



The Barossa Council

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council
will be held on Tuesday 16 April 2019
in the Council Chambers,
43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am.

Joanne Thomas
ACTING CHIEF EXECUTIVE OFFICER
THE BAROSSA COUNCIL

A G E N D A

1. THE BAROSSA COUNCIL

- 1.1 Welcome by Mayor Lange - meeting declared open
- 1.2 Present
- 1.3 Leave of Absence
Nil
- 1.4 Apologies for Absence
- 1.5 Minutes of previous meetings – for confirmation:
Ordinary Council meeting held on Tuesday 19 March 2019 at 9.00am
Confidential Council meeting held on Tuesday 19 March 2019 at 10.36am
- 1.6 Matters arising from previous minutes
Nil
- 1.7 Petitions
Nil
- 1.8 Deputations
Nil
- 1.9 Notice of Motion
Nil

2. MAYOR

- 2.1 Mayor's report - attached

3. COUNCILLORS' REPORTS

3.1 Nil

4. CONSENSUS AGENDA

4.1 MAYOR

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Nil

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4.5.5 WASTE SERVICES

Nil

5. CONSENSUS AGENDA ADOPTION

- 5.1 ITEMS FOR EXCLUSION FROM CONSENSUS AGENDA**
- 5.2 RECEIPT OF CONSENSUS AGENDA**
- 5.3 DEBATE OF ITEMS EXCLUDED FROM CONSENSUS AGENDA**

6. VISITORS TO THE MEETING/ADJOURNMENT OF MEETING

6.1 VISITORS TO THE MEETING

9.30am Simon Millcock, Chief Executive Officer – Legatus Group

6.2 ADJOURNMENT OF COUNCIL MEETING

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7.1 MAYOR

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7.2 EXECUTIVE SERVICES

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Nil

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7.5.5 WASTE SERVICES

Nil

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9. URGENT OTHER BUSINESS

9.1	Request – Leave of Absence – Cr Russell Johnstone – 20 May 2019 to 18 June 2019	
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10. NEXT MEETING

Tuesday 21 May 2019 at 9.00am

11. CLOSURE

Mayor's Report to Council Meeting 16 April 2019

March

- 16/03/2019 Meeting with Stephen Henschke and CEO - Boundary Reform
- 17/03/2019 Attended Mount Pleasant Show
- 20/03/2019 LGASA Media Training Gawler - Deputy Mayor John Angus and Senior Council Staff also attending
- 21/30/2019 Attended welcome - New General Manager - Novotel Barossa Valley Resort - Natalie Bussenschutt, Deputy Mayor John Angus also in attendance
- 22/03/2019 Official Opening New Junior Primary Classrooms - Good Shepherd Lutheran School, Angaston
- Meeting with Tony Pasin, Member for Barker and CEO - Federal funding for Council's projects
- Meeting with SA Water staff and Matt Elding and Jo Thomas - Warren Reservoir additional recreational activities and access to South Para and Barossa Reservoir
- 23/03/2019 Men's Breakfast - Impact Centre
Representing Council at the Official Opening - Kapunda Town Square
- 25/03/2019 Off the Couch with Ethan - Gawler Episode Premiere
- "Off the couch" with Ethan is a travel show encouraging teenagers and young people to get "off the couch" and into the great outdoors with their families. This episode screening in Gawler highlighted the great activities and events within Gawler, which will be aired on Channel 44 in April.
- 27/03/2019 Meeting with Dan Eggleton - Tanunda Oval Development
- 28/03 2019 Barossa Campus Launch Event
- 29/03/2019 Meeting with Cr Hurn
- Meeting with Hon Stephan Knoll and Louis Monteduro – State planning issues
- 1/04/2019 Meeting with Sharon Seedsman - Tanunda Netball Club and Director Jo Thomas also attending Cr David Haebich
- Meeting with Philip George - Barossa Regional Gallery
- 3/04/2019 Concordia Development Working Group Meeting involving Council planning staff and Deputy Mayor John Angus

- 5/04/2019 Information exchange and various site visits Dr Helen McDonald – CEO Clare and Gilbert Valleys Council
- 8/04/2019 Meeting with Damian Hewitt National Manager SAGE Automation and Acting CEO Jo Thomas – possible autonomous vehicle trial
- Meeting with Julian Moore, acting CEO Jo Thomas, Director Gary Mavrinac, Manager Tourism Jo Seabrook and Cr Leonie Boothby - Air B&B Matters
- 9/04/2019 Meeting with Kristin Falkenberg - Craneford Winery – Truro
- Culture Hub and Associated Barossa Smart Technologies Opportunities meeting – LUX Global, Jo Thomas & Martin McCarthy
- Meeting James March – BGWA
- 10/04/2019 Site meeting - proposed Truro Bypass representatives including Mayor Mid Murray & Mayor Light Regional Council -
- Meeting with Margaret and Brian Harris - Williamstown
- 11&12/4 2019 Council Best Practice Showcase and LGA Ordinary General Meeting
- 12/04/2019 Official Opening - Barossa Valley Chocolate Factory

COUNCIL

MAYOR

CONSENSUS

16 APRIL 2019

4.1 CONSENSUS AGENDA – MAYOR

4.1.1

LETTER OF THANKS – BAROSSA COMMUNITY SERVICES NETWORK

B6748 19/15374

Correspondence (*copy attached*) has been received from Barossa Community Services Network thanking Council for support for the group and in particular Council's commitment at the Council meeting held on 19 February 2019 to resource the Social Planning Project which will include working with the Barossa Community Conversations Focus Group as it develops strategies to respond to the needs in the community.

Council's Collaborative Project Officer, Debra Anderson is Council's Officer Representative on the Barossa Community Services Network.

RECOMMENDATION:

That the letter of thanks from the Barossa Community Services Network be received and noted.



13 March 2019

Mayor The Barossa Council
Mr Bim Lange
43 – 51 Tanunda Rd
Nuriootpa SA 5355



Dear Bim

On behalf of the Barossa Community Services Network (BCSN) I would like to thank you and The Barossa Council for your support of this community group.

In July 2018 Lutheran Community Care invited over 30 service deliverers and businesses to a 'Barossa Community Conversations' gathering to participate in a targeted, community conversation regarding emerging needs in the Barossa. This was held in the Council Chamber.

What has developed out of this is the formation of the Barossa Community Conversations Focus Group (BCCFG) which has been formed and is meeting regularly.

At the last Barossa Community Services Network group meeting the Barossa Community Conversations Focus Group was officially accepted to be a working party that reports regularly to the BCSN.

The composition of these two groups is made up of service providers, non-for-profit groups, business people and individuals with a community health and well-being focus.

The objectives of these groups is to:

- Identify areas of need in the community and develop strategies to respond.
- Plan and implement workshops and seminars for the community and service providers as the need arises.
- Provide mutual support and networking for community service providers in the Barossa area.
- Act in an advocacy role for local health and welfare issues.
- Look at ways to address gaps in service delivery and unmet needs.
- Create awareness /share information about existing services and community information.
- Explore new opportunities/alignments/ partnerships for working together to address challenges and strengthen services.
- Identify newly emerging needs/trends and potential ways that the services might be strengthened through new partnerships.
- Do other things that are conducive to the attainment of these objectives.

We are fortunate in the Barossa region to have the range of church, government and social organisations that provide support and encouragement to those in need. This is coupled with a strong philanthropic, community spirit; a strong foundation for ensuring that those in need receive community support and opportunities to enable them to take control of their circumstances.

Thank you for the ongoing use of the council chamber for any meetings we have.

We also thank Council for agreeing at their last meeting to resource the 'Social Planning Project' which will include working with the BCCFG as it identifies gaps and develops strategies to respond to the needs in the community.

We look forward to sharing our progress with Council as the opportunity arises.

Kind Regards

A handwritten signature in dark ink, appearing to read 'J. A. Doecke', with a small horizontal line at the end.

James Doecke

Chairperson
Barossa Community Services Network

COUNCIL

MAYOR

CONSENSUS

16 APRIL 2019

4.1 CONSENSUS AGENDA – MAYOR

4.1.2

**AUSTRALIAN GOVERNMENT'S 2019-20 BUDGET ROAD SAFETY ANNOUNCEMENT
19/20815**

Correspondence from The Hon Michael McCormack MP and The Hon Scott Buchholz MP in relation to the recently announced Local and State Government Road Safety Package. The correspondence confirms an additional Roads to Recovery allocation for the five year period from FY2019-20 to 2023-24 of \$483,013, this is in addition to the previously announced increase in December 2018. The adopted LTFP has an amount of \$1,643,670 for the same five year period.

This funding is separate from the potential Supplementary Road Funding and Financial Assistance Grant program that was recently announced in the 2019-20 budget.

The correspondence also includes information on provisions to the Australian Road Research Board and the National Heavy Vehicle Regulator and a further commitment to the Bridges Renewal Program to support local governments to improve overall road asset management, predictive maintenance and network planning leading for improved safety and productivity outcomes.

RECOMMENDATION:

That the correspondence from The Hon Michael McCormack MP and The Hon Scott Buchholz MP be received and noted.



The Hon Michael McCormack MP

Deputy Prime Minister

Minister for Infrastructure, Transport and
Regional Development

The Hon Scott Buchholz MP

Assistant Minister for Roads and Transport

Federal Member for Wright

Mayor Bim Lange
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mayor

AUSTRALIAN GOVERNMENT'S 2019-20 BUDGET ROAD SAFETY ANNOUNCEMENT

We are writing to you in relation to the recently announced Local and State Government Road Safety Package and the Australian Government's focus on reducing the burden of road trauma on the community.

Road safety is everyone's responsibility and all levels of Government have a key role to play in delivering safer roads and vehicles. That is why the Australian Government will deliver an additional \$2.2 billion in road safety funding from 2019-20 through the Local and State Government Road Safety Package.

Local governments are the primary beneficiaries of this initiative, with \$1.1 billion of the additional funding being provided directly to councils under the Roads to Recovery Program. Councils were advised of their original Roads to Recovery allocation for the 2019-20 to 2023-24 period in December 2018 and the additional funding means that your council's allocation for this period will increase by \$483,013 to \$2,415,066.

The Government's Statement of Expectations for the Roads to Recovery Program, which was released by the then Minister for Infrastructure and Transport, the Hon Darren Chester MP, urged local councils to focus on improving road safety outcomes when undertaking local road upgrades, whilst maintaining each council's discretion to select projects according to local priorities. We take this opportunity to reiterate the Government's strong desire that, when selecting projects, councils consider the likelihood they will reduce fatalities and serious injuries. A copy of the Statement of Expectations, a Fact Sheet on the Government's road safety initiatives and of the recently determined Funding Conditions for the 2019-20 to 2023-24 period are attached.

The Government's Road Safety Package also includes an additional \$550 million for the Black Spot Program, \$275 million for the Heavy Vehicle Safety and Productivity Program, \$275 million for the Bridges Renewal Program and new funding under the Heavy Vehicle Safety Initiative. Local government has already benefitted significantly from funding under these programs and we look forward to continuing to work together with councils to improve road safety through these successful existing programs.

The Government is also taking action to deliver safer roads through a variety of other initiatives, including establishing a new Office of Road Safety, which will work closely with states, territories, local government, and road safety stakeholders on key road safety priorities.

There is a continuing commitment to improving the safety of new drivers through the Keys2drive program, continuing funding to the Australasian New Car Assessment Program to encourage the purchase of safer vehicles and an ongoing commitment to safer vehicle design through rigorous and globally harmonised Australian Design Rules.

In the 2019-20 Budget, the Australian Government is providing \$2.6 million to the Australian Road Research Board (ARRB) and \$8 million over two years to the National Heavy Vehicle Regulator, to make professional expertise more readily available to local governments, helping them better understand and assess their road assets. Specific guidance material will be provided to local governments free of charge, and specialist tools will be made available for road assessments. This will support local governments to improve overall road asset management, predictive maintenance and network planning, leading to improved safety and productivity outcomes.

In addition, to provide broader support for the important work councils do, the 2019-20 Budget also allocates \$2.6 billion to local councils through the Financial Assistance Grant program. The Government's Budget proposes to bring forward fifty per cent of this funding for early payment in the 2018-19 financial year. This cash injection of \$1.3 billion will give councils immediate use of these funds in the 2018-19 financial year.

Should you require any further information, the relevant contact officers in my Department are Ms Nicole Spencer (nicole.spencer@infrastructure.gov.au) in relation to AARB and the National Heavy Vehicle Regulator or Mr Greg Moxon (greg.moxon@infrastructure.gov.au) in relation to the Local and State Government Road Safety Package.

By partnering with local councils we are harnessing the best available local knowledge to fix the local roads which need it and help people get home sooner and safer

Yours sincerely


Michael McCormack


Scott Buchholz

Enc



Australian Government

National Land Transport Act 2014

ROADS TO RECOVERY FUNDING CONDITIONS 2019

I, **MICHAEL MCCORMACK**, Minister for Infrastructure, Transport and Regional Development, determine the following conditions under section 90(1) of the *National Land Transport Act 2014*.

Dated: 19 March 2019

Michael McCormack
Minister for Infrastructure, Transport and Regional Development

Part 1: Preliminary

Name of Determination

- 1.1 This Determination is the *Roads to Recovery Funding Conditions 2019*.

Commencement

- 1.2 This Determination commences on the day after registration.

Application

- 1.3 The conditions in this Determination apply to payments under Part 8 of the Act for the Roads to Recovery funding period.

Note: The term 'Roads to Recovery funding period' in this Determination refers to the period commencing on 1 July 2019 and ending on 30 June 2024.

Definitions

- 1.4 In this Determination, unless the contrary intention appears:

Chief Executive Officer, in relation to a funding recipient, means the Chief Executive Officer or equivalent office holder of the funding recipient;

funded project means a project in respect of which a Roads to Recovery payment has been received;

funding recipient means a person or body that is to receive or has received a Roads to Recovery payment;

old conditions means the conditions determined under section 90(1) of the Act that apply to payments under Part 8 of the Act for the funding period starting on 1 July 2014 and ending on 30 June 2019;

own source funds, in respect of a funding recipient, means funds available to the funding recipient other than funds provided by the Commonwealth, a State or Territory government or by the private sector for specific projects;

own source expenditure means the amount spent from a funding recipient's own source funds;

relevant documents means, in relation to a funding recipient, documents relating to Roads to Recovery payments received by the funding recipient, including documents relating to projects in respect of which Roads to Recovery payments were spent and documents relating to expenditure by the funding recipient on the construction and/or maintenance of roads, whether out of Roads to Recovery payments or otherwise;

reference amount applicable to a funding recipient means the reference amount applicable to the funding recipient on 30 June 2019 under the old conditions;

Roads to Recovery funding period means the Roads to Recovery funding period specified in the *Roads to Recovery List 2019*;

Note: The Roads to Recovery funding period specified in the *Roads to Recovery List 2019* is the period commencing on 1 July 2019 and ending on 30 June 2024.

Roads to Recovery List means the *Roads to Recovery List 2019* determined under subsection 87(1) of the Act on 31 October 2018;

Roads to Recovery payment means a payment of Commonwealth funds provided under Part 8 of the Act for the Roads to Recovery funding period;

Signage Guidelines means the document entitled ‘Signage Guidelines’, which has been made available to funding recipients by the Department, and any later amendment or replacement of that document by the Department;

small funded project means a project relating to the construction and/or maintenance of roads, the total cost of which is, or is expected to be, less than \$10,000;

the Act means the *National Land Transport Act 2014*.

- 1.5 Terms that are defined in the Act have the same meaning in this Determination.

Part 2: Conditions relating to expenditure of payments

- 2.1 A funding recipient must ensure that Roads to Recovery payments are:
- (a) spent only on the construction and/or maintenance of roads; and
 - (b) spent only on projects which are identified in the works schedule submitted by the funding recipient in accordance with Part 5; and
 - (c) spent only on work on projects which are in progress on or after 1 July 2019 and for which payment is required on or after 1 July 2019; and
 - (d) not spent on meeting any part of a price paid by the funding recipient for a supply acquired by the funding recipient where:
 - (i) the supply is a supply within the meaning of the *A New Tax System (Goods and Services Tax) Act 1999*; and
 - (ii) the part of the price represents the amount of GST payable on the supply by the entity which is making or which made, the supply.

Note: The terms 'road', 'construction' and 'maintenance' are defined in section 4 of the Act. The Department has issued Guidelines which give a more detailed explanation of these terms.

- 2.2 If:
- (a) the Commonwealth has specified that a Roads to Recovery payment is to be spent in relation to:
 - (i) a particular project in Western Australia involving the construction and/or maintenance of bridges; or
 - (ii) a particular project in Western Australia involving the construction and/or maintenance of Aboriginal access roads; and
 - (b) the project does not proceed or the project costs the funding recipient less than the amount of the Roads to Recovery payment; and
 - (c) the funding recipient wishes to spend the unspent amount of the Roads to Recovery payment on another project relating to the construction and/or maintenance of roads;

then the funding recipient must first obtain the approval of the Department for the expenditure of the unspent amount on the other project, and the other project must be included in the funding recipient's works schedule.

- 2.3 A funding recipient must ensure that each Roads to Recovery payment is spent within six months of receipt of the payment.

Note: The Minister has the power under section 91 of the Act to exempt a funding recipient from a condition.

- 2.4 A funding recipient must spend all Roads to Recovery payments it receives by 31 December 2024.

- 2.5 If a funding recipient receives an amount as interest in respect of a Roads to Recovery payment in one financial year, the recipient must spend an amount equal to that amount on the construction and/or maintenance of

roads in the next financial year and must be able to demonstrate that it has done so. This condition does not apply to funding recipients which are to receive total funding of less than \$1.25 million according to the Roads to Recovery List.

Note: Interest earned in respect of a Roads to Recovery payment is own source funds for the purposes of Part 3.

- 2.6 If a funding recipient distributes Roads to Recovery payments which it receives to local government authorities for expenditure by those authorities on the construction and/or maintenance of roads, the funding recipient must ensure that the authorities are subject to the same obligations in respect of those payments as those to which the funding recipient is subject under clause 5.8 and Part 6.

Part 3: Own source roads expenditure obligation

- 3.1 Subject to clause 3.2, for each financial year in which a funding recipient receives, spends or retains any amount of a Roads to Recovery payment, the funding recipient must spend on the construction and/or maintenance of roads an amount of own source funds equal to or greater than the reference amount applicable to the funding recipient.
- 3.2 If a funding recipient does not fulfil the condition in clause 3.1 for a financial year, but the average expenditure of its own source funds in that year and the previous financial year, or in that year and the two previous financial years, exceeds the reference amount applicable to the funding recipient, the funding recipient is taken to have fulfilled the condition in clause 3.1 in respect of the first-mentioned financial year.

Part 4: Public information conditions

- 4.1 In all formal public statements, media releases or statements, displays, publications and advertising generated by a funding recipient relating to a funded project, the funding recipient must acknowledge and give appropriate recognition to the contribution of the Australian Government to that project.
- 4.2 If a funding recipient proposes to issue any media release relating to a funded project, the funding recipient must consult with and obtain approval of the proposed release from the Department.
- 4.3 Subject to clause 4.4, a funding recipient must ensure that signs are erected for each funded project, other than small funded projects, at the time work on the project commences, as follows:
- (a) except where the funded project relates to a cul-de-sac or a one-way road, one sign must be erected at the place where the funded project starts, and one sign must be erected at the place where the funded project ends. Where the funded project relates to a cul-de-sac, one sign must be erected at the entrance to the cul-de-sac. Where the funded project relates to a one-way road, one sign must be erected at the place where the project begins.
 - (b) all signs must be erected in a prominent but safe position facing oncoming traffic, in any event so that they are plainly visible to passing motorists;

- (c) signs erected as required by this clause must have greater prominence, in size and frequency and visibility, than any other signs which relate to the funded project or which are erected in the immediate vicinity of the funded project.
- 4.4 The signs erected for a funded project must be in the form (including size and content) specified in the Signage Guidelines.
- 4.5 A funding recipient must ensure that all signs erected as required by these conditions remain in place for the duration of the project to which they relate and for a minimum period of one year commencing on the day on which the project is completed.
- 4.6 If a funding recipient proposes to hold an opening ceremony in relation to a funded project, the funding recipient must inform the Department of the proposed ceremony at least two weeks before the proposed ceremony is to be held, and provide details of the proposed ceremony, including proposed invitees and order of proceedings. If requested by the Department, the funding recipient must arrange a joint Australian Government/funding recipient opening ceremony.
- 4.7 If requested by the Minister, a member of the Minister's staff or the Department, a funding recipient must invite and, if the invitation is accepted, arrange for an Australian Government representative (nominated by the Minister or a member of the Minister's staff) to participate in any opening ceremony which the funding recipient proposes to hold in relation to a funded project.

Part 5: Conditions relating to planning and reporting

Works schedule

- 5.1 A funding recipient must prepare and submit, as soon as practical after 1 July 2019, but in any event prior to the time the recipient submits its first quarterly report under clause 5.7 or clause 5.8, a works schedule to the Department in the manner and form specified by the Department.
- 5.2 Subject to clause 5.3, a funding recipient must ensure that its works schedule:
 - (a) specifies each project on which the funding recipient proposes to spend, on or after 1 July 2019, Roads to Recovery payments received by the funding recipient;
 - (b) specifies each project which has been completed and for which Roads to Recovery payments were received;
 - (c) specifies the location of each project (other than small funded projects) specified in the works schedule by means including data for use in a Geographical Information System in the manner and form required by the Department;
 - (d) includes a description of each project specified in the works schedule and the funding recipient's reason for undertaking the project;
 - (e) specifies the estimated start and completion date for each project specified in the works schedule;
 - (f) specifies the estimated total amount of Roads to Recovery payments to be spent on each project specified in the works schedule;

- (g) in relation to projects specified in the works schedule not funded wholly from Roads to Recovery payments or other Australian Government payments, specifies the estimated total cost of the project, excluding GST;
 - (h) specifies the main expected outcome from each project; and
 - (i) for a completed project, specifies whether or not the expected outcome was achieved.
- 5.3 Funding recipients may group a series of small funded projects of the same or similar nature in their works schedules as one 'group project'. In these circumstances, the funding recipient must ensure that its works schedule includes the following details:
 - (a) a general description of each group project;
 - (b) the location and cost (excluding GST) of each small funded project in each group;
 - (c) the amount of Roads to Recovery payments to be expended on each group project;
 - (d) in relation to each group project, the estimated start date of the first of the small funded projects in the group project to begin and the scheduled completion date of the small funded project in the group expected to be completed last;
 - (e) specifies the main expected outcome from each group project; and
 - (f) for a completed group project, specifies whether or not the expected outcome was achieved.
- 5.4 Only projects in respect of which the funding recipient proposes to expend Roads to Recovery payments on or after 1 July 2019 may be included in the works schedule.
- 5.5 If the Department provides details of, and access to, the Department's secure Roads to Recovery website, a funding recipient must submit its works schedule to the Department electronically by using that website. However, if a funding recipient is not able to access the website, it may submit its works schedule in some other form agreed by the Department.
- 5.6 A funding recipient must keep its works schedule current and submit an updated works schedule to the Department immediately prior to preparing each quarterly report.

Quarterly reports

- 5.7 A funding recipient may, for each project in its works schedule, submit a report by 31 July 2019, in the form specified by the Department, which specifies the amount of Roads to Recovery payments which the funding recipient intends to spend on the project in the quarter 1 July 2019 to 30 September 2019.
- 5.8 Where a funding recipient wishes to receive a Roads to Recovery payment in a particular quarter (other than the first quarter in the Roads to Recovery funding period), it must submit a quarterly report in the form specified by the Department:
 - (a) in respect of the quarter 1 January to 31 March: by the following 30 April;

- (b) in respect of the quarter 1 April to 30 June: by the following 31 July;
- (c) in respect of the quarter 1 July to 30 September: by the following 31 October;
- (d) in respect of the quarter 1 October to 31 December : by the following 15 February.

Example: Where a funding recipient wants to receive a Roads to Recovery payment in the quarter 1 October to 31 December 2019, it must submit a quarterly report in respect of the previous quarter (1 July to 30 September 2019) and that report must be submitted by 31 October 2019.

Note: Where a funding recipient does not wish to receive a Roads to Recovery payment during a particular quarter, it is not required to provide a quarterly report in respect of the previous quarter. However, it is strongly encouraged to do so, to enable the Department to monitor progress on individual projects.

5.9 The funding recipient must in each quarterly report submitted specify in respect of each project:

- (a) the amount of Roads to Recovery payments spent during the period commencing on 1 July 2019 and ending on the last day of the quarter to which the quarterly report relates; and
- (b) the amount of Roads to Recovery payments which the funding recipient intends to spend on that project in the following quarter.

Note: The figures in the quarterly reports should be prepared on an accrual basis.

Part 6: Accountability

6.1 A funding recipient must properly account for Roads to Recovery payments.

Annual report

6.2 For each financial year in the Roads to Recovery funding period, the Chief Executive Officer of the funding recipient must give to the Department by 31 October after the end of the financial year:

- (a) a written financial statement of the Chief Executive Officer in the form specified by the Department as to:

- (i) the amount of Roads to Recovery payments which remained unspent from the previous financial year;

Note: This amount is to be shown in column 1 of the Chief Executive Officer's financial statement as 'Amount brought forward from previous financial year'.

- (ii) the amount of Roads to Recovery payments received by the funding recipient in the financial year to which the statement relates;

- (iii) the amount of Roads to Recovery payments available for expenditure by the funding recipient on the construction and/or maintenance of roads in that year;

- (iv) the amount spent by the funding recipient during that year out of Roads to Recovery payments available for expenditure by the funding recipient during that year;
- (v) the amount (if any) retained at the end of that year by the funding recipient out of Roads to Recovery payments available for expenditure by the funding recipient during that year and which remained unspent at the end of that year; and

Note: This amount is to be shown in column 5 of the Chief Executive Officer's financial statement as 'Amount carried forward to next financial year'.

- (vi) the amount of own source expenditure on roads expended by the funding recipient during the year to which the statement relates.

Note: The figures in the Chief Executive Officer's financial statement should be calculated on an accrual basis.

- (b) a report in writing and signed by an appropriate auditor stating whether, in the auditor's opinion:
 - (i) the Chief Executive Officer's financial statement is based on proper accounts and records; and
 - (ii) the Chief Executive Officer's financial statement is in agreement with the accounts and records; and
 - (iii) the expenditure referred to in subparagraph (a)(iv) has been on the construction and/or maintenance of roads; and
 - (iv) the amount certified by the Chief Executive Officer in the Chief Executive Officer's financial statement as the funding recipient's own source expenditure is based on, and in agreement with, proper accounts and records.

Note: The term 'appropriate auditor' is defined in the Act.

Other annual report requirements

6.3 For each financial year in which a funding recipient receives, spends or retains any Roads to Recovery payment, the Chief Executive Officer of the funding recipient must give to the Department by 31 October after the end of the financial year a report in the form specified by the Department which includes a statement as to whether:

- (a) Roads to Recovery payments received during the financial year which have been spent by the funding recipient have been spent on the construction and/or maintenance of roads;
- (b) the funding recipient has fulfilled its obligation under Part 3 for the financial year (the own source roads expenditure obligation);
- (c) the funding recipient has fulfilled its obligations under Part 4 during the financial year (the public information conditions);
- (d) the funding recipient has otherwise fulfilled the conditions in this Determination during the financial year; and
- (e) summarises and describes the outcomes achieved during the financial year with those Roads to Recovery payments received during the financial year.

Note: Where a funding recipient does not receive, spend or retain any Roads to Recovery payments in a financial year, the funding recipient must still provide a report in the form set out in Part 1 of the annual report.

- 6.4 Despite paragraphs (b), (c) and (d) of clause 6.3, the report referred to in that clause is not required to state whether the funding recipient complied with a condition in this Determination from which the funding recipient was exempt during the financial year.

Note: The Minister has the power under section 91 of the Act to exempt a funding recipient from a condition and, if considered appropriate, to impose a replacement condition on the funding recipient.

- 6.5 If the funding recipient was exempt from a condition in this Determination during the financial year, the report referred to in clause 6.3 must:
- (a) identify the condition from which the funding recipient was exempt;
 - (b) set out any replacement condition that the funding recipient was required to fulfil during the financial year; and
 - (c) state whether the funding recipient fulfilled the replacement condition.

Part 7: Other accountability requirements

- 7.1 A funding recipient must create and keep accurate and comprehensive records relating to Roads to Recovery payments it has received after 1 July 2019 and retain those records for a minimum of seven years.
- 7.2 A funding recipient must allow Australian Public Service employees or persons nominated by the Commonwealth to inspect, on request:
- (a) work on projects being undertaken by the funding recipient which are funded by Roads to Recovery payments; and
 - (b) any or all of the records referred to in clause 7.1.
- 7.3 A funding recipient must, when requested to do so by the Department, provide, in the manner and form requested by the Department:
- (a) copies of any or all of the records referred to in clause 7.1; and
 - (b) photographs of projects completed using Roads to Recovery payments.

Part 8: Non-compliance with conditions

- 8.1 If the Secretary or a delegate of the Secretary notifies a funding recipient in writing that the Secretary is satisfied that the funding recipient has, in relation to a Roads to Recovery payment, failed to comply with the Act or to fulfil any of the conditions in this Determination, the funding recipient must repay to the Commonwealth an amount equal to so much of the payment as the Secretary or delegate specifies in the notice.
- 8.2 Clause 8.1 does not apply in relation to a failure to fulfil a condition during a period when the funding recipient was exempt from the condition.
- Note: The Minister has the power under section 91 of the Act to exempt a funding recipient from a condition and, if considered appropriate, to impose a replacement condition on the funding recipient.
- 8.3 If the Secretary or a delegate of the Secretary notifies a funding recipient in writing that the Secretary is satisfied that the funding recipient has, in

relation to a Roads to Recovery payment, failed to fulfil any replacement condition that the funding recipient was required to fulfil, the funding recipient must repay to the Commonwealth an amount equal to so much of the payment as the Secretary or delegate specifies in the notice.

Part 9: Compliance with other laws

Building Code

- 9.1 A funding recipient that spends a Roads to Recovery Payment on building work described in Schedule 1 to the Building Code must:
- (a) if the building work is carried out by the funding recipient—comply with the Building Code to the extent that the Building Code binds the funding recipient; and
 - (b) if the building work is carried out by a building contractor—take all reasonable measures to ensure that the building contractor complies with the Building Code.

- 9.2 In clause 9.1:

Building Code means the *Code for the Tendering and Performance of Building Work 2016*, as in force from time to time;

building contractor has the same meaning as in the *Building Code*;

building work has the meaning given by section 6 of the *Building and Construction Industry (Improving Productivity) Act 2016*.

Note: The Building Code applies to construction projects indirectly funded by the Australian Government through grant or other programs where:

- the Australian Government funding contribution to the project is at least \$5 million and represents at least 50 per cent of the total construction project value; or
- the Australian Government funding contribution to the project is \$10 million or more.

For further information on the Building Code, refer to:
<https://www.abcc.gov.au/building-code> or contact the Building Code Hotline on 1800 003 338.

Australian Government Building and Construction OHS Accreditation Scheme

- 9.3 A funding recipient that spends a Roads to Recovery Payment on building work to which subsection 43(4) of the *Building and Construction Industry (Improving Productivity) Act 2016* applies must not enter into a contract for the building work with a builder who is not an accredited person.

- 9.4 In clause 9.3:

accredited person has the meaning given by section 5 of the *Building and Construction Industry (Improving Productivity) Act 2016*;

builder has the meaning given by subsection 43(8) of the *Building and Construction Industry (Improving Productivity) Act 2016*;

building work has the meaning given by section 6 of the *Building and Construction Industry (Improving Productivity) Act 2016*;

Note: Under the *Building and Construction Industry (Improving Productivity) Act 2016* and the *Building and Construction Industry (Consequential and Transitional Provisions) Act 2016*, Australian Government agencies can only fund building work when, subject to certain value thresholds, an accredited builder is engaged as the head contractor. This scheme, known as the Australian Government Building and Construction OHS Accreditation Scheme (the Scheme), extends to building work that is indirectly funded by the Australian Government.

For further information on the Scheme, refer to:
<http://www.fsc.gov.au/sites/fsc/needaccredited/accreditationscheme/pages/theaccreditationscheme> or contact the Federal Safety Commissioner Assist Line on 1800 652 500.

9.5 Funding recipients are required to comply with all other relevant laws.

Note: For example, projects on which Roads to Recovery payments are spent must adhere to Australian Government environment and heritage legislation including the *Environment Protection and Biodiversity Conservation Act 1999*. Construction cannot start unless the relevant obligations are met.

The Department strongly recommends that, before starting an environmental study for a project, proponents contact the Australian Government Department of the Environment (<http://www.environment.gov.au/epbc/index.html>). They can provide advice about Australian Government requirements and ensure that the Australian Government's legislative requirements are properly addressed by the study. This will reduce the likelihood of cost and time delays before construction can commence.

Funding recipients must also meet other statutory requirements where relevant. These may include, but are not limited to:

- Native title legislation;
- State government legislation - for example, environment and heritage; and
- Local government planning approvals.

Part 10: Transitional provisions

- 10.1 A funding recipient that received a payment under Part 8 of the Act for the funding period starting on 1 July 2014 and ending on 30 June 2019 is not eligible to receive any Roads to Recovery payment after 31 October 2019 if the funding recipient has not given to the Department all of the annual reports that the funding recipient is required to give under the old conditions.



The Hon Darren Chester MP
Minister for Infrastructure and Transport
A/g Minister for Regional Development
A/g Minister for Local Government and Territories
Deputy Leader of the House
Member for Gippsland

ROADS TO RECOVERY STATEMENT OF EXPECTATIONS

The Roads to Recovery (R2R) Program makes a valuable contribution to safety, economic and social outcomes in communities through supporting maintenance of the nation's local roads.

In the 2016-17 Budget, the Australian Government took a decision to provide an additional \$50 million on an ongoing basis to the R2R Program from 2019-20, to bring the annual allocation to \$400 million across all councils in Australia.

The Government also ensured that the R2R Program did not contain a sunset clause under the *National Land Transport Act 2014*, safeguarding the continuation of this important program.

1,300 people died on Australian roads last year and the Australian Government has been working closely with all levels of government to develop a strategy to reduce fatalities and serious injuries on our roads.

The current National Road Safety Strategy 2011-2020 sets out a plan using the safe system approach, safer vehicles, safer speeds, safer people and safer roads to reduce fatal and serious injury crashes by at least 30 per cent. This approach calls for a holistic view of the road transport system and the interactions among roads and roadsides, travel speeds, vehicles and road users.

Unfortunately, after a decade of good results, the trend over the last two years has been going in the wrong direction.

In reviewing the outcomes of the R2R Program, I am pleased to see that 27 per cent of funding received by councils has been spent on road safety across the life of the current program. A further 34 per cent of spending has been to maintain the road asset, which also has safety benefits.

There is a considerable body of knowledge that indicates that well-designed road improvements reduce the rate of road crashes and serious injuries.

A study of the Australian Government's Black Spot Program in 2012 examined the crash reduction benefits of a variety of road treatments based on a sample of 1,599 projects across the country.

The Bureau of Infrastructure, Transport and Regional Economics estimated that the Black Spot Program is reducing fatal and casualty crashes in total at treated sites by 30 per cent.

The study found that roundabouts are the most effective treatment, reducing casualty crashes by over 70 per cent. Providing new traffic signals and altering the traffic flow direction are the next most highly effective treatments for most severity levels, reducing crashes by more than 50 per cent.

We do not have the same level of information to be able to assess the benefits of the R2R Program.

I would like to work with local councils to ensure that the R2R Program is delivering the best possible outcomes in the area of road safety. When selecting projects, I would urge councils to consider the likelihood that the selected project will reduce fatalities and serious injuries in crashes.

It may be that projects that may not have been able to be funded under State or Federal Black Spot programs could be delivered under the R2R Program.

In terms of road maintenance projects, improving the quality of the road asset through re-sheeting and resealing will have stronger safety outcomes than simply maintaining the quality through routine road maintenance.

I note that pedestrian and cycling facilities associated with a road can be funded under R2R. I do not propose to change the eligibility criteria, but ask that such projects are only prioritised if their specific aim is to improve safety for vulnerable road users.

Councils could consider pooling R2R funding or Financial Assistance Grants to prioritise and jointly improve the quality of roads in a region with a known crash record. Similar to the greater adoption of asset management plans, councils could draw up road safety plans on a network basis in conjunction with neighbouring councils.

I have asked my Department to improve the reporting of safety and other outcomes from the R2R Program and I would like councils to provide additional information on the benefits and outcomes of each project. I encourage you to evaluate the projects completed and how they have benefitted the local network and community (for example, crash reductions or travel efficiencies), to assist us to better monitor and evaluate the program. I ask that this information be provided as part of the annual reporting from councils. My Department will inform councils of new reporting templates that will need to be completed as a condition of funding release for future years.

I am also requesting councils provide the Department with more regular updates on the status of projects which are receiving funding under R2R. I know previously some councils have informed us once works have been completed rather than before they have begun. I would like councils to inform us of every project which will receive R2R funding before they commence work on them and update us on their progress each quarter. A higher level of

engagement than we have previously requested will allow both of us to benefit by keeping the local community informed of works underway.

The Commonwealth Government is committed to using Federal funding to improve employment opportunities for Indigenous Australians and I ask for this consideration to be applied to projects using R2R funding.

Lastly, I invite councils to write to me with ideas of how all levels of government could be improving road safety and the outcomes from the considerable investment we all make in the country's roads.

DARREN CHESTER

7 November 2017



BUDGET 2019: Factsheet

FACTSHEET

Road Safety Package

The Australian Government is determined to improve the safety of people on our roads by introducing new national initiatives and investing an additional \$2.2 billion through a package of road safety measures:

- establishing an Office of Road Safety to provide a national point of leadership on key road safety priorities and deliver new programs such as a \$12 million Road Safety Innovation Fund and \$4 million Road Safety Awareness and Enablers Fund providing grants for road safety awareness, education and collaboration initiatives;
- a Local and State Government Road Safety Package, including:
 - an additional \$1.1 billion for the Roads to Recovery Program, which supports investment in road maintenance and safety
 - an additional \$550 million for the Black Spot Program, which targets known high-risk locations and reduces on average serious crashes by 30 per cent
 - an additional \$275 million for the Heavy Vehicle Safety and Productivity Program to improve the safety and efficiency of heavy vehicle operations
 - an additional \$275 million for the Bridges Renewal Program to fund the replacement of bridges to make roads safer by reducing travel times
- \$2.6 million to support local governments to better manage the safety and maintenance of their road infrastructure networks;
- an additional \$6 million for National Heavy Vehicle Safety Initiatives, funding more projects to improve the safety of heavy vehicles on our roads; and
- an additional \$8 million to the successful Keys2drive program, which provides a free theory and practical lesson to learner drivers and their supervisors.

Why is this important?

- Road crashes cost the national economy about \$30 billion a year, but this is nothing compared to the immeasurable impact on families, friends, first responders and the wider community.

Who will benefit?

- The package will deliver significant benefits to the Australian community through reducing road trauma and serious injury. The Government is continuing its support for councils to invest in the safety and quality of local roads, especially in regional areas.

How much will this cost?

- With this additional investment, the Australian Government will spend \$3.1 billion per year on safety related infrastructure investments and other initiatives over the next four years.

COUNCIL
EXECUTIVE SERVICES
CHIEF EXECUTIVE OFFICER REPORT
16 APRIL 2019

4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER

4.2.1.1

**FEEDBACK ON THE DRAFT REPORTING DIRECTIONS AND PUBLIC INTEREST GUIDELINES
ISSUED BY THE INDEPENDENT COMMISSIONER AGAINST CORRUPTION
B8244**

Author: Governance Advisor

The *Public Interest Disclosure Act 2018* (the “Act”) passed through Parliament in 2018, and is yet to commence. Upon commencement, the Act will repeal the *Whistleblower’s Protection Act 1993*. The LGA has advised that the Act is expected to come into operation in 2019.

The purpose of the Act is to ‘encourage and facilitate the disclosure, in the public interest, of information about substantial risks to public health or safety, or to the environment, and about corruption, misconduct and maladministration in public administration’, in addition to ensuring that there is appropriate oversight of such disclosures. The Act establishes procedures provides protections for those making such disclosures. A copy of the Act is available via the link [here](#).

The Independent Commissioner Against Corruption (“ICAC”) has now published Draft Reporting Directions and Public Interest Guidelines (the “Reporting Directions and Guidelines”), pursuant to section 14 of the Act, and under the *Independent Commissioner Against Corruption Act 2012*. A copy of the draft Reporting Directions and Guidelines are attached to this report at [Attachment 1](#). The ICAC invited feedback on the draft Reporting Directions and Guidelines.

Due to the limited consultation period it was determined that the best approach was for officers to review and provide feedback on the draft Reporting Directions and Guidelines. Briefly, the feedback provided relates largely the practical implementation of the Act and Guidelines, and seek further guidance on these matters. A copy of the comments provided is attached to this report as [Attachment 2](#).

RECOMMENDATION:

That the report item 4.2.1.1 be received.

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FOR CONSULTATION

REPORTING DIRECTIONS

& PUBLIC INTEREST DISCLOSURE GUIDELINES

Issued by the Independent Commissioner Against Corruption
under the *Independent Commissioner Against
Corruption Act 2012* & *Public Interest Disclosure Act 2018*



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Introduction

This publication sets out the reporting directions imposed upon public officers under the *Independent Commissioner Against Corruption Act 2012* (ICAC Act). It also sets out the guidelines issued by the Independent Commissioner Against Corruption (the ICAC) under the *Public Interest Disclosure Act 2018* (PID Act).

The publication is divided into two parts. The first part sets out the ICAC reporting directions for public officers. The second part introduces the PID Act and sets out the ICAC's published guidelines under the PID Act (the PID guidelines).

All public officers must be familiar with these reporting directions and the PID guidelines. If you still have questions after reading this publication please visit the ICAC website (icac.sa.gov.au) or contact the Office for Public Integrity (OPI).

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PART ONE
REPORTING DIRECTIONS

What are my reporting obligations?

Every public officer has reporting obligations under the ICAC Act.

There are two different sets of reporting directions.

The first set applies to all public officers other than public officers within South Australia Police (referred to as SAPOL public officers).

The second set applies to all SAPOL public officers.

These reporting directions do not replace any other obligation you have to act. They are in addition to any other reporting obligation imposed on a public officer. For example, compliance with another reporting obligation (such as an internal agency policy requiring a report) does not negate the requirement to make a report to the OPI in accordance with the directions below. If you are unsure whether you are a public officer refer to the appendices of this publication.

Reporting directions for public officers (other than SAPOL public officers)

A public officer **must** report to the OPI any matter that the public officer reasonably suspects involves corruption in public administration **unless** the public officer knows that the matter has already been reported to the OPI.

A public officer **must** report to the OPI any matter that the public officer reasonably suspects involves serious or systemic misconduct or maladministration in public administration **unless** the public officer knows that the matter has already been reported to the OPI or the Ombudsman.

There is no obligation to report a matter that is an offence against the *Road Traffic Act 1961*.

Reporting directions for SAPOL public officers

The following reporting directions apply to you if you are:

- ▶ the Commissioner of Police
- ▶ a police officer
- ▶ a community constable
- ▶ a special constable
- ▶ a police cadet
- ▶ a police medical officer
- ▶ a public sector employee employed in SAPOL
- ▶ a protective security officer

A SAPOL public officer **must** report to the OPI any matter that the SAPOL public officer reasonably suspects involves corruption in public administration **unless** the SAPOL public officer knows that the matter has already been reported to the OPI.

A SAPOL public officer **must** report to the OPI any matter that the SAPOL public officer reasonably suspects involves serious or systemic misconduct or maladministration in public administration unless the SAPOL public officer knows that the matter has already been reported to the OPI.

A SAPOL public officer is not obliged to report to the OPI any matter reasonably suspected of involving misconduct or maladministration where the matter involves only SAPOL public officers.

There is no obligation to report a matter that is an offence against the *Road Traffic Act 1961*.

Understanding your reporting guidelines

The term **corruption** in public administration is defined in the ICAC Act. Corruption generally involves any criminal conduct by a public officer while acting in his or her capacity as a public officer and may include theft, bribery, assault or abuse of public office. The full statutory definition of corruption can be found in the appendices of this publication.

Both misconduct and maladministration in public administration are defined in the ICAC Act. Not all suspected misconduct or maladministration needs to be reported. The obligation to report only arises where the suspected misconduct or maladministration is considered '**serious or systemic**'.

Misconduct involves the conduct of a public officer which contravenes a code of conduct and constitutes a ground for disciplinary action, or other misconduct. The conduct must involve the public officer acting in his or her capacity as a public officer. The full statutory definition of misconduct can be found in the appendices of this publication.

Maladministration involves the conduct of a public officer or the practice, policy and procedure of a public authority that results in an irregular or unauthorised use of public money, the substantial mismanagement of public resources, or the substantial mismanagement of official functions. Maladministration is often associated with poor governance. The full statutory definition of maladministration can be found in the appendices of this publication.

SAPOL public officers need only report serious or systemic misconduct or maladministration involving public officers who are **not** SAPOL public officers. Misconduct and maladministration involving SAPOL public officers is dealt with under the *Police Complaints and Discipline Act 2016*.

What is serious or systemic?

The ICAC Act defines **serious or systemic** (insofar as it relates to misconduct or maladministration) as follows:

(2) *For the purposes of this Act, misconduct or maladministration in public administration will be taken to be **serious or systemic** if the misconduct or maladministration—*

- (a) *is of such a significant nature that it would undermine public confidence in the relevant public authority, or in public administration generally; and*
- (b) *has significant implications for the relevant public authority or for public administration generally (rather than just for the individual public officer concerned).*

> See ICAC Act, section 4(2)

Forming a reasonable suspicion

A suspicion is something short of knowledge or belief. You may not know something has occurred, but merely suspect it. For a suspicion to be reasonable there needs to be a rational basis for the suspicion.

A reasonable suspicion provides a threshold for reporting certain conduct to the OPI.

Further guidance on reporting

The ICAC website (icac.sa.gov.au) contains additional information that may be of assistance in understanding your reporting obligations, including but not limited to:

- ▶ the categories of public officers and authorities
- ▶ victimisation protections under the ICAC Act for those who make a report
- ▶ what to do if you are not sure about whether to make a report

Modified reporting obligations

For some public officers the reporting obligations contained in this publication have been modified. You should check the ICAC website (icac.sa.gov.au) to see if you are a public officer who has modified reporting obligations.

How do I make a report to the OPI?

Making a report to the OPI is simple. An online report form is available on the ICAC website (icac.sa.gov.au). Simply follow the links to the report form and complete the fields.

If you do not have access to the ICAC website the OPI will also receive your report by telephone, email, in writing or by face to face interview (appointment required).

If you wish to make a report other than by way of the online form, please ensure you are able to provide the following information:

- ▶ The names and positions of people involved in the alleged conduct.
- ▶ The public authority concerned (this will most likely be the employer or contracting agency of the person(s) of interest).
- ▶ The names and contact details of person(s) who may have witnessed the alleged conduct.
- ▶ The names and contact details of private citizens and companies who may be involved or have knowledge of the alleged conduct.
- ▶ Specific details of the allegation(s), including the nature of the alleged conduct, when the alleged conduct occurred, when you became aware of the alleged conduct and why you suspect the alleged conduct might be corruption, misconduct or maladministration.
- ▶ Whether you have contacted other agencies about the matter.
- ▶ Any action taken by another agency or authority about the matter.
- ▶ The details of any documentary evidence you may have.

Public officers are encouraged to provide their contact details when making a report. This enables the OPI to inform the reporter as to the outcome of his or her report and makes it easier to get in touch if we need further information. While a public officer can make a report anonymously, it may be difficult to progress the report if we need further information but cannot reach the reporter.

We understand that making a report can be intimidating. Both the ICAC Act and the PID Act provide protections for public officers who make a report.

If you are concerned about making a report you are encouraged to contact the OPI.

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PART TWO
PUBLIC INTEREST
DISCLOSURE GUIDELINES

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FOR CONSULTATION

What is a public interest disclosure?

The PID Act establishes a scheme that encourages and facilitates the disclosure of public interest information to certain persons or authorities (a public interest disclosure). It provides protections for those who make disclosures and sets out processes for dealing with disclosures.

The PID Act replaces the *Whistleblowers Protection Act 1993*.

There are two types of public interest information. The first is **environmental and health information**. The second is **public administration information**.

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Disclosures of environmental and health information

What is environmental and health information?

Environmental and health information means information that raises a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public (whether occurring before or after the commencement of the PID Act).¹

Who can make a disclosure of environmental and health information?

Anyone can make a disclosure of environmental and health information.

However, to gain the protections provided under the PID Act, a person who makes a disclosure of environmental and health information:

- ▶ must believe on reasonable grounds that the information is true; or
- ▶ not being in a position to form such a belief, believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated.

A disclosure of environmental and health information that is accompanied by either of these beliefs is referred to as an **appropriate disclosure** of environmental and health information for the purposes of the PID Act.

Who can receive a disclosure of environmental and health information?

For a disclosure to be considered an **appropriate disclosure** of environmental and health information it must be made to a **relevant authority**.

Where information relates to a risk to the environment you should consider making a disclosure to the Environment Protection Authority.

Where the information relates to a location within the area of a particular local council, you should consider making a disclosure to a member, officer or employee of that council.

There are other **relevant authorities** that can receive disclosures relating to environmental and health information.² The list of relevant authorities is included in the appendices in this publication.

² Section 5(5) of the PID Act specifies the relevant authorities that can receive a disclosure of public interest information.

Disclosures of public administration information

What is public administration information?

Public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of this Act): see section 4 of the PID Act.

The definitions of corruption, misconduct and maladministration in public administration are the same as those found in the ICAC Act and can be found in the appendices.

Who can make a disclosure of public administration information?

While anyone can make a disclosure of public administration information only public officers who make such a disclosure are eligible for the protections provided by the PID Act.

The term '**public officer**' is defined in Schedule 1 of the ICAC Act. The most common categories of public officer can be found in the appendices in this publication.

Who can receive a disclosure of public administration information?

To gain the protections provided by the PID Act a public officer must make a disclosure of public administration information to a **relevant authority** in circumstances where the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.

A disclosure of public administration information that is accompanied by such a suspicion is referred to as an **appropriate disclosure** of public administration information for the purposes of the PID Act.

There are a number of relevant authorities that can receive disclosures relating to public administration information.³ The list of relevant authorities is included in the appendices in this publication.

How do I make a disclosure of public administration information?

Each relevant authority will have its own procedures in relation to receiving public administration information. You should check with the relevant authority directly to understand how to make your disclosure to that relevant authority.

³ Section 5(5) of the PID Act specifies the relevant authorities that can receive a disclosure of public interest information.

What protections are given under the PID Act?

A person who makes an appropriate disclosure of public interest information is protected by that person's identity being kept confidential in accordance with section 8 of the PID Act.

- (1) *A person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or who otherwise knows that such a disclosure has been made, must not, without the consent of the informant, knowingly divulge the identity of the informant except—*
 - (a) *so far as may be necessary to ensure that the matters to which the information relates are properly investigated; or*
 - (b) *in accordance with any applicable guidelines prepared under section 14.*

Maximum penalty: \$20 000 or imprisonment for 2 years.

- (2) *The obligation to maintain confidentiality imposed by this section applies despite any other statutory provision, or a common law rule, to the contrary.*

> See PID Act, section 8

A person who makes an appropriate disclosure of public interest information has the immunity provided for in section 5(1) of the PID Act.

- (1) *If—*
 - (a) *a person makes an appropriate disclosure of environmental and health information; or*
 - (b) *a public officer makes an appropriate disclosure of public administration information,*

the person is not subject to any liability as a result of that disclosure.

> See PID Act, section 5(1)

The PID Act contains provisions dealing with victimisation of a person who suffers a detriment on the ground, or substantially on the ground, that the person has made or intends to make an appropriate disclosure of public interest information. This is addressed in section 9 of the PID Act which makes an act of victimisation a criminal offence.

I have an obligation to make a report to the OPI. Can I still be protected under the PID Act?

A public officer who makes a report to the OPI under the ICAC Act may also be protected under the PID Act. Where a public officer makes a report to the OPI about a matter the public officer reasonably suspects involves a potential issue of corruption, misconduct or maladministration in public administration, that report will also be an appropriate disclosure of public administration information because the OPI is itself a relevant authority.

Accordingly, such a report will ordinarily provide the public officer the protections under the PID Act.

The OPI will deal with your report in accordance with the ICAC Act but will also act consistently with the requirements of the PID Act. For more information about how the OPI deals with complaints and reports visit the ICAC website (icac.sa.gov.au).

Where can I find more information about the public interest disclosures?

- ▶ the *Public Interest Disclosure Act 2018*
- ▶ the ICAC website (icac.sa.gov.au).
- ▶ the Public Interest Disclosure Regulations (if created)

Guidelines issued under the *Public Interest Disclosure Act 2018*

These are the guidelines published by the ICAC under section 14 of the PID Act. The guidelines relate to four sections of the PID Act:

Guideline one:

Receipt, assessment & notification of appropriate disclosures (section 7)

Guideline two:

Notification of action taken (section 7)

Guideline three:

Informant confidentiality (section 8)

Guideline four:

Creation of procedural documents (section 12)

Guideline one:

Receipt, assessment
& notification of
appropriate disclosures
(section 7)

The action that must be taken upon receipt of an appropriate disclosure of public interest information must be in accordance with sections 7(1) and 7(2) of the PID Act.

Section 7(1) and 7(2) of the PID Act provides:

- (1) *A person to whom an appropriate disclosure of public interest information is made must assess the information as soon as practicable after the disclosure is made and, following such assessment—*
 - (a) *must (unless subsection (2) applies) take action in relation to the information in accordance with any applicable guidelines prepared under section 14 or, if no applicable guidelines exist, take such action as is appropriate in the circumstances; and*
 - (b) *must take reasonable steps to notify the informant (if the informant's identity is known) that an assessment of the information has been made and to advise the informant—*
 - (i) *of the action being taken in relation to the information; or*
 - (ii) *if, in accordance with subsection (2), no action is being taken in relation to the information—of the reasons why no action is being taken in relation to the information; and*
 - (c) *must provide OPI with information relating to the disclosure in accordance with any applicable guidelines prepared under section 14.*

> See PID Act, section 7(1)

(2) *No action need be taken in relation to an appropriate disclosure of public interest information if—*

- (a) *the information disclosed does not justify the taking of further action; or*
- (b) *the information disclosed relates to a matter that has already been investigated or acted upon by a relevant authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter.*

> See PID Act, section 7(2)

The following guidelines apply in respect of the action to be taken by **a person to whom an appropriate disclosure of information has been made** (the recipient of the disclosure) and in respect of the notification to the OPI of the receipt of the appropriate disclosure:

1. If the content of the disclosure suggests that there is an imminent risk of serious harm to any person or the public generally, the recipient of the disclosure **must** immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (eg. South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority).
2. If the recipient of the disclosure forms a reasonable suspicion that the matter(s) the subject of the disclosure involve(s) corruption in public administration, the recipient of the disclosure **must** comply with his or her reporting obligations under the ICAC Act.
3. If the recipient of the disclosure forms a reasonable suspicion that the matter(s) the subject of the disclosure involve(s) serious or systemic misconduct or maladministration in public administration, the recipient of the disclosure **must** comply with his or her reporting obligations under the ICAC Act.

Guideline one:

Receipt, assessment
& notification of
appropriate disclosures
(section 7)

4. If the recipient of the disclosure assesses the content of the disclosure as requiring further action (i.e. section 7(2) of the PID Act **does not** apply), the recipient of the disclosure must, unless (2) above applies, ensure that:
 - (a) such action as may be appropriate in the circumstances is taken by the recipient of the information to ensure the matter(s) the subject of the disclosure is properly addressed; or
 - (b) such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take such action.
5. The recipient of the disclosure **must** notify the OPI as soon as reasonably practicable of the receipt of the appropriate disclosure by making an electronic notification via the dedicated notification form on the ICAC website (icac.sa.gov.au) and must include in that notification:
 - (a) the date the disclosure was received;
 - (b) the name and contact details of the recipient of the disclosure;
 - (c) a summary of the content of the disclosure;

- (d) the assessment made of the disclosure and whether action was required, whether the matter had to be reported to the OPI;
 - (e) the action taken by the recipient of the disclosure:
 - (i) whether the disclosure was referred to a relevant authority, public authority or public officer or another person; and
 - (ii) if the disclosure was referred to a relevant authority, public authority or public officer or another person:
 - (1) the date of the referral;
 - (2) the identity of the relevant authority, public authority or public officer or another person to whom the disclosure was referred;
 - (3) the manner of referral; and
 - (4) the action to be taken by that relevant authority, public authority or public officer or another person (if known).
 - (f) whether the identity of the informant is known only to the recipient of the disclosure or if the identity of the informant has been communicated to a relevant authority, public authority or public officer or another person (and if so, the reasons why such communication was made).
6. The recipient of the disclosure must retain the unique reference number issued by the OPI upon the making of a notification and must ensure that that unique reference number is provided to any other person or authority to whom the disclosure is referred.

Guideline two:

Notification of action taken (section 7)

In addition to the requirement for OPI to be notified when an appropriate disclosure of public interest information is received, the OPI **must** also be notified of any action taken in relation to the disclosure.

Section 7(3) of the PID Act provides:

- (3) *A person who takes action referred to in subsection (1)(a) in relation to public interest information or, if such action consists of referring the disclosure of public interest information to another person, the person to whom it is referred—*
- (a) *must take reasonable steps to notify the informant (if the informant's identity is known) of the outcome of that action; and*
 - (b) *must provide OPI with information relating to the outcome of that action in accordance with any applicable guidelines prepared under section 14.*

> See PID Act, section 7(3)

The following guidelines apply in relation to the notification to the OPI of the outcome of any action taken upon receipt of, or referral of, an appropriate disclosure of public interest information.

A person to whom information has been provided by the recipient of a disclosure must notify the OPI as soon as reasonably practicable via the online notification form (icac.sa.gov.au). The following information will be required:

- (a)** the unique identification number issued by the OPI upon notification of the original disclosure;
- (b)** the name and contact details of the notifier;
- (c)** the name and contact details of the person or authority responsible for taking the action;
- (d)** what (if any) findings were made in respect of the disclosure;
- (e)** the nature of the action taken (if any);
- (f)** the outcome of any action taken
- (g)** whether the identity of the informant was disclosed to a person other than the original recipient of the disclosure; and
- (h)** whether the informant was notified of the action taken and, if so, when that notification was made.

Guideline three:

Informant confidentiality (section 8)

The PID Act creates an obligation to maintain the confidentiality of all people who make an appropriate disclosure of public interest information.

Section 8 of the PID Act provides:

- (1) *A person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or who otherwise knows that such a disclosure has been made, must not, without the consent of the informant, knowingly divulge the identity of the informant except—*
 - (a) *so far as may be necessary to ensure that the matters to which the information relates are properly investigated; or*
 - (b) *in accordance with any applicable guidelines prepared under section 14.*

Maximum penalty: \$20 000 or imprisonment for 2 years.

- (2) *The obligation to maintain confidentiality imposed by this section applies despite any other statutory provision, or a common law rule, to the contrary.*

> See PID Act, section 8

The following guidelines apply in respect of section 8(1) of the PID Act.

- 1.** A person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or a person who otherwise knows that such a disclosure has been made (all of whom are called the recipient) may divulge the identity of an informant where:
 - (a)** the recipient believes on reasonable grounds that it is necessary to divulge the identity of the informant to prevent or lessen an imminent risk of serious harm to any person; and

the identity of the informant is divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious harm.

or
 - (b)** the recipient has been issued with a notice from the OPI advising that the identity of the informant is required by the OPI, in which case the recipient may disclose the identity of the informant to the OPI.
- 2.** If the identity of an informant is disclosed to the OPI in response to a notice made by the OPI pursuant to (1)(c) of guideline three (above), the OPI must not disclose the identity of the informant to another person or authority without the written authorisation of the ICAC or the Deputy ICAC.

Guideline four:

Creation of procedural documents (section 12)

Section 12 of the PID Act requires the principal officer of a public sector agency to prepare a document setting out the procedures related to making and dealing with appropriate disclosures of public interest information, and to make the document publicly available.

Section 12(4), (5) and (6) of the PID Act provides:

- (4) *The principal officer of a public sector agency must ensure that a document setting out procedures—*
 - (a) *for a person who wants to make an appropriate disclosure of public interest information to the agency; and*
 - (b) *for officers and employees of the agency dealing with such a disclosure,**is prepared and maintained in accordance with any applicable guidelines prepared under section 14.*
- (5) *The document required under subsection (4) must—*
 - (a) *without limiting that subsection, include—*
 - (i) *clear obligations on the public sector agency and its officers and employees to take action to protect informants; and*
 - (ii) *risk management steps for assessing and minimising—*
 - (A) *detrimental action against people because of public interest disclosures; and*
 - (B) *detriment to people against whom allegations are made in a disclosure; and*
 - (b) *be made available free of charge on the Internet, and at premises determined by the responsible Minister, for inspection by members of the public.*

(6) This section does not apply to—

- (a) a public sector agency consisting only of a single person; or*
- (b) a public sector agency that has been granted an exemption, in writing, by the [ICAC].*

> See PID Act, section 12(6)

The following guidelines apply in respect of section 12 of the PID Act and are in addition to those requirements specified in section 12(5) of the PID Act.

- 1.** The principal officer of a public sector agency must ensure that the document containing the procedures for section 12(4) of the PID Act includes:
 - (a)** A clear statement from the principal officer outlining his or her expectations in respect of the operation and implementation of the PID Act, including a statement as to the principal officer's commitment to the protection of informants and to the genuine and efficient consideration and action in relation to information provided in a public interest disclosure.
 - (b)** The manner in which the public sector agency will receive a disclosure of public interest information, including:
 - (i)** specifying the precise way in which a disclosure can be securely received, including URL links, particular telephone numbers, email addresses and postal addresses;
 - (ii)** what steps will be in place to ensure public interest information will be securely received and stored; and
 - (iii)** the person (either by reference to positions or individuals) who will have responsibility for ensuring compliance with those steps.

Guideline four:

Creation of procedural documents (section 12)

- (c) The criteria that will be applied in the assessment of a public interest disclosure.
- (d) The person within the public sector agency (either by reference to positions or individuals) who will conduct an assessment of a public interest disclosure.
- (e) The manner in which details of the assessment will be securely stored and the person (either by reference to positions or individuals) in the public sector agency who might be advised of the assessment.
- (f) The manner in which the public sector agency will take steps to minimise the potential for an informant to be victimised as a consequence of making, or intending to make, a public interest disclosure.
- (g) Information as to the manner in which a person, who suspects that they may have been or will be the subject of detriment on the grounds of having made, or being about to make, a public interest disclosure, can report that suspicion and to whom (either by reference to positions or individuals).
- (h) The manner in which an informant will be kept informed as to action taken in respect of a disclosure.
- (i) The person (either by reference to positions or individuals) in the public sector agency who can be contacted if the informant believes that his or her disclosure is not being dealt with appropriately.

APPENDICES

Who is a public officer?

Public officers include:

The Governor	A member of parliament	A member of the Joint Parliamentary Services Committee
A judicial officer	A member of staff of the state courts administration council	A person who constitutes a statutory authority
A statutory office holder	A member of the governing body of a statutory authority of a statutory authority	An officer or employee of a statutory authority or statutory office holder or statutory office holder
A member of a local government body	An officer or employee of a local government body	The Local Government Association of South Australia
A person who is a member of the governing body of the Local Government Association of South Australia	An officer or employee of the Local Government Association of South Australia	The chief executive of an administrative unit of the Public Service
A public sector employee (including a public servant)	A police officer	a protective security officer appointed under the <i>Protective Security Act 2007</i>
An officer or employee appointed by the employing authority under the <i>Education Act 1972</i>	A person appointed by the Premier under the <i>Public Sector Act 2009</i>	A person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act
A person who is, in accordance with an Act, assisting a public officer in the enforcement of the Act	A person performing contract work for a public authority or the Crown (including an employee of the contractor)	A private certifier within the meaning of the <i>Development Act 1993</i>
An authorised examiner appointed under paragraph (b) or (c) of the definition of authorised examiner in section 5(1) of the <i>Motor Vehicles Act 1959</i>		

For a full list of public officers and public authorities see Schedule 1 of the *Independent Commissioner Against Corruption Act 2012* and the *Independent Commissioner Against Corruption Regulations 2013*.

If you are still unsure whether you are a public officer contact the OPI.

Definitions of corruption, misconduct and maladministration

Corruption in public administration means conduct that constitutes—

- (a) *an offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:*
 - (i) *bribery or corruption of public officers;*
 - (ii) *threats or reprisals against public officers;*
 - (iii) *abuse of public office;*
 - (iv) *demanding or requiring benefit on basis of public office;*
 - (v) *offences relating to appointment to public office; or*
- (b) *an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or*
- (ba) *an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or*
- (c) *any other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or*

> See ICAC Act, section 5(1)

- (d) *any of the following in relation to an offence referred to in a preceding paragraph:*
- (i) *aiding, abetting, counselling or procuring the commission of the offence;*
 - (ii) *inducing, whether by threats or promises or otherwise, the commission of the offence;*
 - (iii) *being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;*
 - (iv) *conspiring with others to effect the commission of the offence.*

> See ICAC Act, section 5(1)

Misconduct in public administration means—

- (a) *a contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or*
- (b) *other misconduct of a public officer while acting in his or her capacity as a public officer.*

> See ICAC Act, section 5(3)

Maladministration in public administration—

- (a) means—
 - (i) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - (ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
- (b) includes conduct resulting from impropriety, incompetence or negligence; and
- (c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

> See ICAC Act, section 5(4)

List of relevant authorities

Section 5(5) of the PID Act specifies the relevant authorities to which a disclosure of public interest information can be made.

