grave monuments over time, and for future revenue streams for their cemeteries.

The report also explores cemetery management options for Council to consider. While in the past the provision of cemeteries was part of Council's 'core business', this is less so since the introduction of the ***Burial and Cremation Act 2013*** **(SA)**. Five options have been provided to initiate discussion on how Council provides its cemeteries and cemetery services going forward.

In relation to cemetery heritage matters, it is recommended that Council draft and adopt a Cemeteries Conservation Management Plan. This plan would have a 10-to-20-year implementation schedule and depend upon Council's priorities and resources. In addition to this, it is also recommended that Council consult with the traditional owners of Country regarding their cemetery needs and traditions.

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Key findings and recommendations of part one of this review are provided in the next section with additional findings and recommendations woven through the report under various headings.

DRAFT

KEY FINDINGS AND RECOMMENDATIONS

The cemeteries review makes the following key findings and recommendations with additional recommendations provided under various sections throughout this report.

Recommendations for cemetery administration improvements for each cemetery are provided in part two of the report at the end of the information sheets for each cemetery. These recommendations form the basis of the draft 5 Year Management Plan for each cemetery provided in the following section of this report.

Findings and recommendations from 1 to 5 are critical and must be given priority for completion prior to progressing and implementing other actions, especially the digitisation of cemetery records and the progression to dedicated cemetery software.

Key Finding 1 – Compliance

The compliance review found that Council's administration of their cemeteries has a high level of compliance with current South Australian burial and cremation legislation. Areas for improvement are noted in Section 9 – Compliance Review of this report.

Key Finding 2 – Cemetery Records

Council's cemetery records are incomplete and require auditing, and where possible correcting, to ensure compliance with legislated requirements.

Key Recommendation 1:

That Council's cemetery records be audited to reconcile what is on site at each cemetery with Council's cemetery records, and where possible corrections and additions be completed as required by cemetery legislation.

Key Finding 3 – Pre-Need IRs (Leases)

It is difficult to identify burial and ashes IRs that have been purchased as pre-need, that is "before the time comes". These sites are purchased in advance of the end of life by people who wish to have their wishes planned and paid for. It is difficult to identify and quantify these in Council's cemetery records.

Key Recommendation 2:

That Council's cemetery records be reviewed to identify pre-need IRs and that these be recorded as such in Council's cemetery records, plus be assessed to identify if they require recording as future liabilities in Council's financial statements.

Key Finding 4 – Cemetery Registers

Three Registers are required under the Act:

- Register of Interments (Council effectively has this)
- Register of IRs (Incomplete)
- Register of Memorials (Non-Existent)

Key Recommendation 3:

That Council allocates resources to update and create a consolidated Cemetery Register that includes details of interments, IRs and memorials as required by legislation.

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Key Finding 5 – Cemetery Records Audit

The auditing of the cemetery records must be undertaken prior to their digitisation and before Council considers engaging with a cemetery software service provider. Adoption of cemetery software provides the opportunity to create a single electronic cemetery register that incorporates the legislated information required in the three registers listed in Key Finding 4 and deliver operating efficiencies and enhance the end user experience.

Key Recommendation 4:

That the auditing of the cemetery records and creation of a consolidated Cemetery Register must be undertaken prior to their digitisation and before Council considers engaging with a cemetery software service provider.

Key Finding 6 – Cemetery Presentation and Cemetery Maintenance Standards

- Mount Barker Cemetery is very well presented and maintained to a high quality. Council is to be commended on this cemetery. The main issue is drainage, notably at the northern end of the recently restored Dunn Family Crypt.
- Harrogate, Macclesfield, and Echunga cemeteries have natural bush settings aesthetics which suit their locale and purpose, while well presented, assets within these sites would benefit from being upgraded.
- Meadows and Nairne cemeteries are satisfactory but would benefit from landscape and asset upgrades and detailed maintenance works.
- Wistow Cemetery is poorly maintained and should be inspected with a scope of works planned and implemented to improve its presentation.
- Of the four closed historic cemeteries, the Meadows Wesleyan Cemetery is well presented.
- Mount Ephraim Cemetery is a small overgrown site that is now a Trees For Life Bushcare site and is appropriate for this cemetery.
- The Bugle Ranges and Flaxley cemeteries require an inspection and works identified to conserve these sites.

Key Recommendation 5:

That Council drafts a 3 Year Cemetery Action Plan to address the presentation, landscaping and asset issues at each cemetery.

Key Finding 7 – Subsidised Service – Cemetery Fees and Charges

Council currently and historically provides their cemeteries as a subsidised community service. The current schedule of cemetery fees and charges do not recover the establishment and operating costs of providing their cemeteries. There is an opportunity for Council to review cemetery fees and charges to reduce the operating deficit to at least a cost recovery, or 'break even' position.

Key Recommendation 6:

That Council should review and revise their cemetery fees and charges to ensure that they operate from a cost recovery financial basis position.

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Key Finding 8 – Interment Right Tenure Options and New Memorial Opportunities

Council should undertake staged developments in the 4 to 5 main cemeteries to expand the range of memorial and interment options providing more contemporary ashes memorial sites, and varying tenure periods for IRs. This will provide more appealing options for families and loved ones and generate new revenue streams to assist Council's cemetery operations to be more financially sustainable.

Key Recommendation 7:

That Council draft a 3-Year Cemetery Action Plan that includes 50- and 99-year leases, considers perpetual tenure for interment rights and identifies new contemporary ashes interment right options for each operating cemetery.

Key Finding 9 – Forward Annual Death Projections

There were 238 recorded deaths across the Mount Barker District Council area in 2022/23. In keeping with state and national trends and independent forward modelling, the annual number of deaths is forecast to double, (estimated > 500 per annum) by the year 2050.

Key Finding 10 – Current Available Cemetery Land

Mount Barker Cemetery has adequate fallow land available to provide burial plots for at least 50, and possibly up to 75 years. Wistow Cemetery is nearly full, and the Nairne Cemetery has limited practical fallow burial land remaining of 10 to 20 years. Both cemeteries will be full and effectively closed, except for second or third interments in existing graves, and ashes placements within the next 10 to 20 years.

Neither cemetery can be extended and or expanded at their current locations and will cease to offer new interment sites. Under these circumstances if grave reuse is not introduced it is anticipated people wishing to use these cemeteries will be referred to Mount Barker Cemetery as the major regional cemetery. This will place minimal additional demand upon Mount Barker Cemetery's fallow land supply. However, it would be wise for Council to identify long term options for extending the life of the Mount Barker Cemetery directly, including expansion on the existing site, developing a new cemetery site and/or introducing grave reuse.

Key Recommendation 8:

That Council investigates options for extending or relocating the Mount Barker Cemetery post 2075 to confirm it remains the primary regional cemetery facility for the district.

Key Finding 11 – Expired IRs

The tenure of 26% of all IRs for burial and ashes memorial sites in Council's cemeteries have expired and therefore are now owned by Council. Ownership of the IR means that the Council owns and is responsible for the monuments on these expired sites. Unless a program to address expired IRs is implemented, by 2050 a further 29% of Council's IRs are scheduled to expire. A Communication Plan is recommended to be drafted for an expired sites program, with the emphasis on the benefits of renewing/extending interment rights.

Key Recommendation 9:

That, following the drafting of a Communication Plan, Council undertakes an initial Expired Interment Rights Program and then implement an annual Expired Rights Program.

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Key Finding 12 – Building a Crematorium

It was determined that for commercial, financial and operational reasons, Council should not construct a crematorium. With establishment costs of at least $750K, planning approval requirements, licencing and a highly competitive local cremation market which includes private operators, it is unlikely that Council would be able to operate a crematorium on a financially sustainable basis.

Key Recommendation 10:

That Council does not build and operate a crematorium.

Key Finding 13 – Peramangk Burial Needs and Wishes

There are opportunities to consult and work with the Peramangk people to understand their cultural wishes and needs around burials, cremations and the reinterment of repatriated remains of their ancestors currently held in the South Australian Museum.

Key Recommendation 11:

That Council engages with representatives of the Peramangk People to discuss their current burial and memorial needs and options for the remains of Peramangk people currently held in the South Australian Museum to be reinterred in Peramangk Country.

Key Finding 14 – Natural Burials

There are opportunities to establish natural burial grounds at the Meadows, Mount Barker, Echunga and Macclesfield cemeteries, or establish a new dedicated natural burial ground within the Council area. Meadows Cemetery would be the most easily adopted for a natural burial due to the current cleared area on site that could be revegetated as part of the natural burial activities. Echunga and Macclesfield cemeteries lean to natural bush aesthetics, but natural burials would require clearance of established native vegetation.

Key Recommendation 12:

That Council considers establishing natural burial ground areas within the Meadows and/or Harrogate cemeteries.

Key Finding 15 – Burial on Private Land (Land Outside a Designated Cemetery)

Council does not have a policy or procedure for approving burials on private land. Rural Councils are receiving increased requests for this.

Key Recommendation 13:

That Council drafts and adopts a policy, processes and documentation for burials on private land, that is, properties outside a designated cemetery.

Key Finding 16 – Cemetery Heritage

While Council recognises the heritage value of cemeteries, the Council does not currently have a conservation management plans for their cemeteries.

Key Recommendation 14:

That Council seeks to draft and adopt a single consolidated 10-to-20-year Conservation Management Plan for their 11 cemeteries.

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Key Finding 17 – Cemetery Management Models

Future Management Options for Councils' cemeteries include retaining:

- Retaining administration and grounds maintenance 'in-house'.
- Outsourcing cemetery administration but retaining grounds maintenance 'in-house'.
- Creating a regional subsidiary with adjacent and interested Councils to manage all the Councils' cemeteries.
- Enter into a shared services agreement with other Councils for cemetery management services.

Key Recommendation 15:

That Council decides whether to retain the provision of all or part of its cemetery services in-house or outsource. If outsourced the administration elements of Council's cemetery services be scoped and put to selected tender for an initial 3-year contract period with optional contract extensions.

Key Finding 18 – Council's Cemetery Risks

Risks for Council relating to its cemeteries are noted in final section of this report. Key risks identified include:

- Running out of burial grounds (fallow land).
- The accuracy and completeness of its cemetery records.
- The financial sustainability of cemeteries.
- The safety of ageing headstones and monuments.
- Environmental sustainability of cemeteries.
- Future costs of maintaining cemeteries and providing associated services.
- Contractors' compliance with work health safety legislation and standards.
- Interment errors.
- Climate change related risks.

Key Recommendation 16:

That the cemetery related risks identified in the 2024 Cemeteries Review be referred to Council's Risk Management Plan.

DRAFT

MOUNT BARKER DISTRICT COUNCIL

DRAFT FIVE – YEAR CEMETERIES ACTION PLAN

NOTE: All prices in the following tables require further investigation and are estimates only. This table as presented has been produced in consultation with the Mount Barker District Council.