- (5) *A disclosure of public interest information is made to a relevant authority if it is made to—*
- (a) *where the information relates to a public officer—*
 - (i) *a person who is, in accordance with any guidelines prepared under section 14, designated as a person who is taken to be responsible for the management or supervision of the public officer or to the relevant responsible officer; or*
 - (ii) *a person who is, in fact, responsible for the management or supervision of the public officer or to the relevant responsible officer; or*
 - (b) *where the information relates to a public sector agency or public sector employee—*
 - (i) *the Commissioner for Public Sector Employment; or*
 - (ii) *the responsible officer for the relevant public sector agency; or*
 - (c) *where the information relates to an agency to which the Ombudsman Act 1972 applies—the Ombudsman; or*
 - (d) *where the information relates to a location within the area of a particular council established under the Local Government Act 1999—a member, officer or employee of that council; or*
 - (e) *where the information relates to a risk to the environment—the Environment Protection Authority; or*

> See PID Act, section 5(5)

- (f) *where the information relates to an irregular and unauthorised use of public money or substantial mismanagement of public resources—the Auditor-General; or*
- (g) *where the information relates to the commission, or suspected commission, of any offence—a member of the police force; or*
- (h) *where the information relates to a judicial officer—the Judicial Conduct Commissioner; or*
- (i) *where the information relates to a member of Parliament—the Presiding Officer of the House of Parliament to which the member belongs; or*
- (j) *where the information relates to a person or a matter of a prescribed class—an authority declared by the regulations to be a relevant authority in relation to such information; or*
- (k) *a Minister of the Crown; or*
- (l) *OPI; or*
- (m) *any other prescribed person or person of a prescribed class.*

> See PID Act, section 5(5)

DRAFT
FOR CONSULTATION

Feedback on the Draft Reporting Directions and Public Interest Guidelines issued by the ICAC/OPI

General comments/feedback:

1. Practical Implementation of the Act and Guidelines

Further guidance is required on how the Act and Guidelines are to be implemented on a practical level (eg. workshop, template documents etc.). For example, if an Informant wishes to make a disclosure of Environmental and Health Information relating to a location within the Council area, they could make that disclosure to an employee, officer or Elected Member of that Council. If such disclosure is made to a customer service officer at front desk (or even a gardener, grader operator or a tourism officer for instance), confidentiality requirements would need to be complied with at that point. However, depending on the nature of the matter, the customer service officer (or many other public offices) will not have the skills and qualifications in the vast majority of customer requests to determine whether the matter 'raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public'. S/he would have to forward the matter to a relevant internal officer such as a Health Officer, Risk Officer or General Inspector/officer with appropriate authorisations and delegations, experience and skills. While this may not breach the confidentiality requirements, this may be an issue because:

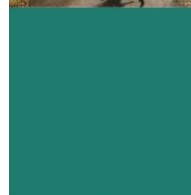
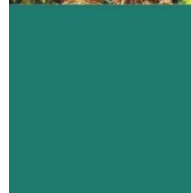
- i. most councils record customer requests using an open, unrestricted software system; and
- ii. at the first instance, it might not be apparent to the person receiving the disclosure, that the disclosure 'raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public'.

With respect to (iii), in a number of cases, the risk posed can only be assessed once a relevant officer has undertaken preliminary assessment and potentially inspects the issue to which the disclosure relates. It is onerous for the person receiving the disclosure to have to make a determination in the first instance with respect to the nature of the risk, given that they may not have the appropriate qualifications and knowledge to do so. It is also onerous for Council's customer request systems to have to adapt to the confidentiality requirements. It is not clear whether Council's customer request software systems are capable of restricting access to customer requests of this nature.

On the other hand, if all Environmental and Health Information is forwarded directly to relevant officers, this may create strains on workloads and resources. At the extreme, to mitigate person and organisational risk there is a potential for every customer request to be assumed to raise a potential issue of a substantial risk to the environment or the health and safety of the public/significant section of the public until proven otherwise. Each and every customer request of this nature would need to be investigated in order to ensure that it does not meet the above definition in addition to reporting to OPI, delaying performance and resolution of matters and dropping services to the community. Further guidance is requested on how these types of customer requests can be triaged by Councils, and staff with appropriate qualifications and knowledge. This could be achieved by providing guidance in definitions of threshold tests to consider the reporting level of "substantial risk". Further guidance is needed on how Council is expected to strike a balance between efficiency, in terms of resolving customer requests and Appropriate Disclosures, and PID requirements, such as reporting etc., without being liable for maladministration for, for example, taking a zero tolerance approach and reporting everything.

Other Comments:

- i. There is the potential that Councils could be required to make two reports one under PID and one under ICAC and clarification is sought. See also paragraph 8 below.



- ii. Further emphasis and concern is placed on the lack of clarity and direction regarding a sound test for the limit for reporting or not reporting with the potential that public authorities and the OPI face significant resource issues
- iii. Clarity regarding the implementation date is needed to provide lead in for associated policy, process, and training work to be completed.

2. Definition of the term 'designated' with respect to section 5(5)(a)(i) of the Act

Section 5(5)(a)(i) of the Act stipulates that a disclosure relating to a public officer can be made to a person who, in accordance with the Guidelines, is designated as a supervisor or manager of the public officer; or the actual supervisor or manager of the public officer. However, the Guidelines do not provide any guidance on what the term 'designated' means. In the absence of specific guidelines on this matter, it is not clear whether this sub-section then becomes redundant and cannot be used (ie. and disclosures can only be made to the actual supervisor/manager), or whether a common sense approach to the meaning of the word 'designated' should be taken. In any event, the Act specifies as an alternative, that such a disclosure be made to a responsible officer, or to the supervisor or manager of the public officer. However, our feedback is for definition of the term 'designated' to be included in the Guidelines.

3. Qualifications of Responsible Officers

The Act states that the Regulations will prescribe qualifications for Responsible Officers. The LGA recently issued a summary document on the Act that indicates that the Guidelines will provide some guidance on this matter. However, no such guidance has been provided in the interim. We would appreciate clarification on when the Regulations are likely to be issued, whether they will include regulation on this matter, and whether Responsible Officers should have any qualifications in the interim.

Further clarity is also required as to why Responsible Officers require qualifications, whereas other officers, who are entitled, under the Act to receive and act on Appropriate Disclosures (eg: supervisors (public administration information); Elected Members and any other Council officers (environmental and health information)) are not required to have qualifications pertaining to the PID Act.

4. Single Point of Contact for all Public Interest Disclosures

Another issue that needs clarification and further guidance, is whether there can be, or should be a single point of contact for all Public Interest Disclosures made to Council. There is ambiguity as to the role of the Responsible Officer, as there are a number of other officers/employees/Elected Members to whom disclosures can be made, depending on the type of disclosure. Do Responsible Officers act as a single point of contact for all Public Interest Disclosures, or do the confidentiality requirements preclude officers from forwarding disclosures to the Responsible Officer, where there is no apparent need to do this with respect to the investigation? For example, can an Elected Member who receives a disclosure of Environmental and Health Information forward the disclosure to the Responsible Officer to action, or is the Elected Member required to carry out the duties/obligations of section 7 of the Act? Further, is it appropriate to place the onus of confidentiality on an Elected Member, or other officer/employee, where it is not known in the first instance, whether the information provided is an appropriate disclosure (eg. whether it meets the risk threshold of Environmental and Health Information) – see also feedback at paragraph 1 above.

Feedback on Part One: Reporting Directions

- 5. The Reporting Guidelines state on page 5 that there is no obligation to report a matter that is an offence against the *Road Traffic Act 1961*. For completeness, it would be good to have some information in the Reporting Directions on how these would be dealt with.
- 6. On page 9, the statement 'If you wish to make a report other than by way of the online form, please ensure you are able to provide the following information...' seems to indicate that the information stated on the page will not be required if the online form is completed. However, the information stated on the page includes critical components of the disclosure, and would be necessary for any investigation or further action to be undertaken. Suggest review.

Feedback on Part Two: Public Interest Disclosure Guidelines

7. On page 14, the last paragraph indicates that if a disclosure of environmental health information is made with either of the beliefs stated in the preceding paragraphs, it will be deemed an Appropriate Disclosure. This is inaccurate. In order to be deemed an Appropriate Disclosure, in addition to the "beliefs" stated on page 14 of the Guidelines, the disclosure must be made to a relevant authority. This requirement is stated at the first paragraph on page 15 and, for completeness and clarity, should be moved to page 14.
8. The Guidelines state at page 23 that if the recipient of an Appropriate Disclosure forms a reasonable suspicion that the matters the subject of the disclosure involves corruption in public administration or serious and systemic misconduct or maladministration, then the recipient of the disclosure must comply with their reporting obligations under the ICAC Act. This would mean that in such cases, the person making the disclosure and the person receiving the disclosure are required report to the OPI under the ICAC Act, in addition to the person receiving the disclosure reporting under the PID Act? Further direction is required on this matter, as multiple reporting requirements may become onerous on Council officers, as well as OPI staff.
9. On page 27, at item (b), it is not clear whether the term 'notifier' is referring to the person who received the Appropriate Disclosure; the person providing the notification to the OPI (if this is different to the recipient), or the Informant.
10. On page 32 at item (d), it is not clear whether the person who conducts the assessment of the Appropriate Disclosure is the recipient of the disclosure, or whether this can be someone else. The Act seems to indicate that the person who conducts the assessment must be the recipient of the Appropriate Disclosure. This is compounded by the fact that a person receiving the Appropriate Disclosure cannot reveal the identity of the Informant unless it is for the purposes of carrying out an investigation.

Practically, it is likely that in some circumstances, officers who receive the Appropriate Disclosure would have to forward this to another officer for investigation. For example, a customer service/front desk officer (or indeed any other officer who has customer contact) may receive an Appropriate Disclosure on environmental and health information relating to a location within the council area. The customer service officer might then forward this to the Responsible Officer or to a relevant officer with the necessary knowledge and qualifications to conduct a preliminary investigation to ensure that it falls under the ambit of "environmental and health information". There is little guidance on what types of issues would need to be investigated. There is an added challenge in that the Informant providing the information may not know that the matter raises a potential issue of a substantial risk to the environment or to the health and safety of the public generally, or a significant section of the public. Further, the customer service officer (or other officer) may not have the necessary qualifications to correctly identify the risks raised by the issue.

When forwarding the matter to the relevant officer, the customer service officer would also need to forward the details of the Informant so that the Informant can be notified of action taken etc. in accordance with the Act. This may not breach the confidentiality requirements, however, clarity on this matter is required. Not all matters would need to be forwarded, as the officer receiving the matter might have the knowledge and ability to deal with it themselves. However, for practical and resource management reasons, and in order to ensure that all matters are handled appropriately and consistently through set channels, Council might want to create a procedure requiring all officers who receive the above type of disclosure to, for example, forward it to a Responsible Officer instead of dealing with it themselves. Therefore, guidance is necessary on whether the person conducting the assessment has to be the recipient of the Appropriate Disclosure. See also paragraphs 1 and 4 above.

COUNCIL

CORPORATE AND COMMUNITY SERVICES

CONSENSUS

16 APRIL 2019

4.3.1 CONSENSUS AGENDA – DIRECTOR

4.3.1.1 SOUTH AUSTRALIAN REGIONAL VISITOR STRATEGY REPORT
B9054

The Chairperson of the South Australian Regional Tourism Strategy Steering Committee has provided the first report on progress in the Barossa in implementing the South Australian Regional Visitor Strategy. Developed through a partnership of the Regional Tourism Chairs Forum, the Regional Development Australia network, the Local Government Association of South Australia, Tourism Industry Council SA and the South Australian Tourism Commission, the Strategy outlines the shared priorities of South Australia's eleven regions. The following *attachments* are provided:

- Attachment 1: Letter from the Chairperson, South Australian Regional Tourism Strategy Steering Committee
- Attachment 2: South Australian Regional Visitor Strategy First Progress Report February 2019 - Barossa
- Attachment 3: The shared priorities of South Australia's 11 tourism regions – Regional Tourism Infrastructure – March 2019

RECOMMENDATION:

That report 4.3.1.1 be received and noted.

Martin McCarthy
CEO
The Barossa Council
PO Box 867
NURIOOTPA SA 5355

Dear Mr McCarthy

Re: The South Australian Regional Visitor Strategy – first report on progress

I am writing to report on progress in the Barossa in implementing the South Australian Regional Visitor Strategy.

Developed through a partnership of the Regional Tourism Chairs Forum, the RDA network, the Local Government Association of South Australia, Tourism Industry Council SA and the South Australian Tourism Commission, the Strategy outlines the shared priorities of South Australia's eleven regions. Launched by Minister Ridgway in June 2018 the plan covers the period to December 2020.

Local government is a key player in delivering enabling support for regional visitor economies and I warmly acknowledge Councils' support in developing and now implementing the Strategy.

The Strategy Steering Committee's focus on implementing the actions outlined in the Strategy includes half-yearly progress reports to all key stakeholders.

Enclosed is the first progress report for the Barossa. While it is early days, I think you will be impressed with how many actions have commenced and the potential for significant progress to be achieved by the end of 2020.

I also enclose an important summary of the top regional tourism infrastructure priorities compiled by the Steering Committee based on advice from the eleven regional tourism organisations. As your region's RTO, Tourism Barossa played a central role in working with the Steering Committee to shape the Strategy and these priorities.

The Regional Visitor Strategy is available online at <https://tourism.sa.gov.au/research-and-statistics/strategies/south-australian-regional-visitor-strategy>. I would be happy to send you a hard copy if you require one.

Thank you to your Council for its involvement in the visitor economy.

Yours sincerely



Helen Germein Edwards

Chairperson

South Australian Regional Tourism Strategy Steering Committee

M: [0417 388125](tel:0417388125)

Helen@visitadelahills.com.au



South Australian Regional Visitor Strategy

First Progress Report February 2019

Barossa

Action	Status	Comment
Marketing		
Leverage the Barossa's strong brand position	In progress	Barossa Partnerships alliance continued to collaborate in leveraging Brand Barossa.
Increase midweek occupancy	In progress	Continued to seek corporate and incentives business to assist in smoothing midweek occupancy
Increase efforts towards key international markets	In progress	International Wine Tourism project (\$841k) China and USA markets, led by Barossa Grape & Wine Association on behalf of Barossa Partnerships. Close collaboration with SATC to leverage this project.
Leverage established global marketing platforms	In progress	Continued to deliver Tourism Barossa's Export Marketing Plan
Grow cruise visitation		

Events		
Become Australian's premium regional events destination	In progress	SATC sponsor the Barossa Vintage Festival and the Barossa Gourmet Seasons Festivals through its Regional Events & Festivals Program
Build length of stay and spend around the main food and wine festivals	In progress	Work on implementing the region's events strategy of encouraging diversity of programming across major food and wine festivals continued
Build capability to attract more major business events	In progress	Encouraged ongoing development of experiences and activities for MICE market

Collaboration		
Leverage the Epicurean Way	In progress	Used as key collateral for international trade
Support Visitor Information Centres to adapt to change	In progress	Barossa VIC \$135k International Wine Tourism project
Collaborate with key tourism, business and events organisations to cohesively promote the region	In progress	Launch of collective destination marketing campaign Feb 2019

Accommodation		
Seek iconic 3- to 4-star project of scale for major events and conferences	In progress	Focusing on 4-star hotel 100 – 150 rooms. Investment opportunities are being promoted.
Develop 241 new rooms	In progress	There are projects in the pipeline that should see results by early 2021.
Upgrade 27 rooms (3- to 4-star)	In progress	Some small scale accommodation rooms have been upgraded. On target.

Experience Development		
Increase the number and breadth of commissionable products	In progress	Key outcome of the Barossa First International Wine Tourism project is the increase of wine tourism product

Industry Capability		
Build international marketing and distribution capabilities	In progress	International Wine Tourism project

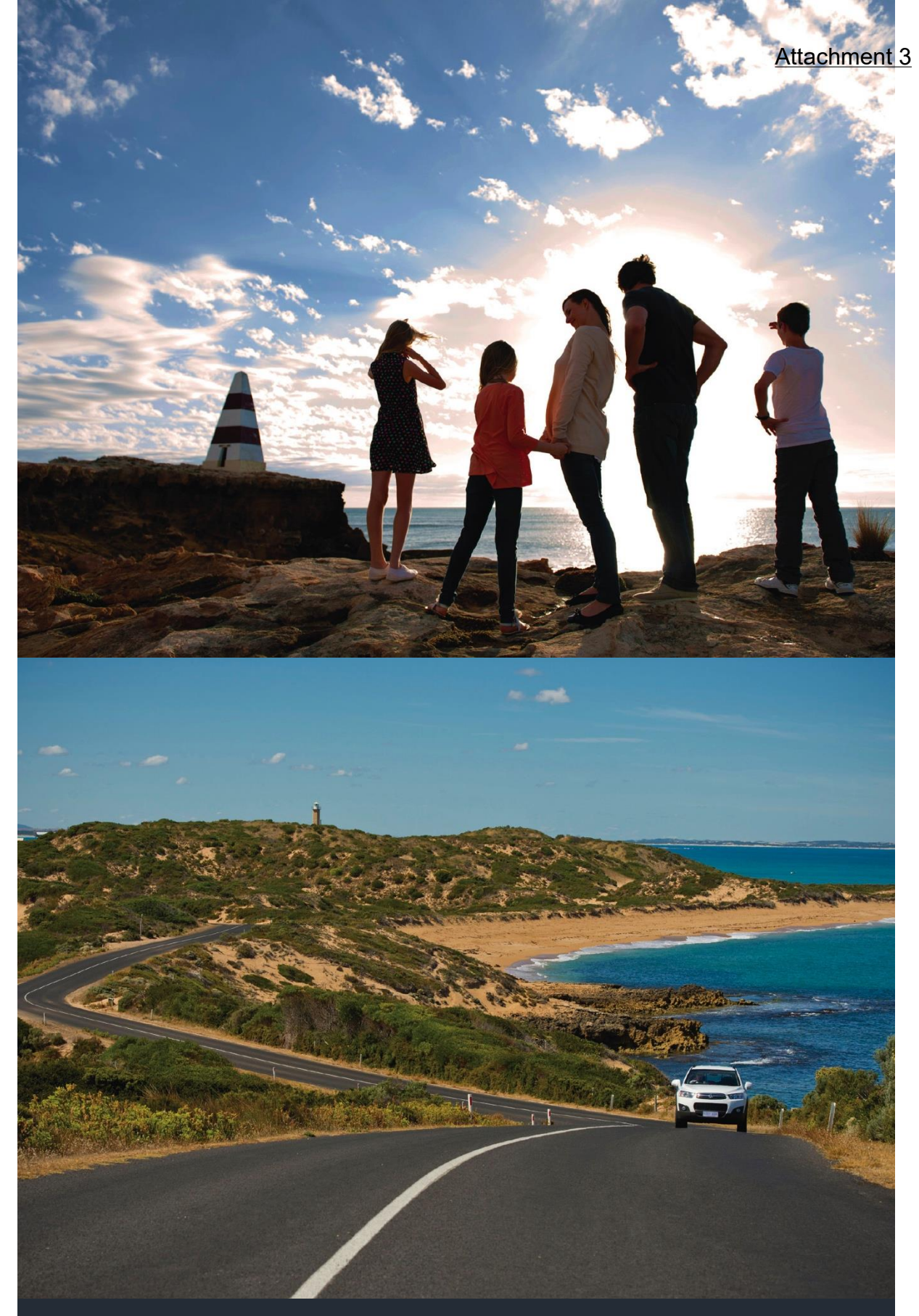
Visitor Infrastructure		
Improve visitor wayfinding including signage	In progress	Ongoing issue across region
*Seal Lyndoch and Gerald Roberts Roads	In progress	\$500k for Lyndoch Rd (State Budget 2018)
*Extend cycling trails - Seppeltsfield Rd and Barossa part of Clare-Hahndorf trail	In progress	Shovel-ready projects being prepared for grant funding opportunities.
*Improve directional signage	Not yet started	

* Identified in supplementary list of regions' infrastructure priorities

The shared priorities of South Australia's 11 tourism regions

Regional Tourism Infrastructure

March 2019



SOUTH AUSTRALIAN
REGIONAL
VISITOR STRATEGY

The SA Regional Visitor Strategy 2018

A first.

All 11 South Australian regions combined to forge a shared strategy for regional South Australia.

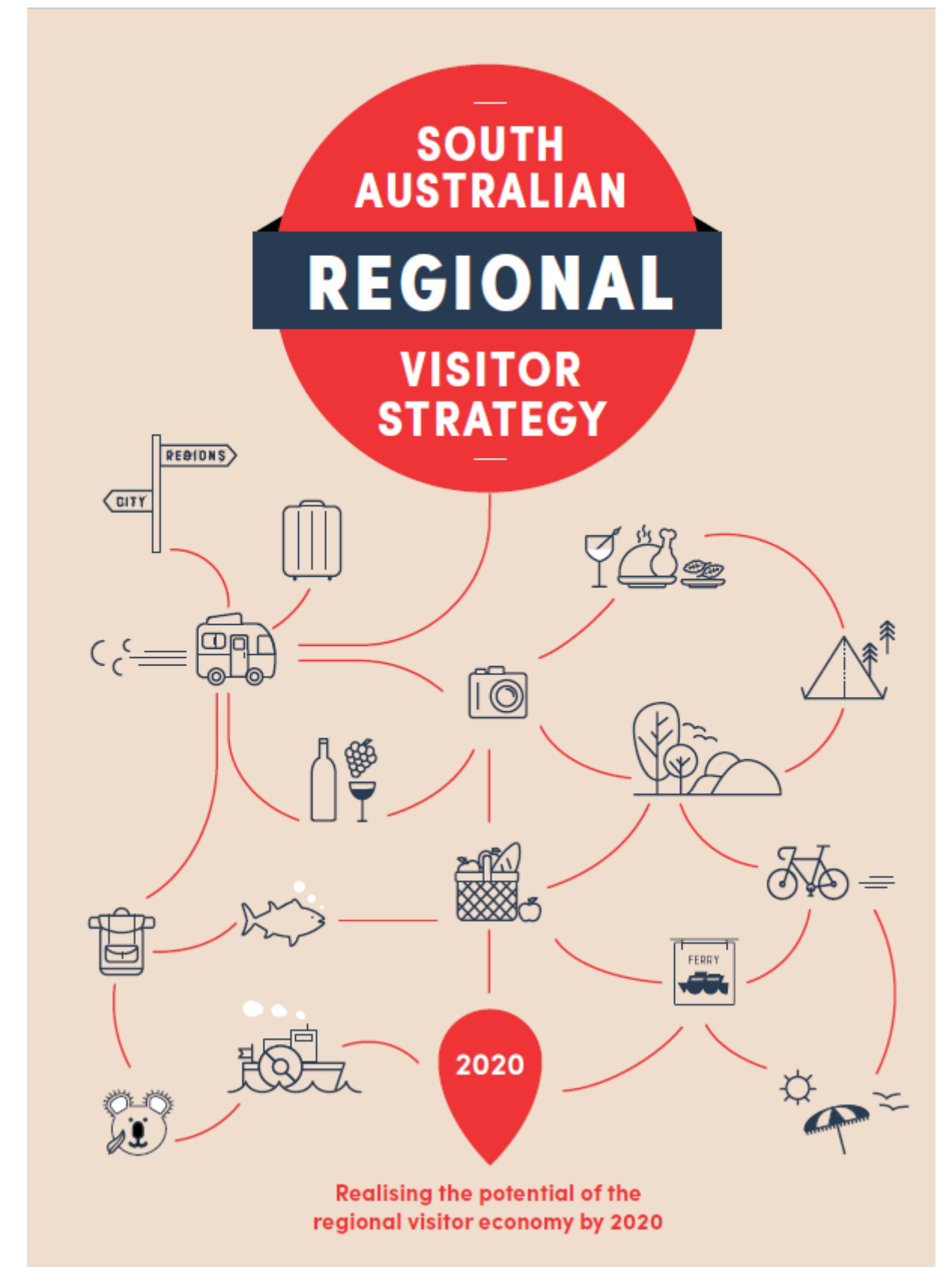
The outcome. They identified the top actions required to enable regional South Australia to meet its 2020 targets:

\$3.55b in visitor spend

1000 additional jobs

A key element: enabling infrastructure, carefully prioritised

Note: all cost estimates are whole-of-project. All projects could assume varying levels of investment by all tiers of government and in some cases the private sector.



1. Address key telecommunications blackspots

The most common infrastructure concern identified by regions

There are approximately 1 100 registered mobile black spots in SA – a big challenge

But addressing just 50 key black spots, nominated by regions, will generate major tourism outcomes

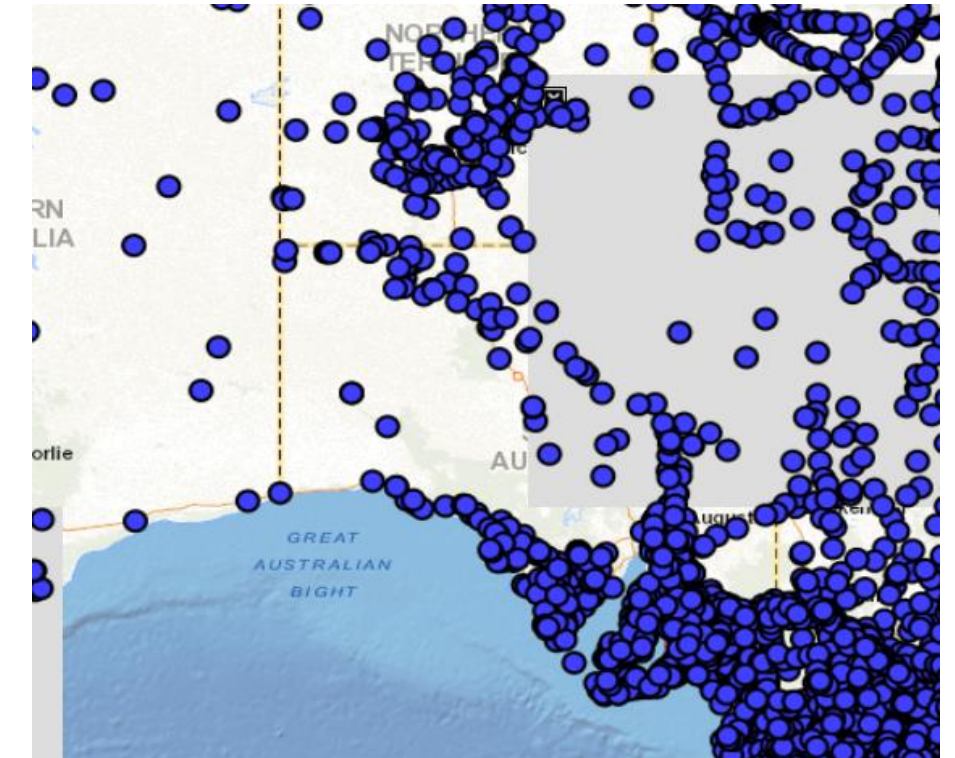
Several large and remote regions –Flinders Ranges and Outback SA and Eyre Peninsula – have proposed more substantial investments to ensure traveller safety.

Priorities:

- Improve mobile telephony services in remote and hilly regions
- Extend coverage on key touring routes
- Improve coverage in key national parks

Benefits: improved business efficiency, tourism experience and traveller safety

Cost: \$50m



2. Seal the Strzelecki Track

Seal the Strzelecki Track from Lyndhurst to the Queensland border

Outcome: a sealed route across inland Australia to and from SE Queensland linking Queensland's Adventure Way with SA's road network

Distance 475 km.

Benefits:

- New route options for drive tourists, especially 2WD and car-hire tourists
- Increased visitor flows and spend in the Flinders Ranges, Outback, Eyre Peninsula, Clare Valley and other regions
- \$17m pa increased visitor spend in SA alone
- \$142m pa improved oil and gas sector productivity
- \$3m pa beef industry uplift

Cost: \$450m

Initial cost: \$1m for a study to identify and refine key cost components for a definitive project business case



3. Improve tourism amenities on key drive routes

Upgrade amenities on the State's six designated touring routes:

- Camping areas, rest areas, viewing bays, toilets, signage and other amenities
- Plan for new needs eg the electric highway
- The level of need is greater in remote regions but improvements are required along all six designated touring routes and other major routes (Eyre and Goyder Highways)

Benefits: Increased spend by Australian drive tourists
 Greater access to less-obvious places and experiences
 Improved experience for demanding international travellers

Example: Eyes on Eyre review of drive tourism amenity upgrades required across Eyre Peninsula. Cost of regional implementation: \$20m

Cost: \$90m



4. Upgrade key coastal infrastructure

Upgrade key wharves, jetties and boat ramps

Benefits:

- Maximise the demonstrated value of key amenities along South Australia's long and spectacular coastline
- Minimise the risk of lost revenue when this highly vulnerable infrastructure is damaged
- Examples: Victor Harbor causeway (damaged at the onset of peak season) and jetties and boat ramps on Yorke, Eyre and Fleurieu Peninsulas and the Limestone Coast

Cost: \$100m



ICONIC: The Granite Island causeway track has dropped in one section, stopping the horse-drawn tram. Picture: GARY JULEFF

Call for Granite Island causeway overhaul

MICHELLE ETHERIDGE
THE Granite Island causeway needs a huge cash injection to fix the heritage-listed land-

time before something was going to happen," Mr Veenstra said. "There's a lot of replacement pylons that have been put out there over the last 30 or

which is still open to foot traffic. The Transport Department will carry out works to fix the damaged section of the causeway by the end of the week.

to strongly advocate for a much-needed upgrade of the heritage-listed structure." Mick Dyer, co-owner of Oceanic Victor, which runs

5. Upgrade River Murray boating infrastructure

Improve boat ramps, jetties, navigation aids, signage, toilets, lighting and viewing bays

Key sites include Swan Reach, Mannum, Murray Bridge, Meningie, Hindmarsh Island, Goolwa Barrage, Lakes Albert and Alexandrina, Renmark, Berri, Loxton, Waikerie and Morgan

Benefits

- Improve the on-river experience which drives the visitor economies of the River regions
- Inadequate facilities are a barrier to growth for the houseboat and recreational boating and watersport sectors

Cost: \$15m



6. Improve and extend vital walking and cycling trails

Develop an Adelaide Wine Capital cycling trail linking trails in four premier wine regions (Clare Valley, Barossa, Adelaide Hills and McLaren Vale) and a Penola to Coonawarra rail trail

And:

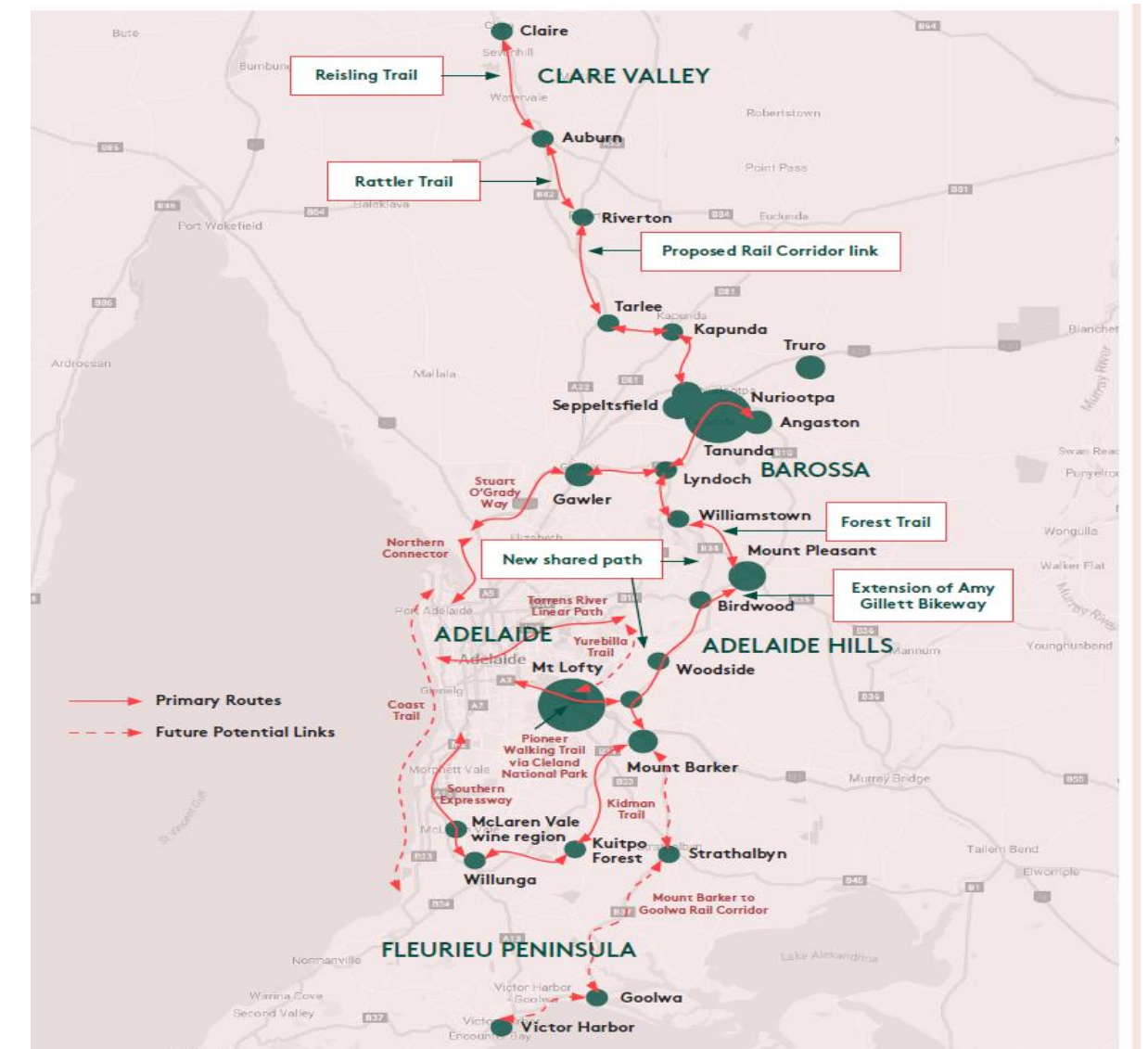
- Develop key sections of a River Murray walking/cycling trail
- Enhance the Heysen Trail (Cape Jervis to Deep Creek)
- Scope the Great Southern Bike Trail (Adelaide to Melbourne)

Benefits:

- Link high-yield activity-seeking tourists with the State's premium wine experiences
- Create new markets for the State's river and coastal regions
- Establish cycling experiences linked to the Epicurean Way, Mighty Murray Way and Southern Coastal Drive touring routes

Length:

- Adelaide Wine Capital Trail: 100km
- Penola to Coonawarra Trail: 14km
- River Murray Trail: 450km
- Heysen Trail upgrade : nodes on 14km section
- **Cost: \$60m**



7. Upgrade regional accommodation

All 11 regions identified the need to improve and increase quality, experiential accommodation of scale.

Priorities include

- Building new rooms – new regional rooms will fill the gap supply in some regions.
- Upgrading existing rooms - a large number of regional rooms require an upgrade from three to four stars by 2020.

Benefits:

- Improve consumer opportunity and accessibility to regions
- Lift regional room rates, occupancy levels and total visitor spend
- **Enable good regional projects to overcome bank lending hurdles and increased costs of regional construction**

Target: nearly 1,000 new rooms built and approximately 800 existing rooms upgraded by 2020

Cost: A grants program of \$6m will stimulate private sector investment and significant regional employment



8. Establish new and enhanced experiences

Developing their range of experiences was a high priority for most regions

Priorities include

- Immersive food and wine experiences which entrench the State's leadership in this area
- Nature -based, soft adventure and Aboriginal experiences
- Experiences targeting the Chinese and cruise ship markets

Benefits:

- Enable regional councils and stakeholders to establish or enhance key interpretive and other attractions
- Enable small operators to start new ventures or diversify their offerings

Regions identified funding support for experience development as a high priority

Cost: A grants program of \$5m



9. Upgrade small regional airstrips

Strengthen the State's network of airstrips

Prioritise airstrips where related services –transport and hospitality – can be delivered

Regions include the Flinders Ranges, Outback, Eyre Peninsula, Riverland, Kangaroo Island, Riverland, Barossa and Clare Valley

Some sites are public eg Dalhousie Springs, Innamincka and William Creek

Many others are on pastoral properties whose owners have diversified into tourism

Benefits: attract an increased share of the lucrative small-plane tourism market

Demonstrated value: Lake Eyre water events (2009 -11 and 2015-16) brought huge air tourism traffic and spend to the Outback of SA

Cost: \$20m grants program



10. Upgrade stretches of road on key touring routes

Complete sealing key tourism routes:

- Flinders Ranges and Outback (Parachilna-Blinman and Lyndhurst-Marree)
- Barossa (Gomersal)
- Yorke Peninsula (Innes National Park)
- Total 95 kms

Benefits: open up tourism opportunities for 2WD and car-hire travellers

Upgrade key tourism road sections: Kingston to Robe road and Rhynie to Tarlee road. Total: 60kms

Benefits: improve safety and access to off-route experiences on route used by high numbers of international travellers and improve safety on heavily used route

Costs:

- Sealing: \$95m
- Road black spots: \$60m



Summary

- These initiatives represent the collective wisdom of the State's key regional stakeholders
- The overall list of tourism infrastructure priorities is much longer- especially in the areas of roads and telecommunications
- This list summarises the top priorities delivering the highest overall return on investment
- The funding for this enabling infrastructure would come from Federal, State and local governments and in some cases the private sector



COUNCIL

DEVELOPMENT & ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

16 APRIL 2019

4.5.1 CONSENSUS AGENDA – DEVELOPMENT SERVICES REPORT

4.5.1.1 PLANNING REFORMS – PLANNING AND DESIGN CODE IN THE OUTBACK (LAND NOT WITHIN A COUNCIL AREA) – COMMENTS MADE B3624

The *Planning, Development and Infrastructure Act 2016* (the Act) establishes a new assessment framework for development applications.

The Planning and Design Code (the Code) will be the cornerstone of South Australia's new planning and design system. It will replace the 72 Development Plans that are currently in use with a single set of planning 'rules' for assessing development applications across the State.

The Code will be rolled out in three phases as shown below:

PHASE 1 Mid-2019	PHASE 2 Late-2019	PHASE 3 Mid-2020
Code introduced to the outback (land not within a council area)	Code introduced to regional council areas	Code introduced to metropolitan council areas

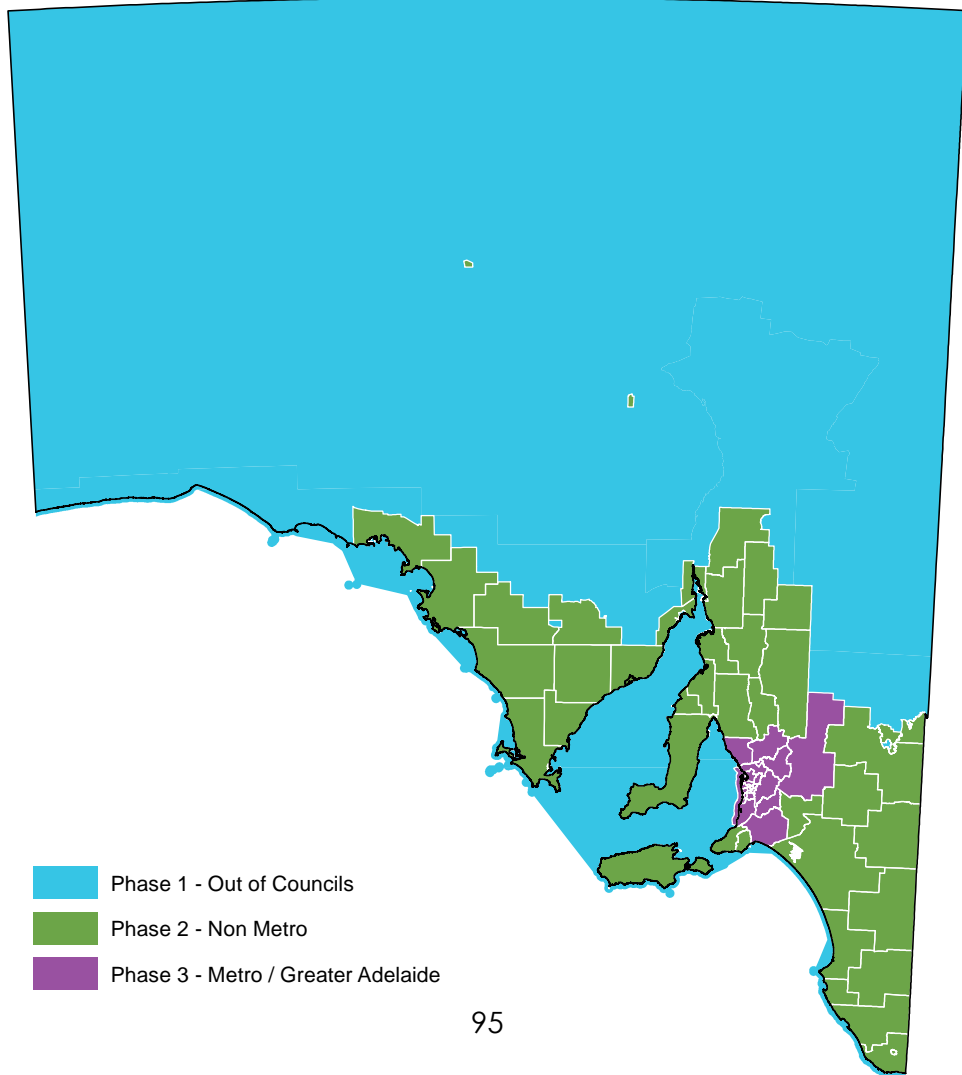
The Barossa Council falls within Phase 3 as shown in Attachment 1. The draft Code for Phase 1 was available for public comment during February and March 2019. A *Community Guide* is contained in Attachment 2.

Due to the limited consultation period and the proposed application of the first phase to the outback areas it was determined the best approach was for officers to review and comment on the document. A copy of the comments provided is contained in Attachment 3.

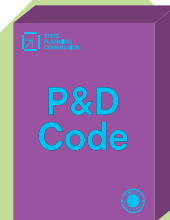
Council will be further briefed during preparation for Phase 2 and Phase 3.

RECOMMENDATION:

That the report item 4.5.1.1 be received.

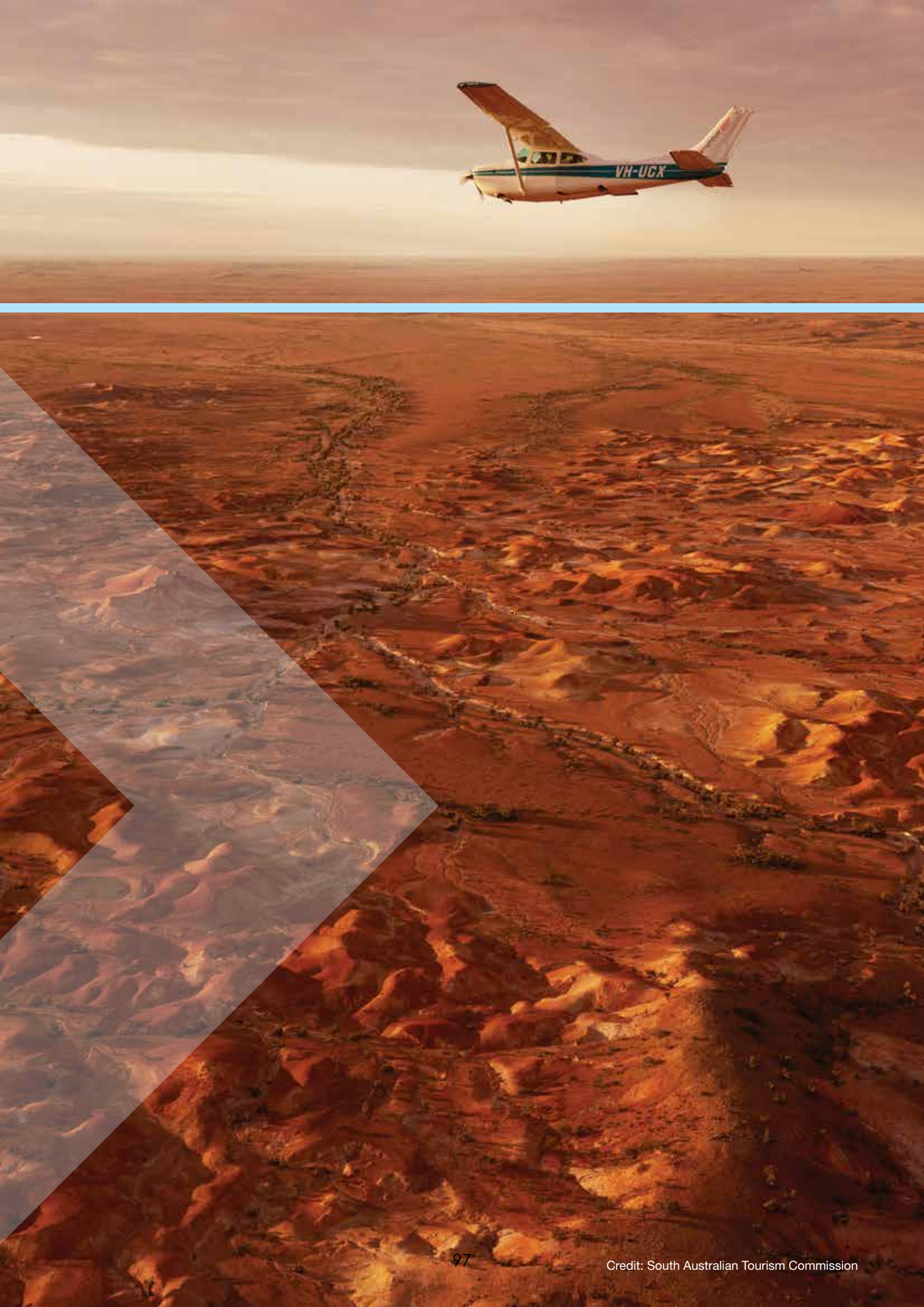


→ OUR
NEW
SYSTEM



COMMUNITY GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

(land not within a council area)





GUIDE TO THE PLANNING AND DESIGN CODE IN THE OUTBACK

What is the Planning and Design Code?

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning and design system. It replaces the 72 Development Plans that are currently in use with a single set of planning 'rules' for assessing development applications across the state.

The Code will help everyday South Australians navigate the planning system when building a house, developing a business, or progressing large commercial developments.

The Code aims to make the planning process quicker, smoother and easier to understand than ever before.

How is the Code being implemented in the outback?

Public consultation

The draft Code for the outback regions of South Australia is available for public comment from 5 February to 5:00pm, Friday 29 March 2019. These are the regions that do not fall within a designated Local Government area, excluding the area addressed by the Land not within a Council Area (Metropolitan) Development Plan.

Feedback received during public consultation will be used to inform the Code.

Three-phase rollout strategy

The Code will be rolled out in three phases:

PHASE 1 Mid-2019	PHASE 2 Late-2019	PHASE 3 Mid-2020
Code introduced to the outback (land not within a council area)	Code introduced to regional council areas	Code introduced to metropolitan council areas

When the Code is introduced in the Outback in mid-2019, the rest of the State will continue to operate under the current planning legislation – *Development Act 1993*.

By July 2020, the Code will be in effect across the entire state and available to all South Australians via the SA Planning Portal.

Migration from old rules to new rules

The process of migrating current planning policies to the new Code has taken place according to the steps outlined below:

- **Release of discussion papers**

To deliver the first Code, the State Planning Commission released a series of policy papers designed to stimulate thought and discussion on key policy matters. In addition, several technical papers were released that established the operational framework and content requirements for the Code.

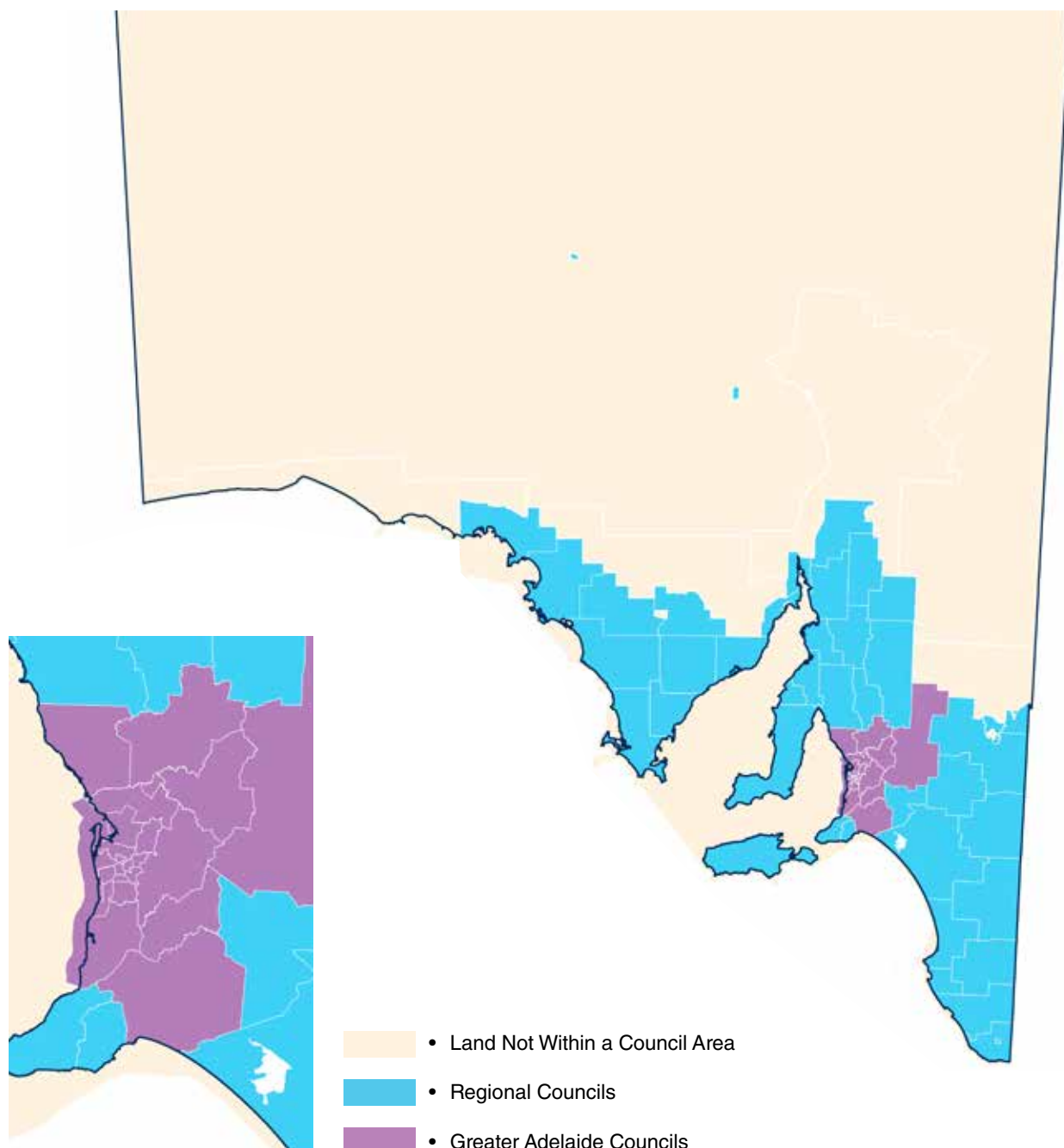
The discussion papers identified where existing policy was likely to be transitioned to the new Code, as well as areas for further investigation that could be introduced in future generations of the Code.

- **Review of current policies**

A key investigation piece to inform the development of the Code (and its future iterations) was a review of the current South Australian Planning Policy Library (SAPPL) and Development Plans. The reviews identified strengths, weaknesses, opportunities and challenges that exist in SAPPL and Development Plan policies.

The reviews have also contributed to the preparation of the policy discussion papers and continue to support the development of the Code in the outback and in regional and metropolitan council areas.

Where does the Planning and Design Code apply in South Australia?





What does the Code mean for outback communities?

Most people living or building in outback South Australia will not notice too much difference to what they can or cannot build in their local area. However, some new ways of approaching development will be introduced.

A change in planning rules and policy

As a result of the Code being rolled-out in outback regions, some planning policies will change to better meet the needs of South Australia's rural communities.

This means that for the first time in more than 15 years, issues that are specific to the outback will be addressed by the planning system.

These benefits will be delivered in four main ways:

1. Removal of outdated and duplicated planning policy

The Code will replace the three Development Plans that are currently operating across outback South Australia, namely:

- Land Not Within a Council Area (Coastal Waters)
- Land not within a council area (Eyre Peninsula, Far North, Riverland and Whyalla)
- Land not within a council area (Flinders)

This process will remove old policy, consolidate policy that works well and make planning policy more consistent, equitable and transparent.

2. Expanded use of policy relating to building near airfields and associated buffer distances

Under the Code, policy and buffer distances will be spatially applied to an increased number of airfields. Currently, these policies apply to airfields that support commercial and military aviation, but under the new Code, they will also be applied to those airfields that are used by the Royal Flying Doctor Service.

Specific buffer distances will also be prescribed around important planning infrastructure, such as key rural and outback routes, railway crossings and water courses, to protect vital outback assets.

3. Increased focus on hazard mitigation

Safety measures that have not previously been applied consistently in the outback will be implemented, including new and updated policy to mitigate the risk of bushfire and the impact of acid sulphate soils.

4. Improved interface between different land uses

Under the Code, policy that addresses the interface between different and/or incompatible land uses will be updated and more consistently applied. This will prevent poor planning outcomes for the community and ensure that key types of infrastructure and land uses do not impinge on one another, e.g. industry kept at a safe distance from townships, phone towers not located near airfields, etc.

What does the Code mean for development applications?

Before the Code becomes operational:

All development applications lodged in the outback prior to the Code becoming operational in mid-2019 will be assessed according to existing Development Plans, as prescribed under the current *Development Act 1993*.

After the Code becomes operational:

All development applications lodged in the outback after the Code becomes operational in mid-2019 will be assessed under the Code, as prescribed under the *Planning, Development and Infrastructure Act 2016*. The three Development Plans relevant to the outback will be revoked at this time.

A new planning framework

The changes will be delivered via a new planning framework that comprises new and amended zones, overlays and general development modules.

The zones, overlays and general development modules included in the outback Code are described on the following pages.

Zones are areas that share common land uses and in which specific types of development are permitted.

Zones form the principle organising layer of the Code and will be applied consistently across the state. For example, a township zone for Andamooka can be expected to apply to similarly suited townships like Kimba.

Each zone will include an assessment table that describes the types of development that are permitted and how they will be assessed.

Subzones enable variation to policy within a zone; which may reflect local characteristics. Note: No subzones are included in the outback Code

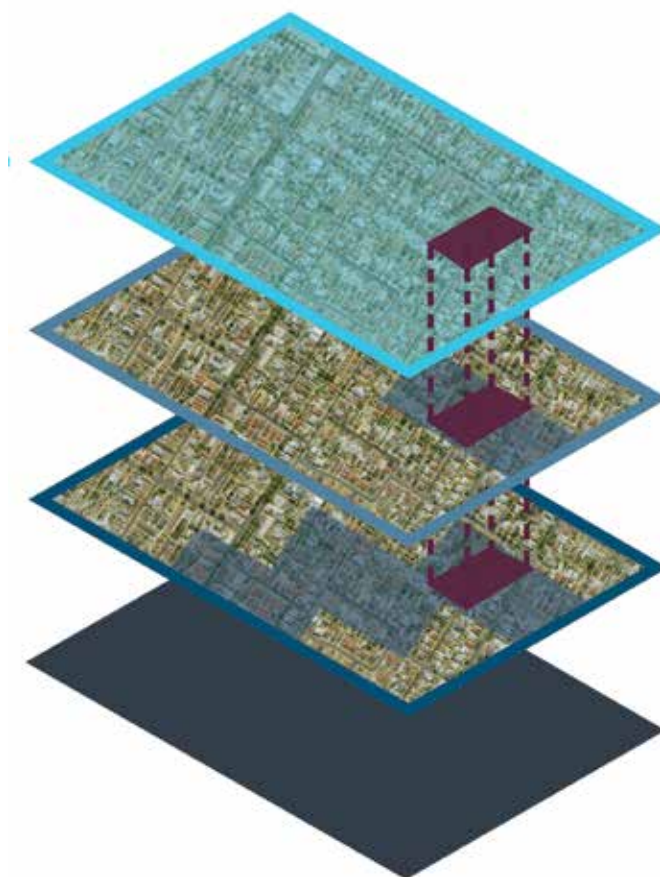
Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as heritage places or areas of high bushfire risk.

They may apply across one or more zones.

Overlays are intended to be applied in conjunction with the relevant zone. However, where policy in a zone is in conflict with the policy in an overlay, the overlay policy will take precedence.

General development modules contain guiding policies that outline the functional requirements of development, such as the need for car parking or wastewater management.

While zones determine what development can occur in an area, general development modules provide guidance as to *how* this development should occur.





A paper-based Code to an online Code

The LNWCA Code will be available in paper-based form from mid-2019, before being moved onto the State's new ePlanning platform in late-2019.

This means that for communities in the outback, the interaction with the new Code will change over a six month period. The below sections describes what this will mean.

Paper based Code (from mid-2019 to late-2019)

The LNWCA Code will be operational from mid-2019, which means the three Development Plans operating in these areas are revoked and new legislation – The Planning, Development and Infrastructure Act 2016 – (and therefore the Code) will apply in these areas.

At this time, the Code will remain in paper-based form e.g. as a document accessible via the SA Planning Portal.

The various zones and overlays that form the LNWCA Code will be able to found via the State Planning Atlas, which will show at a property level, what zones and overlays apply.

Therefore you can search your property, find out what applies and then use the PDF Code to read and understand what this means in terms of what development is allowable, with or without an assessment.

If an assessment is required, applicants can then download a paper-based development application form to complete and send to the department via post or email.

The Department will then get in contact to arrange payment and progress the application.

During this period of time, we encourage the community to call either the Outback Community Authority or the Department for assistance in determining what development is allowable.

An online Code (from late-2019)

In late-2019, the LNWCA Code will be moved onto the State's new Online Code.

You will still be able to search the State Planning Atlas to see what zones and codes apply to your property. The difference at this point, is that instead of going to the Code document; you will visit the Online Code to find out what development is allowable.

In the Online Code you can search your property and it will automatically generate the information about what development is allowable, with or without an assessment.

If your proposed development requires an assessment, you will now be able to prepare, lodge, pay and track a development application online.

Supporting the community to use the new ePlanning tools

The Department recognises that moving from a paper-based system to an online system is a significant adjustment for the broader community.

For those living in the outback, you can access the ePlanning platform and its various tools with a simple internet connection.

If a connection is not possible, paper-based lodgement is still available to those living in these remote parts of South Australia.

More information on the new ePlanning platform and its various tools will be provided to the community to help them orientate the new planning system.

Zones

A description of the zones that will apply to the outback is provided below.

Township zone

Consolidates several existing township zones and policy areas

The township zone will cater for town centres comprising residential development and a range of non-residential land uses in the form of retail, commercial and tourist activities, linked together to serve the local community and visiting public. Development will be low to medium scale and mixed-use development is appropriate within the zone. Example: Andamooka



Tourism development zone

Consolidates two existing tourist accommodation zones

The new tourism development zone will enable existing areas designated for tourist accommodation and related development to transition to the Code. In the outback it will apply to the Arkaroola and Wilpena tourism areas.



Settlement zone

Consolidates several existing township and settlement zones

The settlement zone will accommodate a range of low density residential, retail, community and recreation land uses within an identifiable village environment – often where service provision is constrained and does not support growth in population and service function. Example: Innamincka



Coastal waters zone

Replaces the existing aquaculture zone and the general development module on coastal waters

The new coastal waters zone will seek the protection and enhancement of the natural marine environment while recognising important commercial, tourism, recreational and navigational uses. This zone will be spatially applied to the area up to three nautical miles from the shore.





Conservation zone

Consolidates four existing conservation zones

The conservation zone will comprise conservation parks and reserves under state and federal ownership and will be expanded to include coastal conservation areas and parts of the River Murray flood plain. It will cater for a limited mix of development, including conservation and tourist signage, scientific monitoring facilities, small-scale recreational facilities and some contemplation of tourism facilities.



Remote areas zone

Consolidates several existing remote area zones and policy areas

The remote areas zone will accommodate pastoral, grazing and farming activities; mining and petroleum exploration; tourism; facilities related to renewable energy, aerospace and defense; remote settlements; and Aboriginal lands. This zone will be applied to a large portion of the state's far north, as well as to the whole of Boston Island.



Local infrastructure (airfield) zone

Replaces the existing remote areas (airfield) policy area

The new local infrastructure (airfield) zone is based on the existing airfield zone and will apply to a number of rural airports throughout Phase One. This zone is the first of a suite of local infrastructure zones that will accommodate a range of local infrastructure that benefits the community.



Overlays

The overlays that will apply to the outback will include:

State heritage areas

Converts the existing general development module on heritage areas to an overlay

The 'state heritage areas' overlay will apply to Beltana, Innaminka and Arckaringa Hills and will seek to ensure the ongoing conservation of these important areas.

State heritage places

Converts the existing general development module on heritage places to an overlay

The 'state heritage places' overlay will protect more than 100 sites of historical importance in the outback, including the land immediately surrounding these sites.

Building near airfields

Converts the existing general development module on building near airfields to an overlay, but spatially applies to the area within 6km of an airfield.

The 'building near airfields' overlay will support the safe and efficient operation of the airfields at Innamincka, Leigh Creek, Marla, Marree, Oodnadatta and William Creek, as well as all airfields that serve the Royal Flying Doctors Service.

Strategic transport

Converts the existing general development module on transportation to two individual overlays

Two new 'strategic transport' overlays will safeguard main freight corridors and tourist roads and ensure that key railway crossings are not undermined by new development.



Marine parks (managed use)

Consolidates and replaces the existing general managed use and habitat protection marine parks zones.

The 'Marine Parks (Managed Use)' overlay is one of two new 'Special Legislative Schemes' overlays that seek to preserve South Australia's network of 19 marine parks proclaimed by the *Marine Parks Act 2007*. The Overlay will capture existing marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the *Coastal Waters Zone*.

Marine parks (restricted use)

Consolidates and replaces the existing marine parks sanctuary restricted access marine parks zones

The 'Marine Parks (Restricted Use)' Overlay is one of two new 'Special Legislative Schemes' Overlays that seek to preserve South Australia's network of 19 marine parks proclaimed by the *Marine Parks Act 2007*. The overlay will capture existing marine park zones and provide the general guidance required to consider development proposals in these areas, which will apply over the coastal waters zone. This overlay will provide tighter development controls than the marine parks (managed use) overlay.

Coastal areas

Consolidates and replaces three existing coastal zones

The 'coastal areas' overlay covers development that traverses both land and water (e.g. jetties) and will support sustainable development in coastal areas.

Hazards

Converts the existing general development module on hazards to a suite of two overlays

Two independent 'hazards' overlays will protect the environment and the community from the release of acid water (caused by the disturbance of acid sulphate soils) and bushfire.



Prescribed watercourses

Converts existing general development modules to an overlay

The 'prescribed watercourses' overlay will seek to protect all natural and human-made water channels (above ground or subterranean) by ensuring that development that impacts these water channels is avoided or undertaken in a sustainable manner.

Prescribed wells areas

Introduced for the first time

Similar to the 'prescribed watercourses' overlay, the 'prescribed wells areas' overlay seeks to guard against the over extraction of water from prescribed wells areas by ensuring that activities involving the taking of water are avoided or undertaken in a sustainable manner.

Ramsar wetlands

Replaces the general development module on Ramsar wetlands and habitat

The 'Ramsar wetlands' overlay seeks the protection of wetlands deemed to be of international importance under the Ramsar Convention. It aims to minimise adverse impacts to the habitat and lifecycle of wetlands or any species dependent on a wetland.

Murray Darling Basin

Converts the existing referral trigger from the Development Regulations 2008 to an overlay

The 'Murray Darling Basin' overlay seeks to protect the Murray Darling Basin by ensuring that activities involving the taking of water are undertaken in a sustainable manner.



River Murray floodplain

Replaces parts of the River Murray flood zone and the River Murray fringe zone

The 'River Murray floodplain' overlay seeks to protect the floodplain from adverse development activities, ensure the protection of life and property against flood risk and uphold the intent of the *River Murray Act 2003*.

Historic shipwrecks

Converts the existing referral trigger from the development Regulations 2008 to an overlay

The 'historic shipwrecks' overlay aims to protect historic shipwreck sites (registered and non-registered) by prescribing relevant buffer distances for development.

Significant landscape protection

Replaces the pastoral landscapes zone and the environmental class B zone

The 'significant landscape protection' overlay seeks to conserve the natural and rural character and scenic and cultural qualities of significant landscapes in the outback. This overlay also seeks to preserve sites of state significance that fall under the *Arkaroola Protection Act 2012*.

Sloping land

Converts the existing general development module on sloping land and the existing general development module on natural resources to a single overlay

The 'sloping land' overlay aims to guide development occurring on steep slopes or unstable soils by minimising the potential for erosion, land slippage and stormwater runoff and ensuring safe vehicular access to development in such areas.

Water resources

Converts water catchment policy within the existing general development module on natural resources to an overlay

The 'water resources' overlay aims to protect the quality of water catchments, watercourses and public reservoirs which are of critical importance to the state.

General development modules

The introduction of general development modules will better delineate between the 'what' and 'how' in the planning system.

The general development modules that will apply to the outback will include:

- Advertisements
- Animal-keeping and horse-keeping
- Aquaculture
- Bulk-handling and storage facilities
- Clearance from overhead power lines
- Design and siting
- Forestry
- Infrastructure and renewable energy facilities
- Intensive animal-keeping and dairies
- Interface between land uses
- Land division
- Marinas and on-water structures
- Mineral extraction
- Open space and recreation
- Residential livability
- Site contamination
- Tourism development
- Transportation, access and parking
- Waste treatment and management facilities
- Workers' accommodation and settlements





HAVE YOUR SAY

The State Planning Commission is committed to genuine collaboration with the community in the development of South Australia's new planning system.

You can provide feedback on the draft Planning and Design Code for the outback until 5:00pm, Friday 29 March 2019.

Submissions can be lodged via the following means:

- SA Planning Portal: www.saplanningportal.sa.gov.au/have_your_say
- Email: DPTI.PlanningEngagement@sa.gov.au
- Post: Department of Planning, Transport and Infrastructure, PO Box 1815, Adelaide SA 5001

Further information on the Planning and Design Code can be found on the SA Planning Portal (www.saplanningportal.sa.gov.au).

Disclaimer: This guide has been prepared to provide information that may facilitate understanding of the relevant legislation and draft statutory documents that have been released for public consultation. The content of this guide is advisory only and may be subject to change. It does not necessarily represent the views of the South Australian Government and does not purport to accurately or entirely replicate the content of the relevant legislation. The Department of Planning, Transport and Infrastructure recommends that this guide be read in conjunction with the Planning, Development and Infrastructure Act 2016 and its accompanying draft regulations and practice directions.

saplanningportal.sa.gov.au



Government of South Australia
Department of Planning,
Transport and Infrastructure

Paul Mickan

From: Paul Mickan
Sent: Friday, 29 March 2019 5:11 PM
To: 'DPTI.PlanningEngagement@sa.gov.au'
Cc: Bailey, Jason (DPTI) (Jason.Bailey@sa.gov.au)
Subject: Planning and Design Code for the outback - Comments on Phase One from The Barossa Council staff

The following comments are from The Barossa Council staff. These comments will be presented to Council for noting at its next meeting on 16 April 2019.

There is a disconnect between the terminology used for land uses and development activities in the Code from that which appeared in the schedules in the draft *Planning, Development and Infrastructure (General) (Development Assessment) Variation Regulations 2019* (the draft regulations) which recently underwent consultation. A similar disconnect exists between criteria applying in the draft regulations and the requirements of the Code, with the draft regulations providing a less strict approach than the Code in respect to some developments or vice-versa. These comments are expanded on below.

Schedule 4 of the draft regulations provides for a large number of developments and activities which are exempt from development approval subject to satisfying various criteria. Where a development does not meet the exempt criteria it is, by default, development which requires approval. A person undertaking the development would then refer to the Code for guidance on any requirements to be met, but more importantly would look to the Code as to the relevant assessment pathway to follow. It is noted that while the Code identifies relevant assessment pathways and associated requirements for many of the draft Schedule 4 items, the Code does not specifically list other common forms of development as Accepted or Deemed-to-Satisfy meaning they default to Performance assessed development. Examples include:

- Retaining wall
- Fence
- Post and wire fence
- Deck
- Windmill
- Flagpole
- Detached incinerator
- Tree house (which we have previously suggested be expanded to include a 'cubby' house)

Pursuant to the Procedural Matters in each zone all of the above forms of development, as Performance assessed development, would require notification as they would fall under the 'All other Code Assessed Development' in the respective Relevant Provisions for Performance Assessed Development tables. Pursuant to the draft regulations these would then require determination by an assessment panel. It is presumed the planning reforms did not envisage for all these to be performance assessed requiring notification and assessment panel decisions. Accordingly it is recommended that appropriate assessment pathways and associated requirements be assigned for each of these in the Code.

For those forms of developments in the draft regulations that have associated assessment pathways and requirements in the Code there are a number of examples where the Code criteria are more restrictive than the draft regulations and vice-versa. An example is a 'shade sail' where under the draft regulations a sail is exempt even if located on an area required for a waste control system but as an Accepted development it cannot be in this location. Under the draft regulations an exempt sail also needs to be located behind the building line, but as an Accepted development there is no similar restriction which will have significant impacts on streetscape character. There is no limit on the length of a shade along a boundary for an exempt sail, but an 8 m limit applies for an Accepted development.

The Performance Assessed Development tables in each zone indicate that "All relevant provisions" apply where the subject land is subject to an Overlay. Who will determine what provisions are "relevant"? How will the relevant provisions be identified in the ePlanning portal?

Contact: Paul Mickan, Principal Planner

Paul Mickan

Principal Planner

T: 08 8563 8493



The Barossa Council 43-51 Tanunda Road NURIOOTPA SA 5355 PO Box 867

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COUNCIL

DEVELOPMENT & ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

16 APRIL 2019

4.5.1 CONSENSUS AGENDA – DEVELOPMENT SERVICES REPORT

4.5.1.2 MOUNT LOFTY RANGES AGRARIAN LANDSCAPE WORLD HERITAGE SITE LISTING PROJECT – UPDATE REPORT **B1948**

An update Report was presented to the previous Council at its meeting on 16 October 2018 concerning the nomination for National Heritage listing (refer Consensus Agenda Item 4.5.5.1).

That Report observed that the nomination had not been included on the list of new places for the Australian Heritage Council (AHC) to assess in the 2017-18 assessment period, and that following automatic reconsideration for the 2018-19 period, the Project was again not prioritised for assessment. The report noted that the nomination had accordingly lapsed, but also that the decision did not preclude either the Australian Heritage Council itself from proposing the nomination for future proposed assessment lists, or the Project Bid Consortium from re-nominating.

The following information received from Adelaide Hills Council (the current Project 'Chairing' Council) elaborates on the reasons behind the two decisions to not prioritise the nomination at this point:

1. The Project Management Group (PMG) lodged the initial National Heritage Listing (NHL) nomination back in February 2017. In that round there were 34 bids and only 3 were selected – so a highly competitive process. In July 2017, we received feedback from the Australian Heritage Council (AHC) and staff at the Federal Department for Environment and Energy (DEE) involved that:
 - a) acknowledged the depth of the research undertaken for the bid and extent of community support
 - b) raised questions around the size of the area being nominated for assessment (considered that it was too large and that the area should be reduced), and
 - c) provided commentary regarding the lack of clear State Government support for the bid.
2. In response, the PMG collaborated with the Manager of Protected Areas of Department of Environment Water (DEW),

in providing resources and guidance for two expert workshops around initial conceptualisation of the World Heritage Listing (WHL) nomination which were held in August and November 2017. The Manager Protected Areas has also been a member of the PMG since November 2017 to provide strategic input to the Group to facilitate the progression of the Bid. It is considered that this collaborative approach will assist in refinement of the NHL nomination and development of the WHL nomination, and ultimately in gaining State Government support for both nominations.

3. The NHL Bid was automatically reconsidered in the 2018 round but regrettably was again unsuccessful with only 2 bids for progression selected last year.
4. The project consortium, via the PMG, has recently awarded a contract for a heritage expert review of our Bid which is due for completion in May/June this year. This piece of work is intended to assist with:
 - a) the preparation of a clear narrative and core message for the bid
 - b) clarifying which National Heritage criteria the nomination should focus on
 - c) identifying which World Heritage criteria are best addressed to match that narrative
 - d) identifying research gaps, potential comparative sites and key exemplar sites within the nomination
 - e) refine and confirm the Mount Lofty Ranges NHL bid boundary.

Once the above pieces of work have been completed, the intent is to then refine the NHL nomination document and resubmit it to the Australian Heritage Council for consideration again in 2020.

RECOMMENDATION:

That the report item 4.5.1.2 be received

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

16 APRIL 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.1 FOOD RECALLS

B9106

Consumer Level recalls were monitored for:

- Loddon Valley Barn Laid Eggs
- Various Meals on Wheels SA Frozen meals
- Chobani Flip Almond Coco Loco 140g
- Pana Organic Raspberry Chocolate 45g

RECOMMENDATION:

That the report item 4.5.3.1 be received.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

HEALTH SERVICES REPORT

16 APRIL 2019

4.5.3 CONSENSUS AGENDA – HEALTH SERVICES REPORT

4.5.3.2 FOOD PREMISES INSPECTIONS **B4573**

During the month of March 2019 the following food businesses were inspected for their compliance with the Food Act 2001.

- Vietnamese Food On The Go– Routine and follow up inspections
- Maggie Beer's Farm Shop – Routine Inspection
- Barista Sista Beanery – Routine inspection
- Lyndoch Lavender Farm – Routine inspection
- Jack Rabbitt's - Follow up inspection
- Mount Pleasant Bakery – Routine inspection and Follow up inspection
- Logisolar Enterprises – Routine inspection

RECOMMENDATION:

That the report items 4.5.3.2 be received.

COUNCIL MEETING

MAYOR

16 APRIL 2019

7.1 DEBATE AGENDA - MAYOR

7.1.1

CONSULTATION ON THE SOUTH AUSTRALIAN REGION ORGANISATION OF COUNCILS (SAROC) DRAFT FOUR YEAR STRATEGIC PLAN AND DRAFT ANNUAL BUSINESS PLAN B9101

PURPOSE

To provide the South Australian Region Organisation of Council's (SAROC) draft four year Strategic Plan and Annual Business Plan and determine if Council wishes to provide feedback.

RECOMMENDATION

That Council provides feedback on the South Australian Region Organisation of Council's (SAROC) draft four year Strategic Plan and draft Annual Business Plan in accordance with the adopted Community Plan and current strategic policy discussions.

REPORT

Background

The SAROC draft plans are the first Strategic Plans and Annual Business Plans prepared by the organisation under the new constitutional arrangements established by the Local Government Association of South Australia in 2018.

Introduction

SAROC is seeking input and feedback on the draft plans from constituent Councils to ensure that the proposed stated objectives and actions align with the Council's own assessment of priority issues across regional South Australia. Feedback is required by 3 May 2019.

Correspondence from Mayor Erika Vickery OAM, Chairperson of SAROC if provided as Attachment 1.

The draft Strategic Plan 2019-23 is provided as Attachment 2 and the draft Annual Business Plan 2019-20 is provided as Attachment 3.

Discussion

Council is in the process of determining its own Strategic Policy and Reform Platform and it is part of the intent of that process and documentation arising from it to guide submissions, responses and advocacy efforts with other levels of government, industry and the local government sector.

It is also a guiding principle of Councils under the Local Government Act 1999 to collaborate and form partnerships with other councils and regional bodies for the purposes of delivering cost effective services and integrated planning.

Many of the items included within SAROC's draft documentation are aligned with the Council's current thinking particularly as the Draft Strategic Plan presents high level themes that are consistent with Council's current Community Plan however, there are some evident omissions in the Draft Annual Budget document that Elected Members may wish to raise through a formal feedback process. These include:

- Advocacy for reforming the framework of local government
- A more specific policy intent around water
- Regional health and wellbeing outcomes that are broader than the current position
- Boundary reform and local government structure
- Advocate for regional infrastructure investment at state and federal level and associated future industry development and jobs growth
- Improved understanding, connection and retention of our knowledge around our indigenous culture and translating that to regional policy delivery
- Supporting innovation through better partnerships, funding models and contemporary technology

Summary and Conclusion

There is no requirement to provide formal feedback. If Council wishes to provide a submission it is recommended that this aligns with Council's current strategic discussions as outlined in this report.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1	Letter from Chair of SAROC dated 1 April 2019 – Ref: 19/19600
Attachment 2	Draft Strategic Plan 2019-23 SAROC – Ref: 19/19600
Attachment 3	Draft Annual Business Plan 2019-20 SAROC – Ref: 19/19600

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

1.2 work toward developing township, streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service

2.6 Provide, promote and support community arts and cultural events, programs, attractions and services.

3.1 provide regional and local walking and cycling connections between open spaces.

3.2 ensure Council's parks, gardens and playgrounds are accessible, relevant and safe and maintained to an agreed level of service.

3.3 Ensure Council's sporting, recreational and leisure grounds and playing areas and associated programs meet the current need of the community to an agreed level of service.

3.9 Ensure Council facilities and assets are accessible, safe and maintained to an agreed level of service.

3.11 advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.

4.1 Deliver and promote health and wellbeing initiatives in line with the Public Health Plan

6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life cost, risks associated with the activity and advice contained within supporting plans.

Legislative Requirements

Local Government Act 1999

Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial management considerations.

Resource

There are no resource management considerations.

Risk Management

Effective Policy, Planning and sector collaboration is a risk mitigation strategy for Council.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy. Consultation on any changes to the Council's Community Plan will be undertaken during its review within 24 months of the new Council.

In reply please quote our reference: ECM 673432 SPS/CG

1 April 2019

Mayor Michael (Bim) Lange OAM
The Barossa Council
PO Box 867
NURIOOTPA SA 5355
Emailed: mayor.lange@barossa.sa.gov.au

Dear Mayor Lange

Consultation on the South Australian Regional Organisation of Councils draft Four Year Strategic Plan and draft Annual Business Plan

I am pleased to provide for your council's consideration the South Australian Regional Organisation of Councils (SAROC) draft Strategic Plan 2019-2023 and draft Annual Business Plan 2019-2020.

The development of both these plans is an important milestone, as they are the first Strategic Plan and Annual Business Plan prepared by SAROC under the new constitutional arrangements established by the Local Government Association of South Australia in 2018.

The four year Strategic Plan has identified the key objectives that SAROC is seeking to progress on behalf of regional councils to help with financial sustainability and governance, economic development, community wellbeing and the management of our natural and built environment. The Annual Business Plan identifies the key actions that SAROC is seeking to progress in 2019-2020.

It is important for SAROC to understand whether the key objectives and actions identified in these plans align with what your council considers are priority issues across regional South Australia, we would also be interested to understand as to whether there are other actions SAROC should consider progressing.

SAROC also recognises that issues will arise during the year and the opportunity exists for councils to raise these items of business through your regional Local Government Associations for consideration by SAROC.

I would invite you to provide comments on the draft Strategic Plan and draft Annual Business Plan. To provide written comments please email LGASA.Email@sa.gov.au by **5pm Friday 3 May 2019**.

Should you wish to seek further information on SAROC or the Strategic Plan and Annual Business Plan please contact LGA Director Policy, Stephen Smith on 8224 2055 or email stephen.smith@lga.sa.gov.au

Yours sincerely



Mayor Erika Vickery OAM

Chairperson - South Australian Region Organisation of Councils (SAROC)

Attach: ECM 671961 – SAROC Draft Annual Business Plan
ECM 671962 – SAROC Draft Strategic Plan 2019-2023

South Australian Region Organisation of Councils

Strategic Plan 2019-2023

February 2019

This draft has been prepared for consideration by the South Australian Region of Councils on 6 March 2019.

This Strategic Plans does not have effect unless endorsed by the LGA Board of Directors.

Draft

Foreword

I have pleasure in presenting the South Australian Region Organisation of Councils 2019-2023 Strategic Plan.

This Strategic Plan is the first plan developed by SAROC under the new constitutional arrangements established by the Local Government Association of South Australia in 2018.

SAROC is an important committee of the LGA representing the collective voice of regional councils.

Over the next four years SAROC has identified key objectives it will be seeking to progress on behalf of regional councils to help with economic development, community wellbeing and the management of our natural and built environment to help make regional South Australia a vibrant and valued part of our State.

SAROC recognizes that to achieve these objectives it will need to work in close collaboration and partnership with our regional LGAs and regional councils along with key stakeholders including RDAs and our Federal and State Governments.

On an annual basis SAROC will prepare a business plan which will identify the key actions it will undertake each year to address the objectives in this Strategic Plan.

I commend this Strategic Plan to you and look forward to working with you on implementing this plan over the next four years.

Mayor Erika Vickery

Chair of the South Australian Region Organisation of Councils

Draft

About the LGA

The Local Government Association is a voluntary membership organisation via which councils across the State unite together with a single voice for the common good.

All of the 68 councils in South Australia are members.

The Local Government Act 1999 specifies that:

The LGA is constituted as a public authority for the purpose of promoting and advancing the interests of local government and has the objects prescribed by its constitution.

The object of the LGA is to achieve public value through the promotion and advancement of the interests of local government by:

- **advocating** to achieve greater influence for local government in matters affecting councils and communities;
- **assisting** Members to build capacity and increase sustainability through integrated and coordinated local government; and
- **advancing** local government through best practice and continuous improvement.

The LGA undertakes the following activities for the purpose of achieving the Association's objectives:

- advocate and provide leadership for local government in South Australia, leading to strong engaged communities served by efficient and collaborative Councils and Community Councils;
- advocate for an autonomous, effective and democratic system of local government in South Australia to meet contemporary community needs;
- encourage and promote an efficient, effective and sustainable system of local government in South Australia;
- promote and protect the interests of local government and its Members and the communities they represent;
- encourage and help local government to engage with, and respond to, the needs of the community;
- develop and maintain consultation and co-operation between local government and the State and Commonwealth governments and their agencies;
- assist Members to develop and maintain their financial sustainability and for the advancement of local government;
- undertake any business activity which contributes to the Object;
- represent Members of the LGA and local government to the public and the State and Commonwealth governments;
- act as an advocate for Members and the local government community to address contemporary needs;
- facilitate engagement and collaboration by and between Members as to their common interests;
- encourage, assist, promote and foster the achievement and maintenance of the highest levels of integrity, justice, competence, effectiveness and efficiency of local government;
- undertake or promote any activity which the Board of Directors determines to be for the benefit or interest of Members and local government in South Australia; and
- undertake any function as may be vested in the LGA by statute.

Draft

About SAROC

The South Australian Region Organisation of Councils (SAROC) is a regional organisation of member councils of the Local Government Association of South Australia (LGA) established under the LGA Constitution. A list of the member councils of SAROC is included in Appendix 1.

SAROC is a committee of the LGA and is responsible to the Board of Directors for the discharge of its functions.

As a committee of the LGA, SAROC has a key role in assisting the LGA with the achievement of its objects by:

1. Supporting the activities of the LGA at a regional level;
2. Promoting communication between Members and between Members and the LGA;
3. Advocating in respect of matters which affect the SAROC Regional Group;
4. Encouraging engagement of Members within the SAROC Regional Group with SAROC and the LGA; and
5. Participating in policy development and implementation

As an organisation working to promote and deliver on behalf of regional South Australia, SAROC has developed the following guiding principles it will operate under:

1. A strong partner and voice representing the regions;
2. Working closely with key stakeholders on matters of joint interest;
3. To prioritize and address issues which are common to all regions;
4. To collaborate closely with the LGA and the Greater Adelaide Regional Organisation of Councils (GAROC); and
5. To be nimble, agile and responsive to the needs of regional councils.

The SAROC Strategic Plan 2019-2023

Draft

Vision

For Every South Australian to have the best Local Government Experience

Mission

The Mission of the South Australian Region Organisation of Councils is:

To provide leadership support, representation and advocacy on behalf of regional South Australian Councils for the benefit of the Community.

Themes

This Strategic Plan has four themes for SAROC to focus on over the next four years. These themes form the basis of the SAROC Annual Business Plan which will be developed each financial year, and will guide the activities and actions of SAROC.

The following four themes have been guided by the themes used by Regional LGAs and constituent councils:

Theme 1: Economic Development

SAROC recognises the important role councils play as local place makers. With the right policy settings and partnerships, regional councils can help to create the best conditions for local businesses to grow and thrive.

Theme 2: Community Development

SAROC acknowledges the significant contribution regional councils make to community development through public health and community wellbeing activities, and the need for adequate levels of State Government services and funding to support healthy and resilient communities..

Theme 3: Natural and Built Environment

SAROC recognises the importance of local government's role in the future planning and maintenance of South Australia's natural and built environment.

Theme 4: Financial Sustainability and Governance

SAROC recognises the challenges regional councils face in attaining and maintaining financial sustainability. SAROC acknowledges that councils proactively improve practices to achieve best practice in financial management, governance and reporting.

Draft

Four Year Objectives

The following Objectives will guide the activities and actions of SAROC over the next four years. These Objectives will underpin the actions and/or initiatives that SAROC will undertake on an annual basis as identified in its Annual Business Plan.

Economic Development

Enable advocacy and partnership opportunities that recognise the specific needs of the regions and support councils to drive sustainable economic development.

Community Development

Support strong, vibrant and cohesive regional communities through advocacy and partnerships that unlock local government's potential to deliver quality community services and meaningful outcomes in public health and wellbeing.

Natural and Built Environment

Influence, inform and advocate for the State Government to address policy and legislative barriers that hinder councils from undertaking their roles in maintaining and enhancing the natural and built environment in regional South Australia.

Financial Sustainability and Governance

Advocate to maximise contributions and investment from other tiers of government to contribute toward local government financial sustainability, and to assist councils to identify opportunities to support and strengthen governance arrangements.

Draft

The Role of SAROC

The SAROC Terms of Reference identify a range of roles to support the LGA in the delivery of its Objects. SAROC will play the following important roles in achieving its vision and mission and in addressing its four themes and key objectives.

Role	SAROC will:
Regional Advocacy	Represent the regions on issues that matter to all regions to the LGA, State and Federal Government and with key stakeholders.
Policy Initiation and Review	Develop policy that is of strategic importance to all regions. Review and advise on policy matters as requested by the LGA.
Leadership	Initiate actions and lead activities that provide benefit to all regions. Develop and maintain relationships with the State and Federal governments.
Engagement and Capacity Building in the Regions	Engage with members within the SAROC Regional Group and keep them informed of the activities of SAROC Actively promote communication between members and between members and the LGA

Stakeholders and Partners

SAROC recognises that for it to be a successful Regional Organisation of Councils it needs to work in close collaboration and in partnership with its key partners and stakeholders. SAROC also recognises that close engagement and the ability to support the development and capacity building of its partners will also lead to successful outcomes for South Australian regions.

As a committee of the Local Government Association, SAROC has identified the following organisations as key partners and stakeholders:

- LGA Board of Directors and LGA Secretariat
- Regional councils
- Regional Local Government Associations
- Greater Adelaide Regional Organisation of Councils
- State Government and its agencies
- Federal Government and its agencies
- Regional Development Australia
- Murray Darling Association

Draft

Determining Actions and Priorities

To assist in identifying the actions and priorities that SAROC will undertake on an annual basis and included within the annual business plan of SAROC, under each of the themes and to support the Objective identified above, SAROC will focus its efforts by taking on the role as defined below:

Theme	SAROC Roles			
	Regional Advocacy	Policy Initiation and Review	Leadership	Engagement and Capacity Building in the regions
Economic Development				
Community Development				
Natural and Built Environment				
Financial Sustainability and Governance				

Strategic Plan Implementation and Review

Under the SAROC Terms of Reference, SAROC is required to develop an Annual Business Plan which supports the delivery of the Strategic Plan.

The Annual Business Plan for the next financial year is to be developed by June of each year and presented to the Board of Directors for approval.

The Annual Business Plan provides the specific actions against which the activities of SAROC can be monitored.

Draft

Appendix 1- List of Regional Group of Members of the South Australian Organisation of Councils

SAROC Regional Grouping	Members
Southern and Hills Councils* *Adelaide Hills Council is a member of the Greater Adelaide Regional Organisation of Councils (GAROC)	Alexandrina Mount Barker Victor Harbor Yankalilla Kangaroo Island
Legatus Councils	Adelaide Plains Barossa Barunga West Clare and Gilbert Valley Copper Coast Goyder Light Mount Remarkable Northern Areas Orroroo Carrieton Peterborough Wakefield Yorke Peninsula Flinders Ranges
Eyre Peninsula	Ceduna Cleve Elliston Franklin Harbor Kimba Streaky Bay Tumby Bay Wudinna Lower Eyre Peninsula Port Lincoln
Limestone Coast	Grant Kingston Mount Gambier Naracoorte Lucindale Robe Tatiara Wattle Range
Murraylands and Riverland	Loxton Waikerie Mid Murray Karoonda East Murray Coorong District Southern Mallee Berri Barmera Renmark Paringa Murray Bridge
Spencer Gulf Cities	Port Augusta Port Pirie Whyalla

Draft

SAROC Annual Business Plan 2019-2020

This draft has been prepared for consultation purposes with member councils within the SAROC Regional Group.

This draft Annual Business Plan does not have effect unless endorsed by the LGA Board of Directors.

Draft

Introduction

The South Australian region organisation of Councils (the SAROC) is one of two regional organisations established by the Local Government Association of South Australia.

The SAROC is a committee of the LGA and is responsible to the Board of Directors for the discharge of its functions.

One of the functions of the SAROC is to develop in consultation with its members within the SAROC Regional Group a four year Strategic Plan and an annual business plan.

This annual business plan should be read in conjunction with the SAROC Strategic Plan, which includes the following Themes and Objectives which will guide the activities and actions of the SAROC over the next four years.

Theme 1: Economic Development

The SAROC recognises the important role councils play as local place makers. With the right policy settings and partnerships, regional councils can help to create the best conditions for local businesses to grow and thrive.

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of the regions and support councils to drive sustainable economic development.

Theme 2: Community Development

The SAROC acknowledges the significant contribution regional councils make to community development through public health and community wellbeing activities, and the need for adequate levels of State Government services and funding to support healthy and resilient communities..

Objective: Support strong, vibrant and cohesive regional communities through advocacy and partnerships that unlock local government's potential to deliver quality community services and meaningful outcomes in public health and wellbeing.

Theme 3: Natural and Built Environment

The SAROC recognises the importance of local government's role in the future planning and maintenance of South Australia's natural and built environment.

Objective: Influence, inform and advocate for the State Government to address policy and legislative barriers that hinder councils from undertaking their roles in maintaining and enhancing the natural and built environment in regional South Australia.

Theme 4: Financial Sustainability and Governance

The SAROC recognises the challenges regional councils face in attaining and maintaining financial sustainability. The SAROC acknowledges that councils proactively improve practices to achieve best practice in financial management, governance and reporting.

Objective: Advocate to maximise contributions and investment from other tiers of government to contribute toward local government financial sustainability, and to assist councils to identify opportunities to support and strengthen governance arrangements.

Draft

Reporting and Approval Process

This annual business plan links the key activities that the SAROC will undertake on an annual basis to support the implementation of the Strategic Plan.

The SAROC annual business plan will be supported by a budget to cover anticipated expenses of the proposed activities to be undertaken during the financial year.

The SAROC annual business plan and budget is required to be presented to the LGA Board of Directors for approval by June each year.

On a quarterly basis the SAROC will assess its performance against the strategic plan and annual business plan.

Other Plans

The SAROC recognises the work of other organisations and their plans which support the business of the SAROC, these other plans include:

1. The LGA Strategic Plan and Annual Business Plan
2. The LGA Advocacy Plan
3. LGA Work Plans
4. The LGA Research and Development Fund Annual, Business plan
5. Regional LGA Annual Business Plans

SAROC Annual Business Plan 2019-2020

Theme 1: Economic Development

Objective: Enable advocacy and partnership opportunities that recognise the specific needs of the regions and support councils to drive sustainable economic development.

Action	Milestone	Measurement	Budget	Link to SAROC role
Lobby the Commonwealth and State Government to develop and implement initiatives that will assist with the growth and development of regional South Australia.	<ul style="list-style-type: none"> Tour of the region hosted by SAROC for Federal MPs to highlight regional roads which would benefit from increased supplementary road funding. The Minister for Regional Development has been invited and attended a SAROC meeting 	<ul style="list-style-type: none"> an advocacy strategy has been developed and implemented as agreed by SAROC 	Budget allocation will be required to host and manage tour TBC	<ul style="list-style-type: none"> Regional Advocacy Leadership
Continue to advocate to the State and Commonwealth Governments for the decentralisation of South Australia's population to support regional South Australia	<ul style="list-style-type: none"> Population carrying capacity and infrastructure needs (including social) identified Representation to relevant Commonwealth and State MP's, Committee and Inquires provided 	<ul style="list-style-type: none"> Carry capacity of the regions identified by December 2019 Commonwealth and State Government policy and programs support increasing regional SA population 	To be undertaken from within existing LGA resources	<ul style="list-style-type: none"> Regional Advocacy Leadership

Draft

Theme 2: Community Development

Objective: Support strong, vibrant and cohesive regional communities through advocacy and partnerships that unlock local government's potential to deliver quality community services and meaningful outcomes in public health and wellbeing.

Action	Milestone	Measurement	Budget	Link to SAROC role
Lobby the Commonwealth and State Governments for the provision of improved health services	<ul style="list-style-type: none"> The Minister of Health and the CEO of Country Health have been invited and attended a SAROC meeting Health service needs of regional communities understood. A rural/regional workforce policy and plan for whole of states regions developed in conjunction with regional LGA's and councils. Sustainable health models for small communities developed. 	<ul style="list-style-type: none"> an advocacy strategy has been developed and implemented as agreed by SAROC The health service needs of regional communities identified by 30 June 2020 Research to identify sustainable health models for small communities undertaken. Investigations into the development of a regional workforce policy and plan commenced. 	<p>Budget allocation required to develop workforce policy and sustainable health models.</p> <p>TBC</p>	<ul style="list-style-type: none"> Regional Advocacy Leadership Policy Initiation and Review
Work with the State Government and Green Industries SA to develop education materials to support increased recycling and reduced waste to landfill in regional communities	<ul style="list-style-type: none"> State wide education program developed and released by the State Government in 2019. 	<ul style="list-style-type: none"> An Increase in materials being recycled with less contamination and reduced amount of waste going to landfill is 	<p>Funding opportunities from GISA to be identified</p>	<ul style="list-style-type: none"> Policy Initiation and Review Engagement and Capacity

Draft

		able to be measured in future years		Building in the Regions
Continue to advocate to Commonwealth and State governments for improved telecommunications coverage in regional and remote South Australia.	<ul style="list-style-type: none"> Priority blackspot areas in South Australia identified and mapped. Funding opportunities identified and submissions for funding made. 	<ul style="list-style-type: none"> an advocacy strategy has been developed and implemented as agreed by SAROC Level of funding received exceeds level of previous years 	To be undertaken from within existing LGA resources	<ul style="list-style-type: none"> Regional Advocacy Leadership
Theme 3: Natural and Built Environment				
Objective: Influence, inform and advocate for the State Government to address policy and legislative barriers that prevent councils from maintaining and enhancing the natural and built environment in regional South Australia.				
Action	Milestone	Measurement	Budget	Link to SAROC role
Facilitate the development of Joint Planning Boards by councils and assist with the sharing of information.	<ul style="list-style-type: none"> Information relating to establishing joint planning board is shared between councils and regions. 	<ul style="list-style-type: none"> Number of councils participating in Joint Planning Boards 	To be undertaken from within existing LGA resources	<ul style="list-style-type: none"> Policy Initiation and Review Engagement and Capacity Building in the Regions
Participate in the NRM reform process and advocate on behalf of regional councils on the draft Landscapes SA Bill and its implementation	<ul style="list-style-type: none"> SAROC has advocated on behalf of regional councils on the draft Landscapes SA Bill and its implementation. The Minister for Environment and Water has been invited and attended a SAROC meeting 	<ul style="list-style-type: none"> an advocacy strategy has been developed and implemented as agreed by SAROC 	To be undertaken from within existing LGA resources	<ul style="list-style-type: none"> Regional Advocacy Leadership

Draft

Continue to advocate to the State Government for the management and control of native abundant species	<ul style="list-style-type: none"> Funding sought to undertake a study into biological solutions for Little Corellas SAROC has written to the relevant Commonwealth and State Government Ministers to support the replacement of the Dog proof fence 	<ul style="list-style-type: none"> Funding application is successful an advocacy strategy has been developed and implemented as agreed by SAROC 	Funding source TBC	<ul style="list-style-type: none"> Regional Advocacy Leadership
Develop coastal protection overlay to provide appropriate development controls and design guidelines for coastal development and advocate for its inclusion in the Planning and Design Code	<ul style="list-style-type: none"> Timed to influence the regional and metropolitan versions of the Planning and Design Code 	<ul style="list-style-type: none"> Inclusion of the Overlay in the Planning and Design Code 	Funding source TBC	<ul style="list-style-type: none"> Policy Initiation and Review

Theme 4: Financial Sustainability and Governance

Objective: Advocate to maximise contributions and investment from other tiers of government to contribute toward local government financial sustainability, and to assist councils to identify opportunities to support and strengthen governance arrangements.

Action	Milestone	Measurement	Budget	Link to SAROC role
Develop a regional waste management strategy to enable the coordination of waste and recycling infrastructure across regions	<ul style="list-style-type: none"> Draft regional waste management strategy completed for consultation purposes by 30 June 2020 	<ul style="list-style-type: none"> Level of funding received from the State government to support the implementation of the strategy 	Funding opportunities from GISA to be identified	<ul style="list-style-type: none"> Regional Advocacy
Progress the development of a joint agreement between councils and DPTI to enable the establishment of an efficient road maintenance program.	<ul style="list-style-type: none"> Draft agreement developed and consulted on by 30 June 2020 	<ul style="list-style-type: none"> Take up of the agreement by councils 	Funding source TBC	<ul style="list-style-type: none"> Engagement and Capacity

Draft

			Building in the Regions
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COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

16 APRIL 2019

7.2.1 EXECUTIVE SERVICES - CHIEF EXECUTIVE OFFICER - DEBATE

7.2.1.1

LOCAL GOVERNMENT REFORM - SUBMISSION

B9484

PURPOSE

To endorse a The Barossa Council submission and policy position to the Minister via the Office for Local Government to reform Local Government in South Australia.

RECOMMENDATION

That Council endorse:

- (1) The Local Government Reform submission and policy position as outlined in Attachment 1 and that the Chief Executive Officer submit this to the Office of Local Government (as requested by the Minister) and the Local Government Association of South Australia.
- (2) The appointment of the Chief Executive Officer on the Local Government Reform Reference Group.

REPORT

Introduction

As is well known there is a program of reform ideas from the current Government but also within the sector to address opportunities to make the sector of government closest to our communities ever improving and address areas of efficiency, savings, governance and accountability.

In recent times both the Minister for Transport, Infrastructure and Local Government and the opposition have introduced Bills to the parliament for components of reform. The Minister has now written to Council outlining his approach to framing reform for the future, it is provided at Attachment 3.

Recently the Minister has also established a Local Government Reference Group the following representatives have been appointed by the Minister:

- Mayor Sam Telfer, District Council of Tumby Bay
- Mayor Michael Hewitson, City of Unley
- Mayor Anne Monceaux, City of Burnside
- Mayor Darren Braund, Yorke Peninsula Council
- Mr Mark Withers, City of Port Adelaide Enfield
- Mr Mark Goldstone, City of Adelaide
- Ms Victoria MacKirdy, City of Victor Harbor
- Mr Martin McCarthy, The Barossa Council

An initial start-up meeting was held whilst I was on leave recently. Future meetings are scheduled for the next 9 - 12 months as discussions proceed. I have accepted the invitation to be involved, subject to Council approval.

Discussion

The Council paper on reform ideas at Attachment 1 has been developed from many discussions at industry, executive, prior and current Council observations, analysis of legislative burdens, Local Government Association papers and research and general experience.

The policy position endorses a position of reducing unnecessary legislative burden, improve efficiencies, accountabilities, skills and abilities and general management of local government.

The review at this time is restricted to the matter of the Local Government legislation, there are many other opportunities identified, especially through the prior legislative burden assessment undertaken by the executive in 2017. As reform discussions proceed further opportunities may arise to have these ideas explored.

Summary

Reform of Local Government should be a continuous process as the environment in which we operate changes more rapidly in a modern society and the opportunity to be involved in shaping the next phase of our sector's legislative base necessitates the proactive submission developed by the past and present Council.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - The Barossa Council Submission of Ideas for the Reform of Local Government in South Australia

Attachment 2 - LGA Reform Discussion Paper

Attachment 3 - Correspondence from the Minister

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



Business and Employment



How We Work – Good Governance

Corporate Plan

6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional and State bodies.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Nil

COMMUNITY CONSULTATION

No consultation or engagement requirements under legislation and policy.



The Barossa Council

Submission of Ideas

For Reform of Local Government In
South Australia

April 2019

Reforming the Framework of Local Government

Background

Ongoing improvement in governance frameworks, accountability and efficiency in a modern world are critical to addressing new opportunities and threats. It is clear the Parliament led by the Minister for Local Government, the Hon Stephan Knoll MP is seeking to work with Local Government on reform. Further the Parliament has already seen Bills from the Opposition and Cross-benches on various matters related to reform. It is therefore prudent for Council to establish areas and ideas for reform.

Local Government Association of South Australia (LGA) Reform Document

The LGA has a reform platform document known as the Local Government Reform Briefing Paper produced in February 2019 and can be found at the following link.

<G:\EXEC - Elected Members\Local Government Reform Briefing Paper - February 2019.pdf>

The document proposes the following strategic reform ideas:

1. Strengthening the Code of Conduct for Elected Members.
2. Undertaking benchmarking and using results to drive efficiency.
3. Consistent service reviews.
4. Introducing a revenue policy.
5. Diversifying local government revenue.
6. Best practice audits and audit committees and standardising.
7. Industrial Relations.
8. Council elections.

The document proposes the following reform ideas to put downward pressure on Council rates:

1. Reducing the solid waste levy.
2. Address growing impact of mandatory rate rebates and exemptions.
3. Revised statutory fees and charges to represent true cost.
4. Remove the collection of the NRM levy from Council and utilise the Emergency Services Levy system.
5. Increase grant funding to the national average.
6. Federal advocacy to finally resolve the matter of road funding for South Australia.

The February 2019 paper has been updated to align to the Ministers reform theme and is available at <http://www.lga.sa.gov.au/page.aspx?u=6736&t=uList&ulistId=0&c=84812>.

The items above would result in governance and cost improvements.

Reform Ideas of The Barossa Council

In addition to those outlined above The Barossa Council considers reform in the general governance burden is necessary and each and every process should be measured against acceptable standards of public administration versus the costs versus the long term benefits.

Areas for reform identified are:

1. Remove the administrative oversight for informal meeting rules - it achieves little.
2. Conflict of interest laws are confusing and overly complicated.
3. A partnership agreement with State and possibly the Federal Governments should be in place and/or updated to clearly articulate responsibilities and stop cost shifting.

4. Consider maximum representation timeframes as part of Council election reforms.
5. Reform planning requirements - there are too many plans that are legislated. At a minimum Council should only be required to have a strategic plan of at least 4 years duration and all other plans are required to integrate.
 - a. Remove the need for Asset Management Plans and implement a 10 year annually reviewed program supported by an Asset Management Policy – the plans are overly complex, not fundamentally used by rate payers and have very little buy-in when consulting. Their worth is in the data and estimated future works.
 - b. Remove Community Land Management Plans like Asset Plans - they are of low value, provide little assurance that the Act does not already do or could do by simply having the register and declaring the primary purpose of the land and defining the uses in the Act. The service levels will be encased in the service level statements outlined at c.
 - c. Implement the need for service level statements for all services including assets on which the above programs are built and land managed. This would provide a clear direction to ratepayers as to the standards of service Council are striving for rather than the extremely disjointed framework at present.
 - d. Link the majority of other statutory plans such as Public Health and Wellbeing Plan and Disability Access and Social Inclusion Plan into the same process, mandating their inclusion through alignment with State and Federal Government Strategies and a commitment to the principles of the relevant Acts; but not another plan.

The benefit is one strategic plan supported by considered service level definition for each service which removes the need to maintain, update, report against multiple frameworks and would support benchmarking across the sector on an equal footing.

6. Review regional representation models to reflect areas of interest and efficient delivery of services, long term strategic planning and strategy delivery within the Local Government framework.
7. Refine Council representation review legislation into a model similar to that of the Remuneration Tribunal mechanisms; where certain models are banded for each class of Council and undertake reviews within the band authorisations provided. The work can then be done internally at a fraction of the cost and the banding for Councils and the discretion for wards can remain with Council. For instance very large Councils could have a range of representation of between 10-15 members, large 8-12 and scaled back from that point.
8. Reform pricing mechanisms for water provision to take account of the amenity, environmental and community benefit derived from managing open spaces and recreational parks. This could be achieved by removing the fixed charge component whilst ensuring some tension on the use of water through the consumption component of water charges.
9. In addition to the strategic matters above the Executive highlights the following areas that should be considered for efficiency gains on the premise they are cumbersome, inefficient, add cost for little understood benefit, or do not deliver the level of

accountability or administrative practice for the costs associated with administering them:

- a. Align reporting back to State agencies with the above part five planning requirement, to streamline reporting requirements and data collection and management.
 - b. Reform the building and civil works licencing and regulatory environment and at least exclude non-structural work from such as road sealing from registration requirements.
 - c. Reform the complaint framework and oversight arrangements in Local Government it is too complex, utilised to stifle progress, has too many avenues and no accountability for those laying complaints when they are found to be unfounded.
 - d. Investigate the State Records Act requirements - the compliance burden is significant and develop a risk based approach.
 - e. Remove the inefficient accountability and cost encased in the Construction Industry Training Fund Act 1993 and just have a contribution based on number of employees or budget size of Council.
10. Develop corporate governance principles for Local Government in line with accepted best practice standards aligned with the Australian Institute of Company Directors.
11. Develop support systems for Mayors and Elected Members through the enactment of skills and abilities akin to a Position Description and require assessment of training needs tailored to each member.
12. Increase capacity under legislation for delegation of responsibility to the CEO to improve efficiency and drive operational matters and focus Councils on strategy settings.

Policy Statement

The Barossa Council:

1. Will actively engage in Local Government reform debate by providing ideas, advocating for and delivering reform - change proposals will focus on those that will reduce unnecessary administrative and legislative burden, improve efficiency, and deliver focussed, better and accountable government including clear lines of responsibility between the levels of Government and removal of all cost shifting.
2. Supports the Local Government Association paper on reform both of February 2019 and .
3. Supports discussion on all the matters outlined in the Background above and approves the ideas to be put forward to the Local Government Association and the Minister for Local Government.

Local Government Reform

Discussion Paper

March 2019

Note: This Discussion Paper has been prepared by the LGA Secretariat for consultation purposes only. The content of this paper has not been endorsed by the LGA Board of Directors.

About the LGA

The LGA is a membership organisation for all councils in South Australia and is the voice of local government in this State. All 68 councils are members of the Association.

The LGA is recognised by the South Australian Parliament through the *Local Government Act 1999*.

The mission of the LGA is to provide leadership to councils for the benefit of the South Australian community.

The LGA provides representation, quality service and leadership relevant to the needs of member councils. The LGA also operates specific units/entities providing:

- All public liability and professional indemnity cover for all South Australian councils;
- All workers compensation cover for all South Australian council employees and associated local government bodies;
- Asset cover for South Australian councils; and
- Extensive education and training; procurement; online services and a research and development scheme.

The LGA is a constituent member of the Australian Local Government Association.

Introduction

The Local Government Association welcomes the opportunity to partner with the South Australian Parliament to progress sensible and effective reform within local government. This is a pivotal time for the local government sector to work in collaboration with the State Government and the Parliament on robust and meaningful reform that will deliver lasting benefits to the community and drive downward pressure on council rates.

The Government's reform program will focus on changes to the *Local Government Act 1999* and the *Local Government (Elections) Act 1999* across four theme areas, being:

- strong council member capacity and better conduct
- efficient and transparent local government representation
- lower costs and enhanced financial accountability, and
- simpler regulation

The LGA has its own ideas for change that have been developed in consultation with members, as well as a range of issues and ideas raised and supported by members at previous LGA general meetings. These reform ideas are outlined within this Discussion Paper.

The purpose of this Paper is for the LGA to continue the reform discussion with member councils. The paper shares some preliminary reform ideas and seeks feedback from members on these ideas and other reform opportunities that members would like to see further explored. This is an opportunity for you to tell your Association what change you want to see, what that change should look like and what it should achieve for councils and communities.

While the LGA acknowledges the State Government has placed parameters on its review, the LGA invites feedback from councils on local government reform issues that fall outside the *Local Government Act 1999* and the *Local Government (Elections) Act 1999*, which could form part of the LGA's broader advocacy agenda.

Feedback on reform issues is requested **by 5pm on Friday 26 April 2019**. All feedback received will be carefully considered by the LGA Board of Directors and the positions that have high levels of support from members will be put forward to the State Government as part of a sector-wide submission. To ensure that all member views are considered, we would also appreciate a copy of any submissions made directly to the State Government.

The LGA looks forward to working with members and representing the views of the sector throughout all stages of the reform program.

Timeline and Reform Process

The LGA will use best endeavours to provide as much opportunity as possible for councils to contribute ideas, feedback and influence to the reform process. However, we will be working within the ambitious timelines that have been set by the Government, which may not always be best suited to council meeting cycles, and may be subject to change. The chart below provides a broad outline of the LGA's reform program, including consultation with councils highlighted in green.

	March 19	April 19	May 19	June	Jul 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19	Q1 2020	Q2 2020
Release LGA Reform Discussion Paper												
Call for feedback and ideas from members												
Further investigations and research on the sector's ideas												
Advocacy and representation - State Government Reform Discussion Papers and Potential Reform Bill 1												
Consult members on potential Reform Bill 1												
Consultation with members on Reform Discussion Papers – workshops, focus groups, submissions												
Advocacy and representation – Development of Reform Bill 2												
Consult members on Reform Bill 2												
Advocacy and representation – parliamentary process												

Preliminary Reform Ideas

Reform issue	LGA's preliminary comments
STRONGER COUNCIL MEMBER CAPACITY AND BETTER CONDUCT	
Strengthening the Code of Conduct for Council Members	<p>For a number of years the LGA has advocated for a review of the conduct framework for council members, including amendments to the statutory Code of Conduct for Council Members that would result in meaningful changes to the way complaints against councillors are considered, investigated, determined, and prosecuted. The LGA has also advocated for a clear and uncomplicated framework that makes it easier for councillors to understand their obligations and avoid offending conduct.</p> <p>It is important the Code of Conduct for Council Members produces timely and effective outcomes through cost-efficient and transparent processes that are fair and reasonable, and reflect councillors' status as democratically elected representatives. It is also important that local government is empowered to self-determine the expectations of acceptable behaviour that align with community expectations.</p> <p>Proposals marked in earlier LGA advocacy included: (1) increased devolution of responsibility to councils to handle behaviour matters internally, with expedient ways to escalate serious misconduct matters as appropriate, (2) broadening the range of penalties so that effective action can be taken commensurate with the circumstances of each case, and (3) clearer classifications of misconduct, in particular a specific definition of bullying and harassment.</p> <p>Other reform proposals could include, for example:</p> <ul style="list-style-type: none"> • Temporary exclusion powers of the presiding member to enable better management of council member behaviour at meetings (with associated accountability measures for how those powers may be used) • Clear classification of sexual harassment • Suspension or exclusion mechanisms to protect the health and safety of council members and council employees while serious misconduct allegations are investigated, where a potential ongoing threat is identified

Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> • Powers for an appropriate oversight body to dismiss individual council members following an investigation into serious misconduct • Effective deterrents for frivolous and vexatious complaints that abuse the processes available and waste public resources.
Prevention to Intervention	<p>While it is important to have a strong ethical framework to address instances of inappropriate behaviour and serious misconduct by elected members, it is also important to recognise that council behaviour and morale cannot be solely managed through intervention mechanisms like a Code of Conduct.</p> <p>In accordance with the LGA's <i>Prevention to Intervention</i> strategies, it is important that behaviour strategies are seen as a continuum beginning with prevention and ending with intervention. Prevention strategies should be focused on policies and procedures that councils and council members can use to promote good governance and avoid non-constructive behaviour and/or fractured relationships within council or the wider community.</p> <p>Statistics show that approximately half of all Code of Conduct complaints are lodged by a council member against another council member. Some behaviour or conduct of a council member may make a complaint unavoidable, but in other instances there is merit in (1) strengthening the skills of councillors to deal with conflict, de-escalate disagreement and find ways to work constructively and respectfully with each other, and (2) providing access to early-intervention mechanisms, such as internal conciliation.</p> <p>Clear and consistent processes that assist communication between parties and the rapid resolution of disagreements could assist in maintaining healthy council dynamics.</p>
General duties of council members (section 62 <i>Local Government Act 1999</i>)	<p>There are a number of general duties prescribed in section 62 of the <i>Local Government Act 1999</i> with which council members must comply. These are based on the principle that council members should at all times behave in a way that generates community trust and confidence in them as individuals, which will in turn reflect positively on the council and help to maintain and enhance the role and image of council.</p> <p>In summary, the general duties in section 62 of the Act include:</p> <ul style="list-style-type: none"> • A council member must at all times act honestly and with reasonable care and diligence in the performance and discharge of official functions and duties

Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> • A council member, or former council member, must not make improper use of information acquired by virtue of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to the council • A council member must not make improper use of their position to gain directly or indirectly an advantage for them or another person or to cause detriment to council • A council member, or former council member, must not disclose information or a document to which a confidentiality order applies (unless required by law). <p>While the prescribed general duties are reasonable expectations of a council member, enforcement of breaches of the general duties is in some instances unclear, and in other cases, requires court intervention. If these duties are to truly be a general expectation of council members, there should be clear and proportionate mechanisms for addressing council member actions that breach these general expectations. One possible solution is to provide for enforcement within the statutory Code of Conduct for Council Members.</p>
Mandatory Training Requirements	<p>Currently, the <i>Local Government Act 1999</i> and the <i>Local Government (General) Regulations 2013</i> require councils to have a training and development policy that complies with LGA <i>training standards for council members</i> approved by the Minister. The LGA training standards for council members includes mandatory training requirements for council members. The imposition of mandatory requirements via a training standard that must be adopted into a council policy, makes enforcement against non-participating council members difficult for councils. Provision of minimum mandatory requirements in the regulations would simplify and solidify the expectations on council members to participate in certain mandatory training. The elevation of minimum mandatory training requirements to statute would be reflective of the value the local government sector places on ongoing training and development for council members.</p> <p>Previous LGA advocacy on Code of Conduct reform also included a proposal for a failure to comply with mandatory training requirements to be treated as misconduct under the Code of Conduct for Council Members, to enable enforcement where training requirements were not met by a council member.</p>
EFFICIENT AND TRANSPARENT LOCAL GOVERNMENT REPRESENTATION	
2014 Elections Review &	<p>Local government participated in a lengthy review of the <i>Local Government (Elections) Act 1999</i> following the 2014 local government elections, but the resulting amendment bill was not passed by Parliament prior to the 2018 State Government election. The LGA supports the reintroduction and passage of the reforms outlined in</p>

Reform issue	LGA's preliminary comments
the Local Government (Elections) Amendment Bill 2017	the <i>Local Government (Elections) Amendment Bill 2017</i> , which mostly provides for technical changes that will simplify processes and provide relief from some of the frustrations again felt at the 2018 elections, such as allowing all candidates to access an electronic copy of the voters roll. A copy of the bill can be found on www.legislation.sa.gov.au , here: Local Government (Elections) Amendment Bill 2017
2018 Elections Review	<p>In the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform Package</i>, which was provided to all parties and independent members prior to the 2018 State Government elections, a number of reforms to local government elections were proposed including requirements for all candidates to disclose:</p> <ul style="list-style-type: none"> • certain information, such as political interests, which is currently required to be disclosed by sitting councillors on primary and ordinary returns • whether or not the candidate resides in the council area of the council for which he or she is standing. <p>The 2018 local government elections, raised a number of new policy and technical difficulties that could be remedied through legislative change. Some of the issues the LGA has identified through its own elections experience, and preliminary feedback from councils, are the need for the:</p> <ul style="list-style-type: none"> • simplification of the process for the submission of candidate statements, by allowing candidates to provide a website/social media link as part of their nomination • simplification of the process for enrolment on the supplementary roll with a view to providing a full online option • simplification of the process for nomination with a view to providing a full online option for candidates • incorporation of a provision to deal with the death or withdrawal of a candidate after nominations close • requirement for unsuccessful candidates to remove social media accounts related to the election • reconsidering how the deadline for close of votes is calculated to minimise receipt of late votes • alternatives to voters roll purging to increase non-residential ratepayer participation • improvements to the presentation and useability of the supplementary roll supplied to councils.
Representation Reviews	The <i>Local Government Act 1999</i> requires councils to carry out "representation reviews" as scheduled by the Minister under the regulations (approximately every 8 years). During these reviews councils must consider

Reform issue	LGA's preliminary comments
	<p>options relating to (1) the composition of the council, including the number of council members, (2) whether or not the council should be divided into wards, and (3) the size and boundary areas of wards, if they exist. A council may also use this process to change its name or change the name of a ward.</p> <p>Based on advice from the Electoral Commission of South Australia (ECSA), the LGA understands that some councils have experienced difficulty obtaining the services of appropriately qualified consultants to assist them with the workload. Some councils have had to undertake multiple public consultation processes as a result of community feedback and changing options. Council members also face the challenge of having to make controversial decisions on potential changes to the composition of a council that might affect their own positions.</p> <p>Most councils required assistance from ECSA to comply with the extensive technical requirements set out in section 12 of the <i>Local Government Act 1999</i> in order to enable them to achieve certification by the deadline date.</p> <p>Representation reviews are an important feature of local democracy. ECSA has been reviewing the efficacy of current processes and its role in supporting councils to undertake representation reviews, and the LGA considers it prudent to use this reform program as a vehicle for revising the procedural and decision-making processes prescribed in the <i>Local Government Act 1999</i> for representation reviews.</p>
<p>Electronic voting in local government elections</p>	<p>The LGA will continue to advocate for electronic voting for local government elections. It is considered that the legal framework should enable electronic voting in anticipation of a secure and cost effective technical solution being available in the future.</p> <p>At the LGA's 2017 OGM members asked the Association to investigate trialling electronic voting in local government elections. Following consultation with ECSA it was determined that a cost-effective and feasible model is not yet available (with commercially available solutions presenting a number of risks that make them unsuitable at this time). In 2017 the Electoral Council of Australia and New Zealand (ECANZ) (comprising electoral commissioners of Aus, NZ, and each state and territory) established a national electronic voting working group, which has committed to creating a purpose-built internet voting system for federal, state, territory and local government elections. Development of the government-specific internet voting model is considered a 4-5 year project and the LGA Board determined to keep a 'watching brief' on its progress. The LGA has recently asked the Electoral Commissioner for an update on the working group and will advise members of his response when received.</p>

Reform issue	LGA's preliminary comments
	<p>The LGA notes with interest recommendation 4 of the ECSA's 2018 State Election Report, which recommends the electronic delivery and return of ballot papers for overseas, interstate or remote South Australian voters in State elections. Consultation can be undertaken with ECSA to determine if a similar procedure can be applied to local government elections. A copy of ECSA's State Election Report is available on its website at https://ecsa.sa.gov.au</p>
Supplementary Elections	<p>Where a council is unable to carry a casual vacancy, the <i>Local Government (Elections) Act 1999</i> requires a council to undertake a supplementary election. Supplementary elections must be funded by council and can involve substantial expense. Where a supplementary election is required more than once during a term of the council, costs for a council can be significant.</p> <p>The LGA is aware that other Australian local government jurisdictions have other types of arrangements for filling casual vacancies and these could be investigated, with necessary changes made to the <i>Local Government (Elections) Act 1999</i> to accommodate more cost-effective and efficient measures for replacing council members who leave office during the course of their term.</p>
Caretaker Policy and Code of Conduct	<p>Section 91A(7) of the <i>Local Government (Elections) Act 1999</i> says "the caretaker policy of a council is to be taken to form part of each code of conduct required to be prepared and adopted in relation to council members and staff under the <i>Local Government Act 1999</i> or the <i>City of Adelaide Act 1998</i>."</p> <p>Firstly, the language 'required to be prepared and adopted' no longer accurately reflects that Codes of Conduct are prescribed by regulation. If prescribed codes of conduct are to remain, the language should be changed to refer to their prescription.</p> <p>Secondly, the Code of Conduct for Council Employees was changed on 2 April 2018 to deal solely with gifts and benefits and no longer deals with general workplace behaviour of employees. A link to the behaviour-type issues to arise in relation to a caretaker policy seem to no longer be an appropriate fit within the Code of Conduct for Council Employees and consideration should be given to changing this section.</p>
LOWER COSTS AND ENHANCED FINANCIAL ACCOUNTABILITY	
Audit Committees	<p>The <i>Local Government Act 1999</i> requires a council to have an audit committee to review the financial statements of the council, provide advice on council's Strategic Management Plan and Annual Business Plan and review the adequacy of council's internal controls and financial management systems. Audit committees</p>

Reform issue	LGA's preliminary comments
	<p>have become embedded as an important part of local government's financial and governance performance measurement framework.</p> <p>Many councils have voluntarily expanded the role of their audit committee beyond what is legally required. Each audit committee must have at least one independent member and it is widely acknowledged within the sector that having more than one independent member, including an independent Chair is best practice. The role of audit committees can be strengthened by use of a best practice model that includes:</p> <ul style="list-style-type: none"> • requiring a majority of independent members • diversifying the skill sets and knowledge of audit committee members • appointing an independent chair • expanding responsibilities to include greater oversight of strategic management plans, rating practices, performance monitoring, quality of financial management, and the council's use of public resources • empowering the Chair to make public statements on the audit committee's work and findings. <p>Contemplation of legislative change should include review of the availability and costs of attracting qualified and skilled members to council audit committees, particularly in country areas, and to propose solutions that assist all councils to achieve best practice standards. This might include the option of a 'shared service' approach to establishing audit committees in regional areas, or providing exclusions from some requirements for regional or remote councils.</p> <p>The way in which many councils have established their audit committees demonstrates that a heavy-handed legislative response is not always required to achieve positive change within local government. The legislative framework should enable a best practice approach without unnecessary heavy prescription, and provide appropriate exemptions to assist regional councils.</p>
Standardising external audits	<p>All councils must appoint an external auditor to review and provide an opinion on the council's financial statements and a separate opinion on the adequacy of internal controls to provide reasonable assurance that the financial transactions of the council have been conducted properly and in accordance with law.</p> <p>In some other states, the external auditing of councils falls within the remit of the state's Auditor General. The LGA has commissioned research and consulted with councils about the option of adopting this model in</p>

Reform issue	LGA's preliminary comments
	<p>South Australia. We have found that while it may lead to some greater degree of consistency, the benefits would not outweigh the considerable additional costs to ratepayers.</p> <p>An alternative approach to achieving greater standardisation would be allowing or requiring the Auditor-General to issue binding interpretations of auditing standards applicable to local government. This would ensure consistency between private sector auditors. The LGA provides interpretation of accounting standards to the sector through the Model Financial Statements, the use of which are mandated in Regulations. However these standards apply to local governments, not to auditors, who have their own professional standards to observe.</p>
Fee for lodgement of a section 270 complaint	<p>At the LGA Annual General Meeting on 26 October 2018 members asked the LGA to <i>request the Government consider placement of a small 'lodgement fee' on all section 270 complaints made to various councils. Should a complaint be upheld then the fee would be refunded in full.</i></p> <p>Section 270 of the <i>Local Government Act 1999</i> requires a council to develop and maintain policies, practices and procedures for dealing with complaints about the actions of the council, employees of the council, or other persons acting on behalf of council. Currently, section 270(3) of the Act provides that a council is not entitled to charge a fee on an application for review. The operation of section 270 furthers council commitment to open, responsive and accountable government by providing a process by which persons adversely affected by a decision or action of council can have their grievances considered. That said, an investigation of complaints can be costly and require the reallocation of administrative resources and a reasonable fee may provide an effective deterrent to frivolous or vexatious complaints.</p>
Increasing the maximum penalty for breach of a by-law	<p>At the LGA Annual General Meeting on 26 October 2018 members requested the LGA to <i>advocate for an amendment to section 246(3)(g) of the Local Government Act 1999 to increase the maximum penalty that can be fixed for any breach of a by-law and by extension the maximum expiation fee that can be fixed under section 246(5) of the Act.</i></p> <p>Section 246(3)(g) of the Act provides councils with a power to fix a maximum penalty for any breach of a by-law provided that the maximum penalty does not exceed \$750. The prescribed \$750 maximum has not been amended since commencement of the Act in 1999. Section 246(5) of the Act provides councils with the power to fix an expiation fee for alleged offences against by-laws provided that the expiation fee for alleged offences against by-laws does not exceed 25 per cent of the maximum fine for the offence to which it relates. As the maximum penalty for a breach of a by-law is set at \$750, the maximum expiation fee is \$187.50. For</p>

Reform issue	LGA's preliminary comments
	<p>particular by-law offences this maximum expiation fee may not be a commensurate penalty or cause sufficient deterrent.</p> <p>A proposal to increase the maximum penalty for a by-law, thereby allowing a higher expiation fee, will need to consider the relationship between the <i>Local Government Act 1999</i> and the <i>Expiation of Offences Act 1999</i>. If the expiation fee is to be expiated in accordance with the <i>Expiation of Offences Act 1999</i>, section 5(3) of that Act provides power to fix an expiation fee in a by-law that does not exceed \$315 or 25 per cent of the maximum fine prescribed for the offence, whichever is lesser.</p>
Benchmarking	<p>While there is a considerable amount of information already available to communities about what their council is doing, this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</p> <p>There is merit in developing a sophisticated online platform for councils to share and compare meaningful data about their performance, and enhance the transparency and accessibility of council data for the community.</p> <p>Having access to up to date, consistent and reliable data from across the sector will enable local government to monitor trends, identify future challenges and make evidence-based decisions about reform and practice improvement.</p> <p>Gathering information about councils and how they are operating is beneficial for a number of reasons, including:</p> <ul style="list-style-type: none"> • determining if councils are performing well, being fiscally responsible and are financially sustainable • assessing the relative efficiency of the sector and the value for money being delivered to communities • measuring and evaluating the outcomes that are being achieved and whether the community is satisfied with what councils are delivering • identifying opportunities for continuous improvement and reform programs to strengthen the sector. <p>In developing a benchmarking framework, care needs to be taken to reflect that councils are as diverse as the communities they serve. Not all measures will be comparable across all councils and financial information will tell only one side of the story. It is important that there be a suite of meaningful performance measures that build a more complete picture of the financial and governance health of the sector and the public value of the services and programs delivered by councils.</p>

Reform issue	LGA's preliminary comments
Prescribed format for Asset Management Plans and Long-Term Financial Plans	There is currently no standard format prescribed in the Local Government Act or in regulations that provide for a consistent approach to asset management planning and long-term financial planning. This makes it difficult to synthesise information from different councils or to apply a minimum standard for these documents. A prescribed format in regulations that sets minimum standards could be considered.
SIMPLER REGULATION	
Informal gatherings	<p>The LGA is aware the legislative requirements regarding informal gatherings are a cause of frustration for many councils and that legislative change could result in more practical mechanisms for council discussions on projects, services and other matters involving council.</p> <p>Section 90(8) of the <i>Local Government Act 1999</i> allows informal gatherings or discussions to be held provided that the gathering or discussion does not obtain, or effectively obtain, a decision on a matter outside a formally constituted meeting of the Council or Council committee.</p> <p>Informal gatherings provide a valuable opportunity to enhance council decision making processes, by providing opportunity for council members to become better informed on issues and seek further clarification, and increase community opportunity for participation. Open and transparent council activities underpin representative democracy and ensure public confidence in council decision-making. Thus, the argument isn't that gatherings outside formal council meetings should be prohibited, but that the statutory requirements provide for their effective operation.</p> <p>The common areas of frustration that members communicate to the LGA include the difficulty in distinguishing between an informal gathering and a 'designated informal gathering' as well as whether the rules are intended to apply to informal gatherings of a few councillors or only all councillors (with the LGA receiving differing legal advice from the stated intentions of the previous State Government).</p>
Conflict of interest	<p>The conflict of interest provisions were introduced to the <i>Local Government Act 1999</i> as part of the <i>Local Government (Governance and Accountability) Amendment Act 2015</i>, and commenced on 31 March 2016. The provisions are based on provisions that operate in Queensland. There were a number of immediate teething problems with the provisions that the previous State Government attempted to rectify via amendment to the regulations following strong LGA advocacy. However, the overall complexity and rigidity of the rules in the Act continue to cause problems for council members.</p>

Reform issue	LGA's preliminary comments
	<p>The LGA wrote to the previous State Government consistently following the introduction of the provisions in 2016 to raise various concerns on behalf of members. The LGA continues to receive feedback from councillors about the complexity of the rules and the difficulties they face in ensuring adherence to the complicated rules. There is also continuing concern that application of the conflict of interest rules to council committees is prohibitive to community participation, especially by local business owners.</p> <p>This reform process provides an opportunity for the sector to consider a new and contemporary approach that is both simple for council members to apply and reinforces transparency and integrity within our sector. Reform could include simpler prescribed exclusion, or an ability for council or committee members to declare a material conflict of interest and stay in a meeting and debate/vote where it is in the public interest.</p>
Suspension of allowances during state or federal elections	<p>The suspension of an elected member from council while campaigning for state or federal election has featured in a number of notices of motion at recent LGA general meetings, and members have strongly supported LGA advocacy on this issue.</p> <p>Thus the policy position of the LGA is to support enforced leave for council members standing for state or federal election, including the suspension of allowances, subject to councils being permitted to meet inquorate where it is a consequence of the enforced leave. The proposal was included in the LGA's <i>delivering the LGA 2018 State Election Agenda: Local Government Reform package</i>, which was provided to members of the government, opposition, minor party and independent candidates prior to the 2018 State Government Election.</p>
Mobile food vendors (food trucks)	<p>In 2017, the previous State Government introduced mobile food vendor rules, which imposed state-wide requirements upon all South Australian councils irrespective of their local circumstances. The mobile food vendor rules prescribe that a council:</p> <ul style="list-style-type: none"> • Must establish guidelines around approved locations for mobile food vendors ('location rules') • Must approve all permit applications that comply with the local rule guidelines • Restrict the maximum amount a council may charge for a mobile food vendor permit. <p>The Small Business Commissioner has been given the role of umpire where there are disputes between vendors and councils.</p>

Reform issue	LGA's preliminary comments
	<p>Implementation of the rules has been a prime example of the difficulties and pitfalls in prescribing a one-size-fits all legislative approach for all councils.</p> <p>Councils in regional South Australia are rate income dependant for the majority of their revenue. Councils are required to balance the needs of their bricks and mortar “fixed” established rate paying businesses against the flexibility and vibrancy of pop-up mobile food vendors.</p> <p>In some areas that experience a large temporary population, such as seasonal high tourism, mobile food vendors are able to enhance the supply offering and satisfy the unusually high consumer demand. However, in other regional areas the business profile is one of fixed micro type businesses that rely on the high season for the majority of their cash flow and are at extreme risk due to pop up competitors that are perceived to have an unfair advantage.</p> <p>At its meeting in May 2018, the South Australian Regional Organisation of Councils (SAROC) Committee asked the LGA to advocate to the State Government for a review of the legislation governing mobile food vendors (<i>Local Government Mobile Food Vendors Amendment Act 2017</i>) particularly in regard to regional impact.</p> <p>The LGA consulted councils and was told:</p> <ul style="list-style-type: none"> • Flexibility is required to allow councils to balance support for both bricks and mortar business and catering for temporary seasonal demand and events held in council areas • Consideration should be given to allowing regional South Australia to have a more flexible regime than metropolitan Adelaide.
Public consultation requirements in the <i>Local Government Act 1999</i>	<p>In general, public consultation requirements throughout the <i>Local Government Act 1999</i> lack consistency and clarity. There is opportunity to review the approach to public consultation throughout the Act to remove uncertainty, and in turn, provide the best outcomes for both councils and the communities they consult. In particular, there is an opportunity to review and clarify the requirements set out in section 50 of the <i>Local Government Act 1999</i> following judicial interpretation of section 50 in the decision of <i>Coastal Ecology Protection Group Inc & Ors v City of Charles Sturt</i> [2017] SASC 136 (Coast Park decision).</p>
Requirements to publish in newspapers	<p>A review of public consultation requirements should be broadened to also consider requirements throughout the <i>Local Government Act 1999</i> to publish various notices in newspapers. Not only is publication in</p>

Reform issue	LGA's preliminary comments
	<p>newspapers very expensive for councils, it doesn't necessarily reflect a contemporary approach to community engagement that is seeing communities increasingly rely on internet-based and/or social media communication. Each community is different so it may be a matter of providing councils with greater flexibility to determine the communication methods that suit their community and the context of the matter at hand.</p>
<p>Public consultation requirements for permits under sections 221 and 222 of the <i>Local Government Act 1999</i></p>	<p>The <i>Local Government Act 1999</i> empowers councils to evaluate and where appropriate issue permits for applications received to close public roads and footpath areas for a 'business purpose' to enable commercial activities to be undertaken pursuant to sections 221 and 222 of the Act. Examples of what may be considered a 'business purpose' are prescribed in section 222(1) of the <i>Local Government Act 1999</i>, but this is not an exhaustive list; a common basis for receiving an application to close roads, which is not prescribed on that list, is to enable construction companies to undertake concrete pours or receive deliveries of large building materials via crane. A council has faced challenge by a ratepayer regarding the requirement to undertake public consultation, in accordance with section 223 of the Act and regulation 25(1) of the Local Government (General) Regulations 2013, in relation to any proposal to issue a permit that authorises the use of a public road for a business purpose, where any part of the road is to be fenced, enclosed or partitioned so as to impede passage of traffic to a material degree.</p> <p>Competing legal opinions have been received regarding the meaning of impeding the passage of traffic to a material degree. If the complete enclosure of a public road for an extended period of time, that prevents vehicle and/or pedestrian traffic from travelling through the road, was found to impede the passage of traffic to a material degree, public consultation would be required to be undertaken for a period of 21 days in relation to every such permit application.</p> <p>This issue was presented to the State Local Government Red Tape Reduction Taskforce, and the Office of Local Government committed to seeking Crown legal advice on the matter (which is pending). Notwithstanding what the Crown advice may say, the fact there are differing legal opinions is sufficient reason to seek legislative change to place the public consultation requirements in relation to permits for the purposes of section 221 and 222 of the <i>Local Government Act 1999</i> beyond doubt.</p>
<p>Developer contributed assets</p>	<p>There is a perception that councils have to accept an asset when it is offered for free from a developer, but councils do not have to accept an asset and may undertake a prudential report to ensure it is up to standard and financially viable for council to maintain. Accepting an asset has long-term financial implications for a council and prudential management issues should be considered prior to a council accepting an asset.</p>

Reform issue	LGA's preliminary comments
Rating equity for commercial and/or industrial land uses	<p>Section 48 of the <i>Local Government Act 1999</i> could clarify the right of council to undertake a prudential report and/or decline an asset.</p> <p>Council rates are generally considered a proportional land tax in terms of social 'fairness', in that tax payers contribute proportionally based on the value of their property. Currently South Australian councils face considerable rating constraints for selected major developments (e.g. wind farms, feedlots, solar farms and mines) and exempt properties, resulting in local communities paying more than their fair share to subsidise the cost of servicing certain land uses. These constraints include:</p> <ul style="list-style-type: none"> the inability to levy appropriate and equitable rates on electricity generators (including wind farms and solar farms) as a result of the exclusion of improvements such as electricity generating plant and equipment from capital valuations under legislation; and the inability to effectively categorise intensive land uses for differential rating purposes given the limited permitted rating categories available under legislation. <p>A report on this issue, commissioned by the Legatus Group, highlights considerable differences in the manner in which properties are valued and categorised, and in which rates are able to be levied in other mainland States. SA councils are significantly disadvantaged when compared to the approaches adopted in Queensland, WA and NSW with respect to the rating of resources sector (mining) properties. SA councils are also disadvantaged when compared to the approaches adopted in Queensland and Victoria with respect to the rating of electricity generation sites (including wind and solar farms).</p> <p>The report can be found on the Legatus Group website at: https://legatus.sa.gov.au/wp-content/uploads/2018/07/Final-Report-Rating-Equity-for-CommercialIndustrial-Land-Uses-Outside-Towns-in-SA-1.pdf</p> <p>The following changes in legislation could be considered to address these constraints and ensure equity between ratepayers:</p> <ul style="list-style-type: none"> allow councils to recover appropriate payments in lieu of rates directly from electricity generators – rather than landowners – under a regulated formula subject to indexation (a similar system currently exists in Victoria where Councils receive payments based on a methodology under State legislation); and

Reform issue	LGA's preliminary comments
	<ul style="list-style-type: none"> enable additional flexibility in the categorisation of different land uses for differential rating purposes to provide councils with greater capacity to levy appropriate rates based on intensity of land use (e.g. mining/resources, feedlots). <p>As outlined in the Report, the resulting additional revenue would allow the redistribution of the tax rating burden on a broader ratepayer base. In other words, case studies show that addressing this issue could put downward pressure on the rates paid by households.</p> <p>These changes would likely require consequential change to Acts outside the responsibility of the Minister for Local Government (e.g. the <i>Electricity Corporations Restructuring and Disposal Act 1999</i> is the responsibility of the Treasurer), so further consultation will be required with other Ministers as necessary.</p>
Regulations for section 245A of the Local Government Act 1999 (Development Bonds)	<p>In 2009, section 245A was inserted into the <i>Local Government Act 1999</i> with the intention of enabling a council to require a developer to enter into an agreement - that complies with any requirements prescribed by regulations - to cover the cost of potential damage to council infrastructure. This agreement could take the form of a bond or other security, which would be called upon only if damage occurred during development works. Shortly after insertion of section 245A it became apparent that without the development of regulations section 245A could not be enforced. Thus, should damage occur, there is no security to councils to oblige developers to pay for damage caused to infrastructure without court action.</p> <p>Since this time, the LGA has been seeking to have relevant regulations made but this has previously been met with opposition by both industry and the previous State Government. The LGA proposes to continue to seek the making of appropriate regulations, to safeguard council's infrastructure and enable councils to recoup the cost or repairing related to development damage.</p>
Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 (CEO may submit report recommending revocation or amendment of council decision)	<p>Regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013 allows a CEO to submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council. It is believed the intention of the drafters of regulation 21 was to provide an alternative process to regulation 12(3) which requires a council member to place a notice of motion to amend or revoke a council resolution passed since the last general election. However, regulation 21 has not been integrated appropriately with regulation 12(3) and the requirement for a council member to place a written notice of motion remains in force in relation to a CEO recommendation for revocation or amendment of a resolution. Thus, at present the CEO report recommendation needs to be brought back to council at the next meeting through a notice of motion put forward by a council member under regulation 12(3). This means, at</p>

Reform issue	LGA's preliminary comments
	<p>best regulation 21 empowers the CEO to draw a council's attention that he/she considers a revocation or amendment would be appropriate, after which a written notice of motion must be lodged by a council member at a second meeting before the council could pass a rescission motion based on the recommendation of the CEO.</p> <p>The LGA has previously requested amendment to regulation 21 to ensure proper integration between regulation 21 and regulation 12(3) so that a written notice of motion by a council member (therefore necessary to wait for a second meeting) is not required. Amendment has not yet occurred and the LGA recommends continued advocacy to remedy the anomaly.</p>
OTHER REFORM ISSUES	
Management of unmade roads	<p>The <i>Local Government Act 1999</i> and the <i>Road Traffic Act 1961</i> do not give councils appropriate powers to manage unmade public roads, especially in rural areas. There are many 'public roads' laid out in old rural subdivisions which have never been formed, or are no longer used, and over time have been occupied by adjacent landowners. In some cases, there is remnant public infrastructure in place, including culverts and bridges. While some are required/used as fire trails, many are purely used for private access or private purposes. The increase in four wheel drive enthusiasts has seen an increase in complaints from adjacent landowners, and exposes council to a potential liability for the use or misuse, and damage to either the user's vehicle or the road and road infrastructure. Clearer statutory provisions are needed so council can effectively close a road to all, or certain classes of vehicles, and be able to effectively enforce the road closures.</p>
Community housing	<p>The State Government is transferring public housing properties to Community Housing Providers to facilitate their upgrade and renewal. This transfer makes properties eligible for a mandatory 75% rebate on council rates, whereas the State Government previously paid full rates on these properties.</p> <p>The State Government transferred 4,000 public housing properties to CHPs in September 2017. This followed the transfer of 1,100 properties in 2015. The approximate annual revenue loss across the 17 councils impacted is approximate \$4.4 million for every 5,000 properties that are transferred through a long-term lease to community housing providers.</p> <p>Public housing is a State Government responsibility. Applying the mandatory rebate to the transferred properties leads to an inequitable burden on other ratepayers in affected councils, often in lower socio economic communities that can least afford the additional impost.</p>

Reform issue	LGA's preliminary comments
	The LGA advocates for legislative change to remove the 75% rebate on council rates for community housing providers.
Fees and charges	<p>Cost shifting also occurs when councils are required by legislation or an agreement with the state government to provide a service, but the regulated fee for providing that service falls well below costs.</p> <p>Many of the fees and charges that council can raise are set in Regulations. Some are set at cost recovery, others are not. Some are indexed annually, others are not. There are some activities for which councils are not permitted to charge any fee. Councils and community need more clarity and certainty about fees and charges.</p> <p>The LGA advocates for review of local government fees and charges regulated by the state government to establish modern price setting principles which promote efficiency, flexibility and fairness in service delivery. This will cover a number of Acts outside the <i>Local Government Act 1999</i> and the <i>Local Government (Elections) Act 1999</i> and will require consultation with other Ministers.</p>

Member Feedback

Members are invited to provide feedback on these preliminary ideas, which have been identified through previous member feedback. We also welcome the submission of further ideas for positive reform based on the expertise and experiences of member councils. As a guide, the following key questions may be considered in providing feedback.