CURRENT YEAR CEMETERY ACTION PLAN 2024/25			
Project Number	**PROJECT NAME**	**CEMETERY**	**INDICATIVE BUDGET $**
2401	As part of Budget Setting Process Adopt New Fees & Charges Schedule	ALL	staff time
2402	Resolve Accounting Treatment for Interment Rights	Finance Team	staff time
2403	Reallocate Memorial Plaque Revenues to cemeteries (currently goes to "general revenue".) as part of creation of Cemetery GL Code	Finance Team	staff time
2404	Remove GST from Interment Rights	Finance Team	staff time
2405	Upgrade Open Drain/Swale formation at northern end of Dunn Monument at Mt Barler Cemetery to mitigate flood risk from surface water coming off Karkoo Court.	Operations	TBA
2506	Repair Meadows Cemetery Fence – Front Section (10-15 metres @ estimated $100 per metre)	Operations	$1,500
	2024/25 CEMETERIES BUDGET IMPACT		**$1,500**

MOUNT BARKER DISTRICT COUNCIL

YEAR 1	DRAFT CEMETERY ACTION PLAN 2025/26		
Project Number	**PROJECT NAME**	**CEMETERY**	**INDICATIVE BUDGET $**
ADMINISTRATION 2025/26			
	Cemetery Records and Registers		
2501	Audit Cemetery Records: Reconcile Paper Records with On Site	ALL	$30,000
2502	Create Consolidated Joint Interment and IR Rights Register (Incorporate this work with Cemetery Records Audit.	ALL	staff time
2503	Engage Resources to Photograph Monuments for the establishment of a Register of Memorials	ALL	$10,000
2504	Using Information Collected Above, Create a Single Consolidated Electronic Cemetery Register	ALL	staff time
2505	Implement Initial Interment Right Renewal Program (Including Developing Communication Plan)	Operating Cemeteries	$10,000
	Financial and Plans		
2506	Review and Revise Fees and Charges	ALL	staff time
OPERATIONAL WORKS 2025/2026			
2507	Continue to Support Revegetation and Bushcare Site Works	Mt Ephraim, Harrogate, Macclesfield and Echunga	NA Team
		2025/2026 OPERATING BUDGET	**$50,000**
CAPITAL PROJECTS 2025/26 *(Potential for +/ve ROI on projects)*			
2508	Design and Consultation Natural Burial Grounds	Meadows and Harrogate	$10,000
		2025/2026 CAPITAL BUDGET	**$10,000**
		DRAFT 2025/26 ANNUAL CEMETERIES BUDGET TOTAL	**$60,000**

YEAR 2 Project Number	DRAFT CEMETERY ACTION PLAN 2026/27 PROJECT NAME	CEMETERY	INDICATIVE BUDGET $
CEMETERY ADMINISTRATION 2026/27			
	Cemetery Records and Registers		
2601	Digitise Cemetery Records, Maps and Images		$20,000
	Cemetery Records, Maps, Images publicly accessible via a dedicated online site (Chronicle)	Mt Barker, Meadows, Echunga, Macclesfield and Nairne.	$25,000
	Financial and Plans		
2602	Review and Revise Fees and Charges	All	staff time
2603	Implement Annual Interment Right Renewal Program (ROI $+/ve)	All Operating	$5,000
OPERATIONAL WORKS 2026/2027			
2604	Install/Repair Cemetery Fences	Flaxley, Wistow and Bugle Ranges	$15,000
2605	Continue to Support Revegetation and Bushcare Site Works	Mt Ephraim, Harrogate, Macclesfield and Echunga.	NA Team
		2026/2027 OPERATING BUDGET	**$65,000**
CAPITAL PROJECTS 2026/27 *(Potential for +/ve ROI on projects)*			
2606	Install Memorial Seat (To be Sold as Family Ashes Memorial) (ROI)	Meadows	$4,000
2607	Develop/Extend Family Memorials (5 new Trees with 8 Ashes Sites per tree) (ROI)	Mt Barker	$10,000
2608	Construct Natural Burial Ground (ROI)	Meadows	$5,000
2609	Create Native Ashes Garden around Existing Tree Cluster (ROI)	Meadows	$5,000
2610	Install Modular Ashes System (ROI)	Mt Barker	$10,000
2611	Install Family Ashes Memorial Granite/Stone Seats (Cost Neutral or ROI)	Meadows, Echunga and Macclesfield.	$10,000
		2026/2027 CAPITAL BUDGET	**$44,000**
		DRAFT 2026/27 ANNUAL CEMETERIES BUDGET TOTAL	**$109,000**

MOUNT BARKER DISTRICT COUNCIL

YEAR 3 Project Number	DRAFT CEMETERY ACTION PLAN 2027/28 PROJECT NAME	CEMETERY	INDICATIVE BUDGET $
CEMETERY ADMINISTRATION 2027/28			
	Cemetery Records and Registers		
2701	Implement Annual Interment Right Renewal Program (Potentially Cost Neutral or $+/ve)	All Operating	$5,250
	Financial and Plans		
2702	Review and Revise Fees and Charges	All	staff time
2703	Tender for *20 Year Cemeteries Conservation Management Plan* (Plan Commence 01/07/2028)	All	$15,000
OPERATIONAL WORKS 2027/28			
2704	Conservation Management Priority Red Gum H/Stones Meadows	Meadows	$5,000
2705	Columbarium Walls Upgrade – Rendering	Meadows, Echunga and Macclesfield.	$5,000
2706	Consolidate/Reduce Columbarium Walls	Mt Barker and Nairne.	$5,000
2707	Year 1 – Install Row & Site Markers Program	TBD	$5,000
2708	Refurbish/Repair Wistow (Zion Hill) Cemetery	Wistow	$10,000
		2027/2028 OPERATING BUDGET	**$50,250**
CAPITAL PROJECTS 2027/28 *(Potential for +/ve ROI on projects)*			
2709	Construct Natural Burial Ground (ROI)	Harrogate	$5,000
2710	Develop new Cemetery Signage featuring Site Map, Contact Details and QR Codes	All	$25,000
2711	New Headstone Beams in Lawn Section, Mount Barker Cemetery (ROI)	Mt Barker	$10,000
		2027/2028 CAPITAL BUDGET	**$40,000**
		DRAFT 2027/28 ANNUAL CEMETERIES BUDGET TOTAL	**$90,250**

MOUNT BARKER DISTRICT COUNCIL

YEAR 4 Project Number	DRAFT CEMETERY ACTION PLAN 2028/29 PROJECT NAME	CEMETERY	INDICATIVE BUDGET $
CEMETERY ADMINISTRATION 2028/29			
	Cemetery Records and Registers		
2801	Implement Annual Interment Right Renewal Program (Potentially Cost Neutral or $+/ve)	All Operating	$5,500
2802	Develop Cemetery APP for Information and Cemetery Tour	Mt Barker	$15,000
	Financial and Plans		
2803	Review and Revise Fees and Charges	ALL	staff time
OPERATIONAL WORKS 2028/29			
2804	Implement *Cemeteries Conservation Management Plan*	All	$20,000
2805	Year 2 – Install Row and Site Markers Program	TBD	$5,000
		2028/2029 OPERATING BUDGET	**$45,500**
CAPITAL PROJECTS 2028/2029 *(Potential for +/ve ROI on projects)*			
2806	Upgrade/Replace Gazebo (Potential – ROI incorporate ashes sites)	Macclesfield	$10,000
2807	Construct New Ashes Memorial Sites (ROI)	TBD	$40,000
		2028/2029 CAPITAL BUDGET	**$50,000**
		DRAFT 2028/29 ANNUAL CEMETERIES BUDGET TOTAL	**$95,500**

MOUNT BARKER DISTRICT COUNCIL

YEAR 5 Project Number	DRAFT CEMETERY ACTION PLAN 2029/30 PROJECT NAME	CEMETERY	INDICATIVE BUDGET $
CEMETERY ADMINISTRATION 2029/30			
	Cemetery Records and Registers		
2901	Implement Annual Interment Right Renewal Program (ROI $+/ve)	All Operating	$5,750
CEMETERY FINANCIAL 2029/30			
2902	Review and Revise Fees and Charges	ALL	staff time
OPERATIONAL WORKS 2029/30 *(Potential for +/ve ROI on projects)*			
2903	Construct New Ashes Memorial Sites (ROI)	TBD	$25,000
2904	Year 3 – Install Row and Site Markers Program	TBD	$10,000
2905	Implement *Cemeteries Conservation Management Plan*	All	$25,000
		2029/2030 OPERATING BUDGET	**$65,750**
CAPITAL PROJECTS 2029/2030			
2906	Investigate Options to Expand Mt Barker Cemetery or Identify New Site for Post 2075	Mt Barker	$20,000
2907	Expand APP for Cemetery Information and Cemetery Tours in other cemeteries	Nairne, Meadows, Echunga, Macclesfield, Harrogate, Mt Ephraim, Flaxley and Wistow.	$10,000
		2028/2029 CAPITAL BUDGET	**$30,000**
		DRAFT 2028/29 ANNUAL CEMETERIES BUDGET TOTAL	**$95,750**

12.4 REPORT TITLE: RESCISSION OF LAND MANAGEMENT AGREEMENT BETWEEN MOUNT BARKER DISTRICT COUNCIL AND THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/22592

ATTACHMENTS: ATTACHMENT 1: DOC/25/23154 – LETTER REQUESTING RECISSION OF LAND MANAGEMENT AGREEMENT
ATTACHMENT 2: 12/006958 – LAND MANAGEMENT AGREEMENT
ATTACHMENT 3: DOC/25/23171 – CERTIFICATE OF TITLE VOLUME 5108 AND FOLIO 665

Key Contact Andrew Houlihan, Manager City Development

Executive Natalie Armstrong, General Manager Planning & Regulatory Services

Community Plan 2044:
The following objective/s from the Community Plan 2044 are relevant to this report:

Objective 17 Growth and Development: ensure sustainable and balanced growth while preserving the unique character and natural assets of the District.

Annual Business Plan:
Nil

Purpose:
To rescind a Land Management Agreement between Mount Barker District Council and The Catholic Church Endowment Society Incorporated.

Summary – Key Issues:
1. A request for rescission of a Land Management Agreement between Mount Barker District Council and The Catholic Church Endowment Society Incorporated has been made by Future Urban.

2. The Land Management Agreement is supported to be rescinded.

Recommendation:

That Council:

1. **Authorise that the Land Management Agreement No. 7347964 as registered to Certificate of Title Volume 5108 Folio 665 be rescinded**

2. **Authorise the Chief Executive Officer or delegate to finalise and execute arrangements for the rescission of the said Land Management Agreement.**

Background:

1. The Catholic Church Endowment Society Incorporated (Catholic Church) has requested Council to agree to the recession of the Land Management Agreement 7347664 on Certificate of Title Volume 5108 and Folio 665.

2. In 1992 a Land Management Agreement was entered into between Mount Barker District Council and Catholic Church as a condition of land division development authorisation (Development Application numbered 580/D065/90).

3. The land division sought to divide Section 2803, hundred of Macclesfield, being the whole of land contained within Certificate of Title Volume 2584 Folio 157 into to three allotments. This was later amended to two allotments

4. The relevant authority of the Development Application was Mount Barker District Council and assessment was undertaken as a prohibited form of development. The Planning framework at the time for prohibited forms of development required the South Australian Planning Commission (The Commission) to concur with any proposed consent.

5. The Commission was of the opinion that such an arrangement (two allotments and a Land Management Agreement) will more closely comply with the objectives for the two zones and at the same time avoid the precedent of rural allotments being divided on the justification of a bisecting road.

6. The planning zoning on the north-western side of Daddow Road was the former Landscape Zone (now the Rural Zone within the Planning and Design Code). The land is rural in nature and consisting of a dam, grazing areas and native vegetation.

7. The planning zoning for the land on the south-eastern side of Daddow Road was located within the Rural Fringe Zone (now the Rural Living Zone within

the Planning and Design Code). This land contains an existing dwelling and a cemetery.

8. The land division created one allotment containing the existing dwelling Allotment 3, and one allotment comprising Pieces 1 and 2 (Piece 1 rural land and Piece 2 comprising the cemetery, separated by Daddow Road).

9. The Land Management Agreement places obligations on the owner that they nor cause nor permit a dwelling to be constructed on Piece 1.

10. The Catholic Church proceeded with the sale of allotment 3 that contained the existing dwelling.

11. The Rural land (Piece 1) and the cemetery (Piece 2) has remained unchanged.

12. Allotment 3 and Piece 2 contain Local Heritage Listings.

    Description and/or extent of Listed Place 18553 (Piece 2)

    Catholic Cemetery Large cemetery comprising stone and marble head-stones and crosses, and some graves surrounds including cast-iron railings. [Some of had-stone have been relocated to a row adjacent path above former manse.

    Description and/or extent of Listed Place 18553 (Allotment 3)

    Former Catholic Presbytery (incorporating Father O'Brien's Hut & fr Josephine's Convent to the rear.); Two buildings, all facades, verandah, balcony, roofs and walls supporting the roofs.

Discussion:

13. The Catholic Church are seeking a rescission of the Land Management Agreement.

14. At the time of the land division assessment, Council and the Commission sought to ensure the resultant land division would not provide any changes to the current land use arrangement including the construction of an additional dwelling.

15. The Land Management Agreement prevents the opportunity for the Catholic Church to construct a dwelling on Piece 1.

16. Piece 2, being a cemetery, is unlikely to change in form or result in any additional development as a result of a rescission of the Land Management Agreement.

17. No impact to the heritage items would result from a rescission of the Land Management Agreement.

18. It would be highly probable the Catholic Church may seek a development application to further divide the land of Piece 1 and 2 to support sale without the cemetery attached. This could result in the rural allotment wholly contained within the Rural Zone and the existing cemetery wholly contained within the Rural Living Zone. This proposal would be subject to assessment under the *Planning, Development and Infrastructure Act 2016*.

19. The Catholic Church have advised that any funds as a result of further development would provide further investment in the Parish site in Mount Barker.

20. There has been a substantial change overtime to planning policy within locality with a lesser importance on landscape policy.