Will these ideas contribute positively to local government and provide benefits to the community?

What would be the barriers or issues that would need to be overcome in order to successfully implement these ideas?

Are there alternative solutions to the problems that have been identified that should be further explored?

What are the other issues that should be addressed through this reform program, and what are the potential solutions?

What are the areas of the Local Government Act and Local Government (Elections) Act that are working well and should not be altered through this reform program?

Feedback on reform issues is requested by **5pm on Friday 26 April 2019** in order for your ideas to be considered by the LGA and form part of the Association's initial response to the State Government. However, we appreciate that some councils may require additional time and we would gratefully accept your feedback at any stage as will continue to submit ideas and issues to the Government and all members of Parliament throughout the entire reform process.

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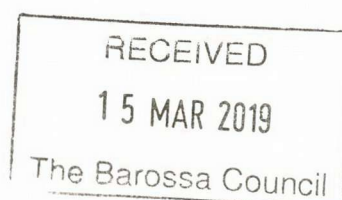


Government
of South Australia

The Hon Stephan Knoll MP
Member for Schubert

2018/23560/T01

Mayor Michael Lange
The Barossa Council
PO Box 867
NURIOOTPA SA 5355



Dear Mayor ^{Bin}Lange

On 20 February 2019, the Premier and I held a roundtable discussion with 45 Mayors from across South Australia to discuss potential local government reform. I found the discussion at the Roundtable on local government reform most valuable as I consider legislative review over the course of 2019.

As I mentioned on the day, there are several areas of local government and activity that I think could benefit from a fresh look and sensible reform. These are:

Stronger council member capacity and better conduct

I am aware that the Code of Conduct for Council Members needs to be reviewed. This is an important tool that can assist all council members to act in the best interests of their communities, and to ensure that their decisions are always made with the highest standards of integrity. However, I would like the legislative review to extend beyond the role of a formal Code to consider what tools councils need to ensure that relationships amongst their members are constructive, and that all council members have the knowledge and skills to perform their roles.

Lower costs and enhanced financial accountability

I also aim to ensure that the legislative provisions that guide all councils' financial accountability deliver a system of local government that your constituents see as robust, sustainable and transparent. This will ensure that the people who provide the taxes you rely on are both fully informed of your council's performance, and feel confident in your operations and position.

Efficient and transparent local government representation

I will also incorporate a review of the 2018 local government elections within this broader reform program. This review may consider all aspects of local government elections, including voting methods, timing of elections, the role of candidate donations and information provided to voters.

Simpler regulation

Finally, I also see a broad based review of the *Local Government Act 1999* as an opportunity to identify statutory requirements whose costs outweigh their public benefits. I would appreciate hearing of any ideas you may have on possible legislative improvements that allow your council to better focus on the services that your community values most.

Minister for Transport, Infrastructure and Local Government
Minister for Planning

Roma Mitchell House Adelaide SA 5000 | GPO Box 1533 Adelaide SA 5001 DX 171
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Prior to developing any proposals for legislative reform, I would like to hear all ideas for improvements from across the local government sector. I therefore invite you and your council to submit any feedback on the above four reform areas, or suggestions for other improvements that you think should be considered.

I would appreciate receiving any submissions by Friday 26 April 2019. Information on the reform program is available from the OLG website, www.dpti.sa.gov.au/local_govt.

To maximise the value of your contribution, I would appreciate your considered ideas for reform that include an appropriate level of detail and identifies possible solutions that focus on real benefits to your ratepayers and communities.

You may wish to note that I will also request ideas for local government reform from the community more widely. I encourage your community to contribute to the reform conversation at YourSAy.

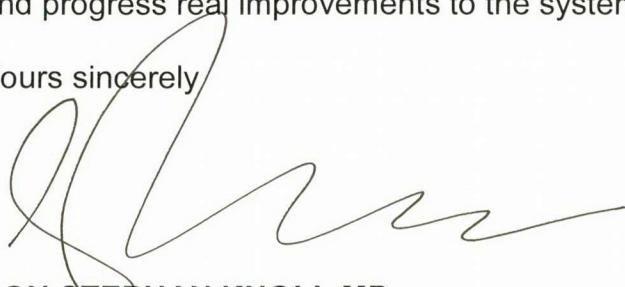
Following the consideration of all ideas, it is my intention to release a paper in mid-2019 that discusses ideas and opportunities within the four reform areas and other reforms that may arise through consultation with the sector and communities. This will enable further discussion proposals for reform before a Local Government Reform Amendment Bill is developed in early 2020.

However, if matters are identified that can bring immediate benefit to councils and their communities, I will consider taking an initial reform Bill forward in mid-2019. You may wish to comment on such improvements in any submission you make.

You may also wish to note that I have written to all South Australian council members, as I am keen to highlight the opportunity this reform program brings to improve local government, and to maximise my engagement with all councils.

I look forward to working with you, your council and your communities as we identify and progress real improvements to the system of local government in our State.

Yours sincerely



HON STEPHAN KNOLL MP
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT
MINISTER FOR PLANNING

7 March 2019

COUNCIL
EXECUTIVE SERVICES
CHIEF EXECUTIVE OFFICER REPORT
16 APRIL 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.2
REVIEW OF COUNCIL'S PRIVACY POLICY
B5334

Author: Governance Advisor

PURPOSE

To receive and consider the draft Privacy Policy as attached.

RECOMMENDATION

- (1) That Council receives, considers and approves the draft Privacy Policy, as attached at Attachment 1 to this report;
- (2) That Council receives the draft Photograph Permission Form, at Attachment 2 of this report, which will be approved by the Chief Executive Officer in accordance with administrative processes.

REPORT

Background

Council's Privacy Policy was first adopted on 20 December 2016, and reflects Council's commitment to protect the personal information of community members, where this information may be managed by Council. Local Government is not bound by the Commonwealth's *Privacy Act 1988*, nor the State Government's *Information Privacy Principles Instructions 2016* (except if contracted to a Commonwealth or State service provider). Nevertheless, Council's Privacy Policy is based on the Australian Privacy Principles (which stem from the Commonwealth's *Privacy Act*).

Introduction

Council's Privacy Policy is now due for periodic review. Amendments have been made to the Policy, taking into account the practical implementation of the Policy.

Discussion

The period review of Council's Privacy Policy was conducted by officers, and updates made by way of track changes in the draft Privacy Policy attached at Attachment 1 of this report.

In summary, the updates include:

- The addition of clause 4.3.3: Photographs Used or Published by Council
 - The clause sets out procedures for obtaining permission to take and use photographs of individuals.

- The clause is based on current practice and procedures utilised by Council officers when using photographs of community members.
- The Photo Permission and Release Form has been developed for Council-wide use. Previously, variations of the same form were used by different areas of Council.
- References to important legislation and other policies that relate to the Privacy Policy at clause 2.6, as a consequence of the amendments to the Employee Code of Conduct
- Relaxing the procedural requirements with respect to the secondary disclosure of information, where the person providing information has been alerted to the fact that the information will be used or disclosed for the secondary purpose (eg: as a condition on a form) – at clause 4.3.1 (ii)
- The addition of a statement to clause 4.3.2 making clear that information provided to Council as part of a community consultation may be made publicly available via Council meeting agenda reports, as necessary to allow Elected Members to make informed decisions
- Rephrasing of clause 4.2.2 (ii) to better reflect services Council currently provides
- Updates to definitions and other minor updates for consistency

In addition, a Photograph Permission Form has been developed for organisation-wide use, and is attached for Council's information at Attachment 2 of this report – see clause 4.3.3 of the draft Privacy Policy for more information on how the Form will be used.

Summary and Conclusion

Council is now asked to receive, consider and approve the attached draft Privacy Policy. Further, Council is asked to receive the attached draft Photograph Permission Form, which will be approved by the Chief Executive Officer in accordance with administrative processes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1** - Draft Privacy Policy
Attachment 2 - Draft Photograph Permission Form

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

N/A

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no financial considerations.

Resource

Officers will amend existing processes to align with the Policy where appropriate, as part of their existing duties.

Risk Management

Risk of privacy breach is reduced by the implementation and cross-Council awareness of the Policy. Further, risk is minimised by the adoption of a Photograph Permission Form for organisation-wide use.

COMMUNITY CONSULTATION

No consultation is required under legislation, however the interest of the community is well served by Council voluntarily aligning itself to the existing Commonwealth and State Privacy Principles where it is practicable to do so.

THE BAROSSA COUNCIL

PRIVACY POLICY



Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.		
Policy Owner:	Chief Executive Officer	Previous Approval Dates:	<u>20/12/2016</u>
Document Control Officer:	Governance Advisor	Current Approval Date:	<u>XX/XX/2019</u>
TRIM Reference:	16/51960[v2]	Next Review Date:	<u>XX/XX/2023</u>

1. Purpose

- 1.1 The Barossa Council ("the Council") is committed to maintaining a culture that respects its customers' right to privacy.
- 1.2 This Policy sets out Council's framework for collecting and managing the Personal Information of its customers.

2. Scope

- 2.1 The Commonwealth Government's Privacy Act, the Australian Privacy Principles which flow from it, and the South Australian Government's Information Privacy Principles Instruction ("the Principles") do not bind Local Government except when Council contracts with a Commonwealth or State Government agency. However as these Principles set best practice standards for collecting and managing Personal Information, Council's position on privacy will align as is reasonably practicable with them.
- 2.2 This Policy applies to Council's Elected Members and Workers who, in the course of their official Council duties, collect and manage Personal Information of Council's customers.
- 2.3 This Policy does not apply where legislation prevails and requires the release of Personal Information in certain circumstances - for example to the Ombudsman, the Independent Commissioner against Corruption, Office of Public Integrity, the Minister, Royal Commissions, courts and tribunals, auditors and other public bodies or prescribed authorities.
- 2.4 This Policy does not apply to the Personal Information of Council Workers where it is related to their employment with Council as this is managed by Council's Human Resource Framework. It will apply, however, to the Personal Information of Council Workers when they are also Council customers.
- 2.5 This Policy does not apply to confidential information of organisations and businesses (refer to Council's *Procurement Policy*).

2.6 In addition to the requirements of this Policy, Workers should be aware of the following:

2.6.1 Section 110A of the Local Government Act – Employees or former Employees must not disclose information that has been determined by Council to be confidential under section 90 of the Act.

2.6.2 Council's Human Resource Management Policy – sets out behavioural expectations including, that Employees must not release or divulge information which could be considered private under Council's Privacy Policy, unless the law authorises or requires its release (clause 4.13.2.5 of the Human Resource Management Policy).

3. Definitions	
Access	Allowing an individual to inspect Personal Information or to obtain a copy.
Collection	Gathering, acquiring, or obtaining Personal Information from any source or by any means including unsolicited information.
Disclosure	Release of Personal Information to persons or organisations. It does not include giving individuals Personal Information about themselves.
Elected Members	Those elected representatives of The Barossa Council, including the Mayor.
Employee	<u>Full time, part time and casual Employees of The Barossa Council including trainees, apprentices and on-hire employees.</u>
Freedom of Information	A system of access to information held by councils and other public bodies, through which interested parties may have a right to access that information as governed by the Freedom of Information Act 1991.
Personal Information	Information, including Sensitive Information, or an opinion (whether true or not), and whether recorded in material form or not, about a natural living person whose identity is apparent (or can reasonably be ascertained) from the information or opinion, including a photograph or other pictorial representation of a person, but does not include information that is in: <ul style="list-style-type: none">• generally available <u>in</u> publications• material kept in public records and archives such as the Commonwealth or State archives• anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.
Ratepayers	Individuals and organisations who own property, or by other legal arrangements who are liable to pay rates under the Local Government Act, in The Barossa Council district.
Residents	Individuals who reside in The Barossa Council district.
Sensitive Information	Information or an opinion about an individual's: <ul style="list-style-type: none">• racial or ethnic origins• political opinions• membership of a political organisation <u>or association</u>, a professional or trade association or a trade union• religious beliefs or <u>affirmations-affiliations</u>• philosophical beliefs• sexual preferences or practices• criminal record• health
Worker	A person is a Worker if the person carries out work in any capacity for a person

	conducting a business or undertaking (ie for Council) including work as: (a) an employee or (b) a contractor or sub-contractor – or their employee (c) an employee of a labour hire company, assigned to work for Council (d) an outworker (e) an apprentice or trainee (f) a student gaining work experience (g) a volunteer (h) a person of a prescribed class.
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4.	Policy Statement
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4.1 Customer Identification

4.1.1 Council encourages its customers to use their true contact details when dealing with Council so that their requests and complaints may be dealt with as effectively and efficiently as practicable.

4.1.2 However, in some situations a customer may be more comfortable to anonymously make a request or complaint. Council officers will assist a customer in these situations wherever it is practical to do so or where legislation does not require a name and contact to register a complaint or request. Refer to Council's Complaints policies and processes.

4.2 Collection of Personal Information

4.2.1 Council will only collect Personal Information if it is reasonably necessary for, or directly related to, one or more of Council's functions or activities.

4.2.2 As is appropriate, a higher standard applies to the collection of Personal Information that is deemed to be Sensitive Information and so Council will only collect this kind of Personal Information if:

(i) the individual consents to the collection; or

(ii) one or more of the following applies:

- the collection is required or authorised by or under an Australian law or a court/tribunal order or as part of or related to Council's enforcement function;
- Council requires that this information be collected as part of Council's usual processes, practices or functions ~~has permitted a general situation in relation to the collection of Personal Information,~~ eg Council's Volunteer Registration Form;
- Council requires that this information be collected in order to manage risks or assess its ability to provide support, and the information is reasonably necessary for this purpose ~~has permitted a specific health situation to exist in relation to the collection of Personal Information,~~ eg to submit information regarding nature of a disability or health condition to secure Commonwealth funding.

4.2.32 The type of Personal Information that may be collected by Council includes:

- names and addresses (postal, residential and email addresses)
- photographic identification (eg drivers' licence)
- telephone numbers
- age / date of birth
- property ownership and/or occupier details
- dog ownership
- electoral roll details
- payment history

- financial, rental or income details (eg to support assessment of financial hardship or capability, tenders and contract due diligence, financial guarantees)
- pensioner/concession information
- library membership details
- library borrowing history
- visitor metadata from Visitor Information Centre booking services
- footage from Council's approved Closed Circuit Television monitors
- photographs of individuals taken by Council officers in the course of Council duties.

4.2.43 Proof of Identity

_____To action particular requests from its customers, Council will require proof of _____identification, eligibility or entitlement from the customer – for example, for a request to _____change a name upon marriage or divorce; ~~or~~ update an address; or a request for a _____fee waiver to access a Council record.

To reduce the risk of identity fraud, the attending Worker will not copy the original and retain the copied proof of identity, eligibility or entitlement into Council's record _____management system, in those circumstances where they can instead reasonably _____sight the original identification source, note the reference and expiry date and _____return the original identification immediately to the customer.

Where it is not reasonable to sight the original identification source and return it to the customer, any copies made or received by a Worker will be registered into Council's records managements system with strict access controls.

4.2.54 Council will only collect Personal Information by legal and fair means. This includes collection from a third party such as SA Water, State Electoral Office, Office of the _____Valuer-General, ~~another other R~~atepayers and ~~R~~esidents.

4.2.65 Council may determine not to retain Personal Information that is sent to it by an unsolicited or anonymous source where it is deemed to be trivial or unrelated to Council business.

4.2.76 Where practicable, at the time of collection, Council will take reasonable steps to inform its customers:

- of the reasons for the Personal Information collection,
- if such collection is authorised or required by the law, and
- where practicable, of any usual practices with respect to the use and disclosure of such Personal Information.

4.2.87 In collecting Personal Information, Council assumes that:

- the information is free from errors and omissions, is not misleading or deceptive and complies with all relevant laws;
- those who provide the information have the authority to do so;
- ~~#~~Council may not, and is not required to verify the accuracy of the information; and
- it is the responsibility of the individual to provide Council with the details of any changes to their Personal Information as soon as possible.

4.3 Use or Disclosure of Personal Information

4.3.1 Distribution to Third Parties

If Council holds Personal Information of an individual which was collected for a particular purpose ("the primary purpose"), it must not use or disclose the information for another purpose ("the secondary purpose") unless:

- (i) the individual has provided written consent to the use or disclosure of the information for the secondary purpose; or
- (ii) the individual would reasonably expect Council to use ~~or disclose~~ the _____ information for the secondary purpose

however:

- the secondary purpose should be connected to the primary purpose; and
- if the information is Sensitive Information – then the secondary purpose should be very closely connected to the primary purpose.
 - This requirement for a more direct relationship recognises that the use and disclosure of Sensitive Information can have serious ramifications for the individual and/or their associates; and

_____ for the purpose of this sub-clause (ii), the Worker ~~releasing using or disclosing~~ the information _____ must record a file note explaining the rationale for release. ~~However, a file note is not required if the person providing the personal information has been alerted to the fact that the the information will be used or disclosed for the secondary purpose (eg. as a condition on a form);- or~~

~~(iii)~~ _____

- ~~(iii)~~ _____ the provision of Personal Information is for the purpose of distributing material of and on behalf of Council and the body which is contracted for this purpose agrees to act in accordance with this Policy (eg for the provision of address data to a mailing service provider to post Rates Notices); or

- ~~(iiiv)~~ the use is by a third party or Worker who provides advice or services to assist Council provide benefits to ~~R~~ratepayers and/or ~~R~~esidents (eg the ~~State Electoral Office~~Electoral Commission SA, Office of the Valuer-General, insurers, debt collectors); or

- (v) the use or disclosure of the information is required or authorised under an Australian law or a court/tribunal order, for example mandated reporting under the *Children's Protection Act 1993*, or public notifications under the *Development Act 1993*; or

- ~~(vi)~~ there is a situation where consent cannot be reasonably obtained and the Worker reasonably believes that the disclosure of the information is necessary to prevent or lessen a serious threat to the life, health or safety of a person or group of people, then they may disclose the information necessary to a

service provider (eg Department of Communities and Social Inclusion) in order to prevent or lessen such a threat. In such a case, the information must only be shared in accordance with Council's *Information Sharing Process for Promoting Safety and Wellbeing*.

4.3.2 Council's Community Engagement

Council will only use or disclose Personal Information for the purpose of Council's own community engagement with an individual, where:

(i) ~~it~~ Council has ~~first~~ collected the information from the ate individual; and

(ii) _____

~~(i)~~ _____ the individual would reasonably expect Council to use or disclose the _____ information for that community engagement purpose; and

(iii) _____ ~~(ii)~~ _____ Council provides a simple means by which the individual may easily ~~request~~ not to receive such community engagement communications; and

_____ ~~(iii)~~ _____ the individual has not made such a request to Council to cease the communications.

(iv) _____

Personal Information provided to Council as part of its community engagement may be used or disclosed publicly for the purposes of reporting to the Elected Body or Council committees and to help inform decision making (eg inclusion in Council agenda reports of names and contact details of individuals who have made public consultation submissions).

4.3.3 Photographs Used or Published by Council

Council may take photographs of individuals for publication and use in:

- Council publications
- promotional marketing and advertising
- online (i.e. on websites and social media)

Where it is reasonably practical to do so, permission to take and use photographs should be obtained from the individual being photographed or their parent, guardian or an adult accompanying them (as appropriate), prior to taking or using the photograph, either:

- verbally; or
- by completing a *Photo Permission and Release Form*;

Incidental capturing of images not related to the photograph may occur and every effort will be made to blur or remove such content but cannot always be guaranteed.

When obtaining consent, Council officers must, where reasonably practicable, inform the individual being photographed of the intended use of the photograph.

Once consent is obtained, Council assumes that:

- the person who gave consent has the authority to do so;
- the ownership of the photographs and the copyright therein belong to Council;
- the consent is unconditional (unless the individual or person giving the consent expressly states otherwise);
- the consent applies to any and all uses of the photograph, including future use and where the photograph is published multiple times or on multiple platforms, unless the individual or person giving consent expressly states otherwise.

Completed *Photo Permission and Release Forms* must be stored in accordance with this Policy, Council's *Knowledge Management Policy* and supporting processes.

4.3.43 Commonwealth and State Contracts

Where Council provides a service funded by a Commonwealth or State government contract, it must disclose to the authorised Commonwealth or State representative any Personal Information it has collected if this meets an obligation under the relevant contract.

Where Council provides Personal Information to another service provider that is subject to the Australian Privacy Principles or Information Privacy Principles, Council will require that provider to sign an undertaking that it will maintain confidentiality when it handles the Personal Information supplied by Council.

4.3.54 Disclaimer

While Council will take all reasonable steps to ensure that the Personal Information disclosed is accurate, current and complete, it cannot accept any responsibility for loss or damage suffered by those who receive such information and rely on it, or because as a result of Council's inability to provide the requested information in the first place.

4.4 Security of Personal Information

- 4.4.1 Council will take all reasonable steps through its secure systems and supporting policies and processes to protect the Personal Information in its possession from misuse, interference, loss, unauthorised access, modification or disclosure.

4.5 Access to Personal Information

4.5.1 Public Access

Council recognises that certain documents containing Personal Information are legislatively required to be made available for public access.

These include:

- Property Assessment Records
- Adjoining Property Owner Requests
- All Council Agenda items which have not been subject to a confidentiality order under section 90(3) of the *Local Government Act 1999*
- Public Consultation documents and information included in public registers under the *Development Act 1993*
- Public registers required to be kept under the *Local Government Act 1999* (eg. Elected Member Register of Interests)
- Voters' Roll
- Petitions to Council (see clause 4.7.2 below for the specific information that will be available from a petition)

4.5.2 Freedom of Information (FOI) Act 1991

To access Personal Information outside those document groups listed in clause 4.5.1 above, a person may apply to Council's Accredited FOI Officer who will process their application in accordance with the governing FOI Act. Application forms are available on Council's website at www.barossa.sa.gov.au.

Personal Information may be released to an applicant, subject to certain legal exemptions, but the subject of that Personal Information:

- must be consulted, as required by the FOI Act, prior to any determination to release that information to the applicant; and
- is entitled to appeal any determination to release the Personal Information, prior to that information being released, in accordance with the FOI Act.

- 4.5.3 The applicant will be charged in accordance with Council's *Fees and Charges Register* for any copies of Personal Information which they have been provided.

4.5.4 Refusal to give access

If Council refuses to give access to the Personal Information or to give access in the manner requested by the applicant, it will (subject to any legal requirements) advise the applicant in writing that sets out the:

- (i) _____ (i) _____ reason(s) for the refusal; and
- (ii) _____ (ii) _____ complaints mechanisms available through Council's Customer Service Complaint Handling Policy, Internal Review of Council Decisions Policy and/or the Ombudsman.

4.6 **Correction of Personal Information**

4.6.1 Where Council holds Personal Information about an individual; and either:

- (i) is satisfied that, regarding the purpose for which the information is held, the information is inaccurate, out of date, incomplete, irrelevant or misleading; or
- (ii) the individual, with appropriate identification, requests in writing or in person to correct the information; or
- (iii) where the Personal Information is of a nature that requires a written application under the *Freedom of Information Act*, the individual makes a formal application under that Act for Council to correct the information;

Council will take steps (if any) as are reasonable in the circumstances to correct that information to ensure that, having regard to the purpose for which it is held, the information is accurate, up to date, complete, relevant and not misleading.

4.6.2 If Council refuses to correct the Personal Information as requested by the applicant, it will (subject to any further legal requirements) advise the applicant in writing:

- (i) the reason(s) for the refusal; and
- (ii) the mechanisms available to complain through Council's *Complaint Handling Policy*, *Internal Review of Council Decisions Policy* and/or the Ombudsman.

4.7 **Suppression of Personal Information**

4.7.1 **Assessment Record and Voters' Roll**

_____ An individual's name or address may be suppressed from the Council's Assessment _____ Record (section 172 of the *Local Government Act 1999*) and Voters' Roll (section 15 _____ of the *Local Government (Elections) Act 1999*), where on application by an _____ individual to the Chief Executive Officer is satisfied that the inclusion of such details _____ would place at risk the personal safety of that individual, a member of their family or _____ another individual.

-4.7.2 Petitions

_____ Council receives Personal Information in petitions (ie names, signatures and _____ addresses) forwarded to it from those who want Council to undertake a certain _____ action. The [Chief Executive Officer](#) is required under the *Local Government (Procedures at Meetings) Regulations 2013* to place the petition on the public agenda for the next ordinary _____ meeting of Council.

_____ Unless the [Chief Executive Officer](#) receives a specific request from a petition co-signatory to suppress _____ their Personal Information, details will generally not be suppressed by the _____ [Chief Executive Officer](#) prior to providing the petition in the public agenda for Elected Body for _____ consideration.

_____ However, upon taking into account any particular sensitivities surrounding the _____ subject of the petition, the [Chief Executive Officer](#), at their discretion, may instead provide a _____ compilation of the petition's co-signatories in a separate paper, and provide this to _____ the public agenda. _____

4.8 **Destruction of Personal Information**

- 4.8.1 Records which contain Personal Information are managed for the life of the record in accordance with the relevant *General Disposal Schedule (GDS)* and Council's *Knowledge Management Policy*.
- 4.8.2 When the information is no longer required by Council and is able to be destroyed in accordance with the GDS, the information and its meta-data elements within Council's record management system must be de-identified and/or destroyed.

4.9 **Data Breach**

- 4.9.1 While Council will always use its best endeavours to protect Personal Information within the parameters of its legal obligations and resources, in the event where a data breach occurs and Council is aware of that breach, Council will notify the affected individual(s) as soon as reasonably practicable so that any consequential damage might be minimised.

5. **Supporting Documentation**

Change of Name and Address in Pathway Process
Credit Card Payment (Card Not Present) Process
Critical Client Incident Process
Information Sharing Process [for Promoting Safety and Wellbeing](#)
Information Sharing Documentation Form
Information Sharing Guidelines for Promoting Safety and Wellbeing: [Local Government Association and DCSI Appendix \(April 2015\) Ombudsman SA](#)
Photo [Permission and Release Form](#) ~~graph Release Form~~

6. Related Policies

Complaint Handling Policy
Internal Review of Council Decisions Policy
[Human Resource Management Policy](#)
Knowledge Management Policy
Safe Environments for Children and Vulnerable Adults Policy
Freedom of Information Statement

7. References

Australian Privacy Principles
[Children's Protection Act 1993](#)
[Children and Young People \(Safety\) Act 2017 and Regulations](#)
[Child Safety \(Prohibited Persons\) Act 2016 and Regulations](#)

General Disposal Schedules 20, 21 and 32
Information Privacy Principles Instruction (Department of Premier and Cabinet)
Local Government Act 1999
Local Government (Elections) Act 1999
Local Government (Procedures at Meetings) Regulations 2013
Privacy Act 1988 (Cth)
Privacy Amendment Act (Cth) 2012
Freedom of Information Act 1991

8. Review

This Policy shall be reviewed by the Document Control Officer in consultation with the relevant stakeholders, within four years or more frequently if legislation or Council needs change.

9. Further Information

This Policy is available on Council's website at www.barossa.sa.gov.au. It can also be viewed electronically at Council's principal office at 43-51 Tanunda Road, Nuriootpa and all Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.

Any person who has a concern about Council's management of their Personal Information or if they require further information should contact the Customer Service Staff on 8563 8444 or attend at Council's Nuriootpa Office in the first instance.

If concerns cannot be satisfied, the person may lodge a complaint in writing to the Chief Executive Officer of Council, PO Box 867, Nuriootpa SA 5355 or barossa@barossa.sa.gov.au.

Signed Date
Mayor [Bim Lange](#)

Photo Permission and Release Form

The Barossa Council uses photographs of community members (including young people) in a range of Council publications, promotional marketing and online through the Council website and social media. Please sign this release form to grant Council the permission to use your/and or your child's photograph.

I give my unconditional permission to The Barossa Council to use the photographic images of me (and/or child) taken on this date and release for use in Council publications, promotional marketing materials, media, website and social media. I expressly release The Barossa Council from any claim for financial compensation now and in the future, arising from the use of the photographic image/s in accordance with this permission and release.

I expressly acknowledge, understand and agree that:

- all rights in the photographs, including the copyright therein, and the ownership of the digital images belong to The Barossa Council;
- The Barossa Council may use these images in Council publications, promotional marketing materials, media, and online on the Council website and social media channels and may be published and used over multiple platforms, and used or published multiple times;
- once the image(s) is posted on The Barossa Council website and/or social media application, that it can be downloaded and/or shared by other users;
- the image(s) may be distributed by The Barossa Council to affiliated or associated groups or third parties (eg. event organisers), and that the image(s) may be published or used by that group or third party and I expressly authorise The Barossa Council to grant others the right to use the image(s);
- I give permission for and acknowledge that The Barossa Council has the right to crop or alter the image(s) at its discretion; and that Council may choose to use the image at a later time;
- in the event that I no longer wish for the image(s) to be used, it is my responsibility to contact The Barossa Council and request for the future use of the image(s) to cease. However, I understand that this will only apply to future use;
- I/my child may be identified by name unless I expressly specify otherwise.

I agree to indemnify and hold harmless The Barossa Council from any claims arising from such activities and expressly include within the scope of this indemnity and release the following persons:

- All Workers at The Barossa Council, including employees, contractors and volunteers;
- Elected Members of The Barossa Council, including the Mayor

Any personal information provided in this form will be collected, stored and used in accordance with The Barossa Council's *Privacy Policy* and associated policies, available on www.barossa.sa.gov.au

Photo Permission and Release Form approved by the Chief Executive Officer on [day] of [month] 2019
© The Barossa Council 2019



The Barossa Council



heritage, lifestyle, opportunity, prosperity

Photo Permission and Release Form

See Reverse Side for Terms and Conditions

To be completed by person being photographed (if over 18 years) or by parent/guardian or person accompanying the child (if under 18 years)

I certify that I am over 18 years of age.

Name: _____ Date: _____

Phone: _____ Email: _____

Address: _____

I agree with the terms stated on the other side of this page and give permission for my photo/my child's photo to be used and published in all Council print and online publications, including Council's Website and social media

Signature: _____

To be completed by parent/guardian or person accompanying the child (if under 18 years)

For persons under the age of 18, the permission of a parent, guardian or person accompany the child (eg. School teacher) is required.

I grant permission to The Barossa Council to use photographic images of my child as outlined on the other side of this page.

Name of child/children: _____

Date of Birth: _____

☐ Please identify this child by first name ONLY.

☐ Please do not identify this child by name.

By signing above, I certify that:

- I am over 18 years of age; and
- I am the parent/guardian of the abovementioned child/children; or
- I have authority to provide this consent.

Photo Permission and Release Form approved by the Chief Executive Officer on [day] of [month] 2019

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Email: Barossa@barossa.sa.gov.au

ABN: 47 749 871 215

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COUNCIL

EXECUTIVE SERVICES

CHIEF EXECUTIVE OFFICER REPORT

16 APRIL 2019

7.2.1 DEBATE AGENDA – CHIEF EXECUTIVE OFFICER

7.2.1.3

MINOR AMENDMENT TO COMMUNITY LAND MANAGEMENT PLAN – MANAGEMENT PLAN 2 – UNDEVELOPED RESERVES AND GARDENS (OR THOSE WITH MINOR IMPROVEMENTS) B9471

Author: Governance Advisor

PURPOSE

Council is asked to receive, consider and adopt the proposed minor change (easement over land) to the Community Land Management Plan 2 – Undeveloped Reserves and Gardens (or Those with Minor Improvements), with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), pursuant to section 198 of the *Local Government Act 1999*. The proposed amendment has no impact or no significant impact to the interests of the community. Council is also asked to authorise the person acting in the position of the Chief Executive Officer to record the amendment in the Community Land Register.

RECOMMENDATION

That Council, being satisfied that the proposed amendment to the Community Land Management Plan 2 – Undeveloped Reserves and Gardens (or Those with Minor Improvements), with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), has no impact or no significant impact on the interests of the community:

- (1) Receives, considers and adopts the proposed minor amendment to the Community Land Management Plan 2 – Undeveloped Garden and Reserve, with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), to include the easement granted (or to be granted) by the person acting in the position of Chief Executive Officer in exercise of his/her delegated powers under section 201(2)(d) of the *Local Government Act 1999*; and
- (2) Authorises the person acting in the position of the Chief Executive Officer to record the amendment (i.e the easement over community land comprised of Allotment 200 Barossa Valley Way, Tanunda) in the Community Land Register once the easement is granted in favour of the owners of Allotment 184 Barossa Valley Way, Tanunda.

REPORT

Background

Council has 8 adopted Community Land Management Plans, that, along with the Community Land Register, provide a framework for Council to maintain and develop

its community land to maximise its use by the community for recreational and leisure activities.

Community Management Plan 2 – Undeveloped Reserves and Gardens (or Those with Minor Improvements) (hereinafter referred to as “CLMP-2”) identifies objectives, performance targets and measures for the management of Council’s undeveloped reserves and gardens, or those with minor improvements, which are generally used for passive recreation. CLMP-2 is attached to this report at Attachment 1. Included in the Management Issues are parking areas, driveways, fencing, and other infrastructure that may exist or be developed on the land. The CLMP-2 also contemplates that Council may grant leases and licenses for the whole or part of the land and improvements to the land, as deemed appropriate by Council, in addition to providing permits for use of the land/part of the land by specified permit holders.

Introduction

On 19 September 2016, Council received a Development Application from Russel Built Pty Ltd on behalf of the landowner of Allotment 184 Barossa Valley Way, Tanunda. The Development Application includes plans for a driveway, the purpose of which is to access the landowner’s land from the road. However, due to the position of the landowner’s land, the driveway is proposed to run from the road, through Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566) (hereinafter the “Land Parcel”), which is owned by Council and classified as Community Land and subject to CLMP-2 (see map at Attachment 2). The applicants have requested that an easement over the Land Parcel be provided in their favour, in order for them to build the driveway to access their land from the road.

Discussion

Taking into consideration the following:

- the Land Parcel is subject to CLMP-2, which, amongst other things, recognises the issue of access to/from the adjoining private lands;
- under section 201(2)(d) of the *Local Government Act 1999*, it is recognised that the Council may grant an easement (including right of way) over community land;
- that power to grant such easement has been delegated by Council to the person acting in the position of the Chief Executive Officer (noting that there is no prohibition or restriction under section 44(3) of the *Local Government Act 1999* upon the Council delegating this power)

the Chief Executive Officer decided to exercise his delegated power under section 201(2)(d) of the *Local Government Act 1999* to grant an easement over the Land Parcel, in favour of the applicants in order to allow the applicants to access their land via a driveway through the Land Parcel.

Subsequently, Council officers granted the Development Plan Consent to the applicant, with the following reserved matter:

Reserved Matter

- (1) An easement right of way is required to create lawful access from the Barossa Valley Way to the subject land and give effect to the approval herein granted. The easement is to be prepared so as to suitably indemnify council and obligate the owner(s) to all costs and responsibilities associated with preparing and registering the easement, construction of the access, and any associated alterations and maintenance connected thereto.

Thus, it is now necessary to amend the CLMP-2 to include a reference in the Community Land Register with respect to the Land Parcel, that once granted, that an easement over the Land Parcel has been granted in favour of the landowners of Allotment 184 Barossa Valley Way Tanunda, by the person acting in the position of the Chief Executive Officer, in exercise of powers to grant an easement over community land, delegated to him/her in accordance with section 201(2)(d) of the *Local Government Act*.

Public consultation is not required to amend the CLMP-2, as the amendment has no impact or no significant impact on the interests of the community, due to:

- the size of the land,
- the considerations stated at the first paragraph of this section of the report, and the public were consulted prior to the adoption of the provisions of the CLMP-2; and
- the amendment will result in a be recorded in the Community Land Register entry for the Land Parcel, and no significant part of the CLMP-2 will be changed.

Summary and Conclusion

Council is now asked to receive, consider and adopt the proposed minor change (easement over land) to the Community Land Management Plan 2 – Undeveloped Reserves and Garden (or Those with Minor Improvements), with respect to Allotment 200 Barossa Valley Way, Tanunda (Certificate of Title Volume 5779 Folio 566), pursuant to section 198 of the *Local Government Act 1999*; and to authorise the person acting in the position of the Chief Executive Officer to record the amendment in the Community Land Register.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 - Community Land Management Plan 2 – Undeveloped Reserves and Garden (or Those with Minor Improvements) and Extract of the Community Land Register relating to the Land Parcel

Attachment 2 - Map of Allotment 200 Barossa Valley Way, Tanunda - Certificate of Title Volume 5779 Folio 566 – “Land Parcel” – marked in purple on map

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS



How We Work – Good Governance

Corporate Plan

Infrastructure

3.2 Ensure Council's parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.

Legislative Requirements

Local Government Act 1999, sections 194, 198, 201(2)

Local Government (General) Regulations 2013, regulation 23

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

There are no costs to Council, associated with the granting of the easement, as it is a reserved matter of the Development Plan Consent the landowner is required to pay all costs associated with the preparation and registration of the easement, construction, alteration and maintenance.

Resource

There are minimal resource considerations, as officers are exercising delegations as part of their existing duties, and there are no costs to Council, associated with the preparation and registration of the easement.

Risk Management

Risk is mitigated by exercising delegations in accordance with the respective delegations instruments, and by following the requirements of section 198 of the *Local Government Act 1999*.

COMMUNITY CONSULTATION

Community consultation is not required pursuant to section 198(3) of the *Local Government Act 1999*, as the amendment has no impact or not significant impact on the interests of the community.

THE BAROSSA COUNCIL'S COMMUNITY LAND REGISTER
MANAGEMENT PLAN 2 - UNDEVELOPED RESERVES AND GARDENS (OR THOSE WITH MINOR IMPROVEMENTS)

*This Community Land Management Plan identifies objectives, and performance targets and measures for the management of The Barossa Council's undeveloped reserves and gardens (or those with minor improvements).
 These parcels are generally used for passive recreation.*

ANAGEMENT ISSUES	OBJECTIVES, POLICIES AND PROPOSALS	PERFORMANCE TARGETS	PERFORMANCE MEASURES
<i>Parking Areas</i>	Provision of appropriate parking areas for use by patrons of the facilities.	To ensure that established designated parking areas can be accessed and utilised by all patrons and are in a reasonable condition.	Regular inspection and maintenance of parking areas in conjunction with an ongoing inspection process.
<i>Driveways</i>	Provision of appropriate driveways for use by vehicles.	To ensure all existing driveways are easily accessible by vehicles and are in reasonable condition.	Regular inspection and maintenance of driveway areas in conjunction with an ongoing inspection process.
<i>Reserve Infrastructure</i>	To provide reserve infrastructure which may include but is not limited to bins, benches, signage, lighting, monuments etc for the benefit of members of the public.	To ensure existing infrastructure is in reasonable condition, can be utilised adequately by patrons and does not pose a safety hazard.	Regular inspection and maintenance of infrastructure in conjunction with an ongoing inspection process.
<i>Fencing</i>	Maintain fencing throughout and around the perimeter of the property to bound the site from adjoining land and road frontages, where appropriate.	To ensure all existing fencing is maintained to a reasonable standard.	Regular inspection and maintenance of fencing in conjunction with an ongoing inspection process.
		To maintain the fencing surrounds and prohibit unsightly overgrowth and weeds against the fencing.	Regular inspection of the perimeter fencing and treatment/removal of any overgrowth and/or weeds at the base of the fencing.

The Barossa Council

THE BAROSSA COUNCIL'S COMMUNITY LAND REGISTER
MANAGEMENT PLAN 2 - UNDEVELOPED RESERVES AND GARDENS (OR THOSE WITH MINOR IMPROVEMENTS)

ANAGEMENT ISSUES	OBJECTIVES, POLICIES AND PROPOSALS	PERFORMANCE TARGETS	PERFORMANCE MEASURES
<i>Playgrounds</i>	To provide playground equipment specifically designed for children of all ages to be used by visitors and members of the community at specific locations subject to budget funding.	To ensure all existing playgrounds and surrounding areas are maintained in a reasonable condition, are operating correctly and do not pose a safety hazard.	Regular inspections and maintenance of playground equipment in conjunction with an ongoing inspection process and installation of new equipment in accordance with ongoing safety checks.
		To maintain an accurate inventory of all playground equipment.	Periodical updates of the playground inventory to ensure all equipment has been accounted for.
<i>Landscape Character</i>	To maintain existing lawned areas to be used by patrons of the property and provide lawned and landscaped areas to add to the appeal of the property.	To ensure established lawned and landscaped areas are maintained to a reasonable standard / appearance. This maintenance will involve the removal and control of weeds, watering, mowing and other ongoing general maintenance along with the planting of new trees / shrubs where required.	Regular inspection and maintenance of the property by Council Staff as part of an ongoing maintenance schedule and to identify any issues for rectification.
		To maintain the undeveloped areas of the property and prohibit overgrowth and weeds.	Regular inspection of the grounds by Council Staff as part of an ongoing maintenance schedule and treatment / removal of any overgrowth and weeds.
<i>Memorials / Monuments</i>	Maintain existing memorials/monuments as a mark of respect for and tribute to events and/or people.	To ensure that existing memorials/monuments are kept in a neat, tidy and safe condition.	Identification and rectification of any problems as they arise.
<i>Waterway</i>	Provision of a waterway running through the property.	To ensure the waterway remains unobstructed and free from pollution and does not pose a safety hazard.	Regular inspection of the waterway and timely rectification of any issues identified.

THE BAROSSA COUNCIL'S COMMUNITY LAND REGISTER
MANAGEMENT PLAN 2 - UNDEVELOPED RESERVES AND GARDENS (OR THOSE WITH MINOR IMPROVEMENTS)

ANAGEMENT ISSUES	OBJECTIVES, POLICIES AND PROPOSALS	PERFORMANCE TARGETS	PERFORMANCE MEASURES
<i>Drainage Channel</i>	Provision of a drainage channel for the redirection of stormwater where required.	To ensure the drainage channel is unobstructed, acts as part of Council's larger drainage network / system and does not pose a safety hazard to members of the public.	Regular inspection of the drainage channel and rectification of any issues identified.
<i>Public Toilets</i>	To maintain existing public toilet facilities to be used by patrons of the property.	To ensure that the existing public toilets are serviced and maintained to a satisfactory condition and are kept in a tidy condition.	Regular inspection and maintenance of public toilets in conjunction with an ongoing building inspection process.
<i>Native Flora</i>	To maintain an environment which plays an important part in the conservation of native flora species.	Adequate control of weeds, overgrowth and other hazards including management of noxious weeds and animal grazing control in order to protect native flora species.	Ongoing reviews of conservation areas.
<i>Significant Trees</i>	To retain established significant trees.	Adequate control of weeds, overgrowth and other hazards including management of noxious weeds and pruning of trees where appropriate.	Ongoing reviews of area comprising significant trees.
<i>Lease s/Licences</i>	To allow the Lease /licence of the whole of or any part of the land and improvements to lessees/licensees as deemed appropriate by Council.	To negotiate adequate Lease /licence agreements to appropriate organisations/members of the public for the use of the facilities.	Maintenance and regular update of a Lease /licence register.

THE BAROSSA COUNCIL'S COMMUNITY LAND REGISTER
MANAGEMENT PLAN 2 - UNDEVELOPED RESERVES AND GARDENS (OR THOSE WITH MINOR IMPROVEMENTS)

ANAGEMENT ISSUES	OBJECTIVES, POLICIES AND PROPOSALS	PERFORMANCE TARGETS	PERFORMANCE MEASURES
		To ensure any lessees/licensees meet the terms and conditions of the agreement.	Periodical reviews of Lease /licence arrangements to ensure terms and conditions are being met.
<i>Permits</i>	To allow council to provide permits so that the land or portion of the land may be used by specified permit holders.	To monitor the issue of permits to members of the community so that fair use of the facilities is achieved.	Keep Council records of permits issued and monitor use.

The Barossa Council

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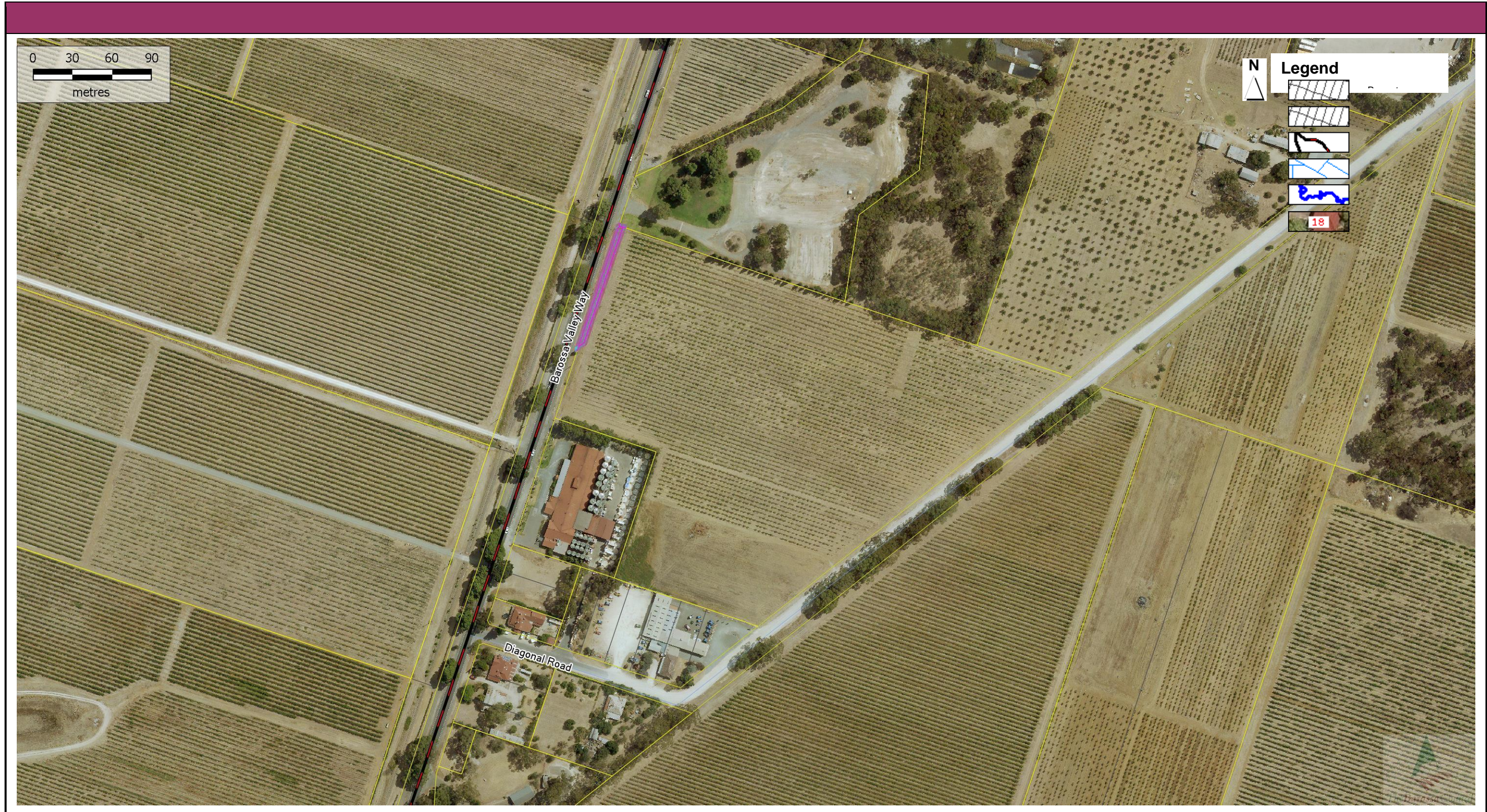
Parameters:

Property Key	Common Name	Property Address Line 1	Property Address Line 2	Title Reference	Owner Name	Tenure	Reservations / Dedication	Agreement Type	Lessee / Licensee	Expiry	Term	Purpose	Management Plan
101749	2 Penrice Road	ANGASTON SA 5353		CT-5819/735	The Barossa Council	Freehold							2 - Management Plan 2 - Undeveloped Reserve and Garden
111339	Jubilee Avenue Reserve	Section 425 Christian Street	ANGASTON SA 5353	CT-5581/546	The Barossa Council	Reserve	Held as a Reserve						2 - Management Plan 2 - Undeveloped Reserve and Garden
103671	Allot 14 Old Mill Road	NURIOOTPA SA 5355		CT-5798/685	The Barossa Council	Freehold							2 - Management Plan 2 - Undeveloped Reserve and Garden
103314	16-18 Stockwell Road	STOCKWELL SA 5355		CT-5561/561	The Barossa Council	Freehold							2 - Management Plan 2 - Undeveloped Reserve and Garden
101858	14 Stockwell Road	STOCKWELL SA 5355		CT-5647/383	The Barossa Council	Freehold							2 - Management Plan 2 - Undeveloped Reserve and Garden
103315	12 Stockwell Road	STOCKWELL SA 5355		CT-5570/680	The Barossa Council	Freehold							2 - Management Plan 2 - Undeveloped

107784	Allot 206 Jollytown Road	LYNDOCH SA 5351		CT-5519/641	The Barossa Council	Reserve	Held as Reserve						2 - Management Plan 2 - Undeveloped Reserve and Garden
109326	Allot 17 Rounsevell Road	WILLIAMSTOWN SA 5351		CT-5370/378	The Barossa Council	Reserve	Held as Reserve						2 - Management Plan 2 - Undeveloped Reserve and Garden
106802	Allot 200 Barossa Valley Way	TANUNDA SA 5352		CT-5779/566	The Barossa Council	Lnad	Held as Vacant Land						2 - Management Plan 2 - Undeveloped Reserve and Garden
106800	Allot 23 Coronation Avenue	TANUNDA SA 5352		CT-5596/728	The Barossa Council	Land	Held as Vacant Land						2 - Management Plan 2 - Undeveloped Reserve and Garden
106670	Allot 66 Basedow Road	TANUNDA SA 5352		CT-5810/464	The Barossa Council	Land	Held as Vacant Land						2 - Management Plan 2 - Undeveloped Reserve and Garden
106721	Section 594 Magnolia Road	VINE VALE SA 5352		CR-5764/694	The Barossa Council	Land	Held as Vacant Land						2 - Management Plan 2 - Undeveloped Reserve and Garden
106697	Allot 4-5 Gomersal Road	TANUNDA SA 5352		CT-5786/107	The Barossa Council	Park	Held as Park						2 - Management Plan 2 - Undeveloped Reserve and Garden
109732	Allot 53 Hardy Court	TANUNDA SA 5352		CT-5378/502	The Barossa Council	Reserve	Held as Reserve						2 - Management Plan 2 - Undeveloped Reserve and Garden



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Website: www.barossa.sa.gov.au



Notes	Disclaimer
	This map is a representation of the information currently held by The Barossa Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Any feedback on omissions or errors would be appreciated.

COUNCIL
EXECUTIVE SERVICES

FINANCE

16 APRIL 2019

7.2.2 DEBATE AGENDA – FINANCE

7.2.2.1

MONTHLY FINANCE REPORT (AS AT 31 MARCH 2019)

B411

Author: Senior Accountant

PURPOSE

The Uniform Presentation of Finances report provides information as to the financial position of Council, including notes on material financial trends and transactions.

RECOMMENDATION

That the Monthly Finance Report as at 31 March 2019 be received and noted.

REPORT

Discussion

The Monthly Finance Report (as at 31 March 2019) is attached. The report has been prepared comparing actuals to the Original adopted budget 2018/19 and incorporating the adopted Revised Budgets for September and December.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Monthly Finance Report 31 March 2019

Policy

Budget & Business Plan and Review Policy

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.3 Align operational strategy to strategic objectives and measure organisational performance to demonstrate progress towards achieving our goals.
- 6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.
- 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government (Financial Management) Regulations 2011 - Reg 9(1)(b)

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

To enable Council to make effective and strategic financial decisions, a regular up to date high level financial report is provided.

COMMUNITY CONSULTATION

Community Consultation was part of the original budget adoption process in June 2018, as per legislation. This report is advising Council of the monthly finance position compared to that budget.

MONTHLY FINANCE REPORT

AS AT 31 MARCH 2019
FOR YEAR ENDING 30 JUNE 2019

	Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) \$'000	Revised Budget (Q2) (Full-Year) \$'000	Actual Result (Year-to-Date) \$'000
Uniform Presentation of Finances					
OPERATING ACTIVITIES:					
			<i>Operating</i>		
Operating Income			37,188	37,760	35,673
Less Operating Expenses		67.14%	(37,106)	(37,582)	(24,915)
Operating Surplus / (Deficit)			82	178	10,758
CAPITAL ACTIVITIES:					
Net Outlays on Existing Assets					
			<i>Capital</i>		
Capital Expenditure on Renewal and Replacement of Existing Assets	1)	51.29%	(4,472)	(4,958)	(2,294)
Add back Depreciation, Amortisation & Impairment			7,362	7,362	5,520
Add back Proceeds from Sale of Replaced Assets			346	383	134
Subtotal			3,236	2,787	3,360
Net Outlays on New and Upgraded Assets					
Capital Expenditure on New and Upgraded Assets	1)	44.56%	(14,977)	(15,639)	(6,674)
Add back Amounts Received Specifically for New and Upgraded Assets			3,345	536	2,450
Add back Proceeds from Sale of Surplus Assets			389	494	152
Subtotal			(11,243)	(14,609)	(4,072)
Net Lending/(Borrowing) for the Financial Year					
			(7,925)	(11,644)	10,046
Total % Capital Budget Spent		46.11%			

Reconciliation for the movement in Net Lending / (Borrowing)	
Original 2018/19 Full Year Budget Net Lending / (Borrowing)	(7,925)
Carried Forward Budget Adjustments: Report on Financial Results. Funds were held for these projects in cash and investments at 30 June 2018.	(3,079)
September 2018 Budget Review: Funds required for these items will decrease Council's cash and investments. This amount includes amendments approved at the Council meetings held in July and November 2018.	(1,449)
December 2018 Budget Review: Funds required for these items will increase Council's cash and investments.	809
Full Year Revised Budget - Net Lending / (Borrowing)	(11,644)

NOTES

- 1) 2018/19 Capital Expenditure spent to end of March includes:
- Angaston Hall Chairs \$6k
 - Bridges \$2k
 - Budgeting Software \$3k
 - Curdnatta Recreation Park - Oval Irrigation Tank \$16k
 - CWMS \$70k
 - Depot Plant Shed \$39k, Truck \$99k, Sprayers \$17k, Roller \$27k
 - Drainage \$701k
 - Footpaths \$1,833k
 - Mt Pleasant Main Street \$167k
 - Nuriootpa Centennial Park Authority Electric Cart and Cleaners Van \$33k
 - Nuriootpa Land Purchase \$714k
 - Nuriootpa Office Airconditioning \$16k
 - Nuriootpa Soldiers Memorial Hall Car Park Sealing \$94k
 - Playground Equipment \$14k
 - Road Resheeting \$769k
 - Sealed Roads \$2,759k
 - Talunga Recreation Park Internal Road \$17k
 - The Big Project - Angas Recreation Park \$39k
 - The Big Project - Angaston Railway Precinct \$119k
 - The Big Project - Barossa Culture Hub \$105k
 - The Big Project - Barossa Rugby Park \$28k
 - The Big Project - Buildings Implementation \$301k
 - The Big Project - Lyndoch Recreation Park \$4k
 - The Big Project - Nuriootpa Centennial Park \$42k
 - The Big Project - Talunga Recreation Park \$52k
 - The Big Project - Tanunda Recreation Park \$121k
 - The Big Project - Williamstown QVJP \$30k
 - The Rex Pool Heaters \$12k
 - Williamstown Hall Airconditioning \$22k
 - Williamstown QVJP Bridge Entrance \$228k, Retaining Wall \$61k, Netball warmup area \$18k
 - Williamstown Skate Park \$13k

COUNCIL

CORPORATE AND COMMUNITY SERVICES

DIRECTOR'S REPORT

16 APRIL 2019

7.3.1 DEBATE AGENDA

7.3.1.1

CUSTOMER SERVICE POLICY – DRAFT PLAN – FEEDBACK FROM COMMUNITY CONSULTATION – 20 FEBRUARY 2019 TO 25 MARCH 2019

B8422 18/85702

Author: Coordinator Customer Support

PURPOSE

To summarise feedback received from the community following Council's resolution on 19 February 2019 regarding the draft Customer Service Policy (Refer Attachment 1) and seek endorsement of the Policy.

RECOMMENDATION

That Council:

- (1) Receives and notes the report containing the outcome of community consultation on the Draft Customer Service Policy dated 5 December 2018 Trim Ref: 18/85702;
- (2) Endorses the Draft Customer Service Policy Ref: 18/85702.

REPORT

Background

At the Council Meeting of 19 February 2019, Council resolved the following:

***"MOVED** Cr Angas that Council*

- (1) Adopt the draft Barossa Council Customer Service Charter.*
- (2) Approve the release of the draft Customer Service Policy for public consultation commencing 20 February 2019 and concluding 5pm 25 March 2019.*
- (3) Approve the draft Consultation Plan ref: 19/8731 – excluding consultation on the Draft Customer Service Charter.*
- (4) Require Officers to bring a further report to Council with the outcome of the consultation and recommendations following conclusion of the consultation period.*

***Seconded** Cr Johnstone*

***CARRIED** 2018-22/117"*

Discussion

The adopted Consultation Plan (Trim Ref: 19/8731) was implemented in full, with:

- a community drop in session at The Barossa Council Lyndoch Branch on 13 March 2019 from 9am – 5pm that only attracted one (1) person, with informal discussion on the Draft Customer Service Policy, resulting in no formal written

submission. There were no specific matters raised relevant to the consultation process.

- a community drop in session held at The Barossa Council Mount Pleasant Branch on 14 March 2019 from 9am – 5pm with no responses received from the community.
- a pop up community session held in the Nuriootpa Co-op Store Shopping Centre Mall on 15 March 2019 from 1pm – 4pm, attracting thirteen (13) people, with informal discussions on the Draft Customer Service Policy, resulting in no additional formal written submissions. The discussion items raised, whilst not providing direct suggestion for additions or changes to the draft Policy, did indicate a consensus of support for the adoption of a specific Customer Service Policy, provided the delivery of services and customer experience of services is in line with the Policy statements and position.