21. The Rural Zone envisages dwellings as a convenient base for land owners to conduct and manage commercial scale primary production and rural related value adding activities without compromising the use of the allotment, adjacent land or long term purpose of the zone for primary production or related tourism activities due to a proliferation of dwellings.

22. Any future development of the site will be subject an assessment in accordance with *Planning, Development and Infrastructure Act 2016* and the associated Planning and Design Code.

23. The Land Management Agreement no longer reflects the intent and desired outcomes of current planning controls.

Community Engagement:

Informing only	Council Agenda and Minutes are available on Council's website.

Policy:
Nil

Long Term Financial Plan:
Nil

Budget:
Nil

Statutory/Legal:
Planning, Development and Infrastructure Act 2016.

Staff Resource Requirements:
Manager City Development (Assessment Manager) Andrew Houlihan to assist in finalising rescission documentation.

Environmental:
Nil

Social:
Nil

Risk Assessment:
Nil

Asset Management:
Nil

Conclusion:
Rescission of the Land management Agreement between Mount Barker District Council and Catholic Church Endowment Society Incorporated.

Attachment 1 to Item 12.4

FUTURE URBAN

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19 November 2024

Andrew Stuart
Chief Executive Officer
Mount Barker District Council
PO Box 54
Mount Barker SA 5251
Via email: council@mountbarker.sa.gov.au

Dear Andrew

LAND MANAGEMENT AGREEMENT BETWEEN MBDC & CATHOLIC CHURCH ENDOWMENT SOCIETY INC.

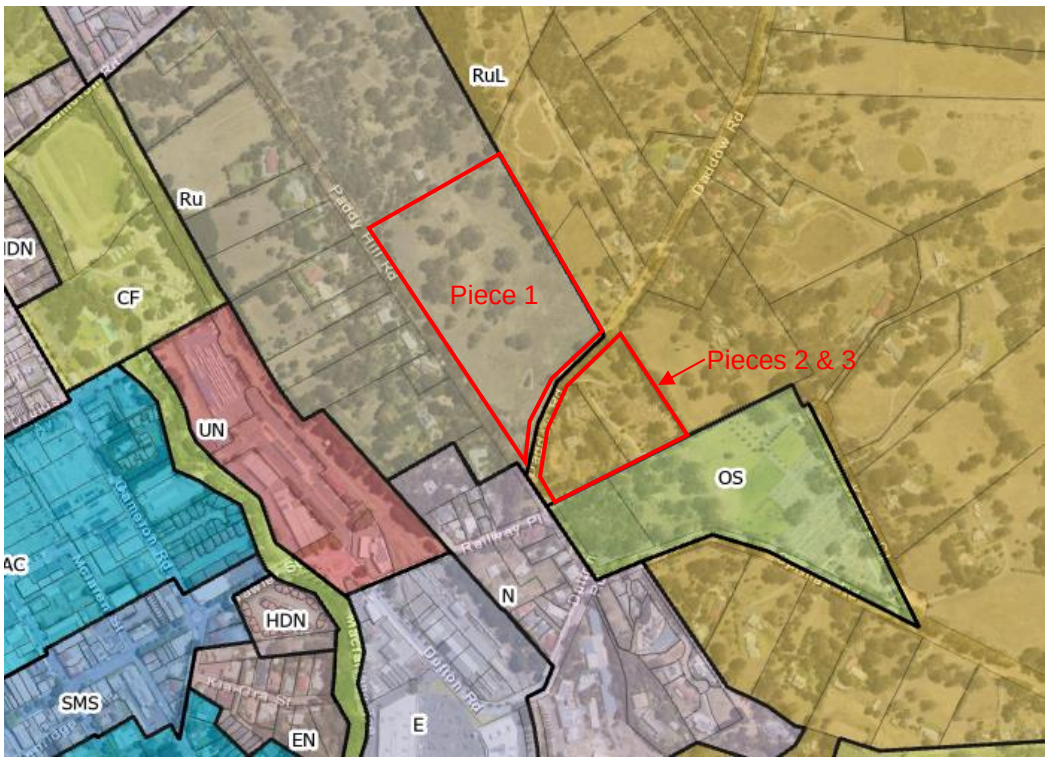
We write in relation to a Land Management Agreement ("LMA") between the Mount Barker District Council ("MBDC") and the Catholic Church Endowment Society Incorporated ("Catholic Church").

The LMA

The LMA was entered into between MBDC and the Catholic Church on 3 August 1992. We have enclosed the LMA for your information.

The LMA affects Piece 1 in Deposited Plan 35084 in Certificate of Title Volume 5108 Folio 665 (the Land) as identified in Figure 1 below. We have enclosed the Certificate of Title for your information.

Figure 1 *The Land*



The purpose of the LMA was to control the future development of the Land as a result of a land division application (reference 580/D065/90). Specifically, the LMA prevents the opportunity for the Catholic Church to construct a dwelling on Piece 1.

The Original Land Grant

Land Grants were used by the Crown to alienate or grant land to others prior to what we now know as the current Certificate of Title system. We have enclosed a copy of the original Land Grant which gifted the Land to the Roman Catholic Church for Ecclesiastical purposes in 1850.

A Land Grant marked the first type of property registration offered by the Crown to a new land owner. Land Grants made way for the Torrens System in 1858 which created a public register of land dealings. This system established a volume and folio reference for each land grant and made it easier to prove land ownership. The system which we are familiar with today was established in the 1990s where all titles became computerised and started with a 5000 volume number.

Upon our review of the Land Grant, we have formed the opinion that it has served its original purpose and is now no longer relevant. A church and cemetery have been built on Pieces 2/3.

The Need to Rescind the LMA

When the Land was proposed to be divided, MBDC and the Catholic Church agreed to the terms of the LMA for Piece 1, which was, and is currently, vacant. The terms of the LMA likely related to the policies of the zone which applied to the land at that time. These events also occurred during the computerised title system. Since that time, the planning policies relating to the development of the Land have changed, together with the needs of the Catholic Church.

Piece 1 sits entirely within the Rural Zone. The Rural Zone envisages a range of development types including a dwelling where it is used for, and is ancillary to, primary production and/or primary production related value adding activities. The area of Piece 1 is 5.595 hectares. If a dwelling were to be constructed on this Piece, it would not compromise the predominant use of the land nor result in a proliferation of dwellings, which are key performance outcomes of the Zone.

The Catholic Church intends to maintain and continue using Pieces 2 and 3 in their current form. However, given that Piece 1 is physically separated from Piece 2 and 3 by Daddow Road, there is an opportunity to develop (in accordance with the Rural Zone), or offer the land for sale. The funds generated from a development or sale would provide the Catholic Church with funds to invest in the Parish Site in Mount Barker.

To maximise the economic opportunity within the context of the Rural Zone, the LMA provides an unnecessary barrier to realise a development that is now contemplated, whether that is for the Catholic Church or another party.

On this basis, the Catholic Church respectfully requests that the Council agree to rescind the LMA.

Summary

In summary:

- The LMA was entered into between MBDC and the Catholic Church on 3 August 1992.
- The LMA prevents the opportunity for the Catholic Church to construct a dwelling on Piece 1.

- Piece 1 sits entirely within the Rural Zone which envisages a range of development types including a dwelling where it is used for, and is ancillary to, primary production and/or primary production related value adding activities.
- The Catholic Church intends to maintain and continue using Pieces 2 and 3 in their current form.
- Piece 1 is physically separated from Piece 2 and 3 presenting an opportunity to develop or offer the land for sale.
- The funds generated from a development or sale would provide the Catholic Church with funds to invest in the Parish Site in Mount Barker.
- The Catholic Church respectfully requests that the Council agree to rescind the LMA.

Please do not hesitate to contact me should you need any additional information.

Yours sincerely,



Chris Vounasis
Managing Director

Encl.

VR/806

P

Attachment 2 to Item 12.4

THIS DEED is made the 3rd day of April 1992

BETWEEN: THE DISTRICT COUNCIL OF MOUNT BARKER of 23 Mann Street, Mount Barker 5251 (hereinafter with its successors and assigns called "the Council") of the one part

AND: THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED of West Terrace, Adelaide (hereinafter with his or its executors administrators successors and assigns as the case may be called "the Owner") of the other part

COMMISSIONER OF STAMPS
S.A. STAMP DUTY
ORIGINAL DULY STAMPED
07/08/92 21:02

WHEREAS:

A. The Owner is the proprietor of an estate in fee simple in the whole of the land comprised in Certificate of Title Register Book VOLUME 2584 FOLIO 157 (hereinafter called "the Land");

B. By a Development Application numbered 580/D065/90 the Owner sought planning authorisation pursuant to the provisions of the Planning Act 1982 from the Council to develop the Land by dividing the land into two allotments (hereinafter called "the proposed Development");

C. A copy of the plan of division is annexed hereto and marked "Plan A";

D. Pursuant to the provisions of Section 61(2) of the Planning Act 1982, the Owner has agreed with the Council to enter into this Deed relating to the development of the Land subject to the terms and conditions hereinafter mentioned.

E. This Deed applies to that piece of the land depicted as Piece No. 1 in Plan A.

NOW THIS DEED WITNESSETH as follows:

1. Interpretation

1.1 The parties acknowledge that the matters hereinbefore recited are true and accurate and agree that they shall form part of the terms of this Deed.

1.2 In the interpretation of this Deed unless the context shall otherwise require or admit:

(a) Words and phrases used in this Deed which are defined in the Planning Act 1982 shall have the meanings ascribed to them by that Act;

(b) References to any statute or subordinate legislation shall include all statutes and subordinate legislation amending consolidating or replacing the statute or subordinate legislation referred to;

(c) The term "the Owner" where the Owner is a company includes its successors, assigns and transferees and where the Owner is a person, includes his heirs, executors, administrators and transferees and where the Owner consists of more than one person or company the term includes each and every one or more of such persons or companies jointly and each of them severally and their respective successors, assigns, heirs, executors, administrators and transferees of the companies or persons being registered or entitled to be registered as the proprietor of any estate in fee simple to the Land

PDL/MNEW/A3:jn

subject however to such encumbrances, liens and interests as are registered and notified by memoranda endorsed on the Title thereof;

(d) The term "person" shall include a corporate body;

(e) The term "the land" shall include any part or parts of the Land;

(f) Words importing the singular number or plural number shall be deemed to include the plural number and the singular number respectively;

(g) Words importing any gender shall include every gender;

(h) Where two or more persons are bound hereunder to observe or perform any obligation or agreement whether express or implied then they shall be bound jointly and each of them severally;

(i) Any clause headings or marginal notes are for reference purposes only and shall not be resorted to in the interpretation of this Deed.

1.3 If any provision of this Deed shall be found by a court of competent jurisdiction to be invalid or unenforceable in law THEN and in such case the parties hereby request and direct such court to sever such provision from this Deed.

1.4 The law governing the interpretation and implementation of the provisions of this Deed shall be the law of South Australia.

2. The Owner's Obligations

2.1 The Owner shall not upon that piece of the land marked "1" in Plan A construct nor cause nor permit to be constructed any dwelling.

3. Miscellaneous Provisions

3.1 The Owner shall not grant any lease or licence easement or other right of any nature whatsoever which may give any person the right to possession or control or entry upon the Land upon any terms whatsoever unless such grant shall be expressed in writing and shall contain as an essential term thereof a covenant by the grantee not to do or omit to do or suffer or permit any other person to do or omit to do any act matter or thing upon the Land which would constitute a breach of the provisions of this Deed if such act matter or thing were done or omitted to be done by the Owner.

3.2 The Owner shall not grant any estate or interest in the Land registrable under the provisions of the Real Property Act 1886 unless the Council shall grant its prior consent in writing thereto which consent the Council shall not withhold provided that the intended grantee shall enter into a Deed with the Council at the Owner's expense in all things which Deed shall be prepared by or on behalf of the Council and shall include as an essential term a covenant by the grantee not to do or omit to do or suffer or permit any other person to do or omit to do any act matter or thing upon the Land which would constitute a breach of the provisions of this Deed if such act matter or thing were done or omitted to be done by the Owner.

3.3 The Council and any employee or agent of the Council authorised by the Council may at any reasonable time enter the Land for the purpose of:

PDL/MNEW/A3:jn

3.3.1 inspecting the Land and any building or structure thereupon;

3.3.2 exercising any other powers of the Council under this Deed or pursuant to law.