Written submissions received direct to Council as at the end of the consultation period have been included in full within Attachment 2 and 3, with the exception of personal addresses which have been removed.

A total of two (2) formal submissions were received.

Comment is provided on the feedback received as follows:

1. Documentation regarding adopted levels of service	Officer comments: Informed resident that officers are working on consolidating Council's adopted levels of service into a format that is easy to access and understand. Council's adopted levels of service are currently documented and publicly available across our various Asset Management Plans and service-driven fact sheets available on our website.
2. Resident's reference that Barossa Council ratepayers and residents are more than customers.	Officer comments: A letter of acknowledgement from Director Corporate and Community Services stating that the resident's letter has been received. Whilst it is acknowledged that the relationship between the ratepayers, residents and Council is a unique one, the principles of a sound customer service approach to guide the experience of people interacting with Council are nevertheless relevant and provide a framework for accountability and service response.

Conclusion

A key deliverable of the Customer Service Reboot Project under the auspices of the Change Program, is the development of a Customer Service Policy. The Policy

document has been presented for approval to release for community consultation. Officers implemented in full the approved Community Consultation Plan (endorsed 19 February 2019). Minimal feedback was received on the Draft Customer Service Policy and no specific recommendations for changes to the document received.

The feedback received is generally supportive of the Draft Customer Service Policy, provided the requirements and aspirations are implemented.

Council's obligation is to ensure that feedback is taken into consideration and officers recommend the Draft Customer Service Policy is approved.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Draft Customer Service Policy (Trim Ref: 18/85702)
Attachment 2:	Written submission –Draft Customer Service Policy (Trim Ref: 19/18188)
Attachment 3:	Written submission – Draft Customer Service Policy (Trim Ref: 19/18231)
Attachment 4:	Consultation Plan – Customer Service Policy Consultation

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



How We Work – Good Governance

Corporate Plan

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

6.6 Define and deliver on agreed Customer Service Standards for Council service delivery.

6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

No direct financial considerations to report.

Resource

Training will be provided as required in connection with the Policy and as part of the Change Program Project. No current resource implications to report.

Risk Management

An accountable framework incorporated within a clear policy statement that manages Council's reputational risk in relation to the services it delivers is a key outcome of implementing the Customer Service Policy.

COMMUNITY CONSULTATION

The Consultation Plan for the Customer Service Policy consultation has been implemented (refer Attachment 4).

THE BAROSSA COUNCIL

CUSTOMER SERVICE POLICY



1. Purpose

- 1.1 The Barossa Council values our Customers and we are committed to delivering a quality Customer experience. We believe that listening to and learning from our Customers is the best way to achieve this.
- 1.2 In accordance with Section 270 of the Local Government Act 1999, this Policy provides guidance on our response to Requests for Service or for the improvement of a Service delivered by us and to provide direction on the handling of Feedback and Complaints.

2. Scope

- 2.1 This Policy applies to all Workers and Elected Members and relates to:
- All Customer interactions.
 - All Requests for Service, Feedback and Complaints to Council from Customers.
- 2.2 We acknowledge that other council policies or legal mechanisms may apply in addition to or instead of this policy. We will advise you at the outset as to which is the most appropriate avenue to resolve your Complaint or Request for Service and guide you through the process.

3. Definitions

Complaint	An expression of dissatisfaction with Council's Policies, Processes, Fees and Charges, Workers, Elected Members, quality of Service or goods sold or provided which requires a formal response.
Customer	A user of products and/or Services of the Council.
Customer Service	The manner in which Council interacts with its Customers.
Feedback	Positive or negative information from Customers regarding their experience with Council which is used as a basis for continuous improvement.
Level of Service	A measurable and quantifiable standard to which it is anticipated or planned that a Service will be provided. The Level of Service is dependent on the resources and priorities determined by the Council and taking into account legal obligations.
Request for Service	An application to have Council or its Workers take some form of action to provide or improve a Council Service.
Service	An action received and/or experienced by the Customer from the Council.
Worker	A person is a Worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as; <ul style="list-style-type: none"> a) an employee; or b) a contractor or sub-contractor; or c) an employee of a contractor or sub-contractor; or d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; or e) an outworker; or f) an apprentice or trainee; or

	g) a student gaining work experience: or h) a volunteer of Council: or i) a person of a prescribed class. (as defined in the WHS Act, 2012 (7)).
Unreasonable Conduct	Unreasonable conduct may include unreasonable persistence or demands, lack of co-operation, argumentative, abusive or threatening behaviour, or conduct that puts our Workers, equipment or resources at risk of harm or injury.

4. Policy Statement

- 4.1 This Policy aligns with our Customer Service Charter. We value our Customers and strive to provide the right people, efficient processes and systems to deliver a quality Customer experience. We recognise the importance of Feedback and Complaints, regarding them as opportunities to improve.

5. Guiding Principles

- 5.1 Our Customer Service Charter is underpinned by the following values:
- **Accountability** – We will be competent, reliable and responsive.
 - **Respect** – We will treat our Customers with courtesy and understanding.
 - **Honesty and Integrity** – We will be transparent and ethical in our dealings with you and make decisions to benefit the community and future generations.
 - **Teamwork** – We will work together to action your Request/Feedback/Complaint in the most efficient and effective way, taking into account our adopted Policies and legal obligations.

6. Requests for Service

- 6.1 We acknowledge the diversity of our community and understand that everyone has individual rights and needs. Our aim is to offer quality Customer Service to provide straightforward and logical access to our Services, facilities and information.
- 6.2 We recognise that you may wish to contact us in a variety of ways and we are committed to providing choice about how you can access our Services. You can contact us via:
- Our Websites and Social Media
 - Telephone
 - Email
 - In Person
 - Mail
 - Petitions
- 6.3 Our systems enable the logging, allocating, tracking and reporting of Requests for Service. We use the system to measure our performance in the completion of your Requests for Service. For most Requests for Service, contact names, addresses or phone numbers are required to confirm information or if necessary to obtain additional information. We may not accept or investigate anonymous Requests for Service; however it depends on the nature of the information you provide and the severity of the situation or the Service requested. Our Privacy Policy provides further information on how we collect, use and store Personal Information.
- 6.4 Petitions should be legibly written or typed or printed, clearly set out the request/submission of petitioners, include the name and address of each person who signed or endorsed the petition, be addressed to council and delivered to the principal

office. If your Petition does not comply with these requirements it may not be accepted. Your Petition will be actioned in accordance with legislation and Council's Privacy Policy.

6.5 In determining how to respond to a Request for Service, we will consider the following:

- Council's Strategic Management Plans and Annual Budget and Business Plan.
- Adopted Levels of Service
- An assessment of risk
- Statutory responsibilities.

7.	Customer Feedback and Complaints
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- 7.1 Quality Customer Service is efficient, fair, impartial and responsive. We aim to provide quality Customer Service whilst responding to Feedback and Complaints. We are committed to learning from and listening to our customers.
- 7.2 We have professional Workers committed to managing your Feedback and Complaints confidentially and as efficiently as possible in accordance with our processes and legal obligations. If you are making a Complaint, your identity will be made known only to those who need to know for the purpose of investigating and resolving the Complaint.
- 7.3 We will endeavour to be consistent, fair and amicable in facilitating an outcome to your Complaint or Feedback. Outcomes will be proportionate and appropriate to the circumstances. They may include providing the desired service, changing a decision, issuing an apology or providing compensation (only where loss and suffering is considered to be substantial) and will be determined in accordance with our supporting processes.
- 7.4 Where we are unable to satisfactorily address your Complaint, you may exercise your right to request an Internal Review of Council Decision or where appropriate, consider mediation, conciliation or neutral evaluation under section 271 of the *Local Government Act 1999* (the costs of which may be shared between you and Council). Alternatively you may consider another option as outlined in Section 8.1.
- 7.5 We may be limited in our authority to respond to those Complaints that are governed by legislation or statutory review. When you advise us of a problem outside of our jurisdiction, you may be referred to the appropriate agency.
- 7.6 We will treat all Complaints we receive seriously. However, where we deem your conduct is unreasonable we reserve the right to cease communicating with you and take reasonable action as required.

8.	Other Options
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- 8.1 Whilst we prefer to address your Complaint directly, you may choose to raise your Complaint with the following agencies:
- Ombudsman SA
 - Office of Public Integrity
 - Independent Commission Against Corruption (ICAC)
 - Minister for Local Government
 - Water Industry Ombudsman
 - Court or Tribunal
 - Journalist or Member of Parliament (in accordance with the *Public Interest Disclosure Act 2018*, where applicable)
 - South Australian Civil and Administrative Tribunal

- Or any other relevant authority

9. Supporting Documents

- 9.1 Our Customer Service Charter is the overarching statement of commitment to the delivery of Service to our community. We deliver a range of Services for which more specific Charters may be adopted.
- 9.2 The following documents also support this Policy:
- Request for Service Fact Sheet
 - Customer Feedback and Complaint Fact Sheet
 - Complaint Handling Process
 - Request for Service Process

10. Related Policies

- Code of Conduct for Employees
- Code of Conduct for Elected Members
- Council Development Assessment Panel Complaints Handling Policy
- Human Resource Management Policy
- Fraud and Corruption Policy
- Internal Review of Council Decision Policy
- Privacy Policy
- Records Management Policy
- Whistleblower's Protection Policy
- Customer Service Charter
- Complaints Handling Process under the Code of Conduct for Council Members

11. References

- s270,s271 Local Government Act 1999
- Local Government (Procedures at Meetings) Regulations 2013
- Independent Commissioner Against Corruption Act 2012
- Public Interest Disclosure Act 2018
- Local Government Association – Guide to preparing and maintaining Council Policies, Codes of Practice and Codes of Conduct (March 2012)
- Managing Unreasonable Complainant Conduct Practice Manual endorsed by Australian Parliamentary Ombudsman
- Ombudsman SA - Complaint Management Framework March 2016

12. Review

- 12.1 This Policy will be reviewed. In consultation with the relevant stakeholders, every three (3) years or more frequently if legislation or Council needs change. This may include a review of:
- Legislative Compliance Issues
 - Audit finding related to incident reporting and investigation
 - Other relevant information
- 12.2 Results of reviews may result in prevention and/or corrective actions being implemented and revision of this document.

13. Further Information

- 13.1 This Policy and supporting documents are available on our website www.barossa.sa.gov.au. They can also be viewed electronically at Council's Principle Office at 43 – 51 Tanunda Road, Nuriootpa and all of our Council branches, during ordinary business hours. A copy of this Policy can be obtained at those venues upon payment of a fixed fee.
- 13.2 Complaints regarding this Policy or its application can be made to the Customer Support Team on 8563 8444 or barossa@barossa.sa.gov.au at first instance, who will refer you to the most appropriate officer according to Council's Complaint Handling Process (see clause 9.2 for availability).

Signed:

Dated:

Mayor Bim Lange

Corporate Plan Link:	6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements 6.6 Define and deliver on agreed Customer Service Standards for Council service delivery. 6.16 Provide contemporary internal administrative and business support services in accordance with mandated legislative standards and good practice principles.		
Policy Owner:	Chief Executive Officer	Previous Approval Date(s):	
Document Control Officer:	Director Corporate Community Services	Current Approval Date:	
HPE Content Manager Ref:	1X/XXXX	Next Review Date:	01/12/2021

Tanunda SA 5352.

21 March 2019.

Mr. Martin McCarthy,
Chief Executive Officer,
The Barossa Council,
PO Box 867,
Nuriootpa SA 5355.

Dear Mr. McCarthy,

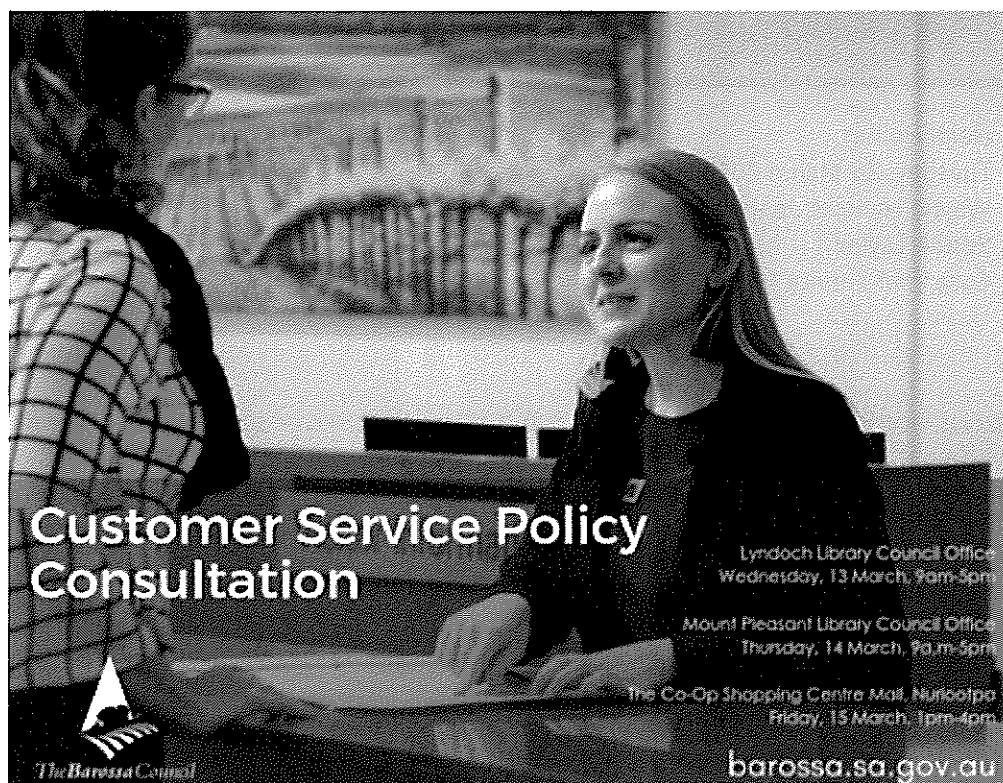
I wish to contribute to The Barossa Council's Community Consultation on "The Barossa Council Customer Service Policy".

I wish to make the point that Barossa Council ratepayers and residents are more than customers. "Customer" is not defined in the Local Government Act 1999 but the dictionary says: a customer is one who buys, especially regularly from one seller, the account holder of a bank or a person with whom one is concerned.

We elect the elected members of The Barossa Council who represent us every four years and we pay for many of the services we receive in our rates each year.

We are already entitled to receive many of the services we do receive and in our ongoing dealings with Council we have expectations that our needs will be met.

Yours sincerely,



1,006

People Reached

57

Engagements

Boost Post



1 Comment 2 Shares



Like



Comment



Share



Most Relevant ▾



Write a comment...



Is there any documentation regarding adopted levels of service? What are the parameters of the adopted levels of service. Thanks

0

Like Reply Message 2w



1



The Barossa Council Hi. Thanks for your enquiry. We're working on consolidating our adopted levels of service into a format that is easy to access and understand. Our adopted levels of service are currently documented and publicly available across our various Asset Management Plans and service-driven fact sheets available on our website. Please be patient with us while we pull this large body of work together. Thanks, HH

0

Like Reply Commented on by Heidi Helbig (?) · 1w

Heidi Helbig

Communications and Engagement Officer - Mon/Tues/Wed

T: 08 8563 8428

CUSTOMER SERVICE COMMUNICATION PLAN

Consultation dates: 20th February 2019 – 5pm 25th March 2019

Trim 19/8731

Desired outcomes

- Provide the community with an opportunity to provide feedback on the Draft Customer Service Charter and Draft Customer Service Policy
- Establish community support for Council's Customer Service vision and underlying processes that support a quality Customer Service experience

Specific considerations

- Internal consultation complete and drafts previously presented to Council Workshop

Initiative	Communication Method	Responsible Officer	Timeframe <i>*Consultation dates TBC</i>	Tone/Content/Message
Media Release	<ul style="list-style-type: none"> • The Leader • Herald • Bunyip • Courier 	C&EOs		<ul style="list-style-type: none"> • Invite community input into documents • Outline Customer Service vision • Highlight the value of customer feedback in improving the customer service experience
Online	<ul style="list-style-type: none"> • Council website • Our Better Barossa • Facebook 	C&EOs		Informal tone – driving people to Our Better Barossa to formally provide feedback
Advertisement	<ul style="list-style-type: none"> • The Leader • Herald • Bunyip 	CCS		Provide consultation details and mechanisms for community to provide feedback
Publications	Monthly d'Vine Quarterly d'Vine	C&EOs		As per media release content
Visual Tools/Flyers/Displays	Copies of documents in branch offices	CCS C&EOs		Look/feel/tone to be determined

	Nuriootpa office display			
Brief customer service/Barossa Visitor Centre staff	Email	CCS		Overview and mechanisms for feedback
Face-to-face consultation	Pop-ups/community sessions	CCS	Date/time/venue TBC	Survey/post it notes/verbal feedback
Fact Sheet	Available on website, branch libraries, at community sessions	CCS/C&EOs		Providing rationale for the CS review
Staff awareness	The Mark enewsletter	C&EOs		Internal consultation complete; awareness-raising only
CLOSE THE LOOP				
Media release*	Leader Herald Bunyip	C&EOs	Post consultation	*Only if substantive changes are required
Online	Facebook Website	C&EOs	Post consultation	<ul style="list-style-type: none"> • Highlight engagement levels • Provide overview of feedback • Advise of next steps
Publications	D'Vine	C&EOs	Post consultation	As above

Budget line GL463-820

COUNCIL

CORPORATE AND COMMUNITY SERVICES

DIRECTOR'S REPORT

16 APRIL 2019

7.3.1 DEBATE AGENDA

7.3.1.2

ANGASTON RAILWAY PRECINCT – LANDSCAPING, PLAYGROUND, MARKET AND PICNIC SPACES AND CIVIL WORKS – DESIGN COSTING AND REQUEST FOR ADDITIONAL FUNDING B6403 19/15385

Author: Manager Community Projects

PURPOSE

The design process for the Angaston Railway Precinct Project areas of the playground, market and picnic spaces and associated landscaping and civil works is at 50% design status, and has been costed and a value management process completed. This area is all the works currently funded that do not include the station building and platform refurbishment works. The revised costing exceeds the project budget. This report provides recommendation on the delivery of the elements of the design, in order to achieve the outcome of a Regional level playground facility.

RECOMMENDATION

That Council:

- (1) Endorse an additional budget of \$562,114 (ex GST) to deliver a Regional Level playground and open space at the Angaston Railway Precinct in accordance with the proposed 50% detailed design.
- (2) Fund the additional budget from a combination of:
 - assignment of future aggregated Developer Contributions for Open Space of \$428,208 arising from the Lindner, Radford Road, Angaston subdivision
 - a re-allocation from the adopted Long Term Financial Plan 2019/20 playground renewal and replacement budget for a total of \$26,628
 - the remainder capital expenditure to be an allocation of \$107,278 from the existing 2018/19 cash holdings.
- (3) Approve the associated budget adjustments in the 3rd quarter review for the additional capital expenditure requirements.
- (4) Instruct Officers to provide an update of Council's financial position, including cash holdings, with the next 2018/19 budget update.
- (5) Instruct Officers to provide a future report to Council with details of the source of the final funding allocations and breakdown when these are fully determined.

REPORT

Background

The Angaston Railway Precinct Revitalisation project has been managed within two discreet sub-projects; the restoration of the Station Building and the Landscaping,

Playground, Market and Picnic Spaces and Civil Works (the Project). The Project will result in a Regional Playground that will attract locals and visitors alike to a unique, interactive, destination precinct. The precinct is in close proximity to the main street of Angaston and will be a place where you can spend an afternoon exploring the railway heritage and history, and encourages active participation through the play elements and trails. The precinct will be a community space for markets, picnics and events and will also offer small retail hospitality business in the restored station building.

The design process for the Project is at 50% design status and has involved the Angaston Railway Station Working Group, the Angaston Railway Station Reference Group, officers, the architects and technical project manager. Rider Levett Bucknall (RLB) cost consultants, have been engaged to cost the plans ([Attachment 1](#)). The Order of Cost Estimate is provided at [Attachment 2](#).

Discussion

The following table provides the budget and estimated cost breakdown for the components of the Project (GST, design, project management, administration costs and in-kind budget items excluded).

Component	Budget	Cost Estimate
Playground and Youth Space	\$923,142	\$1,969,586
Picnic and Market Area	\$438,886 (Excludes budgeted in-kind \$20,000)	
Southern Bank Bike Track	\$98,280	\$124,688
Civil Works	Incorporated across each of the above components	\$40,250
Design and Construction Contingency	Incorporated across each of the above components	\$274,820
Total Budget	\$1,460,308	\$2,409,344
Less Design costs	\$130,460	
Total Construction Budget	\$1,329,848	
Total Initial gap		\$1,079,496

An initial cost estimate for the whole Precinct was completed in preparation for the State Open Space and Places for People grant application in October 2017. This estimate was based on the high level Masterplan that was completed in February 2017. The current cost estimate is determined by costing more detailed and accurate plans (at 50% design status) and includes cost escalations since that time.

Value Management

The value management process involved the architects, the technical project manager, the cost consultants, community representative and officers. The process

focussed on ensuring full understanding of the design and material specifications exploring opportunities to scale back on material selections (eg timber soft-fall rather than rubber soft-fall), reduction in maturity of selected trees and other plantings, review of specification of some design elements (moveable 'railcars' and proposed granite 'bouldering' blocks) and exploring in-kind opportunities with community stakeholder groups but at the same time maintaining a focus on not compromising the achievement of a regional level playspace and outcome for the community. The full report is available at [Attachment 3](#).

The larger items are detailed below:

Item	Saving
Bouldering Rocks - Delete granite, add Jaffa limestone	\$160,000
Soft-Fall - Delete rubber, add timber	\$53,000
Exposed aggregate paving	\$19,500
Delete entry path and BBQ (out of scope)	\$80,000
Reduce Pole Forest – reduce diameter of poles	\$12,000
Reduce 140mm pot plants to tube stock	\$42,000
Reduce tree maturity to 50L pots	\$32,000
Bike Trail – reduce elements based on market testing, including additional target saving of \$10,000	\$28,000
Turntable Balustrade – Open wire railing \$20K – Restoration by Barossa Valley Machinery Preservation Society \$20K	\$40,000
Rail Cars – Simplify and Reduce	\$60,000
Crane Works – Delete, outside of scope	\$15,000
Rail Switches – Delete, in-kind opportunity	\$10,000
Play Equipment – error in cost assumption	\$41,000
Retaining Wall – Reduce Length	\$18,000
Former Stock Yard, line marking – Delete	\$5,000
Entranceway, security and lighting - Additional	-\$32,818
Other minor savings / additions (for items missed in initial estimate)	-\$55,300
Total Savings	\$527,382

The savings from this process bring back the Project cost estimate to \$1,891,962. When compared to the current Project budget of \$1,329,848, this still leaves a gap of \$562,114.

It is the view of officers that unless Council wishes to reduce the scope of design, or quality of the Project elements, there is minimal further savings to be identified. If the design scope and quality of elements is to be reduced, the Regional status of the precinct may be compromised.

We have recognised that there is increasing conversation in the community for a play space that includes elements of nature play, opportunity for considered challenge through play and for a space that is truly regional and unique. Officers believe that the mix of play spaces for younger and older children, active outdoor equipment for teenagers, bike trail, and open space for picnics, markets and events within the heritage and railway history precinct will be a drawcard for Angaston and the Barossa. The additional investment requested through this report will ensure that we realise the project outcomes. It is also noted that other councils have recently invested in significant community places to deliver community health and wellbeing outcomes and attract regional visitation and the Angaston Railway Precinct will be another reason for visitors to explore our region and for locals to enjoy their own backyard.

Officers are recommending the combination of a range of options to fund the budget shortfall:

Option 1 – Playground Renewal Budget

Assign \$26,628 of the 2019/20 forward playground renewal budget of \$100,000 to the Angaston Railway Precinct Revitalisation project. This allocation is provided for \$30,000 renewal/replacement and \$70,000 new/upgrade each year. This would require elements of the 2019/20 playground plan elsewhere to be deferred for 12 months but would be supporting the delivery of a regional play space.

Option 2 – Developer Contributions

Assign future developer contributions from phase two of the Lindner development, Radford Road, Angaston to offset the additional cost of the playground and open space development at the Angaston Railway Precinct. The total amount of this contribution is \$428,208. This option is dependent on sale of land within the development and whilst it will take a period of time for these funds to be realised and allocated, it does parallel the approach taken with the part of the funding package for the Rex Barossa Aquatic Fitness Centre, where the proceeds from progressive land sales were, over time, used to offset the capital costs of the construction.

Option 3 – Cash Holdings 2018/19

As reported to Council with the Monthly Finance Report, Council operating expenditure is underspent year to date and although in many cases this would be a timing issue with suppliers charging late, there are areas of operations likely to be underspent by year end, providing a favourable cash operating surplus. Whilst the funds from the anticipated operating surplus and Option 2 are realised, the immediate funding shortfall would be allocated from Council's cash holdings.

The Mid-year Review 2018/19 Cash and Cash Equivalents forecast a year-end balance of \$2,388,000, which includes Open Space contributions of \$386,931 held for future works. Note there were capital items removed, increasing Council's cash with the 2018/19 Mid-year Budget Review, including: CWMS treatment plant works for \$719,428 at Tanunda, along with income and expenditure relating to The Big Project, a net cash amount delayed for \$184,331.

It is proposed that Council's cash holding is temporarily used for the additional expenditure for this Project. Once the balance of the funds taken from each option is finalised, Officers will provide updated reports to Council (including via the Quarterly Budget Update Reporting process) to confirm the breakdown of funding allocations.

Refer to Risk Section below regarding the impact of the cost implications on the acquittal of the Open Space funding process.

It is noted that work on the Railway Station and Platform component of the Project is proceeding within approved budget.

Summary and Conclusion

To deliver the Playground and Open Space elements of the Angaston Railway Precinct Revitalisation project to a Regional Level status, additional budget funding is required.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- | | |
|---------------|--|
| Attachment 1: | Landscaping, Playground, Market and Picnic Spaces and Civil Works Concept Drawings (Ref: 18/87518) |
| Attachment 2: | Order of Cost Estimate (Ref: 19/8339) |

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.

1.2 Work toward developing township streetscapes, entrances and open spaces that are attractive, welcoming and maintained to an agreed level of service.

1.4 Facilitate innovative and sustainable preservation and use of built heritage.

2.1 Deliver sound community infrastructure and public space planning activities which incorporate place-making principles and take into account the future needs of the community.

3.2 Ensure Council's parks, gardens and playgrounds are accessible, relevant, and safe and maintained to an agreed level of service.

4.13 Ensure that Council services and facilities are fit for purpose including safety and access and these considerations are integrated into urban, asset and community planning.

6.4 Ensure that decisions regarding expenditure of Council's budget are based on an assessment of whole of life costs, risks associated with the activity and advice contained within supporting plans.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management Considerations

A Level 2 Due Diligence Report has been completed (*Attachment 4*) with BAT score of 64 and noting that with the 2018/19 budget process, the lowest approved NI had a BAT score of 46.

Should Council approve this recommendation, a budget adjustment will be completed to assign the additional funds to capital expenditure in the 2018/19 Budget Update and included with the draft 2019/20 budget.

As Council's 2019/20 Long Term Financial Plan did not provide for "Discretionary Budget", there is no funding to bring forward into 2018/19. The additional funds will therefore, be taken from Council's existing cash and investments and the financial position cross checked with the next quarter budget update as at 31 March 2019.

Resource Management Considerations

The project is well resourced with project lead, Manager Community Projects, assistance with technical project management through Jim Allen and Associates, technical officer expertise as required and community representatives on the Working Group.

Risk Management Considerations

Project, contractor and construction risks already managed as part of the broader project.

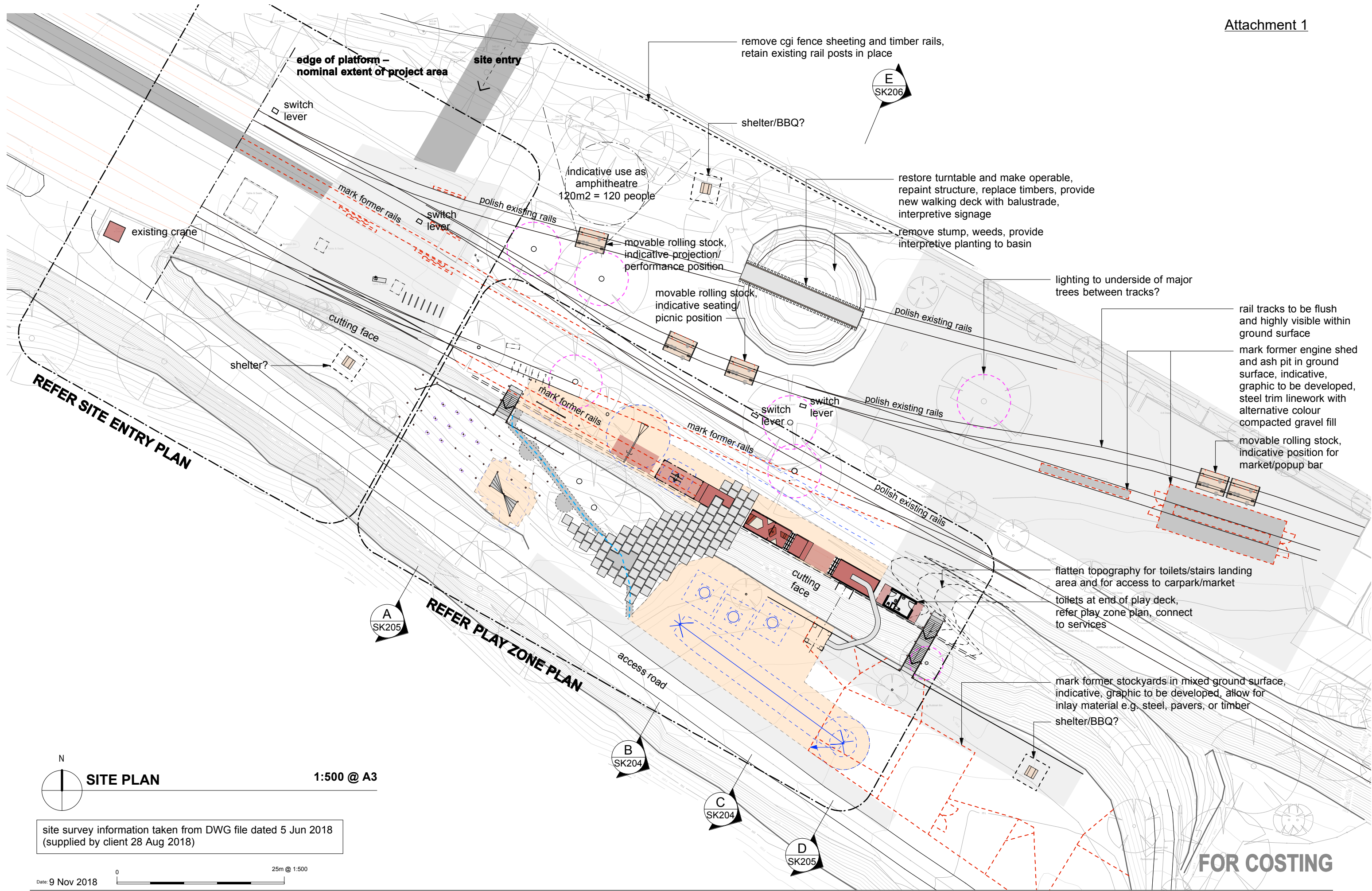
A mixed range of options for funding the additional monies is proposed to spread the financial risk. Risk of not realising the funding in an appropriate timeframe from developer contributions is possible, whereas allocation of some of the funds from the forward playground budgets is manageable through decision of Council.

Council also needs to manage the risk of the acquittal of the Open Space funding agreement with the Department of Planning, Transport and Infrastructure (DPTI). The railway station building works are proceeding and should be completed within the agreement milestones by end of August 2019. The delay in resolving the design funding shortfall has arisen through a complex process of value management to achieve a balance between cost management and delivering on the intent to provide a regional level playspace in the Council Area. This has taken considerable time and effort and Officers have advised DPTI that this process is continuing but should be resolved shortly. Once Council has made a determination, further contact will be made with the Department to provide an update and agree next steps.

An ongoing assessment of risk is part of the project implementation methodology.

COMMUNITY CONSULTATION

The project has been the subject of extensive formal and informal community consultation since its inception. Further consultation in respect of the specific decision is not required under Legislation or Council's Public Consultation Policy unless Council determines otherwise.



SITE PLAN 1:500 @ A3

site survey information taken from DWG file dated 5 Jun 2018
(supplied by client 28 Aug 2018)

Date: 9 Nov 2018 0 25m @ 1:500



BIRDSEYE : STUDIOS

Client
The Barossa Council

Project
Angaston Railway Precinct

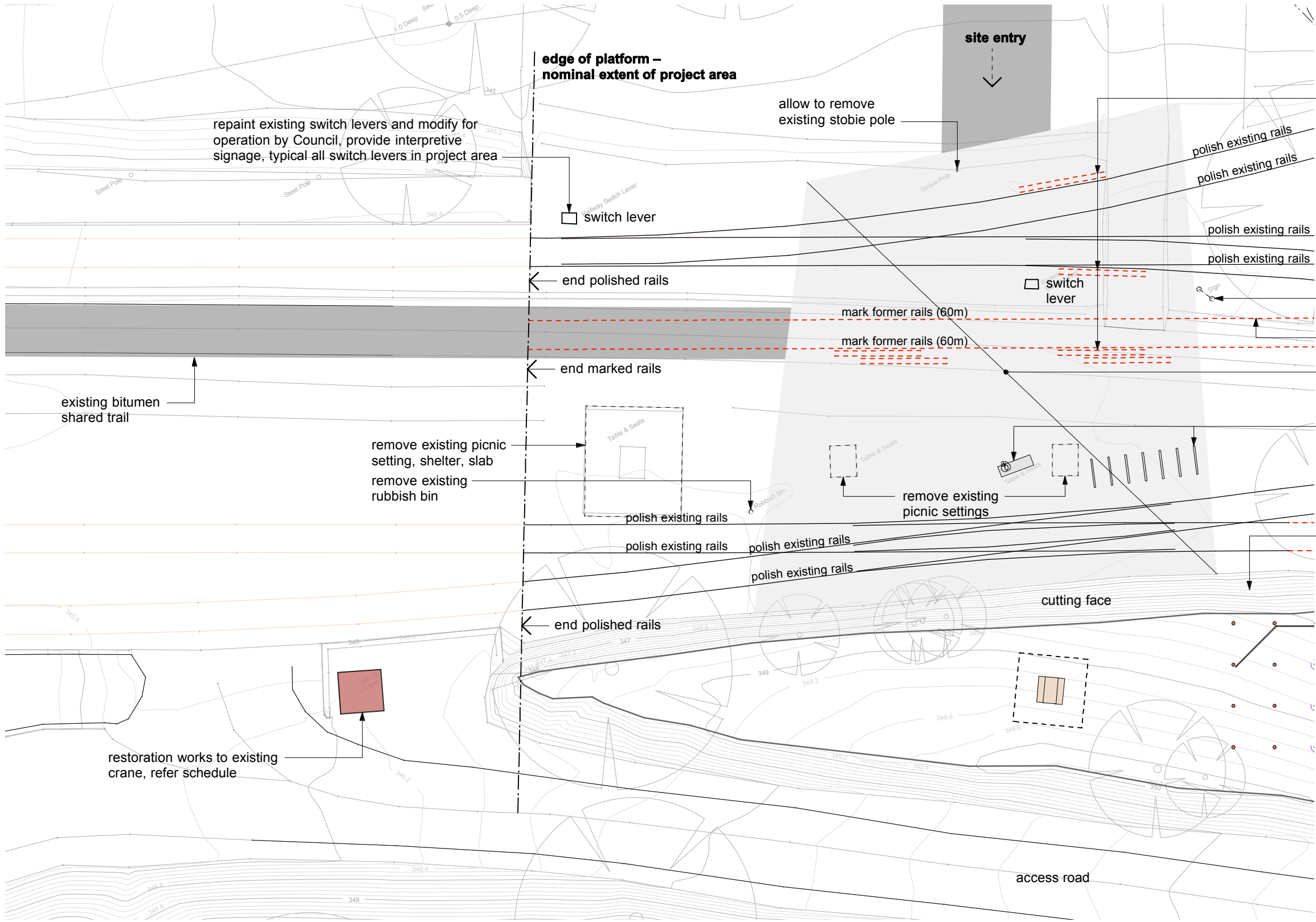
Drawing title
Site Plan

Project No.
ANGA01

Drawing No.
SK.201

Rev.
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Date Issued
9 Nov 2018



N
PLAN
SITE ENTRY

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site survey information taken from DWG file dated 5 Jun 2018
(supplied by client 28 Aug 2018)

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FOR COSTING



BIRDSEYE : STUDIOS

Client
The Barossa Council

Project
Angaston Railway Precinct

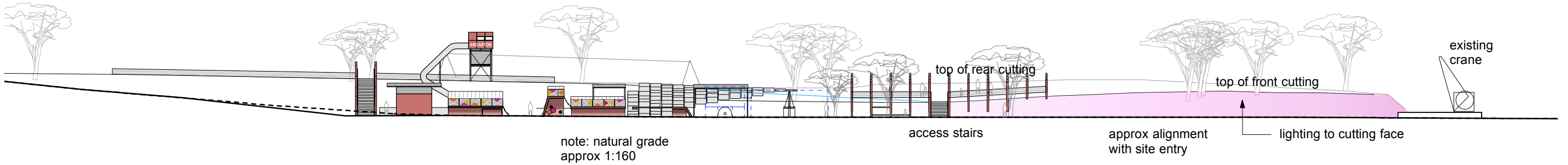
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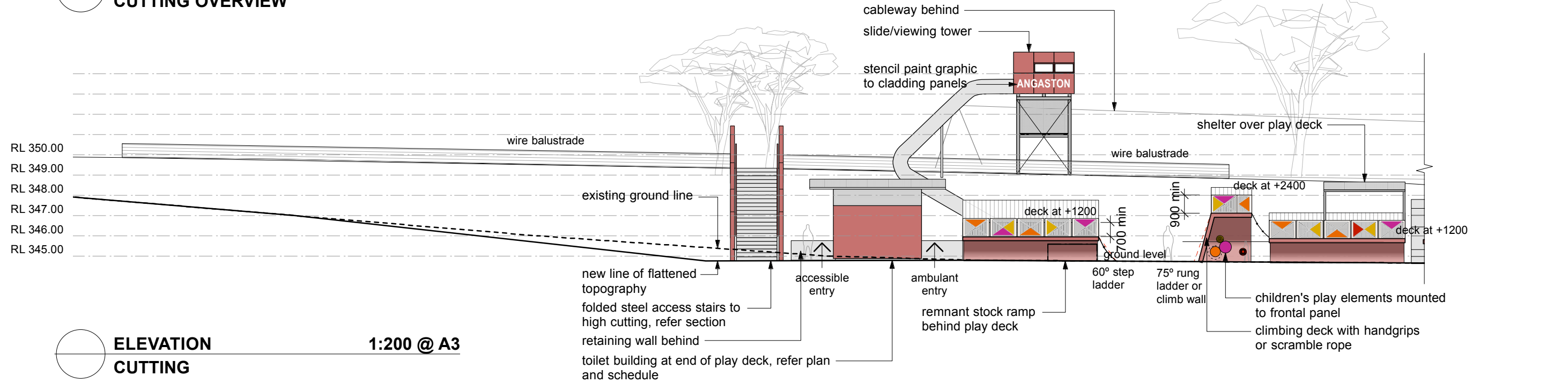
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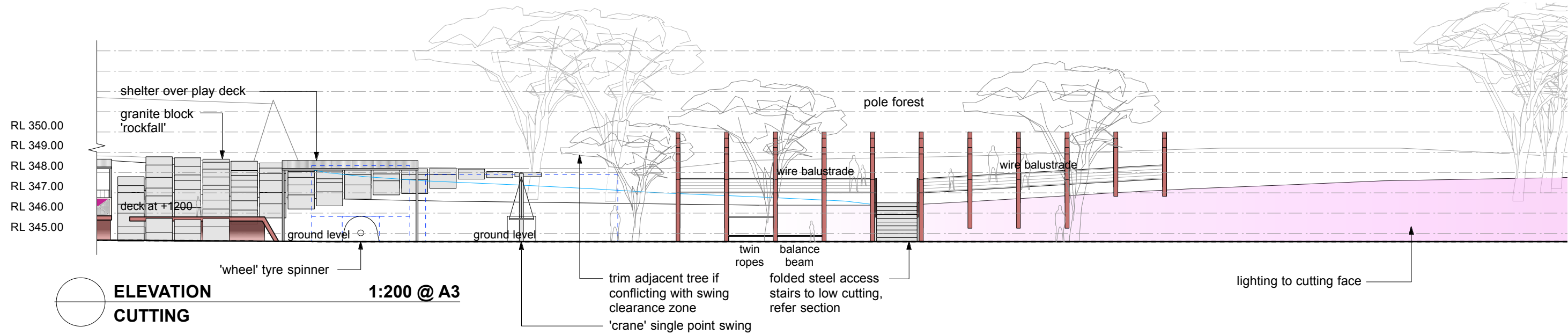
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ELEVATION CUTTING OVERVIEW 1:500 @ A3



ELEVATION CUTTING 1:200 @ A3

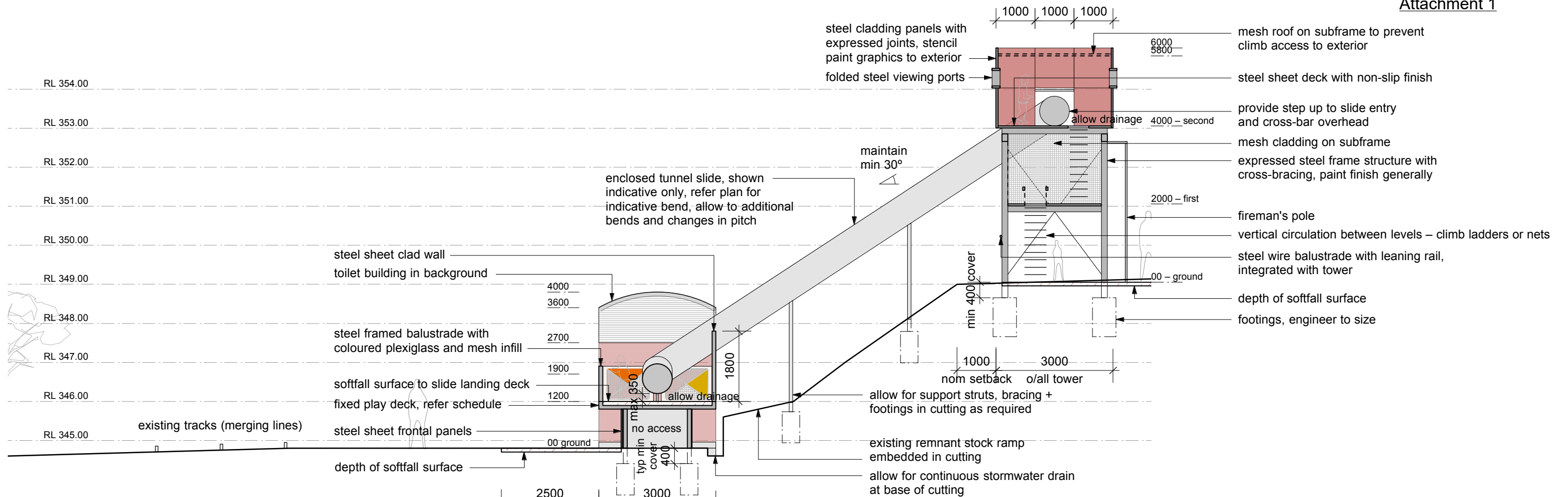


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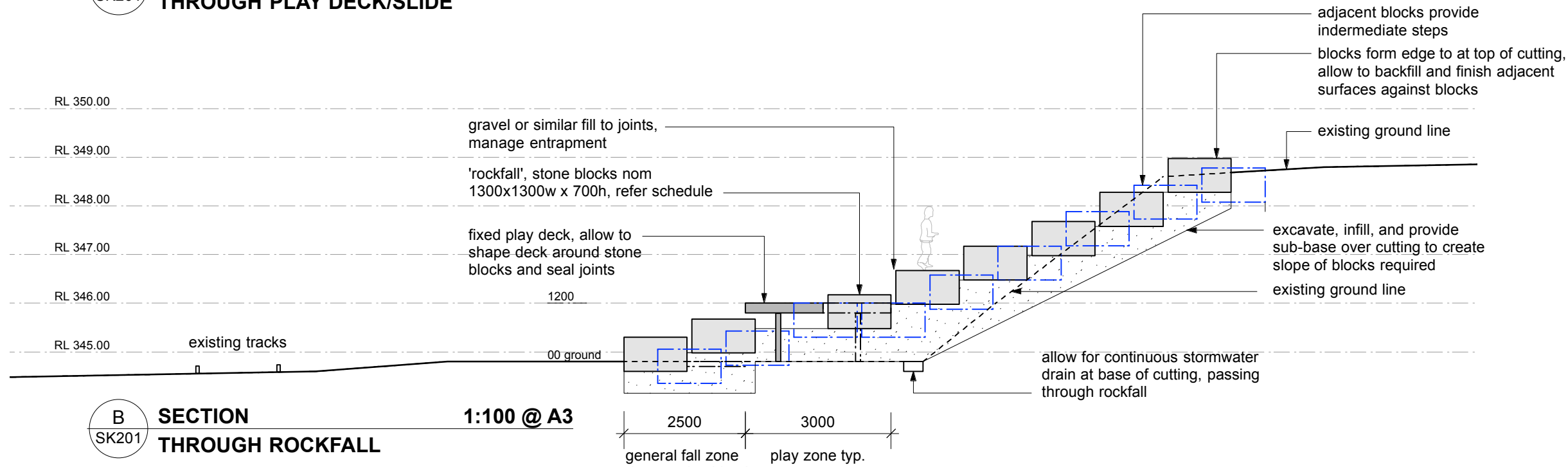
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FOR COSTING



C SECTION 1:100 @ A3
THROUGH PLAY DECK/SLIDE



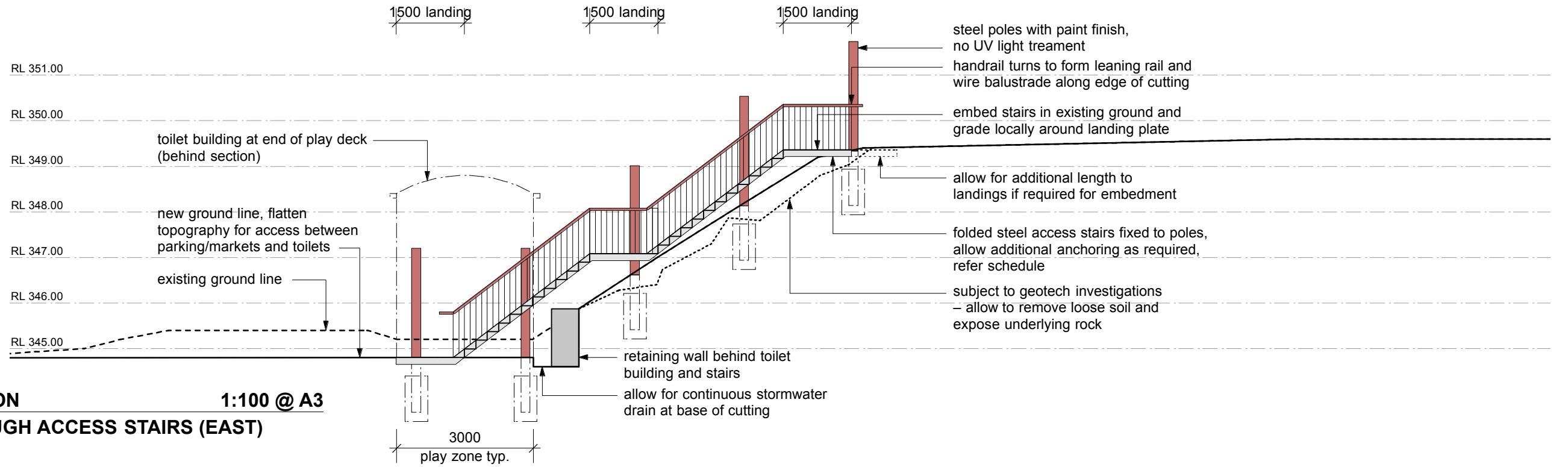
B SECTION 1:100 @ A3
THROUGH ROCKFALL

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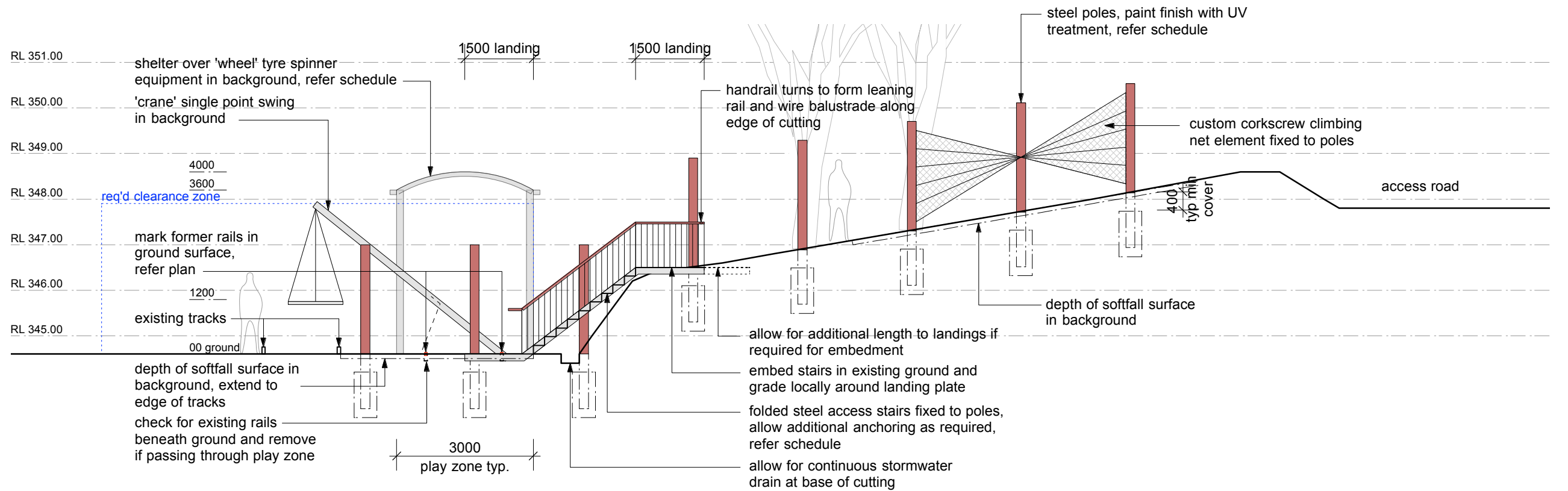
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D SECTION
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THROUGH ACCESS STAIRS (EAST)



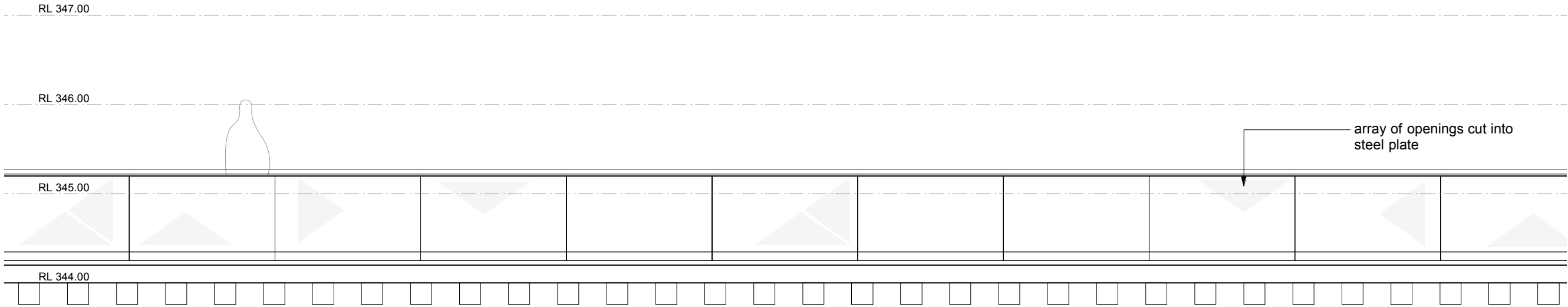
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SK201 **1:100 @ A3**
THROUGH ACCESS STAIRS (WEST)



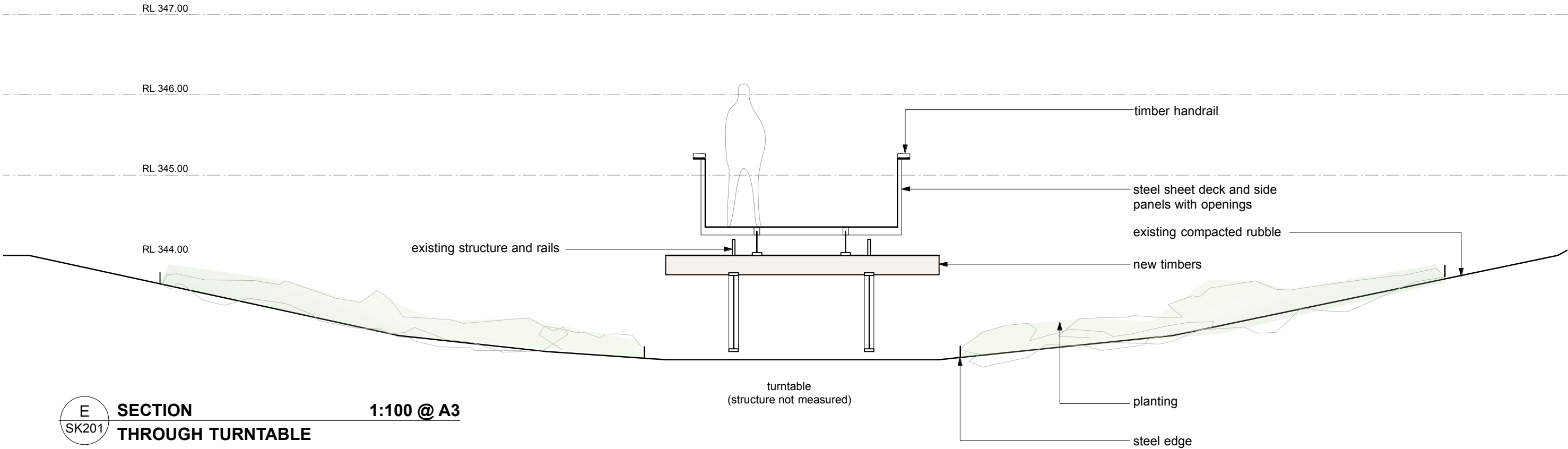
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FOR COSTING



PARTIAL ELEVATION **1:100 @ A3**
TURNTABLE



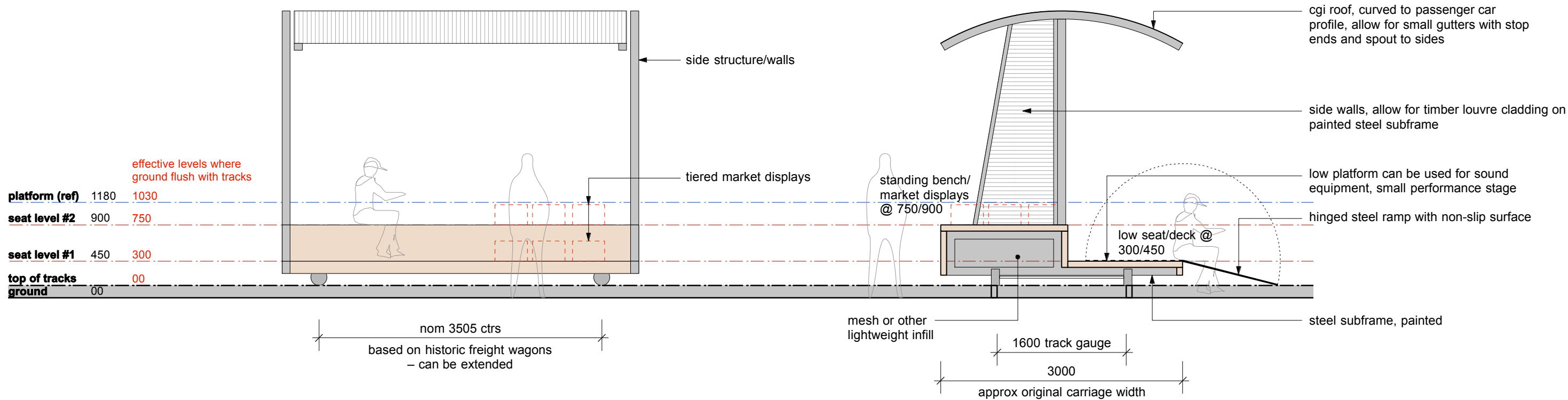
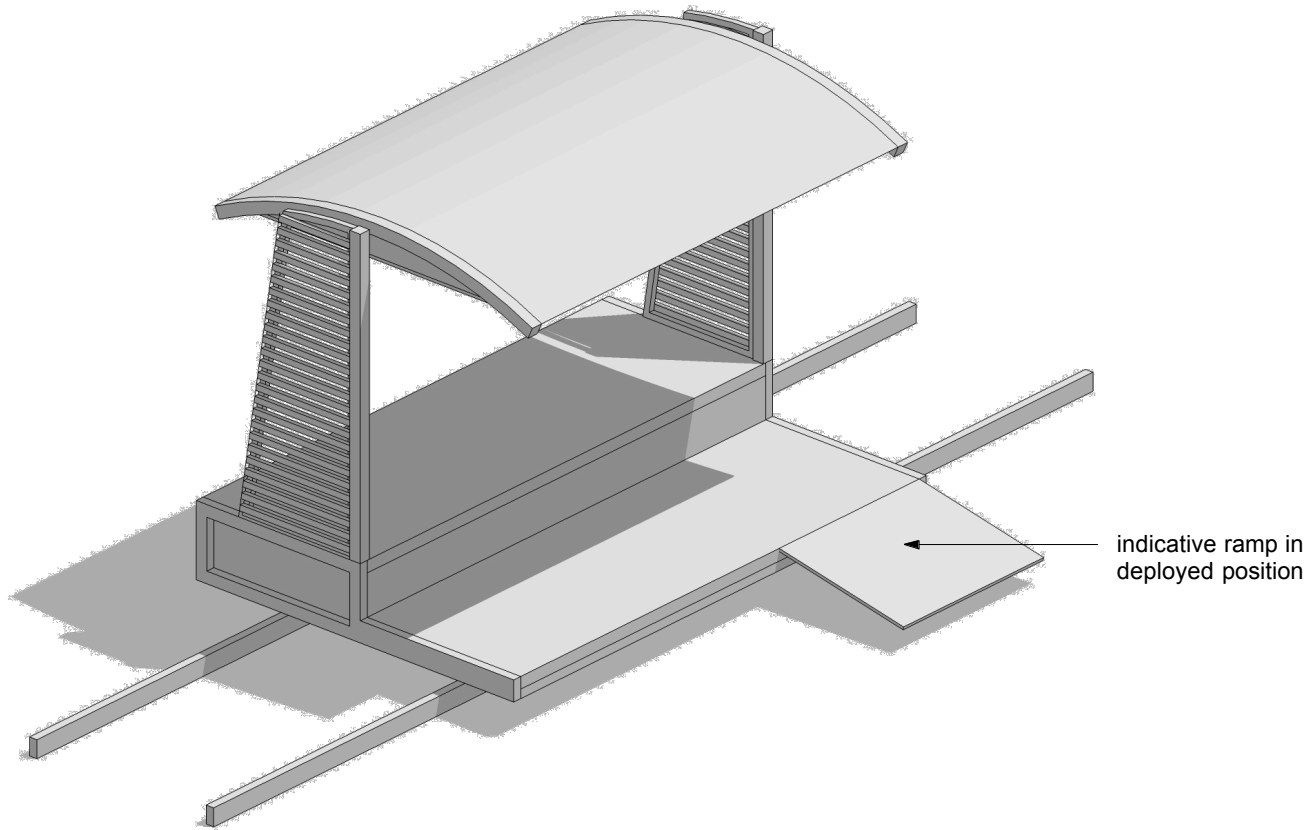
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THROUGH TURNTABLE

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(supplied by client 28 Aug 2018)

Date: 9 Nov 2018

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FOR COSTING



ELEVATION/SECTION 1:50 @ A3
MOVABLE ROLLING STOCK: CONCEPT

SPLIT LEVEL TYPOLOGY
refer other sheet for more typologies

site survey information taken from DWG file dated 5 Jun 2018
(supplied by client 28 Aug 2018)

Date: 9 Nov 2018

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FOR COSTING



MULLOVEY
architecture | interpretation | urban design | conservation | interiors

BIRDSEYE : STUDIOS

Client
The Barossa Council

Project
Angaston Railway Precinct

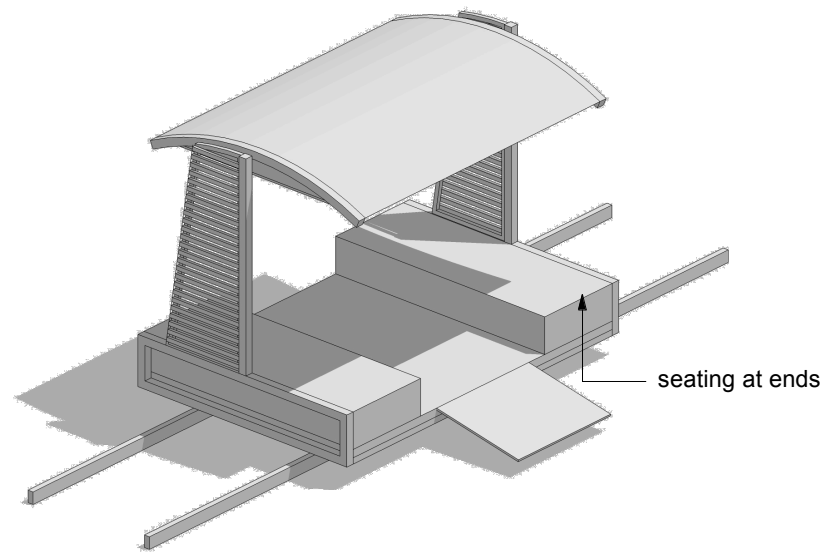
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**Movable Rolling Stock:
Concept**

Project No.
ANGA01

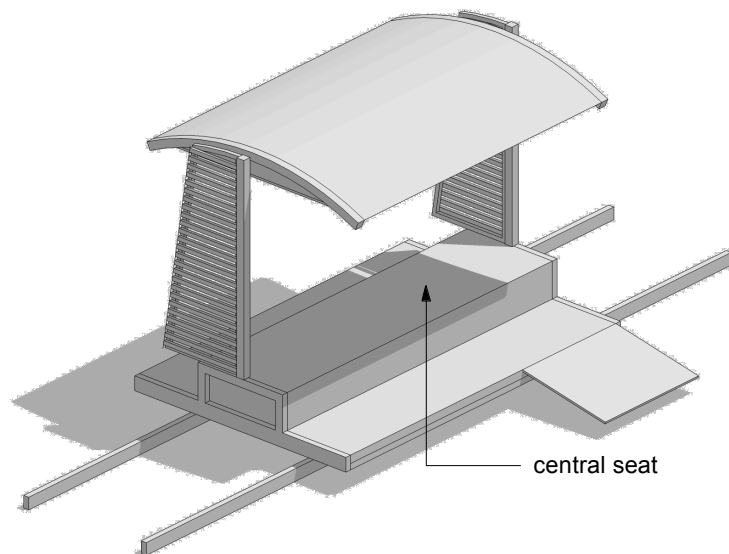
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Rev.
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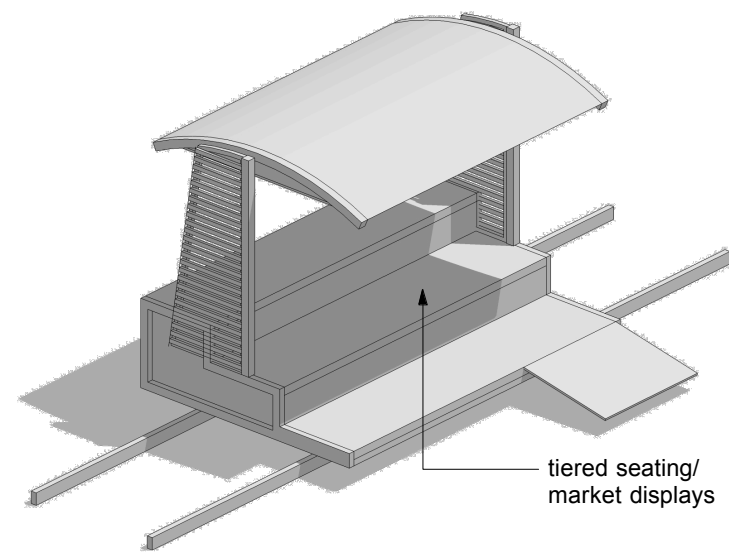
Date Issued
9 Nov 2018



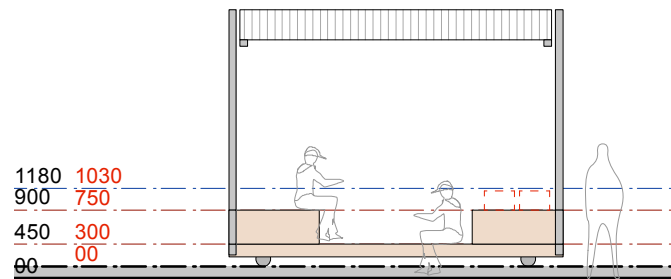
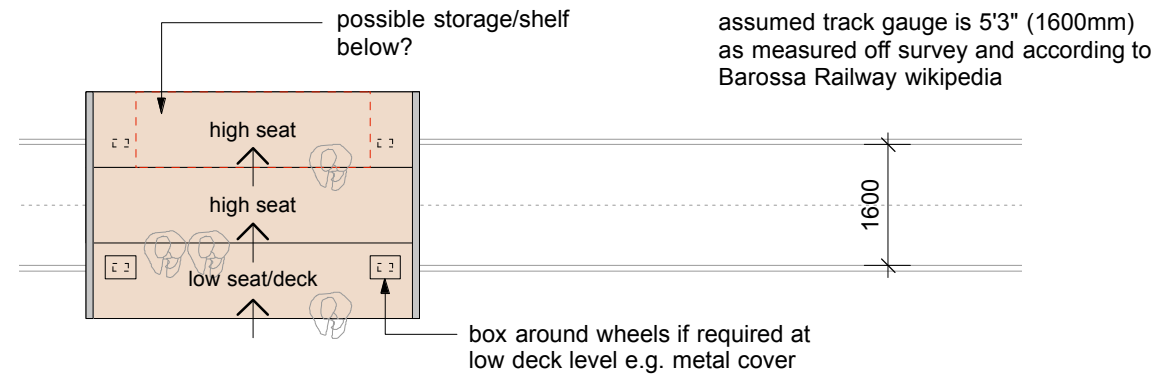
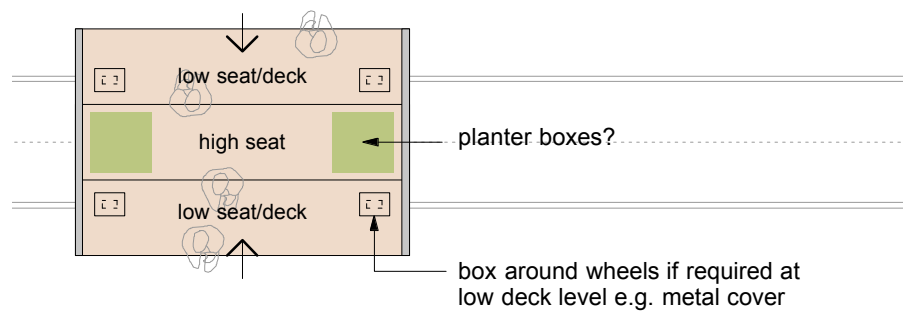
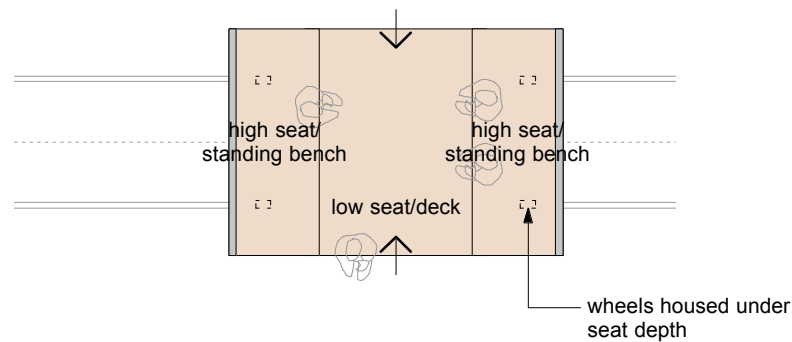
SEATING BOOTH



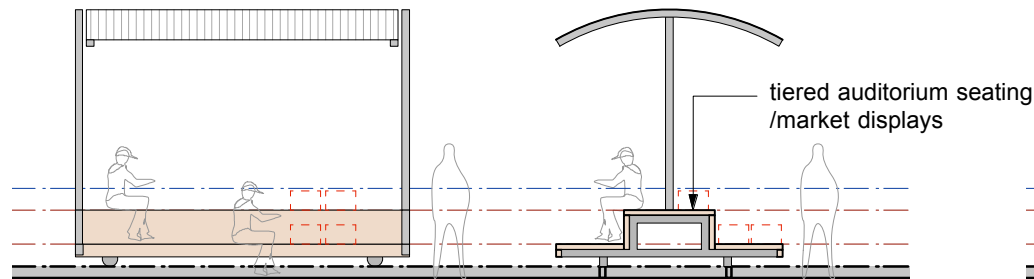
BACK-TO-BACK SEATING



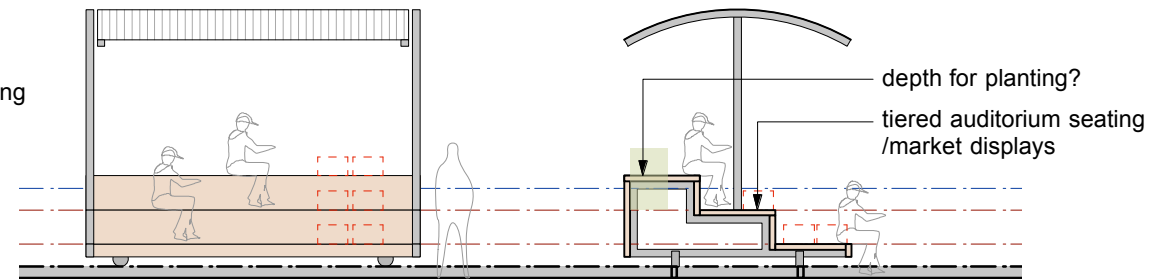
TIERED SEATING



SEATING BOOTH



BACK-TO-BACK SEATING



TIERED SEATING

site survey information taken from DWG file dated 5 Jun 2018
(supplied by client 28 Aug 2018)

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MOVABLE ROLLING STOCK:
TYPOLOGIES

FOR COSTING

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MONTH 2018

ANGASTON RAILWAY PRECINCT

ORDER OF COST ESTIMATE

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Project Details

Description

Basis of Estimate

This estimate is based upon measured quantities to which we have applied rates and conditions we currently believe applicable as at February 2019. We assumed that the project will be competitively tendered under standard industry conditions and form of contract.