3.4 If the Owner is in breach of any provision of this Deed, the Council may, by notice in writing served on the Owner, specify the nature of the breach and require the Owner to remedy the breach within such time as may be nominated by the Council in the notice (being not less than twenty eight (28) days from the date of service of the notice) and if the Owner fails so to remedy the breach, the Council or its servants or agents may carry out the requirements of the notice and in doing so may enter and perform any necessary works upon the Land and recover any costs thereby incurred from the Owner.

3.5 If in a notice referred to in Clause 3.4 hereof the Council requires the removal of the building or structure from the Land the Council and its servants or agents are hereby authorised and empowered by the Owner to enter and remove the building or structure from the Land and to dispose of it in any manner determined by the Council provided that if the building or structure shall have any monetary value then the Council shall use its best endeavours to realise that monetary value and shall after the disposal account to the Owner and pay to him the realised value less all expenses incurred.

3.6 This Deed may not be varied except by a Supplementary Deed signed by the Council and the Owner.

3.7 The Council may waive compliance by the Owner with the whole or any part of the obligations on the Owner's part herein contained provided that no such waiver shall be effective unless expressed in writing and signed by the Council.

3.8 This Deed contains the whole agreement between the parties in respect of the matters referred to herein.

3.9 Notice shall for the purposes of this Deed be properly served on the Owner if it is:

3.9.1 posted to the Owner's last address known to the Council; or

3.9.2 affixed in a prominent position on the Land.

3.10 The Council may delegate any of its powers under this Deed to any person.

3.11 The Owner hereby indemnifies the Council and agrees to keep it forever indemnified in respect of the whole of its costs and expenses of and incidental to the negotiation preparation stamping and registration of this Deed and the implementation of its terms.

3.12 The requirements of this Deed are at all times to be construed as additional to the requirements of the Planning Act 1982 and any other legislation affecting the Land.

3.13 Each party shall do and execute all such acts documents and things as shall be necessary to ensure that this Deed is registered and a memorial thereof entered on the Certificate of Title for the Land pursuant to the provisions of Section 61(5) of the Planning Act 1982 in priority to any other registrable interest in the Land save and except for the estate and interest of the Owner therein.

3.14 The Owner consents to the Council lodging a caveat upon the Certificate of Title for the Land at any time after the execution

PDL/MNEW/A3:jn

of this Deed by the Owner and the Council and pending the registration of this Deed upon the said Certificate of Title as a Land Management Agreement pursuant to Section 61 of the Planning Act 1982 and the Owner shall not take any step to bring about the removal of such caveat pending such registration.

IN WITNESS WHEREOF the parties hereto have executed this Deed.

THE COMMON SEAL of THE DISTRICT)
COUNCIL OF MOUNT BARKER)
was hereunto affixed in the)
presence of:)

.....Mayor

.....Chief Executive Officer

THE CORPORATE SEAL of THE)
CATHOLIC CHURCH ENDOWMENT)
SOCIETY INCORPORATED)
was hereunto affixed by) + Leonard A. Faulkner.
LEONARD ANTHONY FAULKNER)
Archbishop of Adelaide Sole)
Trustee in the presence of:)

.....

The Owner HEREBY CERTIFIES pursuant to Section 61(4) of the Planning Act 1982 that no other person has a legal interest in the Land.

+ Leonard A. Faulkner.
.....
SIGNED FOR AND ON BEHALF OF
THE CATHOLIC CHURCH ENDOWMENT
SOCIETY INCORPORATED

PDL/MNEW/A3:jn

DATED 19

BETWEEN:

THE DISTRICT COUNCIL OF MOUNT BARKER

of the one part

- and -

THE CATHOLIC CHURCH ENDOWMENT SOCIETY INCORPORATED

of the other part

LAND MANAGEMENT AGREEMENT BY DEED

NORMAN WATERHOUSE & MUTTON
6th Floor, MLC Building,
185 Victoria Square,
ADELAIDE S.A. 5000

Telephone: 211 7188

PDL/MNEW/A3:jn

105

PROPOSED PLAN OF DIVISION
SEC 2802
HUNDRED OF MACCLESFIELD

Scale 0 25 50 75 100 125 Metres

CT 2584/157

SUBJECT TO SURVEY

"PLAN A"

DC OF MT BARKER

DEV NO 580/D065/90

AMENDED PLAN
23/11/90

SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
1 AND 2	6·5 ha approx

✱ Asterisk denotes PIECE identifier only.
NOTE: All remaining parcels are each an allotment.

PT SEC 5012

SEC 2802

1✱
5·5 ha approx
(RURAL)

DADDOW ROAD

CEMETERY

2✱
1 ha approx

SEC 5015

Existing Fence

Entrance Post

3
1 ha approx

Out Buildings (RURAL LIVING)

House

Tree

SEC 134 RESERVE

Entrance

FP 18184

PADDYS HILL ROAD

RAILWAY PLACE

D'CALLAGHAN, HENNIG & CO. PTY.
LICENSED SURVEYORS
CADASTRE HOUSE
108 GILLES STREET, ADELAIDE, 5000
PHONE 223 6346 REFER 7404

Council Agenda 3 March 2025

Mount Barker District Council

Attachment 3 to Item 12.4

CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1886

South Australia

VOLUME 5108 FOLIO 665

Edition 1

Date Of Issue 18/02/1993

Authority T 7405588

I certify that the registered proprietor is the proprietor of an estate in fee simple (or such other estate or interest as is set forth) in the land within described subject to such encumbrances, liens or other interests set forth in the schedule of endorsements.

REGISTRAR-GENERAL

REGISTRAR-GENERAL SOUTH AUSTRALIA

WARNING: BEFORE DEALING WITH THIS LAND, SEARCH THE CURRENT CERTIFICATE

REGISTERED PROPRIETOR IN FEE SIMPLE

CATHOLIC CHURCH ENDOWMENT SOCIETY INC. OF 39 WAKEFIELD STREET ADELAIDE SA 5000

DESCRIPTION OF LAND

ALLOTMENT COMPRISING PIECES 1 AND 2 DEPOSITED PLAN 35084
IN THE AREA NAMED MOUNT BARKER
HUNDRED OF MACCLESFIELD

EASEMENTS

TOGETHER WITH A FREE AND UNRESTRICTED RIGHT OF WAY OVER THE LAND MARKED A APPURTENANT ONLY TO PIECE 2

SCHEDULE OF ENDORSEMENTS

7347964 AGREEMENT UNDER PLANNING ACT, 1982 PURSUANT TO SECTION 61(2) FOR DEVELOPMENT OVER PORTION (PIECE 1 IN DP 35084)

MOUNT BARKER

End of Text.

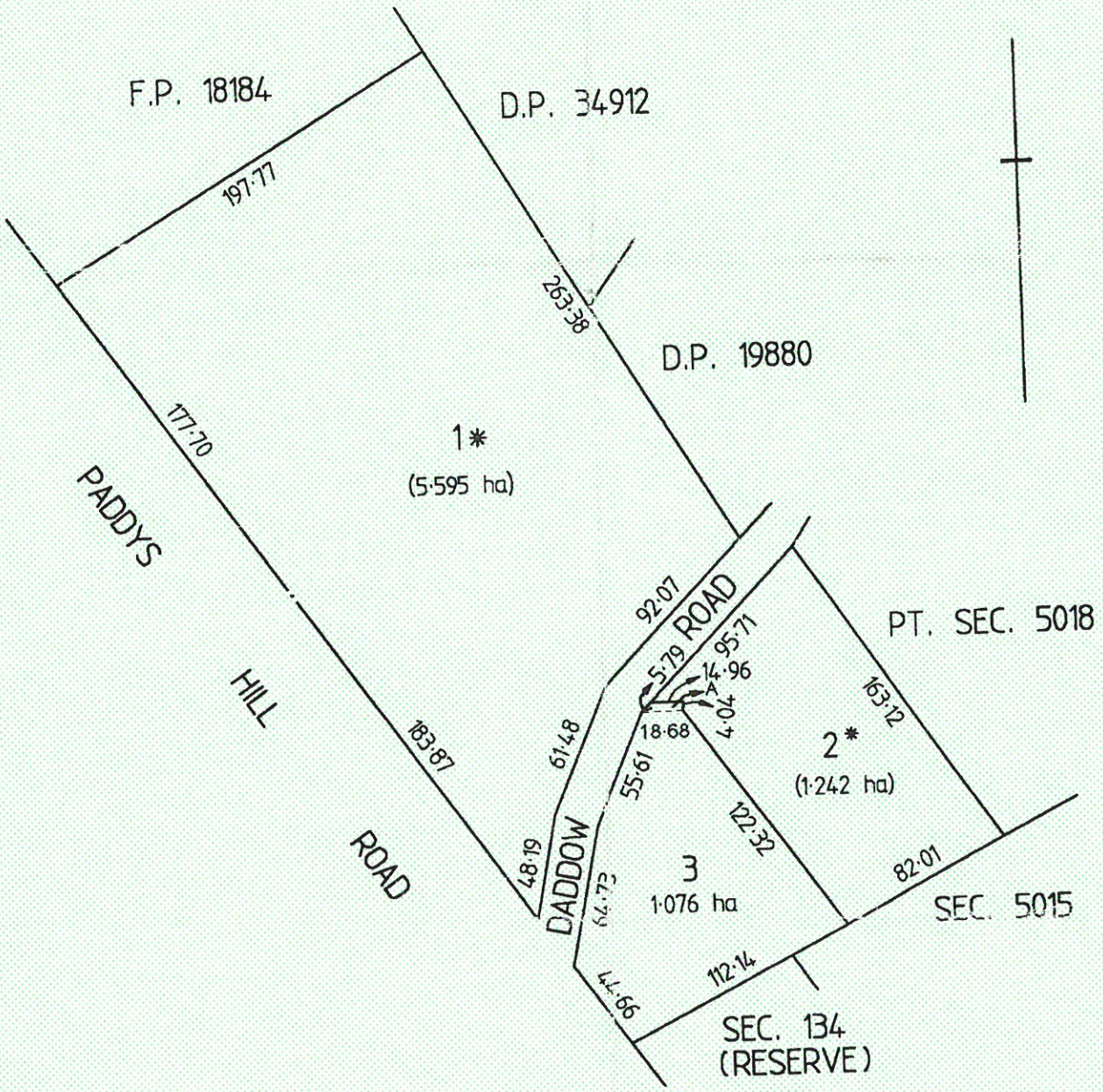
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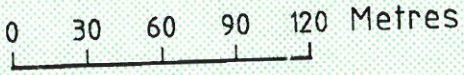
HBC IP

SCHEDULE OF PIECES COMPRISED IN ONE ALLOTMENT

PIECES COMPRISED IN ONE ALLOTMENT	TOTAL AREA
1 AND 2	6·837 ha

* Asterisk denotes PIECE identifier only.
NOTE : All remaining parcels are each an allotment.





12.5 REPORT TITLE: ASSESSMENT IMPROVEMENTS AND ACCOMMODATION DIVERSITY CODE AMENDMENT SUBMISSIONS

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/5039

ATTACHMENTS: DRAFT SUBMISSIONS TO THE STATE PLANNING COMMISSION ON:

ATTACHMENT 1: DOC/25/5037 – ASSESSMENT IMPROVEMENTS CODE AMENDMENT

ATTACHMENT 2: DOC/25/11496 – ACCOMMODATION DIVERSITY CODE AMENDMENT

Key Contact Steven Conn, Senior Strategic Planner

Manager/Sponsor Maddie Walker, Manager Community Planning and Wellbeing

Executive Alison Hancock, Executive Manager

Community Plan 2044:
The following objectives from the Community Plan 2044 is relevant to this report:

Objective 13: Ensure diverse, affordable housing policies for all residents.

Objective 17: Growth and Development: ensure sustainable and balanced growth while preserving the unique character and natural assets of the District.

Annual Business Plan:
This submission has no impact on Council's existing Annual Business Plan.

Purpose:
To seek endorsement of Council's submission on the Assessment Improvements and Accommodation Diversity Code Amendments.

Summary – Key Issues:
1. The State Planning Commission (the Commission) has released the Assessment Improvements Code Amendment and the Accommodation Diversity Code Amendments, both of which are open for public consultation until COB Tuesday 4 March 2025.

2. The Assessment Improvements Code Amendment forms part of the State government's response to the Planning System Implementation Review and the recommendations of the Expert Panel and encompasses a number of technical and operational improvements to the workings of the Code.

3. The Accommodation Diversity Code Amendment proposes amendments to enhance housing diversity and provide more flexibility for building apartment-style homes and retirement living.