This cost estimate is based on the documentation listed under the "Documents" section and does not at this stage provide a direct comparison with tenders received for the work at any future date. To enable monitoring of costs this estimate should be updated regularly during the design and documentation phases of this project.

Limitation of Estimate

This estimate should be viewed as a Concept Cost Plan for use in strategic master planning review and options analysis. It should **not** be used for decision making analysis to commit to a project (including acquisition, finance approval, equity approval or the like). We recommend that a more detailed elemental cost plan be prepared before such commitment is to be considered.

Items Specifically Included

This estimate specifically includes the following:

Contingencies & Escalation

The estimate includes the following contingency allowances:

- Design Development Contingency which allows for issues that will arise during the design and documentation period as the design team develops the design through to 100% documentation
- Construction Contingency which allows for issues that will arise during the construction period including for latent conditions, design errors and omissions, design changes, client changes, extension of time costs and provisional sum adjustments.

Items Specifically Excluded

The estimate **specifically excludes** the following which should be considered in an overall project feasibility study:

Project Scope Exclusions

- Murals and works of art
- Work outside site boundaries

Risk Exclusions

- Contaminated ground Removal and Reinstatement
- Asbestos and Hazardous Materials Removal
- Rock excavation
- De-watering

Other Project Cost Exclusions

- Professional Fees
- Statutory Authorities charges, contributions
- Goods and Services Taxation
- Holding costs and finance charges

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Project Details

Description

- Escalation in costs beyond mid 2019

Documents

The following documents have been used in preparing this estimate:

ARCHITECTURAL Documents prepared **by Birdseye Studios**

- 18041_Angaston Railway 2018
- Playground and Landscape - Concept Drawings
- Angaston Schedule of Works 2018SK03 Rev. P2 - Floor plans

QUOTES RECIEVED

- FSP1-1-- Street Workout
- FSP10300 Cross Training
- FSW10300 Combi 3 Pro
- ProOps Order Form

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Summary

Rates Current At February 2019

Location		Total Cost
P	SITE ENTRY, PLAYZONE & NORTHERN AREA	1,969,585.51
T	TRAILS	124,688.29
I	SITE INFRASTRUCTURE	40,250.00
ESTIMATED NET COST		\$2,134,523.80
MARGINS & ADJUSTMENTS		
	Design Development Contingency	5.0 % \$106,726.19
	Construction Contingency	7.5 % \$168,093.75
	Statutory Fees	Excl.
	Professional Fees	Excl.
	Escalation beyond mid 2019	Excl.
	Goods and services taxation	Excl.
ESTIMATED TOTAL COST		\$2,409,343.74

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

P SITE ENTRY, PLAYZONE & NORTHERN AREA

Rates Current At February 2019

Description		Unit	Qty	Rate	Total
DE	Demolition and Site Clearance				
1	Clear site of rubbish and debris	m ²	20,085	0.10	2,008.50
2	Take up existing ground cover planting / grass including top soil and dispose debris off site	m ²	9,677	1.50	14,515.50
3	Take up existing bitumen path and dispose off site	m ²	364	8.50	3,094.00
5	Cut train track rails, grind smooth the ends, and salvage removed sections	m	127	20.00	2,540.00
50	Take down existing signage and return to Council	Item			500.00
53	Remove existing tree	No	2	2,000.00	4,000.00
56	Break up and remove existing concrete slab (assume minimal/no footings)	m ²	11	90.00	990.00
57	Remove CGI fence sheeting and timber rails, including minor making good of ground	m	69	35.00	2,415.00
37	Allowance for sundry and unforeseen demolition	Item			2,500.00
38	No allowance for demolition of existing stobie poles and street lighting	Item			Excl.
60	Allowance to demolish existing shelter and picnic setting to be delivered to Council (including breaking up and removing concrete slab, assumes minor footings)	Item			1,500.00
61	Remove existing bin	No	1	100.00	100.00
62	Remove existing picnic setting	No	1	250.00	250.00
Demolition and Site Clearance					\$34,413.00
EA	Earthworks				
81	Boxout for new softfall mulch including stockpiling spoil on-site for reuse	m ²	491	6.00	2,946.00
39	Boxout for new rubber softfall including stockpiling spoil on-site for reuse	m ²	522	6.00	3,132.00
40	Boxout for new granolithic path including stockpiling spoil on-site for re-use	m ²	1,241	5.50	6,825.50
41	Boxout for bitumen pavements including stockpiling spoil on-site for re-use	m ²	200	8.50	1,700.00
42	Boxout for new exposed aggregate pavement including stockpiling spoil on-site for re-use	m ²	977	10.50	10,258.50
83	Excavate soil to reveal underlying rocks (assumed average of 750mm depth for removal) stock piling spoil on-site for re-use	m ³	657	30.00	19,710.00
43	No allowance for removal or treatment of contaminated materials from site	Item			Excl.
Earthworks					\$44,572.00
PA	Pavements				
6	Proof roll, trim and compact base course ready for new pavement	m ²	200	4.00	800.00
44	Proof roll, trim and compact base course ready for new pavement	m ²	2,939	4.00	11,756.00
9	Crushed rock subbase to new bitumen pavements including trimming and compacting	m ²	200	9.00	1,800.00

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

P SITE ENTRY, PLAYZONE & NORTHERN AREA (continued)

Rates Current At February 2019

Description	Unit	Qty	Rate	Total
10 Fine crushed rock base course to new bitumen pavements including trimming and compacting	m ²	200	12.00	2,400.00
11 AC10 or similar black bitumen wearing course to pavement including primer and tack coat	m ²	200	48.00	9,600.00
12 Allowance for making good to pavements to remain	Item			500.00
20 Paint line marking to bitumen and pavements	m	47	5.00	235.00
35 Fine crushed rock base course to new granular path including trimming and compacting	m ²	1,241	11.00	13,651.00
29 Cement treated compacted gravel path including trimming	m ²	1,241	40.00	49,640.00
32 Crushed rock basecourse to new exposed aggregate concrete pavement including trimming and compacting	m ²	977	11.00	10,747.00
30 Exposed aggregate concrete pavement slab including edge form, reinforcement and concrete	m ²	977	102.00	99,654.00
31 Washed surface finish and sealer to insitu concrete pavement slab	m ²	977	28.00	27,356.00
33 Crushed rock base course to rubber softfall including trimming and compacting	m ²	522	11.00	5,742.00
34 Impact absorbent synthetic softfall including recycled rubber underlay	m ²	522	195.00	101,790.00
82 Bark chip or similar softfall mulch 400mm deep including final shaping	m ²	491	19.50	9,574.50
73 Allowance for minimal/no treatment around 'Pole Forrest' / making good (as advised Birdseye Studios 01/02/2019)	m ²	322	10.00	3,220.00
79 Concrete water channel including base preparation	m ²	47	150.00	7,050.00
Pavements				\$355,515.50
LA Landscaping				
13 Deep rip and prepare existing subgrade ready for new garden beds and turf	m ²	5,528	1.10	6,080.80
14 Supply and lay new instant turf	m ²	3,228	11.00	35,508.00
15 Irrigation system to new roll out turf	m ²	3,228	10.00	32,280.00
45 Supply and plant 140mm pot ground cover planting 'wild flower meadow' (assume 2-3 plants /m2)	m ²	1,677	25.00	41,925.00
51 Supply and plant 140mm pot ground cover planting to garden bed (assume 2 plants /m2)	m ²	624	20.00	12,480.00
46 Supply and place organic mulch to plantings	m ²	2,301	4.50	10,354.50
47 Irrigation system to new plantings	m ²	2,301	12.50	28,762.50
48 Allowance for sundry feature landscaping	Item			2,500.00
16 Allowance for 52 week landscape maintenance period	Item			3,500.00
17 No allowance for imported topsoil to new garden beds and turf (assumed planted into existing subgrade)	Note			Excl.
49 No allowance to mulch turf areas	Note			Excl.
22 Lay recycled rail line as edging	m	21	20.00	420.00
23 Supply and plant semi-mature tree including preparation works	No	98	480.00	47,040.00
27 Allowance for Former Stockyard markings consisting of inlay material (design to be developed)	m	296	20.00	5,920.00

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

P SITE ENTRY, PLAYZONE & NORTHERN AREA (continued)

Rates Current At February 2019

Description	Unit	Qty	Rate	Total
28 No allowance for planting, seeding, irrigation changes to areas not marked in plans	Item			40.00
71 100mm deep imported topsoil to garden beds	m ²	2,301	11.00	25,311.00
84 Crushed rock sub base to 'Rockfall' area including compacting	m ²	229	9.00	2,061.00
85 PC Sum allowance to supply and place approx. 1300x1300x700 granite blocks to form 'Rockfall' (assumed supplied from Barossa quarry)	No	100	1,800.00	180,000.00
88 Concrete raised planter bed 500mm high (landscaping separate)	m	36	200.00	7,200.00
Landscaping				\$441,382.80
PE Play Equipment				
80 Allowance for custom 'Corkscrew' climbing net fixed to poles	Item			10,000.00
89 Supply and install proprietary 'Street Workout' Equipment (refer to quote from KOMPAN)	Item			15,995.15
90 Supply and install proprietary 'Cross Training' Fitness Equipment (refer to quote from KOMPAN)	Item			30,817.60
97 Supply and install proprietary 'Combi' Fitness Equipment (refer to quote from KOMPAN)	Item			10,463.00
91 PC Sum allowance to supply and install Skate Park equipment	Item			50,000.00
111 PC Sum allowance for 3 trampolines including associated builders works	Item			10,000.00
92 Allowance for basketball ring including footing	No	1	5,000.00	5,000.00
93 Allowance for line marking to basketball court and bitumen area (basketball court line marking, four square line marking etc.)	Item			1,500.00
95 PC Sum allowance for fixed table tennis table	No	1	3,500.00	3,500.00
99 Allowance for proprietary flying fox	Item			5,000.00
101 PC Sum allowance for custom Childrens playground , including tower and enclosed tunnel slide, crane swing	Item			60,000.00
Play Equipment				\$202,275.75
SS Structures and Shelters				
68 Proprietary steel framed shelter 7m x 3m including concrete footings	No	2	18,500.00	37,000.00
100 Allowance for toilet block, assumed constructed of rendered blockwork, clad roof, 2 toilets, 2 wall mounted basins	m ²	21	2,800.00	58,800.00
102 Allowance for folded steel access stairs	No	2	25,000.00	50,000.00
110 PC Sum allowance for custom railcars consisting of steel frame to base, side walls, and roof structure, paint or powdercoat finish generally. Mesh or other infill to sides of base. Timber clad seating/deck platform. Allowance for several seat layout typologies as shown on drawings. Allowance for planter boxes built into seats. Small wheels to suit existing rail tracks, associated hardware, with locking mechanism to be operated by Council. Open timber batten cladding to side wall panels. Curved cgi roof with flashings, gutters, stop ends and spouts to sides. Hinged steel ramp plate with non-slip surface.	No	4	30,000.00	120,000.00
Structures and Shelters				\$265,800.00

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

P SITE ENTRY, PLAYZONE & NORTHERN AREA (continued)

Rates Current At February 2019

Description	Unit	Qty	Rate	Total
FFS Furniture, Fencing and Signage				
7 Remove, salvage and reinstate existing dog bags in new location	No	1	200.00	200.00
8 Remove, salvage and reinstate existing sign in new location	No	3	200.00	600.00
54 Remove, salvage and reinstate existing bench with figure sculpture in new location	No	1	500.00	500.00
55 Remove, salvage and reinstate existing bike racks in new location	No	7	100.00	700.00
18 Post and wire fence including concrete footings	m	143	25.00	3,575.00
19 Supply and install wheelstops to carpark	No	9	40.00	360.00
21 Supply and install bollard including footing (assumed timber)	No	19	550.00	10,450.00
25 Polish and make good existing railway lines	m	938	13.00	12,194.00
26 Extra over for painting railway lines with Luminescent coating (glow in the dark)	m	938	25.00	23,450.00
36 Allowance to repaint and make good switch leavers, including servicing to make operational, interpretive signage and capability to be locked for operation only for Council	No	4	3,500.00	14,000.00
58 PC Sum allowance to make good turn table. Works consisting of clearing debris/vegetation from base, repairing turning mechanism and minor structural repairs, replacing timber slats, new steel sheet deck with steel sheet sides (contains openings) and timber handrail, filled with interpretive planting and steel angle around perimeter	Item			75,000.00
59 Supply and install proprietary bench seating	No	4	3,250.00	13,000.00
63 Install salvaged / recycled railway line as edging (assumed railway supply from this project and Council)	m	276	35.00	9,660.00
64 Drink fountain including associated plumbing connections	No	2	7,950.00	15,900.00
65 Supply and install proprietary picnic setting to shelter	No	3	5,250.00	15,750.00
66 Supply and install BBQ including electrical connection beneath shelter	No	1	6,850.00	6,850.00
67 Supply and install proprietary bin to shelter	No	1	1,000.00	1,000.00
69 Supply and install proprietary 'Spark Corso' bike rack	No	5	500.00	2,500.00
70 PC Sum allowance to modify existing crane. Works to consist of removing sharp and entrapment hazards, cleaning and preparing surfaces to repaint crane to original colour, all parts are to be secured	Item			15,000.00
74 Wire balustrade including footings	m	20	75.00	1,500.00
78 Water outlet for concrete water channel	No	2	1,000.00	2,000.00
86 Steel poles including paint finish and concrete footing	No	48	1,000.00	48,000.00
87 Extra over for resonating poles / tuning	Item			5,000.00
96 Supply and install 120LT Spark Bin enclosure with dog bag dispenser	No	1	1,250.00	1,250.00
98 Steel wire balustrade with steel handrail	m	52	95.00	4,940.00
Furniture, Fencing and Signage				\$283,379.00

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

P SITE ENTRY, PLAYZONE & NORTHERN AREA (continued)

Rates Current At February 2019

Description	Unit	Qty	Rate	Total
SE Services				
75 Electrical power connection to BBQ including associated reticulation	No	1	4,000.00	4,000.00
76 Water connection point at each BBQ including connection to existing infrastructure	No	1	2,500.00	2,500.00
77 Water connection to water out in Channel including connection to infrastructure	No	2	2,500.00	5,000.00
Services				\$11,500.00
XN Boundary Walls, Fencing and Gates				
113 Low retaining wall to base of cutting	m	87	300.00	26,100.00
Boundary Walls, Fencing and Gates				\$26,100.00
XD External Sewer Drainage				
112 Slotted 100mm agricultural ag drain to base of cutting	m	87	85.00	7,395.00
External Sewer Drainage				\$7,395.00
XE External Electric Light and Power				
103 Solar powered LED uplights to cutting	m	40	350.00	14,000.00
104 3 LED floodlights to 'Pole Forest'	No	3	2,250.00	6,750.00
105 Uplights to major trees	No	6	2,850.00	17,100.00
106 Uplights to existing crane	No	1	2,500.00	2,500.00
External Electric Light and Power				\$40,350.00
PR Preliminaries				
132 Allowance for Builder's preliminaries	Item			171,268.31
Preliminaries				\$171,268.31
MA Builder's Margin				
133 Allowance for Builder's margin and overheads	Item			85,634.15
Builder's Margin				\$85,634.15
SITE ENTRY, PLAYZONE & NORTHERN AREA				\$1,969,585.51

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

T TRAILS

Rates Current At February 2019

Description	Unit	Qty	Rate	Total
DE Demolition and Site Clearance				
1 Clear site of rubbish and debris	m ²	10,936	0.10	1,093.60
Demolition and Site Clearance				\$1,093.60
EA Earthworks				
115 Box out for new granulitic trail including stockpiling spoil on-site for reuse	m ²	1,114	5.50	6,127.00
Earthworks				\$6,127.00
PA Pavements				
116 Fine crushed rock base course to to granular bike trail including trimming and compacting	m ²	1,114	11.00	12,254.00
117 Cement treated 100mm thick 'stonyfell' compacted gravel bike trail including trimming	m ²	835	25.00	20,875.00
118 No allowance for edging to compacted gravel bike trail	Note			Excl.
119 Extra over allowance for forming 300mm high 'roller' using soil from site	No	23	350.00	8,050.00
120 Extra over allowance for creating rollable rock drop	No	3	650.00	1,950.00
121 Extra over allowance to form split table top	No	2	550.00	1,100.00
122 Extra over allowance to form low table top	No	2	400.00	800.00
123 Extra over allowance to form split step up hip jump	No	2	650.00	1,300.00
124 Extra over to form 3 way rollable drops	No	1	850.00	850.00
126 Form 1000mm high berm to curve of bike trail	m	214	25.00	5,350.00
Pavements				\$52,529.00
LA Landscaping				
125 Stone to back of berm including retaining wall	m	114	95.00	10,830.00
131 Allowance to trim back trees which encroach on the proposed trail	Item			2,500.00
Landscaping				\$13,330.00
FFS Furniture, Fencing and Signage				
18 Post and wire fence including concrete footings	m	129	25.00	3,225.00
127 Sleeper wall ride consisting of strip footing, 2400 x 200x 100 painted sleepers, clean fill backing behind	m	34	480.00	16,320.00
129 'Skinny' timber decking trail including joists, uprights, bored pier footings (every 2m)	m	24	450.00	10,800.00
128 Allowance for anchors and trail markers	Item			2,500.00
130 Allowance for 600mm high elevated timber start ramp	No	1	2,500.00	2,500.00
Furniture, Fencing and Signage				\$35,345.00
PR Preliminaries				
132 Allowance for Builder's preliminaries	Item			10,842.46
Preliminaries				\$10,842.46

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

T TRAILS (continued)

Rates Current At February 2019

Description		Unit	Qty	Rate	Total
MA	Builder's Margin				
133	Allowance for Builder's margin and overheads	Item			5,421.23
	Builder's Margin				\$5,421.23
	TRAILS				\$124,688.29

ANGASTON RAILWAY PRECINCT

Order of Cost Estimate

Location Elements Item

I SITE INFRASTRUCTURE

Rates Current At February 2019

Description	Unit	Qty	Rate	Total
XD External Sewer Drainage				
109 Allowance for sewer connection to toilets	Item			20,000.00
External Sewer Drainage				\$20,000.00
XW External Water Supply				
108 Allowance to connect to existing water meter	Item			5,000.00
External Water Supply				\$5,000.00
XE External Electric Light and Power				
107 Supply electrical connection and meter	Item			10,000.00
External Electric Light and Power				\$10,000.00
PR Preliminaries				
132 Allowance for Builder's preliminaries	Item			3,500.00
Preliminaries				\$3,500.00
MA Builder's Margin				
133 Allowance for Builder's margin and overheads	Item			1,750.00
Builder's Margin				\$1,750.00
SITE INFRASTRUCTURE				\$40,250.00

Angaston Railway Precinct

Value Management

13-Feb-19

				\$2,409,344	Cost Plan No.1 - February 2019		
				A	-\$453,882	(A) Cost Saving - Confirmed (100% of below total)	
				B	-\$32,000	(B) Cost Saving - High confidence	
				C	-\$31,500	(C) Cost Saving - To be confirmed	
				D	-\$10,000	(D) Cost Saving - Rejected (0% added to below total)	
				E	\$0	(E) Cost Saving - Last Resort (0% added to below total)	
				\$1,891,962		Potential Revised Estimated Construction Budget (= A+B+C)	
Ref	Idea	COST			ACTIONS		
		Target Cost Saving	Classification	Cost Saving	Responsible	Comments	Endorsed
Paving							
1.01	Target saving for Granite Boulders - Target 30%		A	-\$160,000	Council	Delete granite - instead Jaffa limestone	
1.02	Increase mulch softfall extent and reduce synthetic extent (50% area)		A	-\$53,000			
1.03	Target saving for exposed aggregate paving - \$20/m2		C	-\$19,500			
1.03	Confirm scope for gravel paths, currently priced cement treated		E	\$0		Rejected	
1.04	Entry path scope to be isolated (possible separate funding), including BBQ area etc.		A	-\$80,000		Council to seek separate funding	
1.04	Delete concrete water channel, use rock (grind channel etc) - Target savings of 5k		B	-\$5,000			
1.05	Review of basecourse in cost plan		A	-\$1,000			
LANDSCAPING							
2.01	Reduce pole forest costs - reduce poles from 200 dia to 125 dia, reduce to 40No		C	-\$12,000			
2.02	Alternative turf supply costs		A	-\$6,000			
2.03	Reduce 140mm plants to tube stock		A	-\$42,000			
2.04	Additional topsoil to turf areas (cost plan excl.)		A	\$30,000			
2.05	Trees be 50L (\$150/unit)		A	-\$32,000			
2.06	Trail - Wall ride - review rates based on market testing		A	-\$8,000			
2.07	Trail - 'Skinny' structure based on market testing		A	-\$7,000			
2.08	Allowance for Trail head signage		A	\$2,500			
2.09	Trail - 'Berm' pricing based on market testing		A	-\$3,000			
2.10	Target 10k saving for bike trail		B	-\$10,000			
EQUIPMENT / STRUCTURES							
3.01	Reduce turntable works - Balustrade detail to be open wire type, aiming for \$500/m saving		A	-\$20,000			
3.02	Remove second BBQ area - incl in entry works						
3.03	Remove Trampolines / Reduce scope?		D	-\$10,000			
3.04	Simplify rails cars / reduce quantity - Target 50% saving		A	-\$60,000	Council	Council to discuss with Rail Society, possibly to make use of existing rolling stock	
3.05	Crane works deleted, to be completed by Rail Society		A	-\$15,000	Council	Council to confirm with Rail Society	
3.06	Making good railway switches - paint only, minor lock works only		A	-\$10,000			
3.07	Review cost plan play equipment pricing (Item 90 & 97 deleted, Item 89 to be \$17K)		A	-\$41,000			
3.08	Basketball ring and footing pricing based on market testing		A	\$2,500			
3.09	Revised flying fox pricing		A	\$15,000			
3.10	Construction of one stair rather than two to be investigated to target savings		C	tba			
3.11	Bollards - to be Cypress Pine		A	-\$5,700			
3.12	Retaining wall length approx 25m (reduced in length from cost plan allowance)		A	-\$18,000			
3.13	Polishing and making good to railway lines to be completed by the Railway Society		B	-\$12,000		Council to confirm with Rail Society	
3.14	Remove Former Stock yard markings scope		B	-\$5,000			
3.15	Allowance for signage		A	\$20,000			
SERVICES							
4.01	New 40mm water meter to existing infrastructure		A	\$5,000			

OTHER PROJECT COSTS						
5.01	Entranceway, security and lighting - Additional		A	\$32,818		
	GRAND TOTAL (= A+B+C+D)			-\$527,382		
	(A) Cost Saving - Confirmed (100% of below total)			-\$453,882		
	(B) Cost Saving - High confidence			-\$32,000		
	(C) Cost Saving - To be confirmed			-\$31,500		
	(D) Cost Saving - Rejected (0% added to below total)			-\$10,000		
	(E) Cost Saving - Last Resort (0% added to below total)			\$0		



THE BAROSSA COUNCIL

DUE DILIGENCE REPORT - LEVEL 2 - PROJECT FEASIBILITY STUDY (Sections A to E)

Related Policy/Process	TBCPOC4400 Budget & Business Plan and Review Policy	Document Number:	TBCFOR4411
Document Owner:	Director Corporate and Community Services	Last Revised Date:	New Form
Document Control:	Manager Financial Services	TRIM Reference:	14/36075
Date Approved:	19/11/2014	Next Review Date:	10/09/2018

SECTION A (of A-E): General Information

Title of Proposal: Angaston Railway Precinct - Playground and Open Space development

Location (nearest township): Kent Street, Angaston

GPS Coordinates:

Name of Requesting Body: Internal

Type:

Department

or Section 41 Committee

or Other (please describe)

Budget Manager: Rebecca Tappert

Position Title: Manager Community Projects

Contact Phone:

Contact Email:

Asset Class(es):

Asset name / description?
More than one asset?

Asset Project Type:

Capital Renewal

or Capital Replacement

or Capital Upgrade

or New Asset Yes

Current Asset Number(s) if known:

More than one asset?

Operating (Yes/No):

No

Is there an existing Council Commitment (Y/N):

Yes

If Yes, identify reference in Council Minutes:

Various - see April 2019

THE BAROSSA COUNCIL



DUE DILIGENCE REPORT - LEVEL 2 - PROJECT FEASIBILITY STUDY (Sections A to E)

Related Policy/Process	TBCPOC4400 Budget & Business Plan and Review Policy	Document Number:	TBCFOR4411
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Document Control:	Manager Financial Services	TRIM Reference:	14/36075
Date Approved:	19/11/2014	Next Review Date:	10/09/2018

SECTION B (of A-E): Proposal Description

Please provide a clear description of the proposal

The Angaston Railway Precinct Revitalisation project has been managed within two discreet sub-projects; the restoration of the Station Building and the Landscaping, Playground, Market and Picnic Spaces and Civil Works (the Project). The Project will result in a Regional Playground that will attract locals and visitors to an iconic, unique, interactive precinct. The precinct is in close proximity to the main street of Angaston and will be a place where you can spend an afternoon exploring the railway heritage and history, and encourages active participation through the play elements and trails. The precinct will be a community space for markets, picnic and events and will also offer small retail hospitality business in the restored station building.

Please provide the justifications for the proposal with reference to the Strategic Plan

It is important to note that when the initial budget costing was completed back in February 2017, this was based on the concept level masterplan. It is the view of officers that unless Council wishes to reduce the scope of design, or quality of the Project elements, there is minimal further savings to be identified. If the design scope and quality of elements is to be reduced, the Regional status of the precinct may be compromised.

Please describe how the success of this project will be measured

Observation of utilisation of precinct

THE BAROSSA COUNCIL

DUE DILIGENCE REPORT - LEVEL 2 - PROJECT FEASIBILITY STUDY (Sections A to E)



Related Policy/Process	TBCPOC4400 Budget & Business Plan and Review Policy	Document Number:	TBCFOR4411
Document Owner:	Director Corporate and Community Services	Last Revised Date:	New Form
Document Control:	Manager Financial Services	TRIM Reference:	14/36075
Date Approved:	19/11/2014	Next Review Date:	10/09/2018

SECTION C (of A-E): 10 Year Funding Requirements & Financial Outcomes

Title of Proposal: Angaston Railway Precinct - Playground and Open Space devExample data has been inserted

PROJECT YEARLY COST NET (GST Exclusive)		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
SharePoint		2019-20	2020-21	2019-21	2020-22	2019-22	2020-23	2019-23	2020-24	2019-24	2020-25
NI - Income	Total Funding	142,736	142,736	142,736	-	-	-	-	-	-	-
NI - Capital	Total Capital	562,114	-	-	-	-	-	-	-	-	-
NI - Operating	Net Operating	-	-	-	-	-	-	-	-	-	-
	Project Annual Profit/(Loss)	(419,378)	142,736	142,736	-	-	-	-	-	-	-
	Project Cumulative - Profit/(Loss)	(419,378)	(276,642)	(133,906)	(133,906)	(133,906)	(133,906)	(133,906)	(133,906)	(133,906)	(133,906)
SECTION C: 10 Year Funding Requirements & Financial Outcomes											
How will the proposal be funded?											
Funding Options											
Forward Playground Budget											
Future developer contribution		142,736	142,736	142,736							
Total		142,736	142,736	142,736	-	-	-	-	-	-	-
Is there a build or purchase cost for an asset?											
Capital Expenditure											
Additional Budget - Playground and open space works		562,114									
Total		562,114	-	-	-	-	-	-	-	-	-
All Operating Revenue and Expenses below are <u>additional</u> ie., a result of the new initiative (with GST excluded) and do not include previous normal level operations											
Net Operating Result Profit/(Loss)		-	-	-	-	-	-	-	-	-	-
Total Operating		-	-	-	-	-	-	-	-	-	-
Total Operating Expenses		-	-	-	-	-	-	-	-	-	-
Total Maintenance Expenses		-	-	-	-	-	-	-	-	-	-
Operational											
Saving											
Annual Net Savings and Revenue											
Operating Expenses											
Materials											
Maintenance Expenses											



THE BAROSSA COUNCIL

DUE DILIGENCE REPORT - LEVEL 2 - PROJECT FEASIBILITY STUDY (Sections A to E)

Related Policy/Process	TBCPOC4400 Budget & Business Plan and Review Policy	Document Number:	TBCFOR4411
Document Owner:	Director Corporate and Community Services	Last Revised Date:	New Form
Document Control:	Manager Financial Services	TRIM Reference:	14/36075
Date Approved:	19/11/2014	Next Review Date:	10/09/2018

SECTION D (of A-E): Strategic Analysis

Title of Proposal: Angaston Railway Precinct - Playground and Open Space development

This section focuses on the Strategic situation and provides the detail on how the proposal progresses our long-term strategic directions. It requires an analysis of how the proposal provides a sustainable outcome.

Social Impact - What effect will the proposal have on community wellbeing; the development of strong and engaged communities; a liveable district; connected people and places; healthy lifestyles and healthy communities?

The creation of a regional level playspace and associated open space will provide a place for community and visitors. The space will be activated and become a social hub for Angaston and the Barossa.

Cultural impact - what effect will the proposal have on; developing a learning community; support for cultural diversity; local identity; preservation of cultural heritage and planning for the future; creativity and artistic expression?

Interpretive signage and restoration of the turntable and switches will educate and tell the stories of the working railway. Aboriginal heritage will also be celebrated within the landscapes.

Economic impact - What effect will the proposal have on; a supportive business environment; a strong, adaptable and diversified economy; leadership in environmental best practice; developing active business networks?

Will bring visitors and tourism dollars to Angaston.

Environmental impact - What effect will the proposal have on; actively responding to climate change; responsible management of water resources; landscapes, habitats and local biodiversity; waste and contamination; an environmentally aware and engaged community?

Will become a well managed and beautiful landscape

Organisational impact - What effect will the proposal have on: improving organisational efficiency and effectiveness?

Project Name :

Angaston Railway Precinct - Playground and Open Space development

Describe Risk(s) of not doing this project (including not limited to Financial, Public, Commercial, Council, Climate - Risks):

Not realising Regional Level Playspace status

											Score	
											Sum	
RISK Priority Number calculated as L + I + W + P (If the Project does not proceed)											14	
RPN	Likelihood of Risk Occurring			Impact if Risk Occur			Who Controls Risk			Political Environment		
	5	Almost Certain		5	Catastrophic		5	TBC		5	Extreme Impact	4
	4	Likely		4	Major					4	Major Impact	3
	3	Possible		3	Moderate		3	Both		3	Moderate Impact	5
	2	Unlikely		2	Minor					2	Minor Impact	2
	1	Rare		1	Insignificant		1	External Bodies		1	Insignificant Impact	
COST Priority Number calculated as A + C + F + P											16	
CPN	Additional Staff Resources Required			Cash Required (non sal) - Current Year			Future Project Financial Commitments			Period of Future Financial Commitments		
	5	No additional FTE		5	\$0		5	No		5	No	5
	4	Under 1 FTE or additional salary funding								4	<3 out of 10 years	1
	3	1-2 FTE		3	< \$20,000		3	Yes < \$20,000		3	3-5 out of 10 years	5
										2	5-10 out of 10 years	5
	1	>2 FTE		1	> \$20,001		1	Yes > \$20,001		1	On-going >10 years	
IMPACT Priority Number calculated as H + E + S + B											8	
IPN	Health & Safety Impact			Environmental Impact			Social/Comm Wellbeing Impact			Business & Economic Impact		
	5	Public at large at threat		5	Significant Positive Impact		5	Net Positive Impact		5	Net Positive Impact	1
	3	Section of the community/council employee at threat		3	Positive Impact		3	Positive Impact		3	Positive Impact	1
	1	Neutral Impact		1	Neutral Impact		1	Neutral Impact		1	Neutral Impact	3
	0	Negative Impact		0	Negative Impact		0	Negative Impact		0	Negative Impact	3
BENEFITS Priority Number calculated as E + S + B + S											14	
BPN	Funding (External) Sources			Savings			Beneficiaries			Service Levels Outcome (to Community)		
	5	Fully Funded via External Sources		5	Generates Savings immediately		5	TBC - Region Wide & Beyond		5	Industry Best Practice	3
	4	Part Funded External >50% of Total Cost		4	< 12 months		4	TBC - Region Wide		4	Achieving contemporary standards	1
	3	Part Funded External <50% of Total Cost		3	1 - 5 years		3	TBC - Section of Community/Key Stakeholders		3	Improvement/increase in Services Level	5
	2	Potential for funding		2	> 5 years							5
	1	Fully Funded via Rates		1	Not Applicable		1	TBC - Limited number of Beneficiaries		1	No Change to Current Service Level	
FINANCIAL SUSTAINABILITY Priority Number calculated as O + C + J											5	
FSPN	Operating Budget Impact			Capital Budget Impact			Justification for Council Involvement					
	5	Favourable		5	Asst Renewal - Like for Like Replacement		5	Legislative Requirement / Must Do				1
												1
	3	No Effect/Not Applicable		3	No Effect/Not Applicable		3	Should Do				3
				2	Upgrade							
	1	Unfavourable		1	New Asset		1	Like To Do				
INNOVATION / CONTINUOUS IMPOVEMENT / OTHER CONSIDERATIONS Priority Number calculated as O + C + J											7	
	Opportunities for Regional /Sector Collaboration			Addressing Local or Regional Emergency Plans			Continuous Improvement			Other Strategic Plans (Public Health, DAIP)		

COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORT

16 APRIL 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY AND CULTURE

7.3.2.1

CONSIDERATION AND ADOPTION OF BAROSSA REGIONAL GALLERY COMMITTEE RESOLUTIONS

B7908

PURPOSE

Minutes of the Barossa Regional Gallery Committee meeting held 22 January 2019 are presented for the consideration and adoption by Council.

RECOMMENDATION

That Council, having reviewed the Minutes of the Barossa Regional Gallery Committee meeting held 22 January 2019, adopt the Resolutions contained therein.

REPORT

The consideration and adoption of recommendations of Council committees requires assessment by Council to ensure compliance with Council obligations under section 6(a) of the Local Government Act.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Minutes of the Barossa Regional Gallery Committee meeting held 22 January 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan

Corporate Plan



How We Work – Good Governance

- 6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.
- 6.9 Provide access to Council's plans, policies and processes and communicate with the community in plain English.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Council's adoption of committee resolutions is a risk management tool. There are no financial or resource management consideration.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy.

MINUTES

THE MEETING OF THE BAROSSA REGIONAL GALLERY COMMITTEE NO 134

held at the Barossa Regional Gallery, 3 Basedow Road, Tanunda
Tuesday 22nd January 2019, commencing at 7.00pm

1.0 Welcome by Chairman:

Steve welcomed all present to the meeting, especially Kathy Troupe, Elected Council Representative.

1.1 Present:

Steve Kaesler, Kirsty Hage, Sally Goers Fox, Paul Schluter, David Proeve, Raelene Falland , Elizabeth Henderson, Kathy Troupe and Marie Rothe

1.2 Apologies:

Peter Heuzenroeder, Robert Bader

2.0 Previous Minutes:

The Minutes of the meeting held 23rd October 2018 were circulated and were confirmed as a true and correct record of the proceedings of that meeting after amendments: spelling change to 'Petrichor' and that it read "planning to photograph the Vintage Festival Collection", 100th Anniversary of Adelaide Liedertafel , not Barossa.

Moved Paul, seconded Sally, All agreed

2.1 Business arising from the Minutes:

Nil

3.0 Correspondence:

Kirsty tabled a letter from Barossa ? Re application to use stage/hall - now cancelled.
Marie sent letter to Leonie Boothby, thanking her for her support on the Committee.

4.0 Reports:

4.1 Programming/Exhibitions:

- Kirsty reported that 'Internment' Exhibition was a magnificent success. Mandy Paul, Curator at the Adelaide Museum was acknowledged. Stories are still being collected. Adelaide University is interested.
- Posters are out for Vintage Festival Exhibition - 'Petrichor' . Prize money still being arranged - no acquisition prize. Applications are coming in. Storage will be a problem.
- Kathleen Petyarre - Central Desert, Utopia - died in November and her work was put up in memory.
- Exhibition called "Tarts on the Wild Side" from various South Australian Artists will open 26th February 2019
- Working on 2020 - looking at the Hermannsburg Exhibition late in 2020, Oct-Dec or Oct - Dec 2021.
- More volunteers needed for hanging, numbers have dwindled.

4.2 Strategic Planning & Actions:

- Another massive amount of work being put into 'Building Community/ Cultural Hub - local stories and inputs by many local people. Phillip Atkinson, architects, to table feedback from original application & drawing new plans showing changes. New scoping presentation has come in within budget.

4.3 Kirsty's Corner:

- Kirsty reported that Martin has allowed a fulltime position (38hrs) till June 2019 - Leah Blankendall, RDA Country Arts SA. Cultural background in music. Starts next week with Dayna to get up to speed. She will be looking after Programme, Facilities & Events Management; Calendar of Gallery; Hiring of Hall & Gallery Processes.
- Kirsty announced she will be on Long Service Leave until 19th February.
- Volunteer function - 25 people met Leah and were shown emergency evacuation. Screen printed aprons to take home as a thankyou.

MINUTES

THE MEETING OF THE BAROSSA REGIONAL GALLERY COMMITTEE NO 134

held at the Barossa Regional Gallery, 3 Basedow Road, Tanunda
Tuesday 22nd January 2019, commencing at 7.00pm

4.3 Kirsty's Corner: cont.

- Kirsty introduced Cathy Troupe, newly elected Council Member on this committee.
- Some ladies would like to produce a new Barossa Cookbook selecting some recipes from old book including stories of the people of those recipes. Kirsty said that the ladies - Marieka Ashmore & Sheralee Menz know that the copyright belongs to the Institute and a percentage of the sale will come back here. They see it as an adjunct to the original and a proper book will be printed at their cost.
- Kirsty reported that at the Internment Opening, an incident involving some Liedertafel members and a young female performer was reported to her. A letter has been sent to the Liedertafel.

4.4 Liedertafel:

Paul reported that Liedertafel is in recess. AGM at the end of February. He also reported that due to work being done on Tanunda Show Hall, next year's Kaffeeabend will be held either in Nuriootpa Hall or Faith Convention Centre.

• 4.5.1 Finance:

- No report

• 4.5.2 Cookbooks: No report

4.6 RSL:

- Raelene reported that RSL ANZAC Day Service will be held on Thursday 25th April at 11am in the Hall. Artwork in Hall will need to be moved. Organ Committee will set up chairs and PA- Steve will liaise with Leah.

4.7 Building & Maintenance Report:

- Steve reported that thanks to the good work of Rob Nies, Council Co-ordinator, maintenance work is being attended to quickly.
- Flood lights are now working.
- Hall lights, as they fail, will be replaced with LEDs

4.8 Organ:

- Australian Organ Historical Trust having their conference in South Australia.

5.0 Other Business:

- No business

5.1 Meeting Closed: 8.22pm
Date: 22nd January 2019
Chairperson: Steve Kaesler
Minute Secretary: Marie Rothe

Next Committee Meeting: Tuesday 26th March 2019

COUNCIL

CORPORATE AND COMMUNITY SERVICES

MANAGER'S REPORT

16 APRIL 2019

7.3.2 DEBATE AGENDA – MANAGER COMMUNITY PROJECTS

7.3.2.2

BAROSSA AQUATIC AND FITNESS CENTRE, NURIOOTPA AND WILLIAMSTOWN SWIMMING POOLS – FEES AND CHARGES

B9139 19/20138

PURPOSE

Council to consider the proposed 2019/20 fees and charges for the Barossa Aquatic and Fitness Centre (the Rex) and Nuriootpa and Williamstown Swimming Pools and approve that, in future, the fees and charges report for the facilities is included with the organisational wide fees and charges report.

RECOMMENDATION

That Council:

- (1) Adopt the proposed 2019/20 fees and charges for the Barossa Aquatic and Fitness Centre and Nuriootpa and Williamstown Swimming Pools
- (2) Approve the inclusion of the fees and charges for the Barossa Aquatic and Fitness Centre and Nuriootpa and Williamstown Swimming Pools in the organisational wide report for future years.

REPORT

A table of the proposed fees and charges for 2019/20 is provided at Attachment 1. A competitor pricing analysis (Attachment 2) was completed to determine fee amendments. The increases proposed still place the Rex in an extremely competitive position when comparing the facilities, service, programs and offers.

Changes to note are:

- Aquatic Fees
 - Casual entry fee to increase by 30c to \$6.80
 - Memberships to increase modestly, on average by 20c-30c per week
 - Swim School fees to increase 50c per week for 1st and 2nd child. However, additional service available with free swim anytime for Swim School members and industry leading swimming app for parent communication
- Health Club Fees
 - Casual visits to remain same
 - Full Health Club memberships to remain same for direct debit customers; up front customers to pay a 3% increase (to encourage direct debit ongoing memberships)
 - Personal Training – non-member rates included to allow for attendance in short term promotional programs

- Stadium Hire and entry
 - Casual entry – increase by 50c
 - Basketball training and games

Nuriootpa Pool and Williamstown Pool entry fees have increased moderately by 20c for a casual visit and the introduction of a concession rate at \$4.30.

Rex aquatic members will also be able to use the outdoor pools at both Williamstown and Nuriootpa included within their membership fee. Members of outdoor pools will still be required to pay Rex fees for entry, unless there is an outage experienced at an outdoor pool and officers determine to allow access. This authorisation is provided under existing delegation through the Chief Executive Officer.

Previous increases included a 50c increase to Swim School fees in 2018/19. The increase proposed for 2019/20 still places the Rex competitively within the marketplace. In the 2017/18 year, Health Club fees were increased by 50c per week.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Proposed Fees and Charges (Ref: 19/20870)

Attachment 2: Pricing Analysis (Ref: 19/20871)

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing



How We Work – Good Governance

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

To ensure that Council is able to recover its costs in relation to user paid services provided to the community.

COMMUNITY CONSULTATION

Draft fees and charges are part of the documentation available for the draft budget consultation process.



**The Rex Barossa Aquatic and Fitness
Centre**

Williamstown Pool and Nuriootpa Pool

Fees and Charges 2019 – 2020



The Rex Barossa Aquatic and Fitness Centre, Williamstown Pool and Nuriootpa Pool Fees and Charges

Belgravia Leisure understands the need for affordable user pays programs and activities. The Centre has set its 2019/2020 fees and charges to allow for retention, for growth, and for the sustainability of all its programs and activities.

Belgravia Leisure understands that the Barossa Aquatic and Fitness Centre require the need for promotion, awareness and consistency in its service and activities offered to the community.

Aquatic Fees and Charges

Casual	Price 2018/19	Price 2019/20
Adult	\$6.50	\$6.80
Child/Concession/Senior Card Holder	\$5.50	\$5.70
Family	\$17.50	\$18.50
Under 4 yrs	Free	Free

Pool Membership	Price 2018/19	Price 2019/20
3 Months (NO Direct Debit for 3 months)		
Adult Admin + \$20 on sign up	\$150.00	\$155.00
Child/Concession/Senior Card Holder/Rate Payer	\$135.00	\$140.00
12 Months		
Adult Admin + \$20 on sign up	\$468.00	\$482.00
<i>Direct Debit Debit Success per week Admin +\$20</i>	\$9.00	\$9.30
No lock in Contract		
Child/Concession/Senior Card Holder/Rate Payer	\$421.00	\$432.00
<i>Direct Debit Debit Success per week Admin +\$20</i>	\$8.10	\$8.30
No Lock in Contract		
Family (2A + 2C)	\$1456.00	\$1456.00
<i>Direct Debit Debit Success per week Admin +\$20</i>	\$26.00	\$26.00
No lock in Contract		

Visit Passes	Price 2018/19	Price 2019/20
15 Visit Pass		
Adult	\$95.00	\$98.00
Concession	\$80.00	\$82.00
10 Visit Pass		
Adult	\$63.00	\$67.00
Concession	\$53.00	\$54.50

Swim School	Price 2018/19	Price 2019/20
16 weeks Admin + \$20 on sign up	\$288.00	\$302.40
1 st & 2 nd Child	\$18.00	\$18.90
3 rd Child	\$15.40	\$17.00
4 th Child	\$15.40	\$15.30
<i>Direct Debit per week Admin +\$20</i>	\$16.50	\$17.00
1 ST & 2 nd Child	\$14.85	\$15.30
3 rd Child	\$14.85	\$13.80
4 th Child	\$13.35	\$12.40
5 th Child		

Pool Hire Fees	Price 2018/19	Price 2019/20
Lane Hire Single User (Outside group booking)	\$25 per hour \$4.00 per entry	\$25 per hour \$4.00 per entry
Lane Hire Single Use (sporting Clubs)	\$25 per hour	\$25 per hour
Lane Hire Ongoing Use (6 month minimum)	\$15 per hour	\$15 per hour
Sections of leisure Pool	\$25 per hour	\$25 per hour
Holiday groups (minimum 10) and open to the public	\$5 per head	\$5 per head
Holiday groups (exclusive area)	\$40 per hour plus entry \$5 per person	\$40 per hour plus entry \$5 per person

Full Health Fees and Charges

Casual Visits	Price 2018/19	Price 2019/20
Gym & Swim including class, gym and swim	\$18.00	\$18.00
Fitness Class/ Aqua Class	\$18.00	\$18.00
Fitness Class / Aqua Class Concession	\$16.20	\$16.20
Strength 4 Life	\$7.00	\$7.00
Kindergym	\$6.00	\$6.50
Kindergym 2 nd Child	\$5.00	\$5.50
Badminton	\$5.00	\$5.50
Netball and Volleyball Daytime/Evening	\$6.00/\$7.50	\$7.00/\$8.00

Full Health Club Membership	Price 2018/19	Price 2019/20
12 month Adult Up-front Admin + \$60 on sign up	\$962.00	\$990.00
<i>Direct Debit Success per week Admin +\$60</i>	\$18.00	\$18.00
Concession Admin + \$60 on sign up	\$868.40	\$894.50
<i>Direct Debit Debit Success per week Admin +\$60</i>	\$16.20	\$16.20
No lock in contract	\$356.00	\$367.00
3 month Adult Admin + \$60 on sign up	\$321.00	\$330.50
Concession Admin + \$60 on sign up	\$2288.00	\$2356.50
Family Membership 2AFHC + 2CPool	\$44.00	\$44.00
<i>Direct Debit Debit Success per week Admin +\$60</i>		

Personal Training	Price 2018/19	Price 2019/20
Weekly Direct Debit 30 minute session	\$40.00	\$40.00
5 Pack – 30 minute session (\$42.00)	\$190.00	\$210.00
10 Pack – 30 minute session (\$40.00)	\$380.00	\$400.00
5 Pack –30 minute session (\$50.00) – Non-Member	N\A	\$250
10 Pack –30 minute session (\$50.00) – Non-Member	N\A	\$500
Weekly Direct Debit 60 minute session	\$60.00	\$60.00
5 Pack –60 minute session (\$59.00)	\$275.00	\$295.00
10 Pack –60 minute session(\$55.00)	\$550.00	\$550.00
5 Pack –60 minute session (\$65.00) – Non-Member	N\A	\$325
10 Pack –60 minute session session (\$65.00) – Non-Member	N\A	\$650

Group Personal Training	Price 2018/19	Price 2019/20
Weekly Direct Debit 30 minute session for 2 people	\$30.00	\$30.00
5 pack – 30 minute session per person	\$125.00	\$135.00
10 pack – 30 minute session per person	\$250.00	\$250.00
Weekly Direct Debit 30 minute session up to 3 people	\$25.00	\$25.00
5 Pack – 30 minute session per person	\$100.00	\$120.00
10 Pack –30 minute session per person	\$200.00	\$225.00
Weekly Direct Debit 60 minute session up to 3 people	\$50.00	\$50.00
5 Pack – 60 minute session per person	\$225.00	\$235.00
10 Pack –per person	\$450.00	\$450.00
Weekly Direct Debit 60 minute session up 4 or more	\$40.00	\$40.00
5 Pack – 60 minute session per person	\$175.00	\$190.00
10 Pack –60 minute session per person	\$350.00	\$360.00

Visit Pass	Price 2018/19	Price 2019/20
10 Visit Pass Fitness /Aqua Class	\$162.50	\$162.50
10 Visit Pass –Strength 4 Life Only	\$70.00	\$70.00

Stadium Hire Fee	Price 2018/19	Price 2019/20
Casual Entry 30 minutes	\$3.00	\$3.50
Casual Entry 1 hour	\$5.00	\$5.50
Booking Court Hire 1 hour	\$50.00	\$50.00
Basketball Training 1 hour (per hour)	\$36.00	\$36.00
Basketball Games per hour (Seniors)	\$50.40	\$50.40
Basketball Games per hour (Juniors)	\$42.00	\$42.00
Primary Schools per 30 minutes	\$10.00	\$10.00
Primary School per 45 minutes	\$20.00	\$20.00
Gymnastics per hour	\$28.60	\$28.60

Birthday Parties	Price 2018/19	Price 2019/20
Up to 10 Kids – each child after this is \$20 per child	\$180.00min	\$200.00 min

Williamstown Pool and Nuriootpa Pool Fees and Charges

Pool Fees and Charges	Price 2018/19	Price 2019/20
Adult	\$4.30	\$4.50
Child/Concession/Senior Card Holder	\$4.30	\$4.30
Family	\$15.00	\$16.50
Under 4 yrs	Free	Free
10 visit pass Adult	\$38.00	\$40.00
10 visit pass concession	\$38.00	\$40.00
Monthly single pass	\$62.00	\$65.00
Monthly family pass (2 adults & 3 kids *extra child 15%)	\$73.00	\$76.50
Season pass adult	\$125.00	\$130.00
Season pass concession	\$115.00	\$120.00
Season pass family (2 adults & 3 kids *extra child 15%)	\$190.00	\$200.00
Group (Minimum 20 kids)	\$4.00	\$4.50
Pool Hire	By Negotiation	By Negotiation

The Rex Barossa Aquatic and Fitness Centre Pricing Analysis

Below are current price comparisons for The Rex Barossa Aquatic and Fitness Centre with its closest and like for like facilities.

Current Prices as at July 2019	Barossa Aquatic Fitness	STARplex	Elizabeth Aquadome	The Valley Recreation Centre	Gawler Aquatic Centre
Adult Swim	\$6.50	\$7.00	\$6.90	\$7.00	\$5.50
Concession Swim	\$5.50	\$5.60	\$5.50	\$5.80	\$4.50
Child Swim	\$5.50	\$5.60	\$5.50	\$5.80	\$4.50
Family Swim	\$17.50	NA	\$20.50	\$20.00	\$16.00
Swim/Slide	NA	NA	\$11.30	NA	NA
Swim/Spa/Steam Concession	NA	NA	\$10.60	NA	NA
Spectator Fee	NA	NA	NA	\$2.70	NA
Group Exercise	\$18.00	\$18.00	\$14.00	\$11.50	NA
Group Exercise Concession	\$16.20	NA	\$11.20	\$10.00	NA
Older Aqua	\$16.20	\$12.10	13.60	\$10.00	\$8.50
Aqua Aerobics	\$18.00 (conc) \$16.20	\$15.00	\$13.60	\$11.50	\$10.00
Childcare	Gold Coin Donation	Gold Coin Donation	Free (Members Only)	Gold Coin Donation	NA
Aquatic Education (child)	\$16.50	\$17.80	F/N \$32.00	F/N 30.00	\$125.00 Term
Aquatic Ed (child - conc)	\$14.85 3 rd Child	NA	NA	NA	NA
Casual Gym	\$18.00	\$18.00	\$17.00	\$15.00	NA
Casual Gym Conc	\$16.20	N/A	\$13.60	\$12.00	NA
Seniors	\$7.00 Strength For Life	\$6.50	\$7.00	\$6.00	NA

* Based on Adult Prices

Current Prices cont.	Barossa Aquatic Fitness	STARplex	Elizabeth Aquadome	Flex Fitness	Gawler Aquatic	Barossa Crossfit	Anytime Fitness
AQUATIC MEMBERSHIPS							
Direct Debit							
Joining Fee	\$20	\$0		NA	NA	NA	NA
Monthly debit	\$36.00	\$41.40		NA	NA	NA	NA
Monthly debit (conc)	\$32.40	\$36.00		NA	NA	NA	NA
Term							
3 month peak	\$150.00	\$137.00	NA	NA	NA	NA	NA
3 month (conc)	\$135.00	\$111.00	NA	NA	NA	NA	NA
6 month (conc)	NA	NA	NA	NA	NA	NA	NA
12 month peak	\$468.00	NA	NA	NA	\$200.00	NA	NA
12 month (conc)	\$421.00	NA	NA	NA	\$150.00	NA	NA

Current Prices cont.	Barossa Aquatic Fitness	STARplex	Elizabeth Aquadome	Flex Fitness	Gawler Aquatic	Barossa Crossfit	Anytime Angaston/Nu rootpa
FITNESS MEMBERSHIPS							
Direct Debit							
Joining Fee	\$60.00	\$0.00	\$35.00	\$0	NA	\$0.00	\$99
Monthly debit	\$72.00	\$65.60 + \$26 for GF	\$65.60	\$39.80	NA	\$170.00	\$59.80
Monthly debit (conc)	\$64.80	\$51.50 + \$24 for GF	65.60	NA	NA	NA	NA
Monthly debit (Teens)	NA	From \$51.50	NA	NA	NA	NA	NA
Paid In Full							
3 month	\$356.00	NA	NA	NA	NA	NA	NA
3 month (conc)	NA	NA	NA	NA	NA	NA	NA
6 month	NA	NA	NA	\$250.00	NA	NA	NA
6 month (conc)	NA	NA	NA	\$0.00	NA	NA	NA
12 month	\$962.00	NA	\$1,044.00	\$475.00	NA	\$1750.00	NA
12 month (conc)	\$868.40	NA	NA		NA	NA	NA

Competitor Analysis

Facility Analysis

	Comp.	Cost to Use	Distance km	Aquatics							Gym		Facilities		
Facility	Profile	\$	Km's	Indoor Pool	Outdoor Pool	Learners Pool	Toddler Pool	Spa	Play	Other	Health Club	Fitness Classes	Program Rooms	Other	Child Care
Barossa Aquatic Fitness	-	M	0	25m heated	no	yes	yes	yes	yes	Water Fountains	yes	yes	yes	café, meeting rooms, hydrotherapy, consult rooms 3 Court stadium, 6 Squash Courts	yes
STARplex	3	M	29	25m heated	no	yes	no	no	no		yes	yes	yes	4 court stadium Café, meeting rooms, consult rooms	yes
Elizabeth Aquadome	1	M	42	25m heated	no	yes	yes	yes	yes	Spa, Sauna, slide	yes	yes	yes	cafe	yes
The Valley Recreation Centre	1	L	10	20m heated	25m	no	no	no	yes	no	yes	yes	no	multi-purpose court stadium, squash courts, function room	yes
Flex Fitness	1	L	5	no	no	no	no	no	no	no	yes	no	no	24.7 gym access	no
Anytime Fitness	3	L	5	no	no	no	no	no	no	no	yes	yes	no	24 hour access	Yes offsite
Crossfit Barossa	1	H	1	no	no	no	no	no	no	no	yes	yes	no	24 hour access and classes	no
Gawler Aquatic Centre	1	L	26	no	toddler family general play pools	yes	yes	no	no	no	no	Aqua only	no	canteen	no

Competitive Profile

1 - Low level of competition 2 - Moderate level of competition 3 - High level of competition

Cost To Use – Fees Charged

L – Low M – Medium H – High

Williamstown and Nuriootpa Pool Pricing Analysis

Below are current price comparisons between Nuriootpa Pool and Williamstown Pool with its closest and like for like facilities.

Current Prices as at January 2019	Williamstown Pool	Nuri Pool	Gawler Pool	Woodside Pool	Mt Barker Pool	Kapunda Pool
Notes:	Outdoor Pool with inflatable	Outdoor pool with inflatable	Outdoor 50m with toddler pool	Outdoor pool with BBQ facilities	Outdoor pool	Outdoor pool
Adult Swim	\$4.30	\$4.30	\$6.50	\$6.50	\$6.30	\$5.00
Concession Swim	\$4.30	\$4.30	\$4.80	\$5	\$4.80	\$4.00
Child Swim	\$4.30	\$4.30	\$4.80	4yrs+ \$5	\$4.80	\$4.00
Family Swim	\$15.00	\$15.00	\$18.50	\$20.00	\$22.00	\$17.00
Spectator Fee	NA	NA	NA	\$2	\$2.60	NA
Swim School - per lesson- DD or PIF	NA	NA	\$15.55	\$14-\$16	NA	NA
20 visit pass Adult	NA	NA	NA	\$100.00	NA	NA
20 visit pass Concession	NA	NA	NA	\$80.00	NA	NA
10 Visit pass concession	\$38.00	\$38.00	\$111.60 all access pass	NA	\$42.00	NA
10 Visit Pass Adult	\$38.00	\$38.00	NA	NA	\$55.00	NA
Concession season pass	\$115.00	\$115.00	\$175.00	NA	\$176.00	\$105.00
Family season pass	\$190.00	\$190.00	\$365.00	\$330.00	\$355.00	\$170.00
Adult Season pass	\$125.00	\$125	\$225.00	\$220.00	\$220.00	\$115.00
Lap swimming only pass	NA	NA	NA	NA	NA	NA
Lane Hire	Price negotiable	Price Negotiable	\$25 per lane, per hour	Price negotiable	\$16 per lane per hour	Price Negotiable
Pool Hire	\$80 per hour	\$600 whole day	Price negotiable	Price negotiable	\$80 per hour	Price Negotiable

* Based on Adult Prices

Facility Analysis

	Comp.	Cost to Use	Distance km	Aquatics							Gym		Facilities		
Facility	Profile	\$	Km's	Indoor Pool	Outdoor Pool	Learners Pool	Toddler Pool	Spa	Play	Other	Health Club	Fitness Classes	Program Rooms	Other	Child Care
Williamstown Pool		L	0	No	Yes	Yes	Yes	No			No	No	No		No
Nuriootpa Pool		L	29	No	Yes	Yes	Yes	No			No	No	No		No
Gawler	3	M	18	No	Yes	Yes	Yes	No			No	No	No		Yes
Woodside	2	M	40	No	Yes	Yes	Yes	No			No	No	No		No
Mt Barker	2	M	58	No	Yes	Yes	Yes	No			No	No	Yes		No
Kapunda			22	No	Yes	Yes	Yes	No			No		No		No

Competitive Profile

1 - Low level of competition

2 - Moderate level of competition

3 - High level of competition

Cost To Use – Fees Charged

L - Low

M – Medium

H - High

Open hours:

Centre	Open Hours	Seasonal
Nuriootpa Pool	6am – 10am 3.30pm – 6.00pm Weekends – 12noon to 6pm Sat morning laps 10am to 12 noon School Holidays – 2pm to 7pm Public Holidays – 12noon to 5pm	Yes
Williamstown Pool	Mon -Fri 3pm to 6pm Weekends 1pm to 6pm Public Holidays – 12noon to 5pm	Yes
Mt Barker	6-9am, 11-6pm	Yes
	6am-7pm (peak season) 6am-8:30am, 3-7pm (off peak)	Yes
Gawler	Mon – Fri 6am-7.30pm	Yes

	Weekends – 7am to 5pm Public Holidays – 12noon to 4pm	
Kapunda	Mon – Fri 4pm to 6pm Weekends – 2pm to 6pm	Yes
Woodside	6am-9am, 3:30-6pm	Yes

COUNCIL

WORKS AND ENGINEERING SERVICES

DIRECTOR'S REPORT

16 APRIL 2019

7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

7.4.1.1

PROPOSED ROAD CLOSURE – 2019 BAROSSA VINTAGE FESTIVAL – ANGASTON TOWN DAY - AMENDMENT **B9032 19/1567**

Author: Manager Engineering Services.

PURPOSE

A request has been received from Angaston Community Business Alliance to amend the previously Council approved temporary road closure of Murray Street, Angaston, for the staging of the 2019 Barossa Vintage Festival Angaston Town Day event.

RECOMMENDATION

That the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads on Sunday 28 April 2019:

Murray Street, Angaston, from Sturt Street to Middle Street
from 8.00am up to 4.00pm,

to stage the Angaston Town Day "Something in the Street" event as part of the 2019 Barossa Vintage Festival.

REPORT

This amendment to Report 7.4.1.3 22 January 2019 (attached) allows an additional hour for organisers to set up prior to the commencement of the event and the extension of the road closure from Tyne Street to Middle Street caters for the smooth transition of "Punkt Zu Punkt" running participants into the main street precinct when exiting Shemmeld Lane.

Summary and Conclusion

Council has previously approved the road closure (attached) required to stage the event on Sunday 28 April 2019. The proposed road closure amendment is pursuant to Section 33 of the Road Traffic Act 1961.

The road closure amendment has been deemed necessary by organisers as a risk mitigation strategy to maintain the safety of participants and the general public.

The total cost to Council to facilitate the proposed events remains \$1,100 inclusive of Council staff costs for the road closures and speed restrictions and removal and reinstatement of the pedestrian refuge infrastructure in Murray Street.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Report 7.4.1.3 22 January 2019

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing



Business and Employment

Corporate Plan

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 5.13 Support economic development through events

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -

The estimated actual cost of \$1,100 to provide Council resources for the road closures and speed restrictions and removal and reinstatement of the pedestrian refuge infrastructure in Murray Street will be allocated from Council's "Road Closure – Support" budget.

Risk management –

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY CONSULTATION

The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also via placement of the SAPOL notice on Council's website.

Parking restrictions will also be implemented along one side of each of the surrounding streets, being Maria Street, John Street, Julius Street, Young Street and William Street to allow smooth passage of vehicles utilising the detours.