Recommendation:

That Council:

1. **Endorses the attached submissions to the State Planning Commission on the proposed Assessment Improvements (Attachment 1) and Accommodation Diversity Code Amendments (Attachment 2); and**

2. **Authorises the CEO, or their delegate, to make any required further edits arising from the discussion at the council meeting and to finalise the submissions.**

Background:

1. In December 2024, the State Planning Commission (the Commission) released the Assessment Improvements Code Amendment (the Amendment) for a twelve week period of consultation, from Tuesday 10 December 2024 to Tuesday 4 March 2025.

2. The Assessment Improvements Code Amendment follows on from the State Government's commitment to ensure that the planning system is contemporary, effective and constantly improved. This amendment looks to address a number of the recommendations given by the government's Expert Panel and is informed by submissions provided to the panel and case law from the Environment, Resources and Development Court.

3. The recommendations of the Expert Panel did not propose wholesale changes to the planning system, which was viewed as working well, but rather to fine tune and improve operation. The key areas of focus included:
   a. Improvements to the Rules of Interpretation in response to recent case law
   b. Review of language and policy consistency
   c. Ensuring policies are reasonable and practical
   d. Improvements to land use and administrative definitions
   e. Review of referrals to government agencies and industry.

4. The Accommodation Diversity Code amendment seeks to ensure that the Code supports housing diversity, focussing on apartment style housing, retirement facilities and supported accommodation. It is in place as an initiative in support of South Australia's Housing Roadmap 2024 (Housing roadmap | Department for Housing and Urban Development).

5. The Commission and the Code are established under the *Planning, Development and Infrastructure Act 2016*, which together with the PDI Regulations forms the legislative framework for development in South Australia. An amendment to the Code includes a number of steps before being finalised by the Minister for Planning.

6. This Amendment builds on the Commission's earlier Miscellaneous Technical Enhancements Code Amendment, which represented the first such review of the technical and operational aspects of the Code.

Discussion:

7. Consultation has been undertaken internally with impacted stakeholder council departments, primarily Council's Development Assessment team, providing advice on the Amendment and application of the Code.

8. Council staff have prepared a submission to the Amendments, which are contained at **Attachment 1** and **Attachment 2**.

9. After consultation closes, the Commission responds to all submissions, where relevant, in the preparation of an engagement report. The engagement report will then be forwarded to the Minister for Planning, who then determines to adopt, alter and adopt or decline the Amendment.

10. The State Planning Commission has created YourSAy pages for consultation. These pages outline the engagement process and also contains links to downloadable assisting documents. These can be found here:
    a. Assessment Improvements Code Amendment | YourSAy
    b. Updating Planning Rules to Increase Accommodation Diversity | YourSAy.

11. An information memo discussing both Code amendments was circulated Council members prior to the meeting, on Tuesday 21 January 2025,for their information and to allow for provision of input (DOC/25/5035).

12. In summary, the submission:
    a. Highlights several minor areas where operation of the Code is currently resulting in distorted and likely unintended consequences (e.g. high number of public notifications in the Master Planned Neighbourhood zone for minor and expected forms of development such as dwellings, retaining walls and fences), areas for improvement (e.g. greater number of accepted and DTS pathways

b. Commends the work of the Expert Panel and the regular review of the Code and is open to engagement with the State Planning Commission as part of its process of continuous improvement

c. General support for the State government's push to increase housing diversity as part of its Housing Roadmap and to note the connection to Council's Housing Strategy.

Community Engagement:

Informing only	Available on Council's website and Facebook page.

The State Planning Commission opened public consultation on these draft Code Amendments in mid-December 2024, which is set to conclude on 4 March 2025, as detailed on Plan SA and related YourSAy pages.

Policy:
N/A

Long Term Financial Plan:
N/A

Budget:
N/A

Statutory/Legal:
The Amendment proposes changes to the Planning and Design Code, which sits under the *Planning, Development and Infrastructure Act 2016*.

Staff Resource Requirements:
Review and comment on the proposed Code Amendment has been managed with current staffing resources.

Environmental:
N/A

Social:
The Amendment seeks to align with the principles of good planning as given in section 14 of the PDI Act. The Amendment responds to emerging issues identified by the Panel and is informed by submissions received through that review process as well as feedback received from practitioners in relation to performance of the Code.

Risk Assessment:
Council encounters a reputation risk in not giving full and proper consideration to issues of significance to its district and residents and in generally remaining

aware of planning policy movements and updates initiated by the State Planning Commission.

Asset Management:
N/A

Conclusion:
Council staff have prepared a submission on the Assessment Improvements Code Amendment and are seeking endorsement of the submission prior to lodgement with the State Planning Commission.

Previous Decisions By/Information Reports to Council
Nil

Attachment 1 to Item 12.5

MOUNT BARKER
DISTRICT COUNCIL

Reference: DOC/25/5037

14 February 2025

Submission: Assessment Improvements Code Amendment
State Planning Commission
Department for Trade and Investment
GPO Box 1815, Adelaide SA 5001

planSAsubmissions@sa.gov.au

Dear Code Amendments Team, Planning and Land Use Services

RE: Assessment Improvements Code Amendment

Thank you for the opportunity to provide input to the ongoing review of the Planning and Design Code and its related statutory instruments in the spirit of continuous improvement to the State's planning system.

The Assessment Improvements Code Amendment (the Amendment) presents another opportunity to enhance the general performance, interpretation and consistency of the Code and is welcomed and supported by Mount Barker Council. As given in the consultation document, the detail in the Amendment is largely technical and centred on improving the operation of the Code. Aligning text to increase consistent interpretation, respond to case law, ensure that provisions are reasonable and practical, include definitions that are relevant and contemporary and with processes that function with clarity and efficiency is good practice.

Council's submission generally looks to matters where an improvement is suggested or a contention exists and which are particularly impactful to our district.

4.2, Language, consistency and policy applicability

4.2.2, Rural zones – Detached dwelling/ Second dwelling policy linkages

There remains a lack of clarity around what constitutes ageing in place and what level of investigation the relevant authority should be undertaking to gain an awareness of a proponent's connection to the owner of the land and intent around future management of the farm. Such a performance objective, although completely warranted in intent, is fraught with vagaries and difficulty in its assessment and interpretation.

A far simpler solution would be to permit a second dwelling on a Rural allotment that met the other matters listed in the PO and DTS/DPF, which admittedly already set a high bar. This would provide an additional income stream to the land owner/ farm manager, with the large lot sizes in question would still clearly retain a rural feel and would follow the way of the recent changes to granny flats/ ancillary accommodation that spoke of removing "arbitrary restrictions".

4.2.8, Accepted development – Building alterations

Coupled with the proposed amendment outlined in 4.2.8, which largely talks to changes in presentation to the front of a garage not passing through the planning process, Council has found that building alterations that alter the visual presentation of the building from the public realm are often being determined as accepted or DTS when it is planning's role to review and protect the public realm. A performance assessment should only be avoided if the alterations are internal or to the rear (not visible from the street).

4.3, Referrals

4.3.1, State heritage referrals

The change to the wording is an improvement but Council is strongly of the opinion that it does not go far enough. There should not be any possibility for ambiguity in referrals.

4.3.2, Environment protection referrals

There needs to be an automatic referral to the EPA for proposals in the Significant Interface Management overlay. Council planners are not experts on odour and other technical hazards and should not be in a position where a referral needs to be organised, adding to the cost and timeframe of the assessment process, to an external body to ensure compliance against the desired outcome for the overlay, "to mitigate community exposure to potential adverse hazards and environmental and amenity impacts generated by the lawful operation of proximate significant activities". Council recently had the situation of a dwelling proposed in proximity to a chicken shed, for which a referral to the EPA had to be hastily arranged to undertake a proper assessment of amenity impacts.

4.4, Land use definitions

4.4.2, Workers' accommodation

Expanding the definition of workers' accommodation to include seasonal hospitality and tourist development in the list of supported activities is a good move. Mount Barker's natural environment and landscapes are a drawcard for the region. The tourism, agriculture and wine growing industries support many jobs in the district and it is important that flexibility to support these key industries is provided.

4.4.4, New definitions

The new definitions proposed for 'Trade training facility' and 'Emergency services facility' are logical and supported. The intent behind this should make apparent that all land uses envisaged in a zone should have a definition within Part 7 of the Code that includes a hyperlink Further to this, removing listed uses that are not defined can only assist in avoidance of unintended consequences. In the absence of a listed definition, a proposal can always be assessed as a performance application on its merits.

4.6, Targeted policy updates

4.6.1, Local heritage place overlay – Demolition policy

Council is supportive of the wording and overall intent here, to protect the integrity of local heritage places, but feels it necessary to use this opportunity to advocate to State Government for more expansive grants schemes as without a supportive framework, it is difficult to see how this will result in improved upkeep of local heritage places.

4.6.2, Covered car parking spaces

The amendment as written here is acceptable and addresses a visible issue. Generally, however it would be good to avoid involvement in issues at such a level. The loss of on-site/ off-street car parking for single dwellings is a non-issue that starts to get down to the level of personal behaviour, i.e. it is one thing to have policy that requires the construction of a covered car parking space but it is another to require that it be used for the purposes of parking a car.

This, along with the Premier's announcement on 20 January 2025 for larger covered car parking spaces so as to avoid congestion is welcomed. It should be clear, however that there is a natural limit to the number of cars that can be parked on a street and that busting congestion will only take place with improved public transport, greater local jobs and other commonly accepted planning principles.

4.6.3, Community title land division

It is in everyone's interests that all aspects of a community title land division are workable. Council agrees with the proposed addition of a new performance outcome and DTS/DPF provision that would ensure that community title divisions were approved with proper consideration to the nature and extent of that common property, most notably in relation to common driveway design. This should help to alleviate unusual and inconvenient access arrangements and siting of utilities, letterboxes and bins (in addition to landscaping and maintenance). The only concern here is in potential workload on Council in relation to inspections at the planning consent stage.

4.6.4, Car parking rates for major open spaces

The Commission must remain conscious of not creating a situation whereby car parking is provided at the expense of precious community open space. The reasons for this are many and well known (e.g. heat island effect, reduced open space, tree cover) and that active modes of transport should be encouraged through greater numbers of bicycle parking, as an example.

Council concedes that some open space areas are of particular value to the wider community and region and that car parking can work to open up the true potential of such spaces. The investigations made in this regard and the PO, to guide applicants and relevant authorities towards defining an appropriate rate of car parking through surveys of similar developments in comparable locations, is an excellent guide and should be more broadly adopted through the Code.

Notifications and Assessment pathways

Master Planned Neighbourhood zone – Notification triggers and Assessment pathways

Mount Barker Council area has a significant proportion of land in the Master Planned Neighbourhood zone, from which most of its development and population pressures arise. The natural landscape through this part of Mount Barker is also such that there is often significant cut and fill required to enable development. The small lot sizes are such that development type, siting and level of impact can be fairly well predicted but public notification is regularly being triggered for expected types and scales of developments such as single detached dwellings, retaining walls and boundary fences.

The intent behind this zone should be to see the planning process far simplified once the subdivision is in place. Not only should there be far fewer notification triggers, there should be accepted and DTS pathways for dwellings, retaining and fencing in the MPN zone.

Often, a development will want to maximise its northern orientation to take advantage of passive heating and cooling and the highest level of amenity. To do this, it might be necessary to build closer to the western boundary. The Commission needs to be aware that notification presents a risk to proponents and that its avoidance could see unwanted outcomes for the community.

On a related note, Council would like to see more intensive or higher density forms of residential development in the MPN zone to see more diverse housing options and better use of land through these areas. The desired outcome for the MPN zone and PO's 1.1 and 1.2 look to see a diverse range of housing choices that support a range of needs and lifestyles, that is not being provided in a broad sense across the estates.

Conclusion

The rate of change through Mount Barker, and related number of queries addressed and applications determined by Mount Barker Council's Development Assessment team has it uniquely placed to provide a proper critique of the workability of the South Australian planning system and intricacies of the Planning and Design Code.

Council commends the work of the Expert Panel and the regular review of the Code and is available to engage with the State Planning Commission as part of its process of continuous improvement.

Yours sincerely

Andrew Stuart
Chief Executive Officer
E-mail: astuart@mountbarker.sa.gov.au

Attachment 2 to Item 12.5

MOUNT BARKER
DISTRICT COUNCIL

Reference: DOC/25/5037

14 February 2025

Submission: Accommodation Diversity Code Amendment
State Planning Commission
Department for Trade and Investment
GPO Box 1815, Adelaide SA 5001

planSAsubmissions@sa.gov.au

Dear Code Amendments Team, Planning and Land Use Services

RE: Accommodation Diversity Code Amendment

Mount Barker Council has voiced its support for policy actions that look to increase housing supply and diversity. The recent submissions lodged with the State Planning Commission on the 'Ancillary and Student Accommodation Definition Code Amendment' (dated 9 April 2024) and the Greater Adelaide Regional Plan (29 October 2024) point to this.

The amendment looks to cover both diversity and quality in housing options and broadly speaking is welcomed. Council's Housing Strategy, currently under revision, acknowledges the national housing crisis. Through this work, Council is seeking to better understand the local housing environment, what action can be taken to better improve housing outcomes and the most effective role that local government can play in delivering on these actions.

The three main aspects to the amendment (co-living, apartment-style housing and retirement facilities/ supported accommodation) are discussed on the pages over in more depth and related issues of build-to-rent and affordable housing.

Co-living

The co-living model appears quite niche and potentially disruptive to the feel of an area noting its wide applicability as an envisaged use that is excluded from public notification across many zones including the Neighbourhood and Master Planned Neighbourhood zones, which constitute the bulk of development across the district.

The NSW policy on co-living, tackled within the Housing State planning policy SEPP (Housing SEPP | Planning), includes controls on:

- minimum lot sizes
- not being used for short term tourist or visitor accommodation
- requirement to demonstrate compatibility with the character of the local area
- requirement for there to be a manager responsible for implementing a plan of management for the site.

There would not seem to be much appetite for such development outside of student accommodation, boarding houses, hostels and dormitory style accommodation, which are all already outlined and controlled through the Planning and Design Code to some degree.

Apartment-style housing

Move to minimum dimensions and away from minimum floor areas should allow for design flexibility while retaining a proper minimum level of amenity. The ability to shift from private open space to communal open space is also a good move that will see some flat buildings developed with balconies and some with larger common areas.

The Office of Design and Architecture SA (ODASA) has too produced similar guiding documents to those in other jurisdictions that point more to the South Australian context. ODASA's Design Guidelines on 'Design Quality and Housing Choice' covers all elements of apartment style housing design in a well presented and easy to read document that has the potential to be a useful tool for planners.

Retirement facilities/ supported accommodation

There is an increasing need for developments of this type in the district that is not being met at scale, with all such developments to date being single storey only. Increased building heights for sites of more than 1 hectare will not address residential infill, which is really seen through zones such as the Housing Diversity Neighbourhood zone as older single dwellings close to the town centre are demolished and developed one at a time.

Build-to-rent and Affordable housing

Again, the NSW Housing State planning policy (Housing SEPP) does not shy away from build-to-rent housing, in-fill affordable housing and other types that would appear to be commonly on the fringes of a standard single dwelling (e.g. temporary emergency accommodation, social and affordable housing, supportive accommodation and temporary housing). This policy is complex and more integrated than standard planning provisions but do at least address the housing and affordability issues so apparent.

Conclusion

Mount Barker Council is particularly interested in ways to encourage good, higher density residential forms of development and is always looking to policies that can provide a diversity of options to our growing community. In particular, the largely undeveloped growth estates in the Master Planned Neighbourhood zone present an opportunity that the State should not let fade as a development opportunity for developments of the type promoted through this Code amendment, keeping in mind that development through this space has to date seen no residential flat buildings or multi-storey developments of any type (including residential use, retirement facilities or supported accommodation).

Yours sincerely

Andrew Stuart
Chief Executive Officer
E-mail: astuart@mountbarker.sa.gov.au

12.6 REPORT TITLE: RESERVE FUND POLICY

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/23864

ATTACHMENTS 1: DOC/25/23866 – RESERVE FUND POLICY

Key Contact Steven Ireland, Manager Financial Services

Executive Alex Oulianoff, General Manager Corporate Services

Community Plan 2044:

The following objective from the Community Plan 2044 is relevant to this report:

Objective 25. Leadership and Vision: cultivate a culture of strong leadership within our organisation including in our Council Members, characterised by transparency, accountability, and responsiveness to the diverse needs and aspirations of our community.

Annual Business Plan

N/A

Purpose:

To present a Reserve Fund Policy (new Policy) to Council for adoption.

Summary – Key Issues:

- **Finance Policy Review** – policy positions associated with reserve funds management have been reviewed as part of a broader review of Council's Finance Policies.
- **New Policy** – it is proposed that the existing Corporate Policy (internal policy) Equity and Other Reserves Policy be transitioned into a public facing Reserve Funds Policy.
- **Key Policy Position** – The key policy update relates to the allocation of notional interest to reserve fund balances reflecting the net interest benefit of having cash on hand.

Recommendation:

That Council:

1. Adopts the Reserve Funds Policy (attachment 1).

2. Notes that retrospective adjustment of reserve balances as outlined in this report will be proposed and considered in a future report and will be reflected in Council's Audited Financial Statements.

Background:

1. Council does not have an external Reserve Fund Policy (it does have a Corporate Policy - Equity and Other Reserves Policy).

Discussion

1. The purpose of the Reserve Fund Policy is to provide a means for recognising and allocating funding for future purposes.

2. The lack of policy was seen as a gap in Council's policy framework due to the nature of accounting treatment of developer fees and infrastructure contributions that:
   - Are recognised as income when invoiced
   - Revenue amounts are subsequently allocated to specific infrastructure reserve
   - Amounts are transferred to retained earnings when expenditure occurs.
   - Balance of reserves are not cash backed (in alignment with Council's adopted Treasury Management Policy).

3. The lack of policy was seen as a gap in Council's policy framework due to the nature of accounting treatment of other reserves (not developer and infrastructure reserves such as Wastewater Maintenance Reserve and Kerbside Waste Reserve):
   - Net income or deficit are allocated against the reserves annually
   - Balance of reserves are not cash backed (in alignment with Council's adopted Treasury Management Policy).

4. The proposed policy position that will have the greatest impact is 6.4:

   ***"Notional Interest Rate Applied** - to reflect the time value of money, Statutory and Council Discretionary reserve balances will have notional interest applied reflective of the interest income forgone through application of 6.3 and the Treasury Management Policy."*

5. Other than the two points above (3 and 4), the Corporate Policy was deemed to be operating effectively. Given the proposed policy solution (as outlined above in reference to point 6 of the policy) to address these matters, it has been deemed appropriate for this to now be a public facing policy adopted by Council.

6. This proposed policy position ensures that the credit interest benefit on having cash on hand or reduced borrowings will be reserve balances not consolidated revenue.

7. What this means in a practical sense is that although not cash backed, the time value of money for reserve balances is captured through allocation of a *"Notional Interest'.*

8. A retrospective calculation has been prepared for the accounting years from 2007/08 to 2023/24 resulting in the following under allocation of the key reserves as follows:

    - Wastewater Maintenance Reserve - $2,987k
    - Wastewater Infrastructure Reserve - $538k
    - Recreation Sport and Community Infrastructure Reserve (MDPA) - $405k
    - Transport Reserve (MDPA) - $606k

    Assumptions utilised:
    - Average balance of the reserve in each financial year (opening / closing)
    - Average credit interest per Financial Instruments note published in Councils Audited Financial Statements has been utilised.

    Timeframe chosen due to:
    - Pre MDPA development with MDPA revenue recognised in 2014/15 onwards
    - Timeframe around reconciliation of Wastewater balances reflects work previously completed (regarding reconciliation of Regulated Asset Base for costing purposes) along with being predominantly pre development.

9. It is proposed that for the accounting year ending 30 June 2025, that a retrospective adjustment be made in alignment to the calculation methodology above with a future report to be prepared finalising the total proposed transfer.

<u>Audit and Risk Committee Review</u>

10. This policy was first considered by the Audit and Risk Committee at the 12 December 2024 meeting. Due to time constraints, consideration of the policy was deferred to the 13 February 2025 meeting.

11. The policy was circulated for comment to the Audit and Risk Committee members via email with the following feedback incorporated:

- Clarity around what has triggered existing reserves in Council's General Purpose Financial Statements (Accounting Standards, Legislation or at Council's Discretionary) in the definition section of the policy.
- A number of updates to create greater definition around creation and review of discretionary accounting reserves including updates to the Policy Principles Section and 6.8 Review of Reserves.

12. At the 13 February 2025 meeting of the Audit and Risk Committee, the following recommendations were made to Council.

That the Audit and Risk Committee recommend to Council that:

1. The Reserve Funds Policy (attachment 1) be adopted.

2. Notes that retrospective adjustment of reserve balances as outlined in this report will be proposed and considered in a future report and will be reflected in Council's Audited Financial Statements.

ARCM20250213.02

13. Some minor editorial amendments were made for the version presented to Council for adoption.

Community Engagement:

Informing only	The community are informed via the Council report and the final audited statements which will be provided on Council's website

Policy:

The Financial Sustainability Policy is aligned with the following policies:

- Budget Management Policy
- Treasury Management Policy
- Financial Sustainability Policy

Long Term Financial Plan:

The LTFP is aligned with the Reserve Funds Policy with the exception of policy position 6.4.

Budget:

The budget is aligned with the Reserve Funds Policy with the exception of policy position 6.4.

Statutory/Legal:

- Financial Sustainability Information Papers (FSIP)
- Local Government (Financial Management) Regulations – 2011 – Regulation 12.

Staff Resource Requirements:

N/A

Environmental:

N/A

Social:

N/A

Risk Assessment:

Prudent management of Council's financial sustainability ensures that long and short term financial risk is mitigated.

Asset Management:

N/A

Conclusion:

The purpose of the Reserve Fund Policy is to provide a means for recognising and allocating funding for future purposes.

Atttachment 1 to Item 12.6

MOUNT BARKER DISTRICT COUNCIL

Reserve Fund Policy

1. PURPOSE

The purpose of this policy is to ensure sound accounting processes are in place for management of Council's accounting reserves.

2. SCOPE

This policy applies to accounting reserves for both Council and the Wastewater Subsidiary.

3. POLICY PRINCIPLES

Council's Reserve Funds Policy aims to provide a means for recognising and allocating funding for future purposes.

Council has established a number of accounting reserves for different purposes. Reserves will only be created when required by Accounting Standards or legislation, and discretionary reserves created when there is a clear and specific purpose for doing (such as receipt and expenditure of Developer contributions to fund growth related infrastructure).

4. DEFINITIONS

- **Reserve Account:** Equity account within the balance sheet to identify an allocation for future purposes.
- **Asset Revaluation Reserves** - The asset revaluation reserve is used to record increments and decrements arising from changes in fair value of non- current assets (less any subsequent impairment losses, where applicable). Required by Accounting Standards.
- **Wastewater Reserves Wastewater Maintenance Reserve** - Surplus wastewater service charges raised for the specific purpose of establishing, operating, maintaining, improving and replacing (including by future capital works and depreciation of assets) as per Section 155 of the Local Government Act 1999, LGA Costing Principles for Local Government and ESCOSA principles. Required by Legislation.
- **Wastewater Infrastructure Fee Reserve** - Surplus wastewater connection fee funds specifically for capital expansion of the wastewater network. Council discretionary reserve.
- **Refuse Reserve** - Surplus refuse service charges raised for the specific purpose of maintaining the Council's domestic rubbish collection requirement. Council discretionary reserve.

- **Infrastructure Reserve** - A percentage of budgeted general rate for future Infrastructure which is reviewed by Council on an annual basis. Council discretionary reserve.
- **Open Space Development** - Capital grants from State Government and developers for the development of open space. Required by Legislation.
- **Car Park Reserve** - Developers capital contribution for the purpose of car parking facilities. Required by Legislation.
- **Indirect Developer Contributions** - Developers capital contribution for the development of infrastructure within Mount Barker precinct. Council discretionary reserve.
- **MDPA Recreation & Open Space Reserve** - Developer contributions which contribute to Recreation, Sport and Community Infrastructure required due to growth within the 2010 Mount Barker Urban Growth DPA. Council discretionary reserve.
- **MDPA Transport Infrastructure Reserve** - Developer contributions which contribute to Transport Infrastructure required due to growth within the 2010 Mount Barker Urban Growth DPA. Required by Legislation.

5. ROLES & RESPONSIBILITIES

Manager Financial Services: Manage the reconciliation and transfer of equity account balances.

6. POLICY STATEMENT

6.1 Reserves are an allocation of Council's accumulated surplus. Council may establish various equity accounts called 'Reserves' to identify accumulated surpluses that will be used for specific future purposes. Separate bank or accounts (cash backing) will not be established for reserves unless legally required to do so.