The road closure and parking restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

The total cost to Council to facilitate the proposed events is \$1,000 inclusive of Council staff costs for the road closures and speed restrictions.

If Council elects not to implement the road closure requirements, this will need to be performed by a traffic management company engaged at the event organiser's expense, as happens with some other public events of similar nature in the Barossa.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture



Health and Wellbeing



Business and Employment

Corporate Plan

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 5.13 Support economic development through events

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial and Resources -

The estimated actual cost of \$1,000 for Council to facilitate the road closures and speed restrictions would be allocated from Council's "Road Closure – Support" budget.

Risk management –

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY CONSULTATION

The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also via placement of the SAPOL notice on Council's website.

Cr Wiese-Smith returned to the meeting at 9.14am.

7.4.1.3

PROPOSED ROAD CLOSURE – 2019 BAROSSA VINTAGE FESTIVAL – ANGASTON TOWN DAY B9032 19/1567

Author: Manager Engineering Services.

Pursuant to S75 of the Local Government Act 1999 Cr Wiese Smith disclosed a perceived conflict of interest in the matter 7.4.1.3 – *Proposed Road Closure – 2019 Barossa Vintage Festival – Angaston Town Day* as she is a member of the Barossa Vintage Festival Committee.

Cr Wiese-Smith advised Council of the conflict of interest and left the meeting at 9.14am.

MOVED Cr Hurn that the Commissioner of Police be advised that The Barossa Council endorses the closure of the following roads on Sunday 28 April 2019:

Murray Street, Angaston, from Sturt Street to Tyne Street
from 9.00am up to 4.00pm,

to stage the Angaston Town Day "Something in the Street" event as part of the 2019 Barossa Vintage Festival.

Seconded Cr Barrett

CARRIED 2018-22/99

PURPOSE

A request has been received from Angaston Community Business Alliance for temporary road closure of Murray Street, Angaston, for the staging of the 2019 Barossa Vintage Festival Angaston Town Day event.

REPORT

Background

Angaston has traditionally held a Town Day event in Murray Street as part of the Barossa Vintage Festival.

Introduction

The 2019 Barossa Vintage Festival Program has themed this Angaston Town Day event as "Something in the Street" and is to include street markets, local food and wine and the finish line of the "Punkt zu Punkt" 33.3 kilometre Trail run. Organisers of the 2019 event invite participants to "experience our unique Barossa Heritage" in a relaxed environment.

Programmed to be held on Sunday 28 April 2019, this is a free event scheduled to run between 10.00am and 3.00pm.

Summary and Conclusion

Council has previously supported this event by organising and implementing the road closure. The proposed road closure is pursuant to Section 33 of the Road Traffic Act 1961.

Parking restrictions will also be implemented along one side of the traffic diversion streets, being Sturt Street and Dean Street, to allow smooth passage of vehicles utilising the detours.

The road closure and parking restrictions are deemed necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

The total cost to Council to facilitate the proposed events is \$1,100 inclusive of Council staff costs for the road closures and speed restrictions.

If Council elects not to implement the road closure requirements, this will need to be performed by a traffic management company engaged at the event organiser's expense, as happens with some other public events of similar nature in the Barossa.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Nil

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTSCommunity Plan

Community and Culture



Health and Wellbeing



Business and Employment

COPY

Corporate Plan

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area.
- 2.6 Support a vibrant and growing arts, cultural, heritage and events sector.
- 4.2 Create opportunities for people of all ages and abilities to participate in the community.
- 5.13 Support economic development through events

Legislative Requirements

Local Government Act 1999

Road Traffic Act 1961

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**Financial and Resources -**

The estimated actual cost of \$1,100 for Council to facilitate the road closures and speed restrictions would be allocated from Council's "Road Closure – Support" budget.

Risk management -

Council officers deem the closure necessary as a risk mitigation strategy to maintain the safety of participants and the general public.

COMMUNITY CONSULTATION

The community will be advised of the proposal by public advertisements to be placed in The Herald and Leader and also via placement of the SAPOL notice on Council's website.

Cr Wiese-Smith returned to the meeting at 9.15am.

7.5 DEVELOPMENT AND ENVIRONMENTAL SERVICES – DEBATE**7.5.1 DEVELOPMENT SERVICES – DEBATE**

Nil

7.5.2. ENVIRONMENTAL SERVICES - DEBATE**7.5.2.1**

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) - GRFMA AUDIT COMMITTEE MEMBERSHIP AND REVIEW OF GRFMA PUBLIC CONSULTATION POLICY B9072

Author – Director Development and Environmental Services

Pursuant to S75 of the Local Government Act 1999 Cr Barrett disclosed a perceived conflict of interest in the matter 7.5.2.1 – Gawler River Floodplain Management Authority (GRFMA) – GRFMA Audit Committee membership and Review of GRFMA Public

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

16 APRIL 2019

7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.1

GAWLER EAST - TRAFFIC INTERVENTIONS AND COMMUNITY INFRASTRUCTURE DEED AND LAND MANAGEMENT AGREEMENT B1723

Author: Director Development and Environmental Services

PURPOSE

To seek Council position on signing of a Traffic Interventions and Community Infrastructure Deed and Land Management Agreement as part of the Gawler East development.

RECOMMENDATION (OPTION A)

That Council

- (1) Advise the Town of Gawler that Council does not support signing the Traffic Interventions and Community Infrastructure Deed, in favour of investigating options to have the land within The Barossa Council transferred to the Town of Gawler via a boundary adjustment.
- (2) Advise the Town of Gawler that the identified traffic interventions for Kalbeeba Road and the intersection of Kalbeeba Road/Barossa Valley Way will be factored into Council's Long Term Financial Plan and Asset Management Plan, working in liaison with Town of Gawler and Springwood Development Nominees Pty Ltd.

or

RECOMMENDATION (OPTION B)

That Council

- (1) Endorse the Traffic Interventions and Community Infrastructure Deed between Council, Town of Gawler and Springwood Development Nominees Pty Ltd
- (2) Authorise the CEO to continue negotiations with Town of Gawler, in order to finalise the Deed, including minor amendments where required
- (3) Authorise the Mayor and CEO to execute the Deed once finalised.

Background

The Gawler East Zone within Gawler's and The Barossa Council's Development Plan was rezoned by the Minister in August 2010.

At the time of rezoning the Town of Gawler, The Barossa Council, Lend Lease and the State Government agreed in principle to contribute financially towards a series of traffic interventions, most noticeably the construction of the Gawler East Link Road (GELR).

Springwood Development Nominees Pty Ltd (Springwood Communities) have honoured Lend Lease's previous commitments in this regard.

Introduction

Following the execution of the Deeds between the Town of Gawler and the Minister for Transport and Infrastructure for the Gawler East Link Road, the Town of Gawler's solicitors have prepared a subsequent Deed between Council, Springwood Communities and The Barossa Council requiring contributions from Springwood Communities for Traffic Interventions and Community Infrastructure.

The Barossa Council is required to be a signatory to this Deed, as a small portion of Springwood's land is located within The Barossa Council (Refer **Figure 1**).

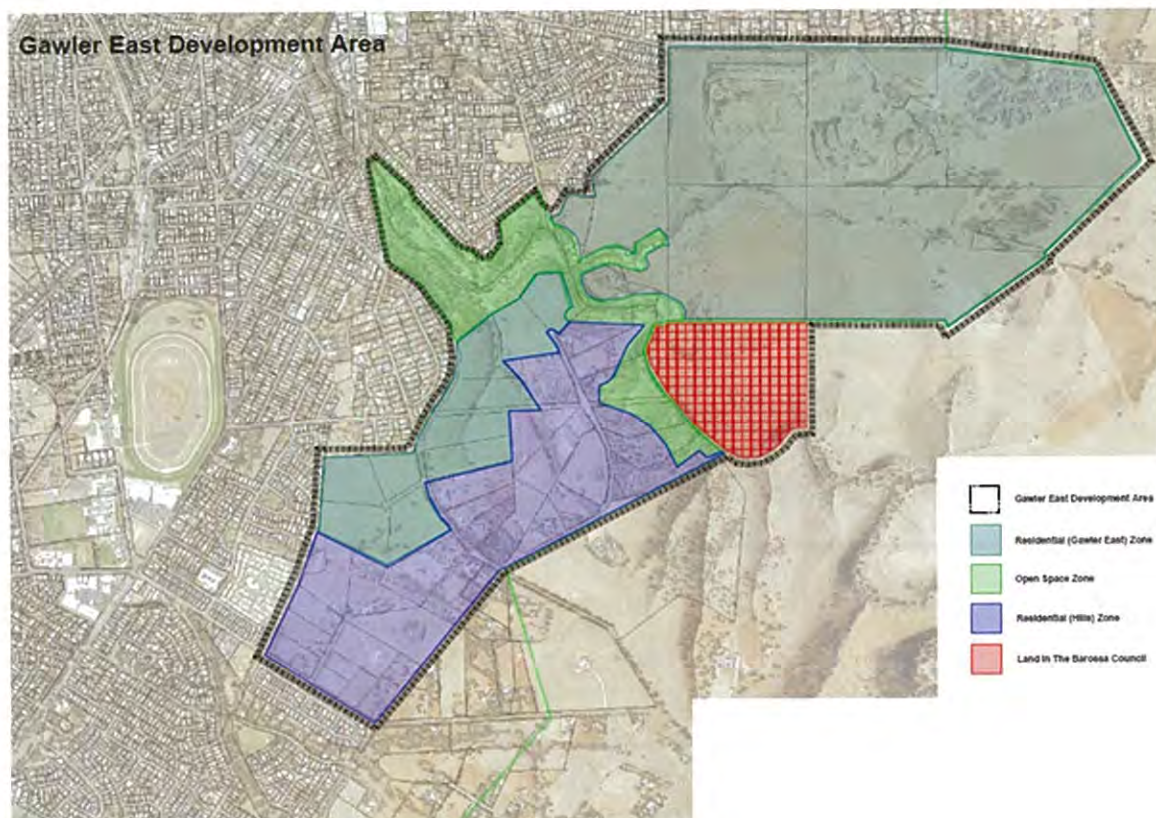


Figure 1 - Barossa Land Parcel

The Deed establishes a governance framework for the management and expenditure of funds associated with the delivery of Traffic Interventions and Community Infrastructure. As a result, the Deed proposes the establishment a Project Control Group (PCG).

The PCG membership is to comprise of representatives from Town of Gawler, The Barossa Council, Springwood Communities, Commissioner of Highways and Other Future Developers. The group will provide direction, and manage day to day issues during the course of delivery of the Traffic Intervention and Community Infrastructure. It should be noted that the PCG is otherwise intended to function as a consultative body, and accordingly its recommendations or suggestions will not be binding on the parties or in any way affect, oblige or qualify the obligations of the parties.

Discussion

The proposed Deed between Town of Gawler, The Barossa Council and Springwood Communities is intended to deal with The Barossa Council's Traffic Interventions and Social Infrastructure only.

Traffic Interventions

The traffic interventions, their costs and their apportionments has been a point of discussion between the Town of Gawler, The Barossa Council and Springwood Communities over the past few years.

Specific details of the apportionment approach and the rationale is quite extensive, and members had been previously briefed at a Council workshop. The summary is provided below.

In simple terms this apportionment was based on a methodology that considered the cost of the intervention, existing base case demand for an intervention by natural growth, and the degree of responsibility for the intervention as a result of new traffic generated from developed land in the Gawler East residential zones.

1N : Kalbeeba Road upgrade

The preferred route for travel to the Barossa Valley from Gawler East lands. A section of this road is unsealed and to achieve the required objective it was recommended that it be sealed.

Traffic volumes are expected to increase by 1,200 to 1,400 vehicles per day from Gawler East.

Proportion of Cost:

100% TBC

Estimated Cost:

\$1,215,137



10 : Kalbeeba Rd/Barossa Valley Way

Proposed intersection upgraded to provide turn lanes into Kalbeeba Road from Barossa Valley Way. It is unsure whether any connection would be provided in the long term to the north into Concordia.

Expected increase in traffic volumes are likely to be in the order of 2,500 to 3,400 vehicles per day from Gawler East.

Proportion of Cost:

23% TBC
23% DPTI
54% Developer

Estimated Cost:

\$190,762



As part of the Deed, the developer is to pay the 'Traffic Interventions Allotment Payment' to the Town of Gawler as each allotment is given clearance.

Community Infrastructure

Like the traffic interventions, the costs and the apportionment of Community Infrastructure has also been factored into the various Deeds that underpin the Gawler East development.

\$7.6 Million is the estimated cost for Community Infrastructure based on developable area, shared between:

- Minister
- Commissioner of Highways
- Town of Gawler
- Springwood Development
- Other Developers

The Deed acknowledges that part of the land is currently within the boundary of The Barossa Council. The Deed has been drafted so that the Developer will pay the Town of Gawler (and not The Barossa Council) the Community Infrastructure Allotment Payment applicable to that portion of the land. The actual mechanism will be that the developer is to pay The Barossa Council. The Barossa Council is then responsible for passing this payment to Town of Gawler.

Land Management Agreement

The purpose of the Land Management Agreement is to bind the Deed to the Land.

Summary and Conclusion

As part of briefings on the Gawler East development, the previous Council had raised its concern over the need to be party to the proposed Deeds, and wished to explore the option of transferring the Barossa land parcel to the Town of Gawler as part of a boundary adjustment, pending the amendment to the Local Government Act.

Council administration has raised this concept with the Town of Gawler CEO on a few occasions.

The Town of Gawler CEO has requested that the Deed be formally presented to Council with the desire to firm up a position on whether to execute the Deed or pursue the boundary adjustment.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Draft Gawler East Infrastructure Deed

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.

Legislative Requirements

Local Government Act 1999

Development Act 1993

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

The Town of Gawler and Springwood Communities are seeking to have all traffic interventions captured within the series of Deeds to be signed for the development, thereby ensuring that funds are suitably allocated across each of the key stakeholders.

Council's contribution to the proposed traffic interventions is approximately \$1.4 million. This contribution is currently unbudgeted. Council will need to factor this in both the Long Term Financial Plan and Asset Management Plan.

Risk Management

As stated in the Report, The Barossa Council is required to be a signatory to this Deed, as a small portion of Springwood's land is located within The Barossa Council. There is no other mechanism to enable contributions from Springwood Communities for traffic

interventions and community infrastructure. Equally, only The Barossa Council can execute the Land Management Agreement for the land within the Council area.

The staging of Springwood would see the land in The Barossa Council area potentially being the last area to be developed for housing. The Town of Gawler is keen to see the Deed executed as early as possible, while the land remains within the Barossa.

The Town of Gawler are prepared to add a Clause that stipulates that the Deed is void should the boundary adjustment be implemented prior to the land being ready for development.

COMMUNITY CONSULTATION

Not required under legislation or Council's Public Consultation Policy unless otherwise determined by Council.

BETWEEN
TOWN OF GAWLER
ABN 29 861 749 581
(Gawler Council)

and

THE BAROSSA COUNCIL
ABN 47 749 871 215
(Barossa Council)

and

SPRINGWOOD DEVELOPMENT NOMINEES PTY LTD
ACN 609 168 247
(Developer)

GAWLER EAST INFRASTRUCTURE DEED
Traffic Interventions and Community Infrastructure

BETWEEN **TOWN OF GAWLER** ABN 29 861 749 581 of 43 High Street, Gawler SA 5118
(Gawler Council)

AND **THE BAROSSA COUNCIL** ABN 47 749 871 215 of 43-51 Tanunda Road,
Nuriootpa SA 5355 (**Barossa Council**)

AND **SPRINGWOOD DEVELOPMENT NOMINEES PTY LTD** ACN 609 168 247 of
c/- Level 1, 22-26 Vardon Avenue, Adelaide SA 5000 (**Developer**)

BACKGROUND

- A. It is intended that the Developer will acquire the Land and undertake the Proposed Development.
- B. Gawler Council and the Developer have entered into the Link Road Deed to document certain arrangements with respect to the funding and delivery of the Link Road.
- C. In the Link Road Deed, Gawler Council and the Developer documented their preliminary understanding in relation to certain other infrastructure required to be funded and provided to support development within the Gawler East Development Area, namely Traffic Interventions and Community Infrastructure.
- D. The Parties wish to record the terms of their further agreement in relation to Traffic Interventions and Community Infrastructure in this Deed.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Deed:

1.1.1 **Act** means the *Development Act 1993*.

1.1.2 **Aggregate Community Infrastructure Amount** means the Community Infrastructure Allotment Payment applying from time to time multiplied by the total number of hectares (or portion thereof) of the Land.

1.1.3 **Aggregate Traffic Interventions Amount** means the Traffic Interventions Allotment Payment applying from time to time multiplied by the total number of hectares (or portion thereof) of the Land.

1.1.4 **Allotment** means:

1.1.4.1 an allotment as defined in Part 19AB of the *Real Property Act 1886* (and includes roads and reserves); and

1.1.4.2 a community lot (including a strata lot) as defined in the *Community Titles Act 1996*,

but does not include Balance Allotments.

- 1.1.5 **Approvals** means all statutory consents, approvals, permits or licenses and includes an authorisation pursuant to section 221 of the *Local Government Act 1999*.
- 1.1.6 **Barossa Council** means The Barossa Council and where the context permits includes the employees, contractors and agents of Barossa Council.
- 1.1.7 **Balance Allotments** means any Allotments created or resulting from the division of the Land into portions and that are intended for and capable of future or further division including development lots as defined in the *Community Titles Act 1996* or Superlots.
- 1.1.8 **Business Day** means a day that is not a Saturday, Sunday or public holiday in South Australia.
- 1.1.9 **Community Infrastructure** means those items detailed at Annexure E.
- 1.1.10 **Community Infrastructure Allotment Payment** means the one-off fee to be paid by the Developer to the Gawler Council for the provision of the Community Infrastructure in accordance with the rates set out at Annexure F (subject to review and adjustment) and which is payable per hectare (or portion thereof) of the Land.
- 1.1.11 **Community Infrastructure Fund** has the meaning given to it in clause 11.1.
- 1.1.12 **Community Infrastructure Requirements** means the provision of district level community, social and recreational infrastructure within land vesting to Gawler Council and required to support the Gawler East Development Area, which is expected to consist of a community of approximately 10,000 people. This does not include the provision of land as part of the Developer's 12.5% contribution towards open space, or community, social or recreational infrastructure traditionally provided by developers within local or neighbourhood parks.
- 1.1.13 **Community Infrastructure Separate Rate** means a separate rate or rates securing contributions to Community Infrastructure declared under section 154 of the *Local Government Act 1999* in relation to the Gawler East Development Area.
- 1.1.14 **Conventional Community Infrastructure** has the meaning given to it in clause 12.7.
- 1.1.15 **Defaulting Party** has the meaning given to it in clause 24.1.
- 1.1.16 **Developer** means Springwood Development Nominees Pty Ltd and where the context permits includes the employees, contractors and agents of the Developer.
- 1.1.17 **Developer's Community Infrastructure Contribution** has the meaning given to it in clause 13.1.
- 1.1.18 **Developer's Traffic Interventions Contribution** has the meaning given to it in clause 4.1.
- 1.1.19 **Developer Traffic Interventions** means those items allocated to the Developer detailed at Annexure B.

- 1.1.20 **Dispute Expert** has the meaning given to it in clause 25.2.2.
- 1.1.21 **Dispute Notice** has the meaning given to it in clause 25.2.1.
- 1.1.22 **Gawler Council** means the Town of Gawler and where the context permits includes the employees, contractors and agents of Gawler Council.
- 1.1.23 **Gawler East Development Area** means the area of land delineated on the plan attached at Annexure A.
- 1.1.24 **Independent Expert** has the meaning given to it in clause 20.1.
- 1.1.25 **Land** means the land comprised in Certificates of Title Volume 6186 Folio 896, Volume 6186 Folio 895, Volume 6118 Folio 249, Volume 6162 Folio 334, Volume 6167 Folio 581, and Volume 6184 Folio 173 or portion thereof.
- 1.1.26 **Land Management Agreements** means land management agreements to be entered into between Gawler Council and the Landowners (or Barossa Council and the Landowners, as applicable) to bind the Link Road Deed and this Deed to the Land in the form of the land management agreement attached at Annexure H.
- 1.1.27 **Landowners** means Five Ames Farming Pty Ltd, Robert Lionel Ames, Heather Dawn Ames, Leanne Heather Bruggemann, Brenton Robert Ames and Kareena Dawn Priestly.
- 1.1.28 **Legislation** includes any relevant Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.
- 1.1.29 **Link Road** means the road to be constructed by or behalf of the Minister for Transport and Infrastructure between Potts Road and Calton Road, Gawler.
- 1.1.30 **Link Road Deed** means the deed entered into between Gawler Council and the Developer dated 11 May 2017 and as varied from time to time.
- 1.1.31 **Non-Conventional Community Infrastructure** has the meaning given to it in clause 12.7.
- 1.1.32 **Other Developers** has the meaning given to it in clause 3.4.
- 1.1.33 **Payment Date** means:
 - 1.1.33.1 in respect of development that comprises land division, the date upon which the Developer lodges an application for clearance pursuant to section 51 of the Act; or
 - 1.1.33.2 in respect of development that is not land division and that involves construction of buildings or structures and requires building rules consent, 14 days from the date upon which the Developer is granted development approval for that development.
- 1.1.34 **Project Control Group** or **PCG** has the meaning given to it in clause 19.1.

- 1.1.35 **Proposed Development** means the residential or other development proposed to be undertaken by the Developer on the Land.
- 1.1.36 **Protocols** means the protocols attached at Annexure G.
- 1.1.37 **Stage** means a discrete portion of the Proposed Development, which is to be developed by the Developer as a separable portion of the Proposed Development.
- 1.1.38 **Statutory Authority** means any government authority or authority created by or under Legislation, including Gawler Council in that capacity.
- 1.1.39 **Statutory Requirements** means all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives applicable under any such Legislation or by any Statutory Authority.
- 1.1.40 **Superlot** means an Allotment created from a division of the Land which is intended to be the subject of further division or development.
- 1.1.41 **Traffic Interventions** means those items detailed in the Traffic Interventions Schedule at Annexure B.
- 1.1.42 **Traffic Interventions Allotment Payment** means the one-off fee to be paid by the Developer to the Council for the provision of the Traffic Interventions in accordance with the rates set out in the column titled "Per Ha Rate Payable (\$)" at Annexure C (subject to review and adjustment) and which is payable per hectare (or portion thereof) of the Land.
- 1.1.43 **Traffic Interventions Fund** has the meaning given to it in clause 3.1.
- 1.1.44 **Traffic Interventions Requirements** means the upgrade of various road segments and intersections in the Town of Gawler and The Barossa Council as detailed in the Traffic Interventions Schedule in Annexure B. The background and scope of each traffic intervention is further defined in the Tonkin Consulting Gawler East Intervention Assessment Report dated June 2018 contained in Annexure D.
- 1.1.45 **Traffic Interventions Separate Rate** means a separate rate or rates securing Traffic Interventions contributions declared under Section 154 of the *Local Government Act 1999* in relation to the Gawler East Development Area.

1.2 Interpretation

In this Deed, unless the context otherwise requires:

- 1.2.1 headings do not affect interpretation;
- 1.2.2 singular includes plural and plural includes singular;
- 1.2.3 words of one gender include any gender;
- 1.2.4 a reference to a "**Party**" means a party to this Deed;
- 1.2.5 a reference to a Party includes its executors, administrators, successors and permitted assigns;
- 1.2.6 a reference to a person includes a partnership, corporation, association, government body and any other entity;

- 1.2.7 a reference to this Deed includes any schedules and annexures to this Deed;
- 1.2.8 an agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;
- 1.2.9 an agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;
- 1.2.10 a reference to a document includes that document as varied, novated or replaced from time to time;
- 1.2.11 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.2.12 a provision is not construed against a party only because that party drafted it;
- 1.2.13 an unenforceable provision or part of a provision may be severed, and the remainder of this Deed continues in force, unless this would materially change the intended effect of this Deed;
- 1.2.14 the meaning of general words is not limited by specific examples introduced by “including”, “for example” or similar expressions;
- 1.2.15 an expression defined in the *Corporations Act 2001* (Cth) has the meaning given by the Act at the date of this Deed.

1.3 **Development Act**

The Parties acknowledge and agree that this Deed does not and is not intended to:

- 1.3.1 limit or fetter any power or discretion of Gawler Council or Barossa Council under the Act;
- 1.3.2 limit or remove any requirement the Developer has to comply with the Act or the conditions of any development approval granted to the Developer by Gawler Council or Barossa Council or any other relevant authority under the Act; or
- 1.3.3 confer any benefit or advantage on the Developer in obtaining any development approval under the Act or in relation to the conditions of such approval.

1.4 **Background**

The Background forms part of this Deed and is correct.

2. **GOOD FAITH**

Gawler Council, Barossa Council and the Developer agree to act in good faith and to cooperate in relation to the operation and implementation of this Deed.

PART A TRAFFIC INTERVENTIONS

3. COUNCIL OBLIGATIONS

3.1 Fund

Gawler Council agrees that it shall establish a separate fund into which all payments towards the Traffic Interventions shall be paid (**Traffic Interventions Fund**) and the Traffic Interventions Fund must only be used for the Traffic Interventions.

3.2 Reporting

Within 90 days of the end of each 30 June Gawler Council must release a publicly available report in relation to the Traffic Interventions for the Gawler East Development Area detailing:

- 3.2.1 capital, revenue and expenditure for the Traffic Interventions Fund for the previous financial year; and
- 3.2.2 a forecast of the proposed capital, revenue and expenditure for the Traffic Interventions Fund for the forthcoming financial year.

3.3 Construction of Traffic Interventions by Gawler Council

Gawler Council must:

- 3.3.1 obtain all Approvals and comply with any Statutory Requirements required to provide the Traffic Interventions assigned to Gawler Council in the Traffic Interventions Schedule at Annexure B; and
- 3.3.2 use best endeavours to undertake or procure the undertaking of the Traffic Interventions assigned to Gawler Council in the Traffic Interventions Schedule in a timely manner relative to the pace and scope of the undertaking of development within the Gawler East Development Area and in any event in accordance with the agreed timing for commencement of those works as set out in the Traffic Interventions Schedule at Annexure B.

3.4 Construction of Traffic Interventions by Barossa Council

Barossa Council must:

- 3.4.1 obtain all Approvals and comply with any Statutory Requirements required to provide the Traffic Interventions assigned to Barossa Council in the Traffic Interventions Schedule at Annexure B; and
- 3.4.2 use best endeavours to undertake or procure the undertaking of the Traffic Interventions assigned to Barossa Council in the Traffic Interventions Schedule in a timely manner relative to the pace and scope of the undertaking of development within the Gawler East Development Area and in any event in accordance with the agreed timing for commencement of those works as set out in the Traffic Interventions Schedule at Annexure B.

3.5 Contributions by Other Developers

Gawler Council must use all reasonable endeavours to enter into deeds with other parties who own land in the Gawler East Development Area and who propose to

subdivide or otherwise develop that land (**Other Developers**) on similar terms to this Deed obliging the Other Developers to contribute to the cost of providing the Traffic Interventions having regard to the benefit that the Other Developers will derive in respect of their proposed developments from the provision of the Traffic Interventions.

4. **PAYMENT OF TRAFFIC INTERVENTIONS ALLOTMENT PAYMENT**

- 4.1 Subject to clause 6, the Developer must, in respect of the development of the relevant portion of the Land, contribute to the Traffic Interventions by paying the Traffic Interventions Allotment Payment applicable at the relevant Payment Date to Gawler Council for that portion of the Land (**Developer's Traffic Interventions Contribution**).
- 4.2 The Developer will pay the Developer's Traffic Interventions Contribution in respect of the relevant portion of the Land on each relevant Payment Date.
- 4.3 The Developer is only liable to pay or contribute the Developer's Traffic Interventions Contribution once in relation to any area of the Land.
- 4.4 The Developer is not liable to pay or contribute the Developer's Traffic Interventions Contribution in relation to an area of the Land if the Developer's Traffic Interventions Contribution (calculated as at the relevant Payment Date) has already been paid or contributed to in full by any person in relation that same area of the Land.
- 4.5 The Parties acknowledge that part of the Land is currently within the boundary of Barossa Council.
- 4.6 The Parties agree that the Developer will pay to Gawler Council (and not Barossa Council) the Traffic Interventions Allotment Payment applicable to that portion of the Land within the boundary of Barossa Council, at the times and in the manner set out in this Deed.
- 4.7 The Developer must report to Gawler Council on an ongoing basis its plans for development of the Land within Barossa Council, including any intention to lodge an application for clearance pursuant to section 51 of the Act in relation to that portion of the Land.

5. **CALCULATION OF DEVELOPER'S TRAFFIC INTERVENTIONS CONTRIBUTION**

The Developer's Traffic Interventions Contribution for any portion of the Land is calculated:

- 5.1 in the case of a land division of that portion of the Land, by multiplying the area (in hectares) of the Allotments created by the Traffic Interventions Allotment Payment applicable at the relevant time; and
- 5.2 in the case of the development of the Land (other than by land division), that involves construction of buildings or structures and requires building rules consent, by multiplying the area (in hectares) of the Allotment on which that development is sited by the Traffic Interventions Allotment Payment applicable at the relevant time.

6. **DEVELOPER TRAFFIC INTERVENTIONS**

- 6.1 The Developer, Gawler Council and Barossa Council agree that the Developer shall (but subject in all respects to clause 6.5) at its own cost and expense undertake the Developer Traffic Interventions.

- 6.2 The Developer must obtain all Approvals and comply with any Statutory Requirements required to provide the Developer Traffic Interventions.
- 6.3 In respect of Traffic Interventions to vest in Gawler Council, the Developer Traffic Interventions must be undertaken in accordance with the Protocols, the prevailing Gawler Council standards as applicable from time to time for design, construction, handover and maintenance of public infrastructure and to Gawler Council's reasonable satisfaction.
- 6.4 In respect of Traffic Interventions to vest in Barossa Council, the Developer Traffic Interventions must be undertaken in accordance with the prevailing Barossa Council standards as applicable from time to time for design, construction, handover and maintenance of public infrastructure and to Barossa Council's reasonable satisfaction.
- 6.5 Where Gawler Council is required to contribute to the cost of any component of the Developer Traffic Interventions (as shown on the table attached at Annexure B), the Council must make payment of that amount to the Developer by way of progress payments within 14 days of receipt of a drawdown notice from the Developer certifying that the works the subject of the notice have been completed and specifying the amount to be paid by the Gawler Council.
- 6.6 Barossa Council will provide such access to its land as is required by the Developer from time to time to undertake the Developer Traffic Interventions, on terms reasonably acceptable to Barossa Council.
- 6.7 Where the Developer's tender price for the Developer Traffic Interventions exceeds the agreed estimates, the provisions of clause 8.1.4 will apply.
- 6.8 To the extent that an authorisation under section 221 of the *Local Government Act, 1999* is required for the delivery of any of the Developer Traffic Interventions:
 - 6.8.1 the Developer will apply for such authorisation, providing such additional information as the Barossa Council or Gawler Council may reasonably require; and
 - 6.8.2 the Barossa Council or Gawler Council will not unreasonably withhold the grant of authorisation, the terms and condition of which will be generally in accordance with the Standard Terms and Conditions as set out in Annexure I to this Deed.

7. **ADJUSTMENT TO TRAFFIC INTERVENTIONS ALLOTMENT PAYMENT**

7.1 **Indexation of Traffic Interventions Allotment Payment**

The Traffic Interventions Allotment Payment (**TIAP**) will be adjusted on each 1 July following the date of this Deed in accordance with the following formula:

$$\text{Adjusted TIAP} = A \times (B/C)$$

where:

“**A**” is the TIAP immediately prior to the adjustment date;

“**B**” is, for an adjustment date, the Index number for the quarter ending immediately before that date; and

“C” is, for an adjustment date, the Index number for the quarter ending immediately before the last adjustment date (or if there has not been an adjustment, the commencement date of this Deed).

7.2 Index

In this clause 7, **Index** means the Producer Price Index, Australia (6427.0 Table 17) Index Number 3101 Road and Bridge Construction South Australia as published by the Australian Bureau of Statistics.

7.3 Variation to Traffic Interventions Allotment Payment

Gawler Council agrees with the Developer that the Traffic Interventions Allotment Payment payable by the Developer shall at the election of the Developer either:

- 7.3.1 with effect from the date of Practical Completion of the relevant Developer Traffic Interventions, be varied and reduced by an amount equal to the agreed estimated cost to complete the Developer Traffic Interventions as set out in Annexure B notwithstanding the actual cost incurred by the Developer in undertaking those works (less any amount reasonably retained by Gawler Council (being not more than 10%) on account of any applicable defects liability period during the operation of that period); or
- 7.3.2 in respect of amounts incurred for the Developer Traffic Interventions, be offset against future payments by the Developer of the Traffic Interventions Allotment Payment pursuant to this Deed in respect of subsequent Stages to the intent that the Developer shall receive a credit for an amount equal to the agreed estimated cost of those Developer Traffic Interventions against further contributions of the Traffic Interventions Allotment Payment otherwise required to be made by the Developer (less any amount reasonably retained by Gawler Council (being not more than 10%) on account of any applicable defects liability period during the operation of that period).

8. ADDITIONAL REVIEW OF TRAFFIC INTERVENTIONS ALLOTMENT PAYMENT

8.1 Review

- 8.1.1 Without limiting clause 7 the Traffic Interventions Allotment Payment must be reviewed by Gawler Council annually (on or around 30 June each year in accordance with Gawler Council's Annual Budget adoption) to take effect as at each 1 July to take into account:
 - 8.1.1.1 new technology, market conditions and current and proposed Statutory Requirements;
 - 8.1.1.2 the extent to which a Traffic Interventions Separate Rate is maintained in respect of the Gawler East Development Area;
 - 8.1.1.3 the extent to which Other Developers have entered into deeds with Gawler Council in relation to the Traffic Interventions;
 - 8.1.1.4 the total of all Traffic Interventions contributions made by the Developer and Other Developers and received by Gawler Council during the preceding financial year;
 - 8.1.1.5 the extent to which Traffic Interventions have been completed within the preceding financial year and the actual cost of those Traffic Interventions; and

- 8.1.1.6 the extent to which the Allotment yields are anticipated for the Gawler East Development Area during the forthcoming financial year to which the Traffic Interventions Allotment Payment relates,

(together called “**Review**”) and Gawler Council agrees that it must determine the Traffic Interventions Allotment Payment on a fair and equitable basis having regard to the number of Other Developers and the extent to which the developments being undertaken or to be undertaken by those Other Developers will benefit from the provision of the Traffic Interventions.

- 8.1.2 Gawler Council must notify Barossa Council and the Developer in writing of the outcome of any such Review by 31 July of that year.

- 8.1.3 If the Review determines that:

- 8.1.3.1 the cost of the Traffic Interventions remains the same as the estimated amount to undertake the relevant Traffic Interventions as set out in Annexure B then no adjustment is required to the Traffic Interventions Allotment Payment; or

- 8.1.3.2 the cost of the Traffic Interventions is less than the estimated amount to undertake the relevant Traffic Interventions as set out in Annexure B the Traffic Interventions Allotment Payment shall be reduced.

- 8.1.4 If the Review determines that the cost of the Traffic Interventions is greater than the amount estimated in Annexure B to undertake those works then Gawler Council and the Developer will, following consideration of the Review by the PCG and a report to the Parties in the first instance either:

- 8.1.4.1 agree to modify the scope of work to ensure the works can be completed for the estimated amount specified in Annexure B, having regard to the Traffic Interventions Requirements;

- 8.1.4.2 agree to contribute more in the agreed proportions as set out in Annexure B to enable the completion of the works provided that the parties must use their best endeavours to adopt all reasonable means as are practicable to reduce the scope and cost of the works prior to agreeing to make a greater contribution; or

- 8.1.4.3 if the parties cannot agree either under clause 8.1.4.1 or clause 8.1.4.2 through the PCG refer the matter to the Independent Expert to undertake an independent review under clause 20.

- 8.1.5 A Review may not operate to add or remove a component of the Traffic Interventions without the agreement of the Parties.

8.2 Further changes to Traffic Interventions Allotment Payment

Without limiting this clause 8 the parties may negotiate and agree variations to the Traffic Interventions Allotment Payment applicable to the Proposed Development from time to time to recognise and account for:

- 8.2.1 the extent to which Gawler Council enters into Traffic Interventions deeds with respect to the contribution by other benefitting developers towards the cost of undertaking the Traffic Interventions; and

- 8.2.2 any other matter considered reasonable by Gawler Council in the context of the provision of the Gawler Council's Traffic Interventions objectives.

9. IN-KIND WORKS – TRAFFIC INTERVENTIONS

- 9.1 The Parties acknowledge and agree that there may be opportunities for the Developer to deliver Traffic Interventions on behalf of Gawler Council or Barossa Council as part of the Proposed Development and this may allow for the delivery of Traffic Interventions to be accelerated or provided in a more cost-effective manner.
- 9.2 The Parties may negotiate and agree for the Developer to provide Traffic Interventions on an in-kind basis in partial or full satisfaction of the Developer's obligation to make the Developer's Traffic Interventions Contribution (**In-Kind Contribution**).
- 9.3 A deed or agreement for an In-Kind Contribution will include:
- 9.3.1 details of the procurement process to be undertaken by the Developer and a requirement for approval by Gawler Council or Barossa Council of the tender price for the Traffic Interventions prior to the Developer awarding any tender (which approval will not be unreasonably withheld provided the tender price is equivalent to or below the estimated costs for the Traffic Interventions);
 - 9.3.2 provision for clause 8.1.4 to apply in the event the tender price for the In-Kind Contribution exceeds the agreed estimates;
 - 9.3.3 a pro-rata reduction in the Developer's Traffic Interventions Contribution that would otherwise be payable for the stage or development, or an offset against the Developer's Traffic Interventions Contribution (in accordance with clause 7.3);
 - 9.3.4 standards of design, construction, defects liability and maintenance for the Traffic Interventions (to the extent not dealt with in the Protocols);
 - 9.3.5 timing for completion of Traffic Interventions;
 - 9.3.6 any arrangements for the vesting or transfer of land and/or assets in or to Gawler Council or Barossa Council (to the extent not dealt with in the Protocols); and
 - 9.3.7 such other terms as the parties agree.
- 9.4 For the avoidance of doubt, the Developer is not entitled to any refund or reimbursement of the value of any In-Kind Contribution for any reason whatsoever.

10. TRAFFIC INTERVENTIONS SEPARATE RATE

- 10.1 The Developer acknowledges that Gawler Council has declared a Traffic Interventions Separate Rate.
- 10.2 It is Gawler Council's intention that the Traffic Interventions Separate Rate will operate in the following manner:
- 10.2.1 the Traffic Interventions Separate Rate will be used as a mechanism to secure the obligation of the Developer to pay the Aggregate Traffic Interventions Amount and to secure the obligation of Other Developers to pay equivalent contributions towards the Traffic Interventions;

- 10.2.2 it will be declared over the Land each year until the Aggregate Traffic Interventions Amount has been paid to the Gawler Council in full and will be administered by Gawler Council;
- 10.2.3 the Traffic Interventions Separate Rate shall cease to apply in respect of each portion of the Land once the Traffic Interventions Allotment Payment applicable to that portion has been paid by the Developer to Gawler Council;
- 10.2.4 the operation of the Traffic Interventions Separate Rate, including arrangements for the progressive reduction in the amount of the Traffic Interventions Separate Rate as the Developer meets its obligations to make payment of the Traffic Interventions Allotment Payment (or undertakes Developer or In-kind works) will occur in accordance with the Gawler Council's Separate Rate Relief policy as that policy is in place from time to time;
- 10.2.5 the Traffic Interventions Separate Rate shall be reviewed in respect of the Land as from the adoption of the Annual Budget each year on or around the 30 June.

PART B COMMUNITY INFRASTRUCTURE

11. GAWLER COUNCIL OBLIGATIONS

11.1 Fund

Gawler Council agrees that it shall establish a separate fund into which all payments towards the Community Infrastructure shall be paid (**Community Infrastructure Fund**) and the Community Infrastructure Fund must only be used for the Community Infrastructure.

11.2 Reporting

Within 90 days of the end of each 30 June Gawler Council must release a publicly available report in relation to the Community Infrastructure for the Gawler East Development Area detailing:

11.2.1 capital, revenue and expenditure for the Community Infrastructure Fund for the previous financial year; and

11.2.2 a forecast of the proposed capital, revenue and expenditure for the Community Infrastructure Fund for the forthcoming financial year.

11.3 Construction of Community Infrastructure

Subject to clause 17, Gawler Council must:

11.3.1 obtain all Approvals and comply with any Statutory Requirements required to provide the Community Infrastructure; and

11.3.2 use best endeavours to undertake or procure the undertaking of the Community Infrastructure in a timely manner relative to the pace and scope of the undertaking of development within the Gawler East Development Area and generally in accordance with the estimated timing for those works as set out in Annexure E.

11.4 Contributions by Other Developers

Gawler Council must use all reasonable endeavours to enter into deeds with Other Developers on similar terms to this Deed obliging the Other Developers to contribute to the cost of providing the Community Infrastructure having regard to the benefit that the Other Developers will derive in respect of their proposed developments from the provision of the Community Infrastructure.

12. PRINCIPLES BEHIND COMMUNITY INFRASTRUCTURE

12.1 Community Infrastructure has been developed on a working basis, having regard to various studies undertaken by Gawler Council prior to entering into this Deed.

12.2 The Parties must review the Community Infrastructure on an annual basis to take into account changing circumstances and the current and future needs of the Gawler East Development Area community including the impact of a new school, market influences, changing demographics and community attitudes.

12.3 The Parties wish to promote flexibility in expenditure from the Community Infrastructure Fund based on evolution of Community Infrastructure initiatives throughout the life of the project.

- 12.4 Expenditure from the Community Infrastructure Fund is to be jointly administered by the Gawler Council, the Barossa Council, the Developer and Other Developers who contribute (as appropriate) within the Gawler East Development Area, through the framework of the PCG as set out in clause 19.
- 12.5 All Community Infrastructure is to be designed to service the local community in a sequential manner meeting community needs, based on agreed triggers.
- 12.6 Community Infrastructure is required to be provided within the mandatory 12.5% usable open space provided by the Developer and Other Developers and is to be created in a sequential manner in order to meet community needs based on agreed triggers.
- 12.7 The provision of Community Infrastructure has been broken down into two categories by Council: **“Conventional”** and **“Non-Conventional”** Community Infrastructure as follows:

Conventional Community Infrastructure	Non-Conventional Community Infrastructure
Infrastructure expected to be included as part of the provision of a developer's 12.5% open space contribution prior it being vested into Council ownership.	Infrastructure required to support a community, but considered over and above that expected by a developer as part of their mandatory 12.5% contribution.

- 12.8 It is envisaged that Community Infrastructure will be delivered sequentially over the next 10+ years, as the Gawler East Development Area community grows. As a result, and based on existing market conditions, the provision of Community Infrastructure has been broken down into years 0-5 and years 6-10+ and categorised as either Conventional or Non-Conventional.
- 12.9 Conventional Community Infrastructure is not being funded by the Community Infrastructure Allotment Payment to be paid by the Developer and Other Developers (on a per hectare basis).
- 12.10 It is expected by Gawler Council that Conventional Community Infrastructure will be provided by the Developer and Other Developers at their cost and as part of their mandatory 12.5% useable open space.
- 12.11 Non-Conventional Community Infrastructure has been costed for the purpose of generating the Community Infrastructure Allotment Payment to be paid by the Developer and Other Developers (on a per hectare basis) on the creation of each new Allotment in order to fund this necessary Community Infrastructure.
- 12.12 The total cost of Non-Conventional Community Infrastructure (based on the current working list) is estimated at \$7,882,416 and does not include the cost of land. The vesting of land upon which Non-Conventional Community Infrastructure is located (including the Community Hub/Centre listed in Annexure E), must be taken into account by Gawler Council in exercising its discretion to seek an open space contribution from the Developer.
- 12.13 It is expected by Gawler Council that the land required for Non-Conventional Community Infrastructure will be provided by the Developer and Other Developers and, where land is so provided, it must be recognised by Gawler Council as providing a compelling basis for the offset of an equivalent proportion of land from

the Developer's mandatory 12.5% useable open space contribution otherwise within the discretion of Gawler Council to require.

- 12.14 The Parties must use reasonable endeavours to maximise additional funding sources from Federal and State Government grants, not-for-profit organisations and community related associations to expand the scope, effectiveness and achievement of the Community Infrastructure Fund.

13. PAYMENT OF COMMUNITY INFRASTRUCTURE ALLOTMENT PAYMENT

- 13.1 The Developer must, in respect of the development of the relevant portion of the Land, contribute to the Community Infrastructure by paying the Community Infrastructure Allotment Payment applicable at the relevant Payment Date to Council for that portion of the Land (**Developer's Community Infrastructure Contribution**).
- 13.2 The Developer will pay the Developer's Community Infrastructure Contribution in respect of the relevant portion of the Land on each relevant Payment Date.
- 13.3 The Developer is only liable to pay or contribute the Developer's Community Infrastructure Contribution once in relation to any area of the Land.
- 13.4 The Developer is not liable to pay or contribute the Developer's Community Infrastructure Contribution in relation to an area of the Land if the Developer's Community Infrastructure Contribution (calculated as at the relevant Payment Date) has already been paid or contributed to in full by any person in relation that same area of the Land.
- 13.5 The Parties acknowledge that part of the Land is currently within the boundary of Barossa Council.
- 13.6 The Parties agree that the Developer will pay to Gawler Council (and not Barossa Council) the Community Infrastructure Allotment Payment applicable to that portion of the Land within the boundary of Barossa Council, at the times and in the manner set out in this Deed.
- 13.7 The Developer must report to Gawler Council on an ongoing basis its plans for development of the Land within Barossa Council, including any intention to lodge an application for clearance pursuant to section 51 of the Act in relation to that portion of the Land.

14. CALCULATION OF DEVELOPER'S COMMUNITY INFRASTRUCTURE CONTRIBUTION

The Developer's Community Infrastructure Contribution for any portion of the Land is calculated:

- 14.1 in the case of a land division of that portion of the Land, by multiplying the area (in hectares) of the Allotments by the Community Infrastructure Allotment Payment applicable at the relevant time; and
- 14.2 in the case of the development of the Land (other than by land division), that involves construction of buildings or structures and requires building rules consent, by multiplying the area (in hectares) of the Allotment on which that development is sited by the Community Allotment Payment applicable at the relevant time.

15. ADJUSTMENT TO COMMUNITY INFRASTRUCTURE ALLOTMENT PAYMENT

15.1 Indexation of Community Infrastructure Allotment Payment

The Community Infrastructure Allotment Payment (**CIAP**) will be adjusted on each 1 July following the date of this Deed in accordance with the following formula:

$$\text{Adjusted CIAP} = A \times (B/C)$$

where:

“**A**” is the CIAP immediately prior to the adjustment date;

“**B**” is, for an adjustment date, the Index number for the quarter ending immediately before that date; and

“**C**” is, for an adjustment date, the Index number for the quarter ending immediately before the last adjustment date (or if there has not been an adjustment, the commencement date of this Deed).

15.2 Index

In this clause 15, **Index** means the South Australian Local Government Price Index, as published by the Australian Bureau of Statistics.

16. ADDITIONAL REVIEW OF COMMUNITY INFRASTRUCTURE ALLOTMENT PAYMENT

16.1 Review

16.1.1 Without limiting clause 15 the Community Infrastructure Allotment Payment must be reviewed by Gawler Council annually (on or around 30 June each year in accordance with Gawler Council's Annual Budget adoption) to take effect as at each 1 July to take into account:

16.1.1.1 new technology, market conditions and current and proposed Statutory Requirements;

16.1.1.2 the extent to which a Community Infrastructure Separate Rate continues in respect of the Gawler East Development Area;

16.1.1.3 the extent to which Other Developers have entered into deeds with Gawler Council in relation to the Community Infrastructure;

16.1.1.4 the total of all Community Infrastructure contributions made by the Developer and Other Developers and received by Gawler Council during the preceding financial year;

16.1.1.5 the extent to which Community Infrastructure has been completed within the preceding financial year and the actual cost of that Community Infrastructure; and

16.1.1.6 the extent to which the Allotment yields are anticipated for the Gawler East Development Area during the forthcoming Financial Year to which the Community Infrastructure Allotment Payment relates,

(together called “**Review**”) and Gawler Council agrees that it must determine the Community Infrastructure Allotment Payment on a fair and equitable basis having regard to the number of Other Developers and the

extent to which the developments being undertaken or to be undertaken by those Other Developers will benefit from the provision of the Community Infrastructure.

16.1.2 Gawler Council must notify Barossa Council and the Developer in writing of the outcome of any such Review by 31 July of that year.

16.1.3 If the Review determines that:

16.1.3.1 the cost of the Community Infrastructure remains the same as the estimated amount to undertake the relevant Community Infrastructure as set out in Annexure F then no adjustment is required to the Community Infrastructure Allotment Payment ; or

16.1.3.2 the cost of the Community Infrastructure is less than the estimated amount to undertake the relevant Community Infrastructure as set out in Annexure F the Community Infrastructure Allotment Payment shall be reduced.

16.1.4 If the Review determines that the cost of the Community Infrastructure is greater than the amount estimated in Annexure F to undertake those works then Gawler Council and the Developer will, following consideration of the Review by the PCG and a report to the Parties in the first instance:

16.1.4.1 modify the scope of work to ensure the works can be completed for the estimated amount specified in Annexure F, having regard to the Community Infrastructure Requirements in Annexure E;

16.1.4.2 agree to contribute more in the agreed proportions as set out in Annexure F to enable the completion of the works provided that the parties must use their best endeavours to adopt all reasonable means as are practicable to modify the scope and reduce the cost of the works prior to agreeing to make a greater contribution; or

16.1.4.3 if the parties cannot agree either under clause 16.1.4.1 or clause 16.1.4.2 through the PCG refer the matter to the Independent Expert to determine under clause 20.

16.1.5 A Review may not operate to add or remove a component of the Community Infrastructure without the agreement of the Parties.

16.2 Further Changes to Community Infrastructure Allotment Payment

Without limiting this clause 8 the Parties may negotiate and agree variations to the Community Infrastructure Allotment Payment applicable to the Proposed Development from time to time to recognise and account for:

16.2.1 the extent to which Gawler Council enters into Community Infrastructure deeds with respect to the contribution by other benefitting developers towards the cost of undertaking the Community Infrastructure; and

16.2.2 any other matter considered reasonable by Gawler Council in the context of the provision of the Community Infrastructure Requirements.

17. IN-KIND WORKS – COMMUNITY INFRASTRUCTURE

17.1 The Parties acknowledge and agree that there may be opportunities for the Developer to deliver Community Infrastructure on behalf of Gawler Council as part

of the Proposed Development and this may allow for the delivery of Community Infrastructure to be accelerated or provided in a more cost-effective manner.

- 17.2 The Parties may negotiate and agree for the Developer to provide Community Infrastructure on an in-kind basis in partial or full satisfaction of the Developer's obligation to make the Developer's Community Infrastructure Contribution (**In-Kind Contribution**).
- 17.3 A deed or agreement for an In-Kind Contribution will include:
- 17.3.1 details of the procurement process to be undertaken by the Developer and a requirement for approval by Gawler Council or Barossa Council of the tender price for the Community Infrastructure prior to the Developer awarding any tender (which approval will not be unreasonably withheld provided the tender price is equivalent to or below the estimated costs for the Community Infrastructure);
 - 17.3.2 provision for clause 16.1.4 to apply in the event the tender price for the In-Kind Contribution exceeds the agreed estimates;
 - 17.3.3 standards of design, construction, defects liability and maintenance for the Community Infrastructure (to the extent not dealt with in the Protocols);
 - 17.3.4 timing for completion of Community Infrastructure;
 - 17.3.5 any arrangements for the vesting or transfer of land and/or assets in or to Gawler Council or Barossa Council (to the extent not dealt with in the Protocols); and
 - 17.3.6 such other terms as the parties agree.
- 17.4 For the avoidance of doubt, the Developer is not entitled to any refund or reimbursement of the value of any In-Kind Contribution for any reason whatsoever.

17.5 Variation to Community Infrastructure Allotment Payment

Gawler Council agrees with the Developer that the Community Infrastructure Allotment Payment payable by the Developer shall at the election of the Developer either:

- 17.5.1 with effect from the date of Practical Completion of any Community Infrastructure undertaken by the Developer be varied and reduced by an amount equal to the agreed estimated cost to complete the Community Infrastructure as set out in Annexure E notwithstanding the actual cost incurred by the Developer in undertaking those works (less any amount reasonably retained by Gawler Council (being not more than 10%) on account of any applicable defects liability period during the operation of that period); or
- 17.5.2 in respect of amounts incurred by the Developer in undertaking any Community Infrastructure, be offset against future payments by the Developer of the Community Infrastructure Allotment Payment pursuant to this Deed in respect of subsequent Stages to the intent that the Developer shall receive a credit for an amount equal to the agreed estimated cost of that Community Infrastructure against further contributions of the Community Infrastructure Allotment Payment otherwise required to be made by the Developer (less any amount reasonably retained by Gawler Council (being not more than 10%) on account of any applicable defects liability period during the operation of that period).

18. COMMUNITY INFRASTRUCTURE SEPARATE RATE

- 18.1 The Developer acknowledges that Gawler Council has declared a Community Infrastructure Separate Rate.
- 18.2 It is Gawler Council's intention that the Community Infrastructure Separate Rate will operate in the following manner:
 - 18.2.1 the Community Infrastructure Separate Rate will be a mechanism used to secure the obligation of the Developer to pay the Aggregate Community Infrastructure Amount and to secure the obligation of Other Developers to pay equivalent contributions towards the Community Infrastructure;
 - 18.2.2 it will be declared over the Land each year until the Aggregate Community Infrastructure Allotment Payment has been paid to the Gawler Council in full and will be administered by Gawler Council;
 - 18.2.3 the Community Infrastructure Separate Rate shall cease to apply in respect of each Stage of the Land once the Community Infrastructure Allotment Payment applicable to that Stage has been paid by the Developer to Gawler Council;
 - 18.2.4 the operation of the Community Infrastructure Separate Rate, including arrangements for the progressive reduction in the amount of the Community Infrastructure Separate Rate as the Developer meets its obligations to make payment of the Community Infrastructure Allotment Payment (or undertakes in-kind works) will occur in accordance with Gawler Council's Separate Rate Relief policy as that policy is in place from time to time;
 - 18.2.5 the Community Infrastructure Separate Rate shall be reviewed in respect of the Land as from the adoption of the Annual Budget each year on or around the 30 June.

PART C GENERAL

19. PROJECT CONTROL GROUP

- 19.1 The Parties will establish a collaborative governance team to provide directions for key decisions and manage day to day issues during the course of delivery of the Traffic Interventions and Community Infrastructure (**Project Control Group or PCG**).
- 19.2 The PCG will comprise one member from each of:
- 19.2.1 Gawler Council;
 - 19.2.2 Barossa Council;
 - 19.2.3 the Developer;
 - 19.2.4 the Commissioner of Highways; and
 - 19.2.5 the Other Developers (appointed by majority of the other members of the PCG on presentation of nominations invited by Gawler Council and if there are no nominations then the Other Developers will have no representative member),
- and will be chaired by the Gawler Council representative.
- 19.3 Each member may appoint by notice in writing to Gawler Council an alternate member to attend the PCG in that member's absence.
- 19.4 Each member appointed from the Other Developers will sit on the PCG for a term of one year.
- 19.5 A quorum for the PCG will be three members.
- 19.6 Each member will have one vote.
- 19.7 At the first meeting of the PCG the PCG will:
- 19.7.1 set the frequency and scheduling of subsequent meetings; and
 - 19.7.2 agree terms of reference for the PCG to assist with the management and operation of the PCG, which terms of reference must not be inconsistent with this Deed.
- 19.8 Gawler Council will be responsible at its own cost and without any entitlement to be reimbursed for such costs from the Community Infrastructure Fund for:
- 19.8.1 the administration of the PCG;
 - 19.8.2 the giving of notice of meetings;
 - 19.8.3 arranging meetings;
 - 19.8.4 the keeping and distribution of minutes of meetings; and
 - 19.8.5 the procedures for the meetings.
- 19.9 Each Party will support the operations of the PCG in good faith and will provide the information and resources reasonably required to support the PCG.

- 19.10 Matters relating to technical issues associated with the detailed design and construction of Traffic Interventions may be determined by a majority decision of the PCG and the decision made by the PCG will bind the parties.
- 19.11 The PCG is otherwise intended to function as a consultative body and accordingly its recommendations or suggestions will not be binding on the Parties or in any way affect, oblige or qualify the obligations of the Parties under this Deed. A Party will not be bound by a statement or representation made by its representative in the course of the deliberations of the PCG.
- 19.12 Subject to clause 19.10 and clause 21.2, decisions of the PCG will not bind the Parties, but the Parties must have regard to the recommendations of the PCG in making any decisions in relation to the Traffic Interventions and Community Infrastructure.

20. **INDEPENDENT EXPERT**

If an independent review of the Traffic Interventions Allotment Payment or the Community Infrastructure Allotment Payment is triggered in accordance with clause 8.1.4 or clause 16.1.4:

20.1

- 20.1.1 an independent expert must be appointed by the PCG within 21 days of the date of referral of the matter by the PCG and failing agreement, must be appointed by the President of the Australian Institute of Quantity Surveyors (South Australian Chapter) on the request of Gawler Council (**Independent Expert**); and

20.1.2

- 20.1.2.1 the Independent Expert shall be instructed to determine an appropriate scope of works to enable the Traffic Interventions or the Community Infrastructure (as applicable) to be delivered for the estimated amount specified in Annexure B or Annexure E (as the case may be); and

- 20.1.2.2 if the Independent Expert cannot achieve the outcome set out in clause 20.1.2.1 the Independent Expert shall determine the amount of the Traffic Interventions Allotment Payment or Community Infrastructure Allotment Payment (as applicable);

- 20.1.3 PCG members may make submissions to the Independent Expert (copies of which must be provided to each other) within 14 days of the appointment of the Independent Expert to inform their review;

- 20.2 the Independent Expert must have regard to the Traffic Interventions Requirements and the Community Infrastructure Requirements (as applicable) and any submissions made to the Independent Expert in making his or her determination under clause 20.1.2;

- 20.3 the costs of the Independent Expert will be shared between PCG members in equal shares; and

- 20.4 the decision of the Independent Expert will be binding on the Parties.

21. VARIATIONS

- 21.1 A proposal for a variation to the scope, cost or timing of Traffic Interventions or Community Infrastructure, or the addition or deletion of a component of the Traffic Interventions or Community Infrastructure, must be put in writing to the PCG for consideration in the first instance.
- 21.2 If the PCG by majority resolution supports a proposal for variation to the scope, cost or timing of Traffic Interventions or Community Infrastructure, or the addition or deletion of a component of the Traffic Interventions or Community Infrastructure, the proposal must be put to the Parties for determination.
- 21.3 The Parties must have regard to any recommendation of the PCG on any matter.
- 21.4 For the purposes of clause 25 of this Agreement, a dispute arising in relation to any proposed variation to the scope of the Traffic Interventions or Community Infrastructure cannot be resolved in such a way that requires any Party to contribute additional funds to the Traffic Interventions or Community Infrastructure (but without affecting any prior agreement or determination to increase the amount of any payment required under this Deed).

22. LAND MANAGEMENT AGREEMENTS

- 22.1 As further security for the performance by the Developer of its obligations under the Link Road Deed and this Deed, Gawler Council, Barossa Council and the Developer agree that promptly following the execution of this Deed:
 - 22.1.1 the Developer must provide Gawler Council and Barossa Council with current title searches for the Land;
 - 22.1.2 Gawler Council must complete and execute the Land Management Agreements in respect of the Land (other than any portion within the area of Barossa Council);
 - 22.1.3 Barossa Council must complete and execute the Land Management Agreements in respect of the Land (other than any portion within the area of Gawler Council);
 - 22.1.4 the Developer must procure the Landowners to enter into the completed Land Management Agreements and procure all consents to the noting of those Land Management Agreement against the relevant title(s); and
 - 22.1.5 following execution of the Land Management Agreements, the parties must use their reasonable endeavours to note the Land Management Agreements against the relevant title(s) as soon as practicable, with the Developer to bear the cost of the Lands Titles Office fees.
- 22.2 The Developer must:
 - 22.2.1 not divide, sell or otherwise dispose of the Land;
 - 22.2.2 to the extent that its permission is required, not permit the Land to be divided, sold or otherwise disposed of,before the Land Management Agreements described in clause 22.1 are noted against the title(s) comprising the Land.

23. ASSIGNMENT

23.1 A Party may assign this Deed or any right under this Deed (including by sale of the Land other than individual residential or commercial allotments as contemplated by the Proposed Development):

23.1.1 upon provision of written notice to the non-assigning Parties; and

23.1.2 to a third party who if required by the non-assigning Parties to do so, has entered into a deed or agreement undertaking with the non-assigning Parties to meet the obligations of the proposing assignor (to the extent of the proposed assignment) under either or both of (as relevant to the right assigned):

23.1.2.1 this Deed; or

23.1.2.2 an agreement or deed entered into pursuant to this Deed.

23.2 Subject to complying with any requirements made under clause 23.1, upon assignment by a Party pursuant to this clause:

23.2.1 in respect of an assignment of all of the assigning Party's rights under this Deed the assigning Party will be released from all further obligations under this Deed;

23.2.2 in respect of an assignment of some but not all of the assigning Party's rights under this Deed the assigning Party will be released from all further obligations under this Deed to the extent that the assignee becomes bound by such obligations.

24. DEFAULT

24.1 Termination for Default

A Party may terminate this Deed with immediate effect by giving notice to the other Party (**Defaulting Party**) if the Defaulting Party:

24.1.1 fails to pay any sum of money on the due date for payment and fails to make payment within 20 Business Days of receiving notice requiring it to do so;

24.1.2 breaches any other provision of this Deed and fails to remedy the breach within a reasonable time (being not less than 20 Business Days) of receiving notice requiring it to do so; or

24.1.3 breaches a material provision of this Deed where that breach is not capable of remedy.

24.2 Consequences of Termination

When termination of this Deed under clause 24.1 takes effect, the rights and obligations of the Parties under this Deed will come to an end but if any breach by either Party still exists at that time then the rights of the other Party with regard to that existing breach will continue.

25. RESOLUTION OF GENERAL DISPUTES

25.1 Disputes

Except as otherwise provided in this Deed, the Parties acknowledge and agree that any dispute is to be resolved in accordance with the procedure in this clause 25.

25.2 Reference to Dispute Expert

25.2.1 The Parties agree that if there is a dispute between them, the aggrieved Party must serve a notice on the other Party setting out the nature of the dispute (**Dispute Notice**). The Parties must then make every effort to resolve the dispute by negotiation as soon as practicable.

25.2.2 If the Parties fail to resolve the dispute within 30 days after a Dispute Notice is received either party may refer the dispute to a mutually agreed expert (**Dispute Expert**) for determination in accordance with clause 25.3 of this Deed.

25.3 Expert Determination Process

25.3.1 If a Party wishes to refer a dispute to a Dispute Expert, it must notify the other Party of a proposed expert being a suitable qualified and experienced person who:

25.3.1.1 has recognised industry expertise in the issue that is the subject of the dispute; and

25.3.1.2 is independent of each Party.

25.3.2 Following receipt of such notice the Parties may agree on who will be the Dispute Expert or failing agreement within seven days of receipt of such notice any Party may request the Dispute Expert to be a person nominated by the President (or in the event that office does not exist the holder of any replacement or equivalent office) or nominee of The Law Society of South Australia Inc (or any replacement or successor organisation).

25.3.3 If the Dispute Expert appointed under clause 25.3.2:

25.3.3.1 is unavailable;

25.3.3.2 declines to act;

25.3.3.3 does not enter into the agreement in accordance with clause 25.3.10 within seven days of the appointment of the Dispute Expert pursuant to clause 25.3.2;

25.3.3.4 does not make a determination within the time required by clause 25.3.8; or

25.3.3.5 does not comply with clause 25.3.5,

the appointment of such Dispute Expert lapses and a further Dispute Expert must be appointed under clause 25.3.1.

25.3.4 An expert determination conducted under this clause 25.3 is not an arbitration and the Dispute Expert is not an arbitrator. The Dispute Expert may reach a decision from his or her own knowledge and expertise.

25.3.5 The Dispute Expert will:

- 25.3.5.1 act as an expert and not as an arbitrator;
- 25.3.5.2 proceed in any manner he or she thinks fit;
- 25.3.5.3 conduct any investigation which he or she considers necessary to resolve the dispute or difference including requiring each Party to provide a statement of its position (within the time period nominated by the Dispute Expert) setting out in detail the matters which that Party wishes the expert to consider;
- 25.3.5.4 examine such documents, and interview such persons, as he or she may require; and
- 25.3.5.5 make such directions for the conduct of the determination as he or she considers necessary.

25.3.6 The Dispute Expert must be engaged on terms that require the Dispute Expert to:

- 25.3.6.1 disclose to the Parties any interest he or she has in the outcome of the determination; and
- 25.3.6.2 not communicate with one Party without the knowledge of the others.

25.3.7 Gawler Council, Barossa Council and the Developer will:

- 25.3.7.1 bear their own costs in respect of any expert determination; and
- 25.3.7.2 each pay one third of the Dispute Expert's fees and costs.

25.3.8 Unless otherwise agreed between the Parties, the Dispute Expert must be engaged on terms that require the Dispute Expert to notify the Parties of his or her decision within 28 days from the date of acceptance by the Dispute Expert of his or her appointment.

25.3.9 The Dispute Expert will not be liable to the Parties in respect of any matter, fact or thing arising out of, or in any way in connection with the expert determination process, except in the case of fraud.

25.3.10 The Parties must enter into an agreement with the Dispute Expert on such terms as are consistent with this clause 25.3, other relevant provisions of this Deed and the Parties (acting reasonably and in good faith in accordance with this clause) and the Dispute Expert may otherwise agree within seven days of the agreement on or nomination of the Dispute Expert under clause 25.3.2.

25.3.11 The determination of the Dispute Expert:

- 25.3.11.1 must be in writing;
- 25.3.11.2 is final and binding on the Parties.

25.4 Performance of obligations pending resolution of dispute

The Parties must continue to perform their respective obligations under this Deed, notwithstanding that a dispute may exist, to the extent that those obligations are not the subject matter of the dispute.

25.5 Urgent relief

Nothing in this clause 25 prevents a Party from commencing, or forces a Party to delay commencing, proceedings in a court seeking urgent interlocutory, injunctive or declaratory relief, where a Party reasonably considers it necessary to do so in order to protect its position.