6.2 There are three types of reserves (as detailed in the table below):
- Required by Accounting Standards (e.g. Asset Revaluation Reserve);
- Statutory reserves (e.g. Open Space contributions); and
- Council discretionary reserves (e.g. Infrastructure Reserves, Developer Contribution Schemes).

Reserve	Accounting Standards	Statutory Reserves	Council Discretionary Reserves
Asset Revaluation Reserves	X		

Wastewater Maintenance Reserve			X
Wastewater Infrastructure Fee Reserve			X
Refuse Reserve			X
Infrastructure Reserve			X
Open Space Development		X	
Car Park Reserve		X	
Indirect Developer Contributions			X
MDPA Recreation & Open Space Reserve			X
MDPA Transport Infrastructure Reserve			X

6.3 Financing - Council uses these funds to "finance" other activities and thereby achieve savings (because of the margin between borrowing and investment rates) until they are required for the original purpose at which time a new borrowing can be raised if required.

This is in alignment to the Treasury Management Policy.

6.4 Notional Interest Rate Applied - to reflect the time value of money, Statutory and Council Discretionary reserve balances will have notional interest applied reflective of the interest income forgone through application of 6.3 and the Treasury Management Policy.

6.5 Accounting Reserves - Consistent with the SA Local Government Financial Sustainability Program the number of accounting reserves should be kept to a minimum to reinforce the principle of a holistic approach to Council financing.

6.6 Reconciliation Process - As part of the end of financial year reconciliation process all applicable transactions will be reviewed and amounts to be transferred to and from equity accounts will be calculated and reserve movements recorded in the balance sheet in accordance with legislation and/or Council policy.

6.7 Financial Planning - Review of amounts held in "reserve" for specific purposes should be analysed during the annual business plan and budget process and transfers to and from equity accounts included in the annual business plan and budget and long term financial plan when updated.

6.8 Review of Reserves – allocation of surplus funds to discretionary reserves for a future specific purpose reflects a decision by Council at a point in time. All discretionary reserves are to be reviewed within the first two years of a new Council to ensure reserves are still required and / or appropriate.

7. TRAINING / EDUCATION

Council will provide appropriate training to staff to ensure that the policy principles as stated in this policy are achieved.

8. REVIEW

This Policy will be reviewed:

- every three years; or
- the frequency dictated in legislation, or
- earlier in the event of changes to legislation or related Policies and Procedures or ;

if deemed necessary by the Manager Financial Services.

9. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au.

10. FURTHER INFORMATION

For further information on this Corporate Policy please contact:

Title: Manager Financial Services
Extension: 8391 7256
Email: council@mountbarker.sa.gov.au

REFERENCE NUMBER PREVIOUS DOCUMENT NUMBER:	DOC/24/177580
RESPONSIBLE OFFICER/ DEPARTMENT:	Corporate Services
APPLICABLE LEGISLATION:	Local Government Act 1999 Development Act 1993
COMMUNITY PLAN 2044 REFERENCE::	Objective 25. Leadership and Vision: cultivate a culture of strong leadership within our organisation including in our Council Members, characterised by transparency, accountability, and responsiveness to the diverse needs and aspirations of our community.
RELATED POLICIES / CORPORATE POLICIES:	• Treasury Management Policy • Funding Policy • Budget Preparation Corporate Policy
SUPPORTING PROCEDURES:	
PREVIOUS CORPORATE POLICY DATE:	26 August 2020
ENDORSED BY CORPORATE GOVERNANCE GROUP	<Insert endorsed by CGG Date>
APPROVED BY CEO:	<Insert Signature>
NEXT REVIEW DATE:	<Insert Review Date>

DOCUMENT HISTORY:			
DOCUMENT VERSION	**DATE**	**AUTHOR (PERSON TO WHOM CHANGES ARE TO BE RECOMMENDED)**	**NATURE OF CHANGE**
VERSION 1.0	<Insert date>	<Insert Author>	<Insert nature of change>
DOCUMENT LOCATION:	Insite <Insert date> and (if applicable) Available for inspection, downloading or printing from our website www.mountbarker.sa.gov.au		

12.7 REPORT TITLE: WARD DONATIONS

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/24/93318

ATTACHMENTS: NIL

Key Contact Maree Barns, Business Support Officer (Governance and Corporate)

Manager/Sponsor Sue Miller, Team Leader Risk and Governance

Executive Alison Hancock, Executive Manager

Community Plan 2020-2035:
Leadership and Good Governance
LGG Strategy 1.4 - Enable community leadership.

Annual Business Plan:
Nil

Purpose
To allocate ward donation funds to individuals or organisations.

Summary – Key Issues

- Council has budgeted an amount for 2024/25 of $18,540.50 which equates to $1685.50 for each Council Member to allocate to individuals and/or groups at the Council Members' discretion. This is known as a Ward Allowance.
- Council Members may nominate groups or individuals to receive a Ward donation from their allowance at each Council meeting.
- Ward donations are a contribution from the Council (as a whole) to a particular individual or group.

Recommendation

That Council approve the following donations outlined in the table below, given that each Member nominating the donation has given careful consideration to whether there is a conflict of interest:

Council Member	Amount	Group/Individual/Purpose
Councillor Grosser	$200	Heysen Sculpture Biennial Inc to assist with printing costs of the event catalogue
Councillor Hewett	$500	To raise funds for the painting of the Echunga Memorial Institute exterior. Mount Barker Big Band and Concert Band concert and afternoon tea at the Echunga Memorial Institute 10 May 2025
Councillor Orr	$400	To Mount Barker RSL towards improvements on the Mann St Memorial.

Background

1. Council receives many requests for assistance from individuals, community members and community groups. Requests may be received by Council Members via telephone, letter or via email, or direct to Council.

2. Council has budgeted an amount for 2024/25 of $18,540.50 which equates to $1685.50 for each Council Member to allocate to individuals and groups at the Council Members' discretion. This is known as a Ward Allowance.

3. The Representation Review process (completed in October 2021) ensures equal representation (Council Member per elector) in each Ward. In October 2021 changes were made to the composition of wards and council member representation which took effect at the November 2022 election. This review process ensures the amount of Ward Allowance available to the community is equal between each of the Wards.

4. At the end of each financial year, a report of the expenditure of Ward Allowances will be reported to Council.

Ward Donation Procedures

5. Members receive a print-out indicating how much is still available to each Council member.

6. Individual members of the community or community groups may require small financial assistance for projects/initiatives of community interest and benefit from Council.

7. These requests should be made directly to the Mayor and/ or Council Members for their consideration / assessment.

8. Any requests received directly by Council will be acknowledged by the Business Support Officer - Governance and Corporate, and advised that any such requests received will be provided to all Council Members who may choose to contribute some funds from their annual Ward Allowance.

9. When determining donations, Council Members should consider the community interest / benefit to be received and enjoyed by the community at large as a result of that donation.

10. As per section S73-75A of the Local Government Act 1999 Council Members should also consider and assess any material, actual or perceived conflict of interest as a result of making a particular donation or voting on the donations.

11. Council Members may nominate members of the community or community groups to receive a donation from their Ward Allowance.

12. Nominations should be advised to the governance email address ahead of the agenda production to allow for public visibility and transparency for the expenditure of public funds and for nominees to be included in the Council Meeting agenda. The form can be found on the extranet under Forms.

13. Any amendments made to the ward donations at the Council meeting will be reflected in the Council meeting minutes, available on Council's website www.mountbarker.sa.gov.au

14. When making a donation in the Council Meeting, the Council Member should:
    a. Declare who the donation is to be made to, the amount and the purpose of the donation; and
    b. Complete and submit a Ward Donation Form to the Minute Secretary prior to the Council meeting.

Community Engagement

Informing only	Notification by way of Council minutes. Recipients will be notified of any donation.

Policy

There are currently no Council Policies in relation to Ward Donations.

Long Term Financial Plan:
Nil

Budget
The budget allocation for Ward Donations is $18,540.50 which equates to $1685.50 recommended expenditure by each Council Member. Any unallocated ward allowance balance is not carried over to the next financial year. $5,675.00 has been expended year to date.

Statutory/Legal
There are no statutory/legal implications or requirements in relation to Ward Donations.

Section 73-75A of the Local Government Act 1999:
However, Council Members should be mindful of material, actual or perceived conflict of interest that may arise as a result of making a ward donation.

Staff Resource Requirements
The notifications of ward donations is incorporated into the existing responsibilities of the finance staff.

Environmental
There are no environmental implications arising from this report or its recommendations.

Social
Ward donations enable individual members of the community and community groups to request small donations to assist with their endeavours.

Risk Assessment:
It is the responsibility of each Council Member to assess the risks association with the ward donations.

Asset Management:
There are no asset management implications arising from this report or its recommendations.

Conclusion
Council Members have the opportunity to make ward donations.

13. INFORMATION REPORTS

Recommendation
That the following information reports be noted en bloc.

13.1 REPORT TITLE: LARATINGA WETLANDS PRECINCT UPDATE

DATE OF MEETING: **3 MARCH 2025**

FILE NUMBER: **DOC/24/197446**

Key Contact Jamie Thornton, Manager Operations, Infrastructure

Manager/Sponsor Phil Burton, General Manager Infrastructure

Executive Phil Burton, General Manager Infrastructure

Purpose:
To update Council Members on the management and operation of the Laratinga Wetlands Precinct.

Summary – Key Issues:
1. The Laratinga Wetlands Precinct encompasses the Laratinga Wetlands, Springs Wetland, Waders Lagoon, walking trails associated with the wetlands and the trail from Bald Hills Road to Springs Wetland Trailhead.
2. The Laratinga Wetlands have historically been a part of the wastewater treatment plant process, however as of 2026/2027, it will no longer be required for the final water polishing processes and will be managed purely for ecological and recreational outcomes.
3. A number of trail and boardwalk works are required to improve accessibility and safety and these are in the process of being delivered.

Background:
1. In the early 1990's, Laratinga Wetlands was established as a natural element of the wastewater treatment process. Originally, the design of the wetland was to reduce the impact of nutrient rich water on the Nairne and Mount Barker Creeks by assimilating nutrients or polishing the treated effluent discharged from the adjoining Springs Road Wastewater Treatment Plant (WWTP).

2. Laratinga Wetlands Precinct is a created habitat, with an opportunity to manipulate habitat conditions (water and vegetation) to:

- mimic a natural system, with planted vegetation to replicate historical associations and the wetland incorporate natural wetting and drying cycles;
- provide a wetland refuge and a variety of vegetation associations and habitat features, to support diverse native flora and fauna;
- provide habitat to support particular species, e.g. threatened/conservation significant, water dependent, resident, migratory and breeding

3. The construction of the Environmental Services Centre included creation of the adjacent Springs Wetlands which was officially opened in November 2015.

4. An additional two ephemeral wetlands were constructed to the South of the Mount Barker creek in 2019 (Waders Lagoon) and North of Laratinga wetland in 2018.

5. Laratinga Wetlands Precinct provides significant habitat for local flora and fauna and has increasingly become an important refuge in an increasing urbanised natural environment, consequently making it a highly valued community, ecological and recreational asset.

6. Specialist reports together with the Laratinga Management Plan provide guidance for management of the Laratinga Wetlands Precinct.

Discussion:

7. Ecologoical surveys, in addition to the feedback from bird watchers and Birds SA on the diversity of the bird species at the wetland, has been positive over the last 12 months. This has generated increased interest and visitation from bird watching groups.

8. Despite the operational challenges of the wetland, it continues to provide valuable habitat and refuge for local wildlife and is utilised heavily. The investment into additional wetlands has ensured wader habitat is provided.

9. The area remains a major recreational destination for the broader community and is enjoyed by people of all ages and abilities with over 30,000 visitors per month.

10. The Laratinga Wetlands Precinct is cared for by a passionate volunteer group who continue to do excellent work in maintaining and enhancing the biodiversity of the area.

11. Laratinga Wetlands Precinct will be managed primarily as a recreational and ecological asset when the recycled water strategy is implemented and the new Laratinga Water Recovery Plant (LWRP) replaces the Springs Road Wastewater Treatment Plant (WWTP).

12. Repair and maintenance of the rubble trails has been programmed for the next quarter which will improve accessibility and safety for visitors.

13. The boardwalk viewing platform was closed in December 2024 due to failure of the supporting beam. These assets are at/or nearing end of life. Council staff have prepared a concept design and cost estimate to replace the asset to a modern and compliant standard. Value management is occurring ahead of finalising design and tendering these works.

14. The objective of future trail and boardwalk works will be to make this wetland precinct accessible and inclusive to all, opening up opportunities for a greater proportion of the community to engage with and enjoy this natural environment.

Conclusion:

The Laratinga Wetland Precinct continues to be actively managed and maintained by Council and volunteers alike. It continues to be a valuable community asset and an important wildlife refuge.

Previous Decisions By/Information Reports to Council

Meeting Date	8 October 2024	CM Reference	DOC/24/99566
Title	Naming of Ephemeral Wetland		
Purpose	To seek Council resolution for the naming of the ephemeral wetlands, south of the Mount Barker Creek and Laratinga Wetlands		

Meeting Date	15 January 2024	CM Reference	DOC/23/174528
Title	Laratinga Wetlands Bird Species Diversity		
Purpose	To update Council Members on the bird diversity and richness of the Laratinga Wetland precinct.		

14. QUARTERLY REPORTS

RECOMMENDATION

That the following report be noted.

14.1 REPORT TITLE: REGIONAL DEVELOPMENT AUSTRALIA ADELAIDE HILLS, FLEURIEU AND KANGAROO ISLAND (AHFKI) QUARTERLY PROJECT REPORT (OCT-DEC 2024)

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: DOC/25/023967

Key Contact Brian Jackway, Economic Development Officer

Manager/Sponsor Luke Gray, Manager Strategic Projects and Economic Development

Executive Alison Hancock, Executive Manager

Purpose:
To provide a quarterly update (October - December 2024) on the activity of Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island (RDA AHFKI) as part of their on-going partnership role with Mount Barker Council, in delivering economic outcomes for our district and broader region.

Summary – Key Issues:
1. RDA has continued to progress a number of key initiatives consistent with its Project Plan 2022-2025.

2. In this quarter, the RDA has progressed the development of a Regional Drought Resilience Plan, inclusive of the Mount Barker District, and the plan will inform of critical strategies, to prepare before, during and after drought.

3. A RDA highlight of the quarter was the annual presentation to all six councils (MBDC included), fielding a variety of questions, mostly related to local issues and opportunities.

Background:
1. Council has a three-year funding agreement with RDA.

2. The current funding agreement of $78,950 per annum commenced 1 July 2022 and concludes on 30 June 2025.

3. Council funds and is a member of RDA to enhance economic development and liveability in our district and across the region through a collaborative approach to regional issues.

4. RDA receives additional funding from five other member councils, State and Federal Government. The split of funding between the three levels of government is Federal Government 22%, State Government 52% and local government (six member councils) 26%.

5. RDA works in partnership with Council to deliver and agree on programs to support the development and implementation of projects or activities identified in their respective strategic plans.

6. RDA provides quarterly reports on their activities and project status to member councils. A copy of the latest quarterly report will be available to Council Member via the Elected Members Extranet/Communication.

Discussion:

7. The RDA Quarterly Report (Oct-Dec 2024) includes the following key highlights:

   a) **Expenditure in the region.** RDA highlighted the expenditure ($M) by each industry sector in RDA Adelaide Hills, Fleurieu, and Kangaroo Island for goods and services sourced locally, from the rest of Australia, and overseas. Total industry expenditure on goods and services as production inputs is estimated at $7,308.077 million.

   b) This highlights the vital role of the **Manufacturing, Construction, and Agriculture/Forestry/Fishing sectors** in our regional economy, particularly in supporting local expenditure.

   c) The **Manufacturing sector** collectively expends $696 million locally within the Adelaide Hills, Fleurieu, and Kangaroo Island (AH/F/KI) region, $312 million on imports from the rest of Australia, and $725 million on total overseas imports.

   d) **Top 3 manufacturing sectors** within AH/F/KI region are: 1) Beer, Wine, Spirits & Tobacco, 2) Meat Products and 3) Cleaning Compounds & Toiletry Preparation.

   e) **Mount Barker District's top 3 manufacturing sectors** produce $4.3 billion, 31.75% of the Adelaide Hills, Fleurieu and KI region. The top 3 manufacturing sectors for our LGA are 1: Chemical, cleaning & polymer manufacturing $307 million, 2) Food product manufacturing $200 million, and 3) Beverage product manufacturing $79 million.

   f) Positive feedback was received from PIRSA and the CSIRO on the draft **Regional Drought Resilience Plan** commissioned by the RDA; including

critical strategies to assist farmers in the district and region. Launch events are being planned across in Mt Barker in April/May to inform the agriculture sector of the finalised plan.

g) **Public Transport:** RDA provided a written submission to the 30-Year Transport Strategy for South Australia, outlining the key outcomes of the 2019 public transport work that was undertaken with council support.

h) **RDA Advocacy:** recommended public transport investment is needed to improve backbone services between Adelaide –Mount Barker and Adelaide to Victor Harbor and the freight route between Callington and Cape Jervis.

i) Provided **regional intel** that population, congestion, connectivity and public transport is eroding the liveability and productivity of the region.

j) RDA released their **2023-2024 Annual Report** reflecting on the achievements, including the 57 projects they've been involved in across the region, with a presentation to elected members in December.

Conclusion:

The RDA have provided Council with their Quarterly Report (Oct - Dec 2024) providing an update on their activities and project status. The report is available on the Council Members Extranet site. Council staff will continue to work closely on projects relevant to the district and provide input into initiatives with regional context.

Previous Decisions By/Information Reports to Council

Meeting Date	2 Sep 2024	CM Reference	DOC/24/116071
Title	Economic Development Program Update Regional Development Australia Quarterly Project Report Apr – Jun 2024.		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	1 Jul 2024	CM Reference	DOC/24/77885
Title	Economic Development Program Update Regional Development Australia Quarterly Project Report Jan – Mar 2024.		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	2 Apr 2024	CM Reference	DOC/24/39959
Title	Regional Development Australia Quarterly Project Report October - December 2023.		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	4 Sep 2023	CM Reference	DOC/23/105424
Title	Economic Development Program Update Regional Development Australia Quarterly Project Report April-June 2023 and July-September 2023. ..		

Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.

Meeting Date	5 June 2023	CM Reference	DOC/23/65173
Title	Regional Development Australia Quarterly Project Report January – March 2023		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	6 February 2023	CM Reference	DOC/23/9400
Title	Regional Development Australia Quarterly Project Report October-December 2022		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	5 September 2022	CM Reference	DOC/22/102048
Title	Regional Development Australia Quarterly Project Report April-June 2022		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	6 June 2022	CM Reference	DOC/22/60759
Title	Regional Development Australia Quarterly Project Report January-April 2021		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	7 March 2022	CM Reference	DOC/22/21028
Title	Regional Development Australia Quarterly Project Report Oct-Dec2021		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

Meeting Date	6 December 2021	CM Reference	DOC/21/194113
Title	Regional Development Australia Quarterly Project Report July- September 2021		
Purpose	To provide the Regional Development Australia – Adelaide Hills, Fleurieu and Kangaroo Island quarterly update on its projects to its member Councils.		

15. MAYOR'S REPORT

Activity
Meet Governor celebrate 50 years Bene
SA Progressive Business Group Tourism meeting Minister Bettison and Minister Farrell
SSRP Photo call media U18 Sturt FC
Mayor Lange tour of Lyndoch Gather Round site
Adelaide Hills Infrastructure Group
Welcome Adelaide Hills new Hospital doctors and students
Open Nairne Woofside Dog Park
Pastoral care group meeting Meadows
Commshake strategy meeting
Council Audit and Risk Committee meeting
Prostate Cancer Survivors Support Group exec meeting
Hon Josh Teague bi-monthly meeting
Lunch with Kaurna Elders and fire program community members
Editor and journalists Courier meeting
Survival Day with Peramangk at Laratinga Pavillion
Hahndorf Community Association monthly meeting
Friends of the Library Community meeting
REbird the Hills environmental conference at Ukaria
Kavel Electorate Office Manager meeting re parishioner
Citizenship Ceremony at Laratinga Pavillion
Adelaide Hills Regional Waste Management Authority at Stirling
Pastoral care meeting with ratepayer
BRM Advisory meeting re SHLGA future
Meet Councillor seeking advice
Council Assessment Panel Meeting
RSL photo shoot at Macclesfield
RSL member meeting re planning
Business Mount Barker monthly meeting
Resilient Hills and Coast sign formal agreement with Dep Premier Close
Meet Uniting Church Moderator and CEO UC re Flaxley Church
Summit Showdown Crows v Power
Nairne Landcare busy bee
Radio Italie interview
Radio 5MU Interview

16. MEMBERS' REPORTS

16.1 Deputy Mayor Jones

Date	Activity
3 February	Callington forum
3 February	Council meeting
5 February	T2 Div 2 Cricket Grand Final (MBCC)
7 February	MMBG Breakfast Aston Hills
8 February	Survival Day Event
8 February	Ukaria Invited Guest
9 February	Meeting resident
13 February	Audit and Risk Committee meeting observer
13 February	Mayor/Deputy meeting
13 February	Friends of Library photo
13 February	T20 Cricket GF @ Lobethal
14 February	Citizenship Ceremony
16 February	Meeting resident
18 February	Get into Golf, Aston Hills Golf Club
19 February	Meeting President local sport club
20 February	International Trade Chinese New Year Reception
21 February	LGA Deputy Mayor Forum
21 February	Citizenship Ceremony Adelaide (representing Mayor)
21 February	Summit Showdown
22 February	Mt Barker United FC Season Launch
22 February	Mt Barker Show Launch Dinner (Representing Mayor)
23 February	Meeting with group of residents
24 February	Information Briefing
24 February	Special Council Meeting

16.2 Councillor Szilassy

Date	Activity
29th January	SA Progressive Business Tourism & Regional Prosperity Networking Event
1st February	Nairne Dog Park Official Opening
3rd February	Community Forum
3rd February	February Council meeting - Callington
8th February	Survival Day event - Laratinga
10th February	Information and briefing session
11th February	Littlehampton Community Association – Chairman's community dinner
13th February	Callington Coffee Club
14th February	Hills Softball Association – CFS Foundation Round
18th February	Central Ward Election Candidates Forum
19th February	Nairne Oval Committee meeting
21st February	Summit Showdown AFL match - SSRP
22nd February	Nairne Cricket Club Ladies Day
24th February	Information and briefing sessions
24th February	Special Council meeting
Ongoing	Meetings, phone calls and emails with residents

17. QUESTIONS ARISING FROM THE MEETING

18. CONFIDENTIAL REPORTS

18.1. REPORT TITLE: CONFIDENTIAL ITEM: SUMMIT AQUATIC LEISURE CENTRE – MANAGEMENT AGREEMENT

DATE OF MEETING: 3 MARCH 2025

FILE NUMBER: FOL/24/1925 DOC/24/194508

Recommendation:

That Council:

1. **Pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, General Manager Planning and Regulatory Services, Head of Wastewater, Executive Manager, Manager Property and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Confidential Item: Summit Aquatic Leisure Centre – Management Agreement.**

   The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business and would prejudice the commercial position of the Council.

   This item relates to the proposal commercial terms between the Council and the proposed operator of the Summit Aquatic Leisure Centre, the disclosure of same, prior to agreement, could prejudice the commercial position of the Council in negotiations.

   Disclosure of this information would, on balance, be contrary to the public interest. In this instance, the public interest in the Council's ability negotiate commercial terms of agreement effectively without compromising its position outweighs the benefit of dealing with the matter in public.

Section 91(7) Order

6. **That having considered Agenda Item 18.1 Confidential Item: Summit Aquatic Leisure Centre – Management Agreement, in confidence under 90(2) and 3(b) of the Local Government Act 1999 ('the Act'), the Council:**

- **pursuant to Section 91(7) of the Act, orders that the documents and the minutes be retained in confidence until further order, on the basis that the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct business and would prejudice the commercial position of the Council. This item relates to the proposal commercial terms between the Council and the proposed operator of the Summit Aquatic Leisure Centre, the disclosure of same, prior to agreement, could prejudice the commercial position of the Council in negotiations. Disclosure of this information would, on balance, be contrary to the public interest. In this instance, the public interest in the Council's ability negotiate commercial terms of agreement effectively without compromising its position outweighs the benefit of dealing with the matter in public;**

- **pursuant to Section 91(9) of the Act, delegates the authority to the Chief Executive Officer to release the name of the operator of the Summit Aquatic Leisure Centre at a time and date to be determined by the Chief Executive Officer or their delegate.**

- **pursuant to Section 91(9) of the Act, delegates the authority to the Chief Executive Officer to revoke the order in whole or part; and notes that this order will be reviewed every 12 months.**