25.6 Survive termination

This clause will survive termination of this Deed for any reason.

26. CONFIDENTIAL INFORMATION AND FREEDOM OF INFORMATION

26.1 For the purposes of this clause:

26.1.1 Confidential Information means any information (in whatever form and whether recorded or not) which is:

26.1.1.1 designated as confidential;

26.1.1.2 confidential by its nature; or

26.1.1.3 disclosed or obtained in circumstances importing an obligation of confidence.

26.1.2 Disclosing Party means a Party who discloses its Confidential Information under this Deed;

26.1.3 Receiving Party means a Party who receives Confidential Information under this Deed; and

26.1.4 third party means and includes all persons, including all consultants, agents, officers, directors and employees of a Party.

26.2 Each of Gawler Council, Barossa Council and the Developer agrees that it will not use any Confidential Information of any other Party or allow any Confidential Information of any other Party to be used for any purpose whatsoever, except for the purposes of and in the manner contemplated by this Deed, and agrees that it will:

26.2.1 keep confidential;

26.2.2 take reasonable steps to ensure that the Party's elected members, officers and employees (as applicable) do not disclose to a third party;

26.2.3 maintain proper and secure custody of; and

26.2.4 not use or reproduce in any form,

any Confidential Information belonging to that other Party.

26.3 The duty of confidence referred to in clause 26.1 will not extend to such of the Confidential Information as:

- 26.3.1 was known to the Receiving Party as at the date of this Deed otherwise than as a result of disclosure by the Disclosing Party;
 - 26.3.2 was in or becomes part of the public domain otherwise than as a result of a breach by the Receiving Party of its obligations under this Deed;
 - 26.3.3 is disclosed to the Receiving Party by any third party which does not owe any obligation to the Disclosing Party (directly or indirectly); or
 - 26.3.4 is required by law to be disclosed by the Receiving Party provided that the Receiving Party will immediately notify the Disclosing Party of any such requirement - if possible before making the disclosure.
- 26.4 The onus of proof of the matters referred to in clause 26.3 is on the Receiving Party.
- 26.5 Notwithstanding the provisions of clause 26.1 Confidential Information may be disclosed by the Receiving Party:
- 26.5.1 to employees, legal advisers, auditors and other consultants of a Party requiring the information for the purposes of this Deed; or
 - 26.5.2 with the consent of the Disclosing Party, which consent may be given or withheld at the Disclosing Party's absolute discretion.
- 26.6 If the Receiving Party proposes to release or provide access to Confidential Information under clause 26.5.1, it will not do so until it has obtained from such employees, legal advisors, auditors or other consultants a written undertaking to keep that information confidential and not to release it to any other party.
- 26.7 The *Freedom of Information Act 1991* (SA) (**FOI Act**) gives members of the public rights to access Gawler Council and Barossa Council documents. The FOI Act promotes openness in governance and accountability of government agencies and to achieve these objects confers on members of the public a legally enforceable right to be given access to documents, including contracts, held by Gawler Council and Barossa Council subject but not limited to such restrictions as are consistent with the public interest, commercial in confidence and/or the preservation of personal privacy in respect of those from whom information is collected and held by Gawler Council and Barossa Council and other public authorities. The Developer consents to any disclosures by Gawler Council and Barossa Council to the extent required to enable Gawler Council and Barossa Council to comply with its obligations under the FOI Act, subject to the Developer being consulted in relation to an application for access to information concerning the Developer's business affairs and to the Developer's rights of review, appeal and other legal challenges available to the Developer
- 26.8 Unauthorised disclosure of the Confidential Information and the subject matter contained therein constitutes a breach of a Party's obligations under this Contract.
- 26.9 This Deed is not Confidential Information.

27. MISCELLANEOUS

27.1 Further action

Each party must use reasonable efforts to do all things necessary or desirable to give full effect to this Deed.

27.2 Alteration

This Deed may be altered only in writing signed by each party.

27.3 Approvals and consents

Unless otherwise provided, a party may in its discretion give (conditionally or unconditionally) or withhold any approval or consent under this Deed.

27.4 Entire agreement

This Deed:

27.4.1 constitutes the entire agreement between the parties about its subject matter;

27.4.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about its subject matter.

27.5 Waiver

A waiver of a provision of or right under this Deed:

27.5.1 must be in writing signed by the party giving the waiver;

27.5.2 is effective only to the extent set out in the written waiver.

27.6 Exercise of power

27.6.1 The failure, delay, relaxation or indulgence by a party in exercising a power or right under this Deed is not a waiver of that power or right.

27.6.2 An exercise of a power or right under this Deed does not preclude a further exercise of it or the exercise of another right or power.

27.7 Survival

Each indemnity, obligation of confidence and other term capable of taking effect after the expiration or termination of this Deed, remains in force after the expiration or termination of this Deed.

27.8 Governing law

27.8.1 This Deed is governed by the law in South Australia.

27.8.2 The parties irrevocably submit to the non-exclusive jurisdiction of the courts in South Australia.

28. GST

28.1 In this clause an expression defined in the *A New Tax System (Goods and Service Tax) Act 1999* (Cth) has the meaning given to it in that Act.

28.2 If a party makes a supply under or in connection with this Deed in respect of which GST is payable, the consideration for the supply is increased by an amount equal to the GST payable by the supplier on the supply.

28.3 A party need not make a payment for a taxable supply under or in connection with this Deed until it receives a tax invoice for the supply.

29. NOTICES

29.1 A notice, demand, consent, approval or communication under this Deed (**Notice**) must be:

29.1.1 in writing, in English and signed by a person authorised by the sender; and

29.1.2 hand delivered or sent by prepaid post or electronic mail to the recipient's address specified below, as varied by any Notice given by the recipient to the sender.

29.2 At the date of this Deed, the addresses for Notices are:

29.2.1 **Town of Gawler**

Site address: 43 High Street, Gawler East SA 5118

Postal address: PO Box 130, Gawler SA 5118

Email: council@gawler.sa.gov.au

Attention: Chief Executive Officer

29.2.2 **The Barossa Council**

Address: 43-51 Tanunda Road, Nuriootpa SA 5355

Postal address: PO Box 867, Nuriootpa SA 5355

Email: barossa@barossa.sa.gov.au

Attention: Chief Executive Officer

29.2.3 **Springwood Development Nominees Pty Ltd**

Site address: c/- Level 1, 22-26 Vardon Avenue, Adelaide SA 5000

Postal address: As above

Email: warwick@myspringwood.com.au

Attention: Warwick Mittiga

29.3 A Notice is deemed to be received:

29.3.1 if hand delivered, on delivery;

29.3.2 if sent by prepaid mail, five Business Days after posting (or seven Business Days after posting if posting to or from a place outside Australia);

29.3.3 if sent by electronic mail, on the day after the day the message is showing on the sender's electronic mail system as having been properly transferred or transmitted.

29.4 If the Notice is deemed to be received on a day that is not a Business Day or after 5:00 pm, the Notice is deemed to be received at 9:00 am on the next Business Day.

29.5 If two or more people comprise a party, Notice to one is effective Notice to all.

30. **COSTS**

Except as provided otherwise in this Deed, each party must pay its own costs of preparing this Deed and any document required by it.

EXECUTED as a Deed.

THE COMMON SEAL of
TOWN OF GAWLER
was affixed in the presence of:

Signature of Mayor

Signature of Chief Executive Officer

Name of Mayor (print)

Name of Chief Executive Officer (print)

THE COMMON SEAL of
THE BAROSSA COUNCIL
was affixed in the presence of:

Signature of Mayor

Signature of Chief Executive Officer

Name of Mayor (print)

Name of Chief Executive Officer (print)

EXECUTED by
SPRINGWOOD DEVELOPMENT NOMINEES PTY LTD
ACN 609 168 247
in accordance with Section 127 of the
Corporations Act 2001:

*Director/*Company Secretary

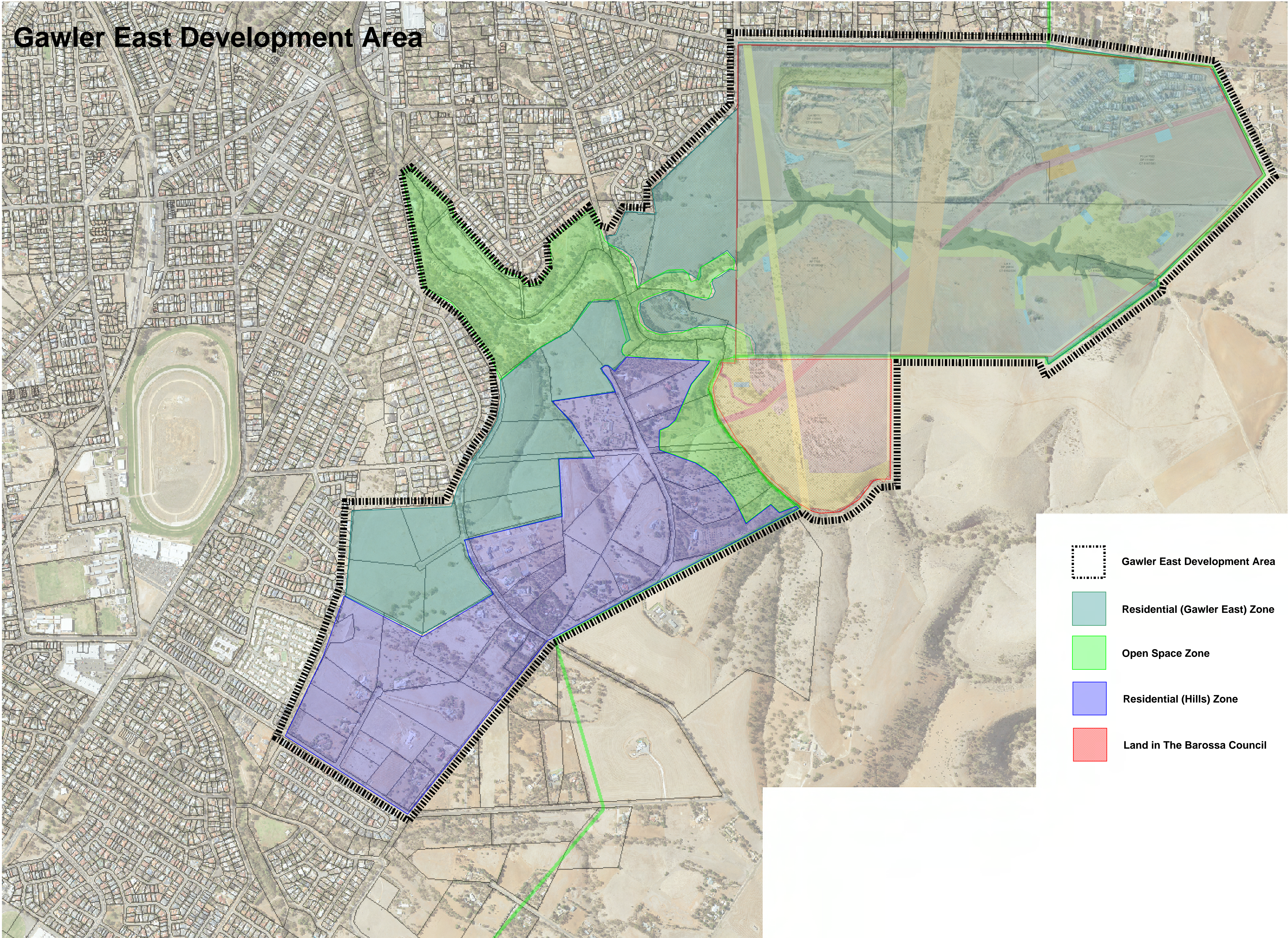
Director

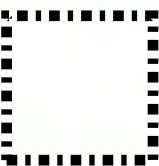




Name of *Director/*Company Secretary
(BLOCK LETTERS)
*please delete as appropriate

Name of Director
(BLOCK LETTERS)

Annexure A
GAWLER EAST DEVELOPMENT AREA

Gawler East Development Area



-  Gawler East Development Area
-  Residential (Gawler East) Zone
-  Open Space Zone
-  Residential (Hills) Zone
-  Land in The Barossa Council

Annexure B
TRAFFIC INTERVENTIONS

TRAFFIC INTERVENTIONS APPORTIONMENTS

Version: Version
Date: 17/07/2018

- Notes:
1. This Table is to be read in conjunction with Gawler East Interventions Assessment Report (June 2018) Ref No. 20180592FR03 [Tonkin Consulting].
 2. Interventions 1A(2) & 1A(3) are related to subsequent collector road extensions from the Gawler East Link Road within the Springwood Development are not included in the below table (but referenced in the above report) and will be delivered by Springwood sequentially with the development.
 3. Stage 1 referenced in the Lot # Trigger refers to the area within the Springwood development and Stage 2 refers to all other areas in the Gawler East Residential Development Zones.
 4. Traffic Intervention Costs, & apportionments thereof, will be adjusted annually on 1 July by the Council as part of the Annual Budget adoption (as associated with the relevant Separate. At that time an adjustment in accordance with the Index 3101 Road & Bridge Construction Index for South Australia will occur. Further adjustments will be considered each year as part of the role of a future Gawler East Infrastructure Governance Group once this has been endorsed by Council.
 5. The total values of the traffic interventions have been amended to reflect final adjustments that have been undertaken in preparing the 2018/19 Traffic Interventions Separate Rate over developable lands. This primarily relates to a shift in ownership of 3 x Other Future Developer land parcels to the Commissioner of Highways as part of the Gawler East Link Road project.

Map Reference	Component	Treatment	Intent	Lot # Trigger	Responsibility	Intervention Cost	Existing (ToG)	Base Case Cost (ToG)	SW	CoH (DPTI)	OFD	TBC
						\$	\$	%	\$	%	\$	%
1B	Cheek Avenue Up-grade	Pavement up-grade, widening & traffic control (excludes relocation of stobey poles)	Upgrade road to facilitate future traffic growth and improve safety	1500	ToG	2,975,162	172,321	6%	1,432,082	48%	965,832	32%
1D	Barossa Valley Way / Cheek Avenue Intersection - Interim	Channelisation and widening	Upgrade intersection to facilitate future traffic growth and improve safety	1000	ToG	210,490	23,534	11%	-	0%	133,156	63%
1E	Calton Road Up-Grade - Cheek to Project entrance	Upgrade to kerbed collector road	Formalise. Improve drainage.	1000	SW	2,564,795	327,054	13%	-	0%	2,237,740	87%
1F	Calton Road - Murray Street to Cheek Avenue	Pavement marking & painted median treatment	Improve safety and traffic flow	1000	ToG	467,211	-	0%	467,211	100%	-	0%
1G	Calton Road - Murray Street to Cheek Avenue	Pavement rehabilitation	Improve road surfacing (potentially remove Tonkin 2016)	1000	ToG	2,247,738	-	0%	2,247,738	100%	-	0%
1I	Calton Road / Link Road Intersection @ Hamilton Reserve (Part of DPTI delivered Gawler East Link Road project)	Roundabout	Upgrade intersection to facilitate future traffic growth, including access to Gawler East Link Road	1000	SW	599,042	76,388	13%	-	0%	522,654	87%
1J	Calton Road / Link Road Intersection @ Cheek Avenue	Roundabout	Upgrade intersection to facilitate future traffic growth	1000 (Stage 1 Only)	SW	2,005,793	226,953	11%	-	0%	1,352,568	67%
1L	Calton Road Upgrade – Project entrance to Balmoral Road (Part of Gawler East Link Road project)	Widen through to junction	Upgrade southern side of road (where allotments have frontages to Calton Road) to align with Barossa Council and Gawler Council local connectivity cycling and walking plans	1000 (Stage 1 only)	SW	770,988	98,314	13%	-	0%	672,673	87%
1M	Link Road / Balmoral Road Intersection	T-junction	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre	1000	SW	418,032	48,834	12%	-	0%	237,865	57%
1N	Kalbeeba Road Up-grade	Seal & widen unsealed section	Align with delivery of Kalbeeba Road / Barossa Valley Way Intersection upgrade	1300 (Stage 1 Only)	TBC	262,250	-	-	-	-	-	-
1O	Kalbeeba Road / Barossa Valley Way Intersection	Channelisation & widening	Align delivery with sealing of Kalbeeba Road	1300 (Stage 1 Only)	TBC	183,737	15,102	8%	-	0%	103,335	56%
1Q	Calton Road / Balmoral Road Junction	Junction upgrade	Provide Balmoral Road as the priority movement	1000 (Stage 1 Only)	SW	853,458	108,831	13%	-	0%	744,627	87%
2F	First Street intersection, Fifth Street / Hill Street Intersection (Seventh St)	Junction upgrades	Upgrade intersections to cater for projected traffic volumes	1,000 (Stage 2 only)	ToG	343,796	33,955	10%	-	0%	86,654	25%
2H	Gawler - One Tree Hill Road (Deadmans Pass/Town Entry) Gawler Terrace to Eckerman Avenue	Widening / safety barriers/upgrade junctions	One Tree Hill Road - various upgrades and improvements	1,000 (Stage 2 only)	ToG	2,896,265	79,555	3%	2,115,973	73%	114,939	4%
						TOTAL	1,210,843		6,263,004		7,172,043	
SEPERATE RATE ADJUSTMENT (NOTE 5)						TOTAL	1,210,843		6,263,004		7,167,894	
											966,350	
											887,760	
											819,290	
											298,755	

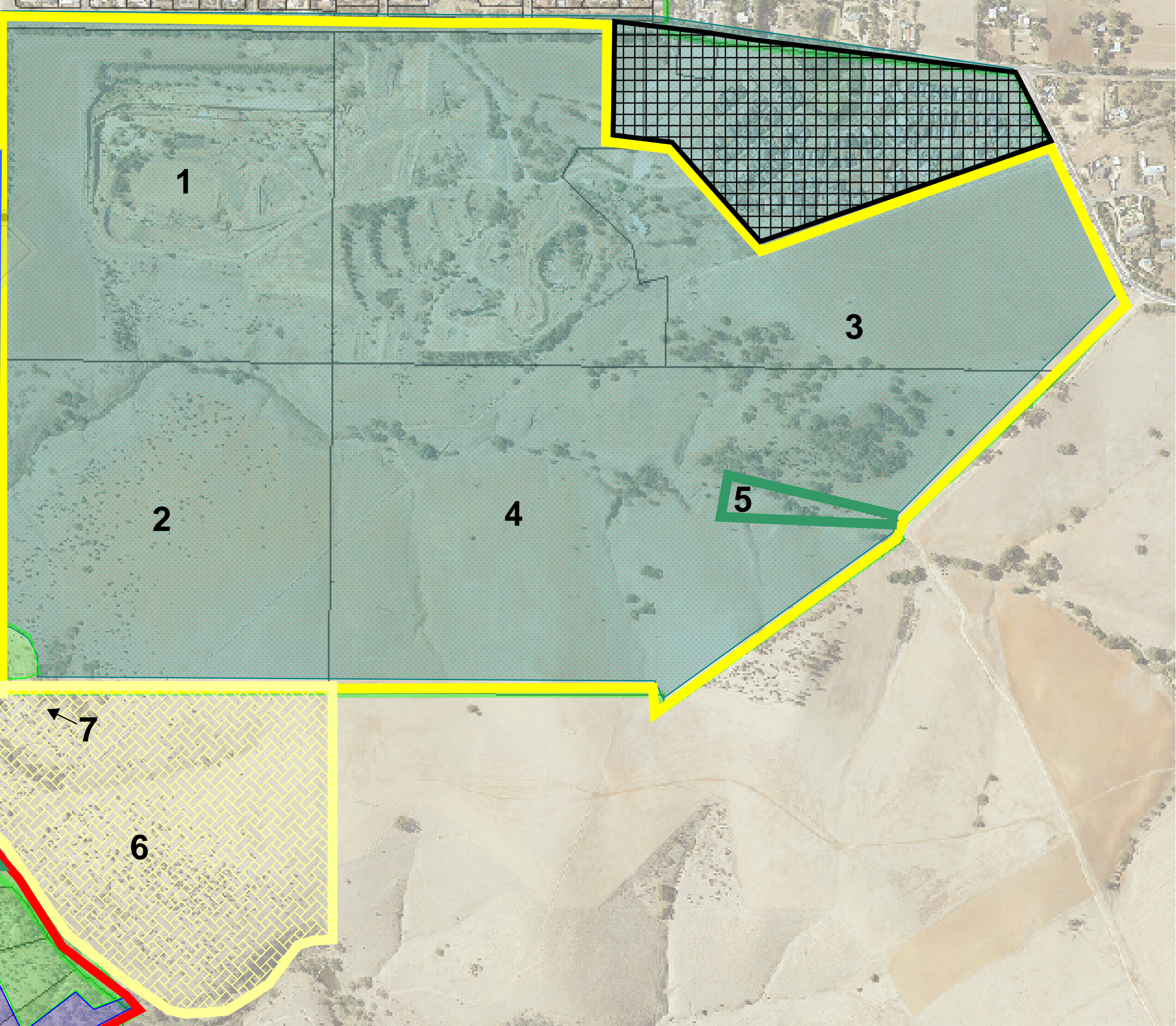
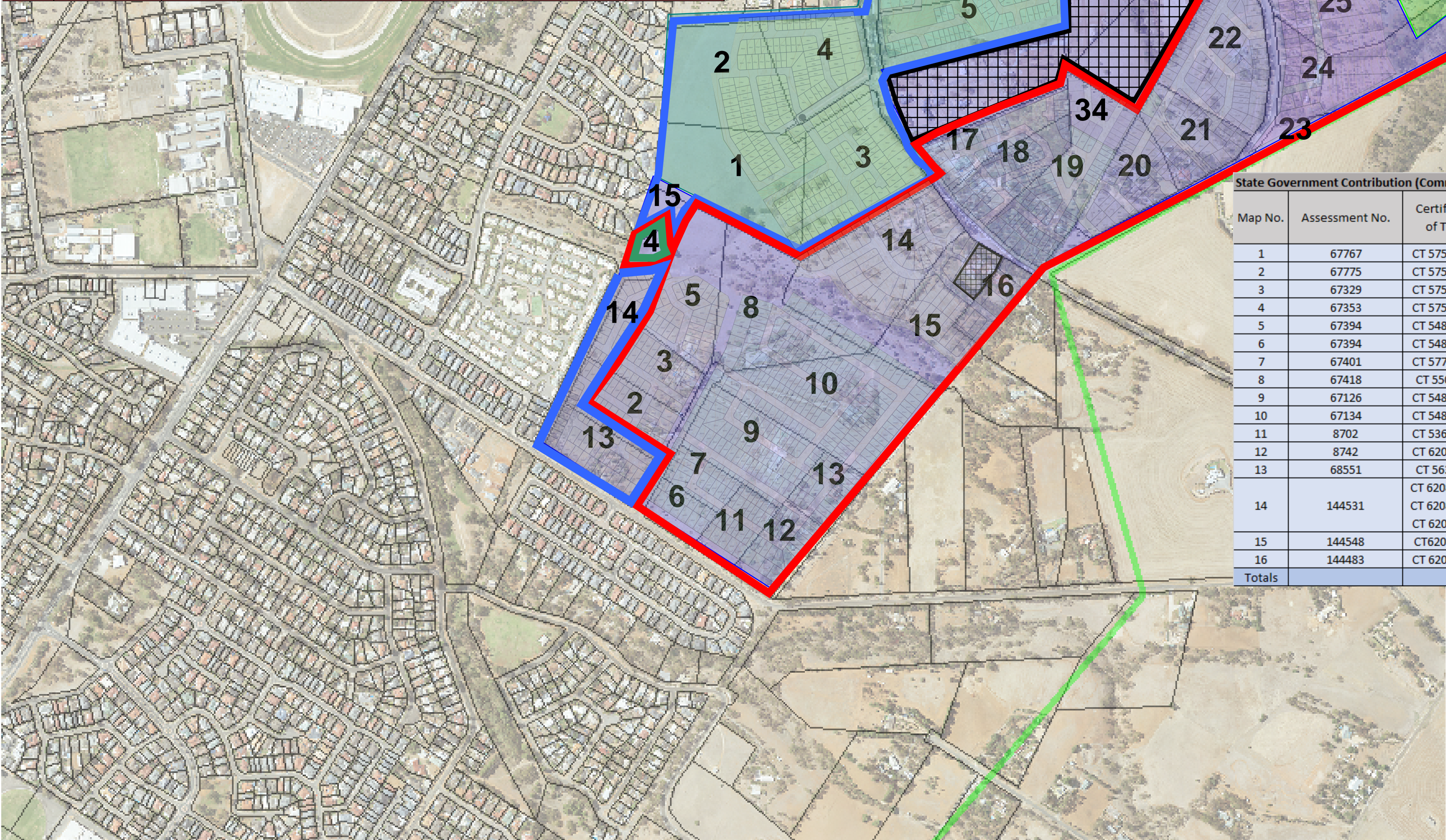
Legend	RBC Index Adjustment
ToG	Town of Gawler
TBC	The Barossa Council
SW	Springwood
OFD	Other Future Developers

Annexure C
TRAFFIC INTERVENTIONS ALLOTMENT PAYMENT

Traffic Interventions Allotment Payments

Traffic Interventions Separate Rate Area - Springwood 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
1	140744	CT 6205/146, CT 6186/896	61.7	45.68	\$ 53,188.89	\$ 2,429,508.93	\$ 39,376.16
2	40868	CT 5912/653	31.94	22.75	\$ 53,188.89	\$ 1,209,781.30	\$ 37,876.68
3	144475	CT 6167/581	25.92	21.70	\$ 53,188.89	\$ 1,154,252.10	\$ 44,531.33
4	144467	CT 6162/334	53.15	29.02	\$ 53,188.89	\$ 1,543,594.78	\$ 29,042.23
5	40527	CT 6163/873	0	0.00	\$ 53,188.89	\$ -	
6	VG No 9693349002	CT 5697/87	28.043	15.62	\$ 53,188.89	\$ 830,757.27	\$ 29,624.41
7	VG No 9693352009	CT 6184/173	0.078	0.00	\$ 53,188.89	\$ -	
Totals			200.831	134.76		\$ 7,167,894	

Traffic Interventions Separate Rate Area - Other Future Developers as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
2	144572	CT 6208/637	1.60	1.60	\$ 14,756.67	\$ 23,610.67	\$ 14,757
3	144564	CT 6208/636	1.42	1.42	\$ 14,756.67	\$ 20,954.47	\$ 14,757
4	69425	CT 5168/804	0.60	0.00	\$ 14,756.67	\$ -	\$ -
5	144556	CT 6208/635	3.65	2.10	\$ 14,756.67	\$ 30,989.01	\$ 8,490
6	68584	CT 5462/883	1.00	1.00	\$ 14,756.67	\$ 14,756.67	\$ 14,757
7	68576	CT 5462/882	1.00	1.00	\$ 14,756.67	\$ 14,756.67	\$ 14,757
8	68802	CT 5592/947	4.22	1.73	\$ 14,756.67	\$ 25,529.04	\$ 6,050
9	68827	CT 5636/60	3.26	3.26	\$ 14,756.67	\$ 48,106.74	\$ 14,757
10	68819	CT 5636/59	5.59	5.49	\$ 14,756.67	\$ 81,014.12	\$ 14,493
11	68568	CT 5463/945	1.31	1.31	\$ 14,756.67	\$ 19,331.24	\$ 14,757
12	88222	CT 5809/64	1.58	1.58	\$ 14,756.67	\$ 23,315.54	\$ 14,757
13	79776	CT 5809/65	1.38	1.38	\$ 14,756.67	\$ 20,364.20	\$ 14,757
14	67312	CT 5456/200	5.53	4.17	\$ 14,756.67	\$ 61,535.31	\$ 11,128
15	67337	CT 5098/618	3.62	1.61	\$ 14,756.67	\$ 23,758.24	\$ 6,563
16	67345	CT 5786/841	1.00	1.00	\$ 14,756.67	\$ 14,756.67	\$ 14,757
17	67434	CT 5162/73	2.03	1.25	\$ 14,756.67	\$ 18,445.84	\$ 9,087
18	71893	CT 5162/74	2.02	1.58	\$ 14,756.67	\$ 23,315.54	\$ 11,542
19	144653	CT 6206/115	4.03	2.10	\$ 14,756.67	\$ 30,989.01	\$ 7,690
20	67078	CT 6149/844	2.16	1.96	\$ 14,756.67	\$ 28,923.07	\$ 13,390
21	70808	CT 5903/197	2.27	1.81	\$ 14,756.67	\$ 26,709.57	\$ 11,766
22	67086	CT 5899/721	4.27	3.87	\$ 14,756.67	\$ 57,108.31	\$ 13,374
23	68535	CT 6112/595	0.53	0.53	\$ 14,756.67	\$ 7,821.04	\$ 14,757
24	67191	CT 5481/177	5.23	2.45	\$ 14,756.67	\$ 36,153.84	\$ 6,913
25	67183	CT 5125/726	4.07	2.10	\$ 14,756.67	\$ 30,989.01	\$ 7,614
26	67175	CT 5894/916	4.17	1.05	\$ 14,756.67	\$ 15,494.50	\$ 3,716
27	133356	CT 6154/432	0.11	0.00	\$ 14,756.67	\$ -	\$ -
28	133348	CT 6181/286	3.01	0.65	\$ 14,756.67	\$ 9,591.84	\$ 3,187
29	133331	CT 6154/433	1.08	0.00	\$ 14,756.67	\$ -	\$ -
30	144491	CT 6207/896	4.19	3.20	\$ 14,756.67	\$ 47,221.34	\$ 11,270
31	67159	CT 6182/69	4.52	1.55	\$ 14,756.67	\$ 22,872.84	\$ 5,060
32	67142	CT 5485/704	4.09	0.59	\$ 14,756.67	\$ 8,706.44	\$ 2,129
33	5262	CT 6132/534	4.81	1.13	\$ 14,756.67	\$ 16,675.04	\$ 3,467
34	144661	CT 6206/116	1.05	1.05	\$ 14,756.67	\$ 15,494.50	\$ 14,757
Totals			90.4	55.52		\$ 819,290	



- Residential (Gawler East) Zone
- Open Space Zone
- Residential (Hills) Zone
- Other Future Developers
- Springwood Communities
- Springwood Communities Within the Barossa Council

State Government Contribution (Commissioner of Highways Land) as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
1	67767	CT 5751/799	5.20	1.68	\$ 22,547.07	\$ 37,879.08	\$ 7,284.44
2	67775	CT 5751/798	4.39	1.79	\$ 22,547.07	\$ 40,359.26	\$ 9,193.45
3	67329	CT 5751/797	4.68	4.68	\$ 22,547.07	\$ 105,520.29	\$ 22,547.07
4	67353	CT 5751/800	3.04	3.04	\$ 22,547.07	\$ 68,543.09	\$ 22,547.07
5	67394	CT 5481/447	4.06	3.25	\$ 22,547.07	\$ 73,277.98	\$ 18,048.76
6	67394	CT 5481/447	4.04	3.42	\$ 22,547.07	\$ 77,110.98	\$ 19,086.88
7	67401	CT 5772/170	4.06	3.10	\$ 22,547.07	\$ 69,895.92	\$ 17,215.74
8	67418	CT 5508/97	4.06	1.74	\$ 22,547.07	\$ 39,231.90	\$ 9,663.03
9	67126	CT 5485/879	4.30	2.26	\$ 22,547.07	\$ 50,956.38	\$ 11,850.32
10	67134	CT 5485/880	4.46	3.35	\$ 22,547.07	\$ 75,532.68	\$ 16,935.58
11	8702	CT 5361/336	19.94	13.73	\$ 22,547.07	\$ 309,571.27	\$ 15,525.14
12	8742	CT 6208/641	2.49	0.00	\$ 22,547.07	\$ -	\$ -
13	68551	CT 5636/57	2.10	2.10	\$ 22,547.07	\$ 47,348.85	\$ 22,547.07
14	144531	CT 6208/638, CT 6208/639, CT 6208/640	1.94	1.94	\$ 22,547.07	\$ 43,741.32	\$ 22,547.07
15	144548	CT 6208/641	0.55	0.00	\$ 22,547.07	\$ -	\$ -
16	144483	CT 6207/897	0.23	0.00	\$ 22,547.07	\$ -	\$ -
Totals			69.54	46.08		\$ 1,038,969	

- Commissioner of Highways (Not Included in Separate Rate)
- Town of Gawler Ownership
- Existing Communities Excluded from Seperate Rate

Traffic Interventions Allotment Payments

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5	144556	CT 6208/635	3.65	2.10	\$ 14,756.67	\$ 30,989.01	\$ 8,490
6	68584	CT 5462/883	1.00	1.00	\$ 14,756.67	\$ 14,756.67	\$ 14,757
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27	133356	CT 6154/432	0.11	0.00	\$ 14,756.67	\$ -	\$ -
28	133348	CT 6181/286	3.01	0.65	\$ 14,756.67	\$ 9,591.84	\$ 3,187
29	133331	CT 6154/433	1.08	0.00	\$ 14,756.67	\$ -	\$ -
30	144491	CT 6207/896	4.19	3.20	\$ 14,756.67	\$ 47,221.34	\$ 11,270
31	67159	CT 6182/69	4.52	1.55	\$ 14,756.67	\$ 22,872.84	\$ 5,060
32	67142	CT 5485/704	4.09	0.59	\$ 14,756.67	\$ 8,706.44	\$ 2,129
33	5262	CT 6132/534	4.81	1.13	\$ 14,756.67	\$ 16,675.04	\$ 3,467
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4	67353	CT 5751/800	3.04	3.04	\$ 22,547.07	\$ 68,543.09	\$ 22,547.07
5	67394	CT 5481/447	4.06	3.25	\$ 22,547.07	\$ 73,277.98	\$ 18,048.76
6	67394	CT 5481/447	4.04	3.42	\$ 22,547.07	\$ 77,110.98	\$ 19,086.88
7	67401	CT 5772/170	4.06	3.10	\$ 22,547.07	\$ 69,895.92	\$ 17,215.74
8	67418	CT 5508/97	4.06	1.74	\$ 22,547.07	\$ 39,231.90	\$ 9,663.03
9	67126	CT 5485/879	4.30	2.26	\$ 22,547.07	\$ 50,956.38	\$ 11,850.32
10	67134	CT 5485/880	4.46	3.35	\$ 22,547.07	\$ 75,532.68	\$ 16,935.58
11	5246	CT 5452/13	19.94	13.73	\$ 22,547.07	\$ 309,571.27	\$ 15,525.14
12	10749	CT 5256/114	2.49	0.00	\$ 22,547.07	\$ -	\$ -
13	68551	CT 5636/57	2.10	2.10	\$ 22,547.07	\$ 47,348.85	\$ 22,547.07
14	144531	CT 6208/638, CT 6208/639, CT 6208/640	1.94	1.94	\$ 22,547.07	\$ 43,741.32	\$ 22,547.07
15	144548	CT 6208/641	0.55	0.00	\$ 22,547.07	\$ -	\$ -
16	144483	CT 6207/897	0.23	0.00	\$ 22,547.07	\$ -	\$ -
Totals			69.54	46.08		\$ 1,038,969	

Annexure D
TONKIN CONSULTING GAWLER EAST INTERVENTION ASSESSMENT REPORT

Gawler East Interventions

Assessment Report

Town of Gawler

June 2018

Ref No. 20180592FR03



a better approach

Document History and Status

Rev	Description	Author	Reviewed	Approved	Date
A	Final – amend for revised alignment	RCB / PZ	PS	RCB	18 June 2018

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Appendix A	Plan of Proposed 2012 Interventions
Appendix B	Previous Report Recommendations
Appendix C	Maps of Traffic Distribution
Appendix D	One Tree Hill Road Assessment
Appendix E	Potts Road Assessment

1 Introduction

The Town of Gawler engaged Tonkin Consulting in November 2016 to undertake a review of the transport infrastructure interventions that were originally identified as part of the Gawler East Development.

A report (20161062FR02-REVC) was prepared in April 2017 that documented the required interventions associated with the Eckerman Avenue alignment of the Gawler East Link Road. In February 2018, the Town of Gawler based on advice from the Department of Transport, Planning and Infrastructure (DPTI) agreed to construct the Gawler East Link Road following the “DPTI” alignment.

1.1 Background

The Gawler East Link Road (Link Road) is planned to serve both the new and existing communities of Gawler East, with design and consultation progressing on the DPTI alignment as per the Town of Gawler’s (Council) resolution on the 5th December 2017.

Previous investigations have identified a range of interventions on the local and arterial road network to support the proposed Gawler East development. These interventions were based on investigations undertaken in 2010 based on assumptions of growth and future development at that time. A number of these have changed and the interventions need to be revisited to determine whether they are still valid.

In addition, the cost distribution of the interventions was based on the proportion of traffic volume using the road. It did not take into consideration the state of the infrastructure without the proposed Gawler East development. This is particularly important for Potts Road as it forms part of the Gawler East Link Road works and construction will start in the near future.

On this basis two investigations were undertaken;

- Package 1: Potts Road Intervention.

The objective of this planning package is to understand what upgrade is required to Potts Road lower and upper section if the Link Road (and associated Gawler East rezoning) were not implemented. A separate report was prepared for this investigation (Refer Appendix E).

- Package 2: Broader Interventions.

As part of the Gawler East Rezoning and the Link Road there have been several pieces of work completed to assess the broader impacts from the rezoning and the Link Road on the broader Gawler Network. Council requires the analysis of all relevant prior documentation associated with the Gawler East Rezoning and the Link Road and to determine the validity and/or relevance of the interventions identified on the Gawler East and Environs Traffic & Transport Interventions.

The outcomes of this investigation form the basis of this report.

1.2 Scope of Work

In undertaking this project, Tonkin Consulting has:

- Reviewed the following specific studies which have contributed towards the development of the interventions map. These include:
 - Gawler East DPA Traffic Assessment – QED Report, December 2008
 - Gawler Growth Areas Transport Framework – DPTI Report, May 2009
 - Tonkin Review of the Traffic Modelling – Tonkin Consulting Report, July 2010
 - Gawler East Urban Development Local Road Traffic Assessment – Tonkin Consulting Report, 2009

- SMEC Review of Gawler East Mastem Model – SMEC Report, March 2015
- DPTI Main North Road / Adelaide Road Management Plan – DPTI Report, 2008
- Reviewed the most current traffic model(s) associated with Gawler East Rezoning.
- Investigated and accounted for changes in growth and development within Gawler and neighbouring Council areas (refer Figure 1.2).
- Reviewed how the proposed interventions align with the draft Gawler Transport & Traffic Management Plan (Mott MacDonald, March 2016) and to the DPTI Main North Road / Adelaide Road Management Plan.
- Provided recommendations on new or proposed changes to the interventions.
- Assessed and reviewed the trigger points for the proposed interventions.

In developing Council's strategy for the interventions, a review of the requirements for infrastructure works for the specific locations was undertaken without the Gawler East development. The outcomes of this review would assist with determining costs as well as apportionment between the various stakeholders (Council, DPTI and Springwood Developers). Section 5 of this report details the review.

The study area and Gawler East rezoning area are shown in Figure 1.1 below.

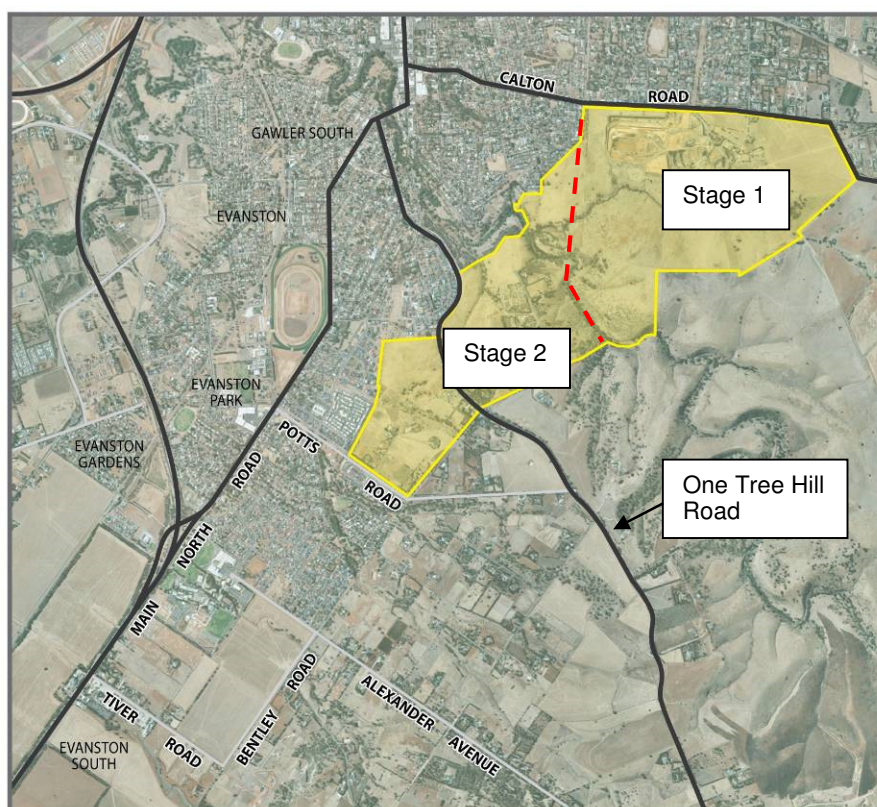


Figure 1.1 Study location

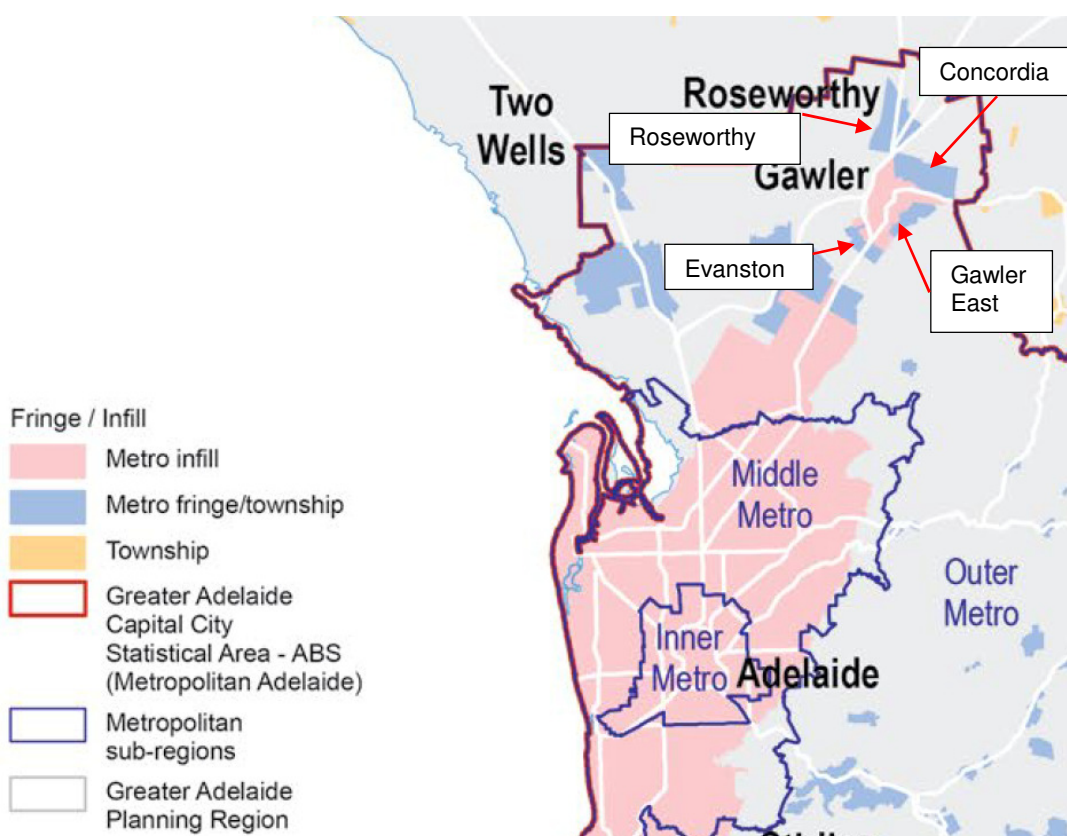


Figure 1.2 Location of future developments

1.3 Existing Transport Infrastructure Interventions

The existing interventions for the Gawler East Rezoning were initially based on the Traffic Impact Assessment report undertaken by QED for the Gawler East DPA undertaken in 2008. These interventions were discussed and agreed with the various parties over the various to 2012 including:

- Town of Gawler.
- Barossa District Council.
- Department of Planning Transport and Infrastructure.
- Delfin Lend Lease (now Springwood Communities).

Appendix A provides a list and map of the interventions as nominated in 2015. It should be noted that some of the interventions were removed from the agreed list in 2012. These are highlighted via crossed out text.

2 Review of Recent Documentation

This section provides a summary of the documentation indicated by Council. A separate section is provided for each report and they are in chronological order. Appendix B contains the summary / or recommendations from the six reports reviewed.

2.1 Gawler East DPA Traffic Assessment (QED, 2008)

This report provided the traffic and transport assessment of the Gawler East Development areas. The proposed development would comprise two stages the first being Springwood with approximately 2,700 dwellings with the second stage being the area to the south of the South Para River with a total of 1,250 dwellings.

The assessment reviewed the traffic increases and also took into consideration that there would be additional traffic attracted to the route by bypassing the Gawler Town Centre, primarily from

- traffic originating east of Gawler on Barossa Valley Way and Balmoral Road, and
- redirected residential traffic from existing Gawler East residents.

The traffic modelling took into consideration the lack of public transport within Gawler by providing a higher than normal trip generation rate. The trip distribution was based on existing traffic patterns within Gawler.

The study then assessed the impacts of the additional traffic onto the road network and identified a range of transport infrastructure improvements that would be required to ameliorate these impacts. These have since formed the basis of the intervention treatments being assessed as part of this investigation.

The study identified that the Link Road would need to be provided after completion of approximately 1,000 lots within Stage 1 to reduce impacts on Calton Road and Murray Street.

2.2 DPTI Main North Road / Adelaide Road Management Plan – DPTI, 2008

The Draft Main North Road and Adelaide Road Management Plan sought to provide an overall view of the existing operational and safety issues along these two Roads. It then provided recommendations for improvements to sections of arterial road within the Town of Gawler, including:

- Main North Road (north) and Murray Street, between Horrocks Place and the Gawler Bypass.
- Adelaide Road, between Twelfth Street and Sheriff Street.
- Main North Road (south), between Sherriff Street and Trinity Drive.

One major aspect of the study was site audits of these roadways and key intersections which informed the development of traffic treatment concepts. These were then prioritised based on a number of factors including:

- Safety benefits.
- Reduction of roadside hazards.
- Improvement to amenity and appearance of roads.
- Benefit / cost ratios.

Specific recommendations for Main North Road / Adelaide Road include upgrading sections to provide a painted median cross section where possible and to undertake minor improvements at the intersections.

2.3 Gawler Growth Areas Transport Framework (DPTI, 2009)

The Gawler Growth Areas Transport Framework Final Report (GGATF) was developed through a coalition of authorities including the Department of Transport Energy and Infrastructure (now DPTI), the Department of Planning and Local Government (now DPTI), the Town of Gawler Council, Light Regional Council and the Barossa Council.

The road network was reviewed for the Transport Framework Study with analysis undertaken using two different development scenarios to project future traffic demand based on the 2007 Urban Growth Boundary (UGB) expansion. From this, options were investigated to determine the most appropriate means to provide road access to the future urban growth areas of Gawler East and Concordia.

The major infrastructure improvements were identified as the Gawler East Link Road between Gawler East and Main North Road and a North East Connector Road between Concordia and the Sturt Highway. Route options for both these roads were developed and assessed based on the preferred Option 2E (which was subject to the ultimate development of Concordia).

This study identified the need for the Gawler East Link Road and North Eastern Connector Road to support local traffic from the developing Gawler East and Concordia areas respectively.

In term of the major infrastructure improvements to support the developments these are indicated in Figure 2.1.

Subsequent to the release of the Gawler Growth Areas Transport Framework – Final Report – May 2009, DPTI undertook a review of the preferred road network option in Gawler East as a result of the release of The 30 Year Plan for Greater Adelaide.

Central to the review was the need for the local link road between Potts Road and Tiver Road, given the reduction in area for development in Concordia within The 30 Year Plan for Greater Adelaide. DPTI revised the transport modelling undertaken for the Gawler Growth Areas Transport Framework (GGATF) incorporating potential high and low density development scenarios for Concordia.

The revised modelling identified that the daily traffic volumes on Potts Road in 2031, if the link road to Tiver Road was not provided, would be in the range of 10,500 to 16,100 depending upon the outcome for Concordia. These volumes are a significant reduction from those identified in the original GGATF, namely 21,720 to 24,620. DPTI considered that the revised volumes are well within the capacity of a two lane road (ie one lane in each direction). As a result, the link road between Potts Road and Tiver Road was not included in the Gawler East DPA gazetted in August 2010.

2.4 Gawler East Urban Development Local Road Traffic Assessment – Tonkin Consulting, 2009

Tonkin Consulting were engaged by Council undertake an assessment of the impacts of the proposed developments associated with the enlargement of the UGB (Gawler East, Concordia and Evanston Park areas) and to identify options for minimising the impact of these areas on the existing local road network. Primarily the outcomes of the report would be to assist Council in responding to the Gawler East DPA.

The study also the assessed the cost of various options and also undertook community consultation via two workshops.

The key outcomes of the assessment and options to reduce the impacts are provided below:

- Reduce the scale of the proposed development.
- Provide ample opportunities for walking and cycling to provide alternatives to driving.
- Ensure the development provides for public transport and interconnectivity with the rail line (existing and proposed).

- Consideration of a South East bypass (along Somerton Road) and directing traffic to the east north and south rather than through the Gawler Town Centre. It is noted that this is primarily associated with traffic from the larger Concordia project.
- Provide a range of routes for traffic dispersal to the north (Calton Road to Barossa Valley Way) so as not to concentrate traffic onto Cheek Avenue or Sunnydale Avenue.
- There will be a requirement to consider options along One Tree Hill Road / Seventh Avenue to allow for traffic to travel to the west.
- Develop a new connection to the south along the Bentley Road / Tiver Road alignment.

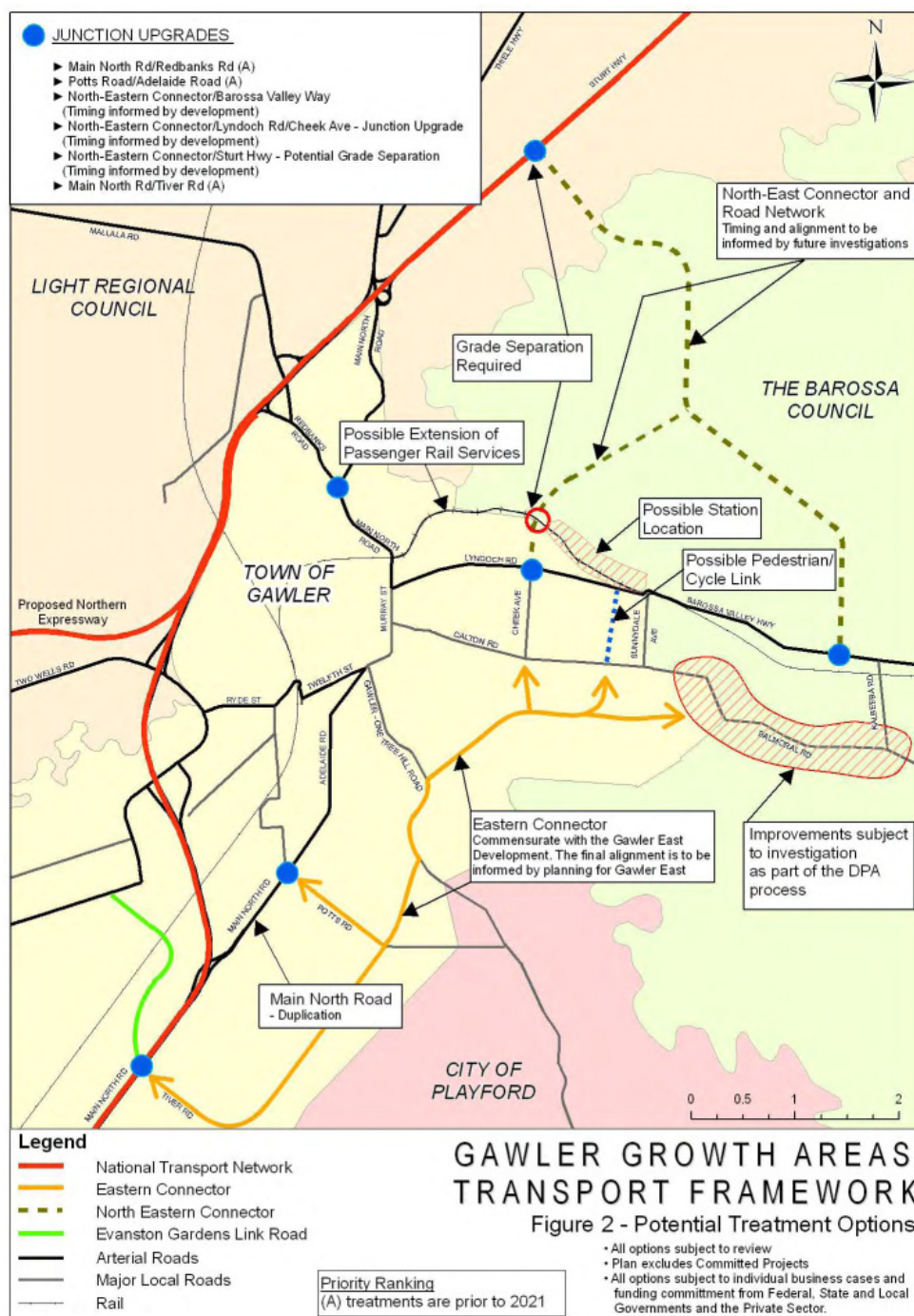


Figure 2.1 Transport Framework -proposed treatments

2.5 Tonkin Review of the Traffic Modelling – Tonkin Consulting, July 2010

Council engaged Tonkin Consulting to undertake an independent review of the traffic modelling undertaken by Aurecon (previous QED) as part of the Gawler East Traffic Assessment. This review developed an independent model and then compared assumptions and results. The key differences in the assumptions used in the model are provided below:

- The Tonkin Study utilised an end date of 2031 which included a fully developed Gawler East and Concordia areas.
- Inclusion of the Gawler racecourse developments (essentially now called Gawler Green).
- Minor change in distribution of traffic between Town Centre and destinations north compared to the QED work which transferred traffic from the south to the north.
- The size of the Concordia development which the Tonkin Study has increased significantly.

Based on the change in assumptions the following traffic volumes were estimated on Potts Road assuming no connection to Tiver Road. These volumes are all referenced to 2031.

- 6,640 – General growth of road due to background growth, Gawler Green areas and diversions.
- 11,750 – Base case with Gawler East development.
- 17,540 – Base case with Gawler East development and Concordia (6,000).
- 22,370 – Base case with Gawler East development and Concordia (11,000).

No comment was made on the traffic estimations provided on any other road within the Gawler East study area.

2.6 SMEC Review of Gawler East MASTEM Model – SMEC, March 2015

This report was commissioned by Council to review the transport modelling forecasts that were used for the planning of the transport network and land use development in the Gawler area. In particular, Council was interested in the modelling associated with the proposed Gawler East and Concordia developments.

DPTI undertake their strategic modelling using Cube Voyager via the MASTEM transport model. This model has recently been upgraded to V3.1.1. However, the earlier transport modelling was undertaken using the NESAM model which was a dedicated model for the northern metropolitan area of Adelaide.

The study assessed the two models and indicated that there were differences in volumes between the two models that can readily be explained by the more detailed later model (V3.1.1). Other key conclusions of the modelling assessment are indicated below:

- Traffic volumes on the Link Road are expected to be in the order of 20,000 in 2036.
- In terms of through traffic the NESAM model indicated a value of 6% but the updated model indicates a much higher value of 20%. It should be noted that this is similar to what was recorded as part of the original QED study in 2008.
- The Link Road has sufficient capacity to cater for both the Concordia and Gawler East developments but only if the North East Connector is provided to the Sturt Highway.

3 Traffic Modelling

3.1 Development Assumptions

Since the approval of the rezoning for Gawler East, there have been changes in the assumptions associated with the proposed development in terms of timing and scale of the development. These are highlighted in Table 3.1 below.

As indicated in Figure 1.1, Stage 1 refers to the Springwood development and Stage 2 is the remaining areas to the south of Springwood and includes both DPTI and privately owned land through to Potts Road.

Table 3.1 Development Yield History

Report	Total Overall	Stage 1 (Springwood)	Stage 2 (DPTI and Private)	Timing (completion)
QED 2008	3,900	2,700	1,200	2019
Aurecon (May 2012)	3,500	2,500	1,000	Stage 1 by 2021
Aurecon (Feb 2015)	2,950	2,000	950	Stage 1 by 2021 Stage 2 by 2027
Council (2016)	3,300	1,700	1,600	unknown

Council advised that Springwood Communities (Springwood) has indicated that the number of lots for Stage 1 will be reduced to 1,700 dwellings. However, the number of dwellings for Stage 2 has also been revised based on achieving about 15 dwellings per hectare of available land. After further review and assessment, DPTI has indicated that 600 is the maximum number of dwellings that could be developed on land that they own.

On this basis, approximately 1,600 dwellings could be provided for Stage 2. It is noted that development has started in Stage 2 areas with the Woodvale development and one other developer has lodged an application for 80 lots to the south of One Tree Hill Road.

Council has also advised that the development requirements for Concordia have not changed in that the area within the Urban Growth Boundary is expected to contain approximately 6,100 dwellings. In terms of timing it has been assumed that it would not start until 2021 and be completed by 2031.

No changes have been assumed for the Evanston Park Gardens development areas. Previous information indicates a total of 2,500 dwellings with a completion time of 2021.

3.2 Trip Generation and Distribution

3.2.1 Trip Generation

The trip generation for this Gawler East area is not expected to change from previous investigations, that is 8 trips per day per dwelling. Whilst the proposed rate is higher than typical for metropolitan Adelaide (around 6.5), the topography, location of schools and other services in the areas together with the lack of suitable public transport suggests this rate is considered suitable in this context.

On this basis the **total traffic** generated for the entire Gawler East area is expected to be in the order of 29,600 vehicles per day (vpd) separated into each development area as follows:

- Springwood 13,600vpd.
- DPTI Lands 4,800vpd.
- Private Lands 8,000vpd.

Typically, an allowance is made for internal generated traffic within a development that takes into consideration the provision of services (retail, schools etc). This allowance can vary between 10 and 20% depending actual design / masterplan of the development. However, at this time only the retail component of Springwood is certain to proceed. Consequently, a 10% allowance is made for internal traffic generated by the Stage 1 development to cater for trips to services within the proposed Gawler East areas for example the Springwood retail area.

Hence total external traffic is expected to be in the order of 23,800vpd.

3.2.2 Trip Distribution

The various documents reviewed have confirmed the assumptions made for the overall distribution of the traffic generated by the Gawler East development. However, developments in the vicinity of Gawler Green and surplus Gawler Racecourse land as well as Roseworthy are expected to change the overall traffic distribution.

The trip distribution assumptions were originally based on 2006 Census Journey to Work and MASTEM data provided by DPTI. The level of through traffic (20%) was determined by an Origin / Destination Survey that was undertaken in late 2007. This percentage was confirmed via the SMEC modelling undertaken in 2015.

In addition, the modification at the Calton Road / Murray Street junction to remove the right turn from Calton Road will result in more traffic using Barossa Valley Way to access the Gawler Town Centre area. It is expected traffic would use a combination of Cheek Avenue and High Street to move between Calton Road and Barossa Valley Way.

Consequently, the overall traffic distribution for Gawler East was reviewed. Further, the traffic distribution onto the road network is affected by the location of the each of the development parcels. On this basis, three parcels have been assessed; Springwood, DPTI lands and Private lands. In an overall sense the traffic distribution is as indicated below:

- **East** – 15% via Barossa Valley Way or Balmoral Road. It has been assumed that 10% use Barossa Valley Way and 5% use Balmoral Road (Williamstown).
- **Gawler Town Centre** – 25% which includes the Gawler Green area, actual split will vary based on location of area (eg Town Centre area greater for Springwood compared to say area north of Potts Road which use Gawler Green).
- **Train Station** – 5% this would include Gawler Central in lieu of Concordia stop for Stage 1 / 2 areas depending on timing.
- **North / Roseworthy** – 8% this will utilise both Main North and Redbanks Roads.
- **South** – 47% made up of long distance traffic to Munno Para / Elizabeth or further south and include Main North Road (32%) and Northern Expressway (15%) travel.

Table 3.2 below provides a breakdown of the total external traffic demands (vpd) by destination based on the percentages described above.

Table 3.2 Gawler East Traffic Destination (vpd) at Full Development

Destination	Secondary destination	Stage 1	Stage 2		Total (vpd)
		Springwood (1700)	DPTI Lands (600)	Private Lands (1000)	
East	Barossa Valley Way	1,300	400	700	2,400
	Balmoral Road	600	200	350	1,150
Gawler	Town Centre	2,500	550	600	3,650
	Rail Station	650	200	350	1,200
	Gawler Green	600	550	1,200	2,350
North		950	350	600	1,900
South	Main North Road	3,900	1,400	2,300	7,600
	Northern Expressway	1,800	650	1,100	3,550
Total		12,300	4,300	7,200	23,800

Appendix C contains a map for each of the development areas with the proposed traffic volume increases. Based on these figures, the estimated increase in traffic generated by the three component areas of the Gawler East development was estimated for key roads and is highlighted in Table 3.3.

The change in dwelling forecasts together with the revised alignment for the Link Road (DPTI Alignment) has resulted in a change in traffic demands compared to previous (QED and Aurecon) investigations as indicated below:

- An increase in the traffic volumes for the Link Road due to changes in access arrangements with the proposed Link Road alignment.
- An increase in traffic on One Tree Hill Road north of the developable areas based on an increase dwellings and possible access points from these developments.
- Review of existing traffic patterns indicating Ryde Street / Two Wells Road is preferred route to access the Northern Expressway rather than Main North Road / Redbanks Road.
- Increase in traffic on Eckerman Avenue. This was not highlighted in previous investigations. However, it is expected that generated traffic from the private lands areas would use this road to access either the Link Road or One Tree Hill Road.

It should be noted that for the proposed Link Road (along the DPTI alignment), access from the developable areas to the Link Road can be undertaken at various locations. This allows traffic to be distributed from the various areas of Stage 2 of Gawler East (Private Lands and DPTI) onto the Link Road. The location of the future access points will need further investigation to ensure they meet the requirements of the Austroads guidelines and final design of the Link Road.

Table 3.3 Expected Increase in Traffic Volumes (vpd)

Road	Section	Stage 1	Stage 2		Other ⁽¹⁾	Total Development	Existing (2026) ⁽²⁾	2026 Total with Development
		Springwood	DPTI	Private				
Barossa Valley Way	Murray to Cheek	2,950	350		-1,500	1,800	15,100	16,900
	Cheek to Kalbeeba	400	350	600	-750	600	8,600	9,200
	East of Kalbeeba	1,300	450	700		2,450	6,800	9,250
Calton Road	Murray to Cheek	3,100	200		-1,500	1,800	8,700	10,500
Balmoral Road	Link Road to Kalbeeba	1,500	300	500	750	3,050	4,100	7,150
	East of Kalbeeba	600	200	350		1,150	3,000	4,150
Kalbeeba Road	Barossa Valley Way to Balmoral	900	100	150	750	1,900	NA	NA
Cheek Avenue	Calton to Barossa Valley Way	3,300	700	600	1,500	6,100	2,500	8,600
Link Road	North of South Para River	4,200	1,100	1,100	3,000	9,400	-	9,400
	North of One Tree Hill Road	4,200	2,200	1,700	3,000	11,100	-	11,100
	South of One Tree Hill Road	3,550	2,000	2,200	3,000	10,750	-	10,750
	North of Potts Road	3,550	1,800	2,200	3,000	10,550	-	10,550
Potts Road	Link Road to Main North Road	3,550	1,800	4,100	3,000	12,450	2,850	15,300
Main North Road	Redbanks to Kestral	950	350	600		1,900	14,000	15,900
	Barossa Valley Way to Redbanks	1,850	350	600		2,800	19,900	22,700

Road	Section	Stage 1	Stage 2		Other ⁽¹⁾ a better approach	Total Development	Existing (2026) ⁽²⁾	2026 Total with Development
		Springwood	DPTI	Private				
Murray Street	Barossa Valley Way to Calton	650	300	950	-1,500	400	18,100	18,500
	Calton to One Tree Hill	1,900	350	1,100	-3,000	350	20,500	20,850
Adelaide Road	To 12 th St	1,250	450	1,200	-3,000	-100	23,500	23,400
	Fifth to Potts	1,400	200	1,100	-3,000	-300	24,900	24,600
	Potts to Trinity	4,200	1,650	2,700		8,550	30,800	39,350
	Trinity to Gawler Bypass	3,900	1,400	2,300		7,600	28,800	36,400
One Tree Hill Road	At Bridge St	0	550	1,200		1,750	1,000	2,750
	South of Fifth St	650	1,200	2,000		3,850	2,600	6,450
	North of Link Rd	650	700	1,500		2,850	2,400	5,250
	South of Link Rd	0	200	600		800	2,400	3,200
Eckerman Avenue	Full length	0	0	1500		1,600	100	1,700
Fifth Street	East of Adelaide	650	700	900		2,250	1,200	3,450
	West of Adelaide	1,600	900	1,450		3,950	2,000	5,950
Ryde Street	East of Bridge	1,000	600	950		2,550	11,700	14,250

Note (1) This includes diverted traffic from Balmoral Road and Barossa Valley Way (2,000vpd) and diverted traffic from existing residential areas of Gawler East (1,000vpd) (based on year 2026)

(2) 2026 volume based on 1 percent per annum growth from previous information (2007 or 2013) but no development volumes.

In the area north of One Tree Hill Road to Springwood development currently has access to both Eckerman Avenue and One Tree Hill Road (WoodVale). With the provision of the Link Road the DPTI owned areas would primarily gain access to the Link Road. Access to the private lands would be centred between the Link Road (via an extended Eckerman Avenue), One Tree Hill Road and Eckerman Avenue. On this basis traffic generated in this area has a number of alternative routes to access the Link Road and consequently traffic volumes are likely to be evenly distributed along these roads. Consequently, it is expected that at full development of Gawler East Stage 2 Eckerman Avenue would have traffic volumes ranging between 1,500 and 2,000vpd based on providing 20 dwellings per Hectare with 8 trips per dwelling.

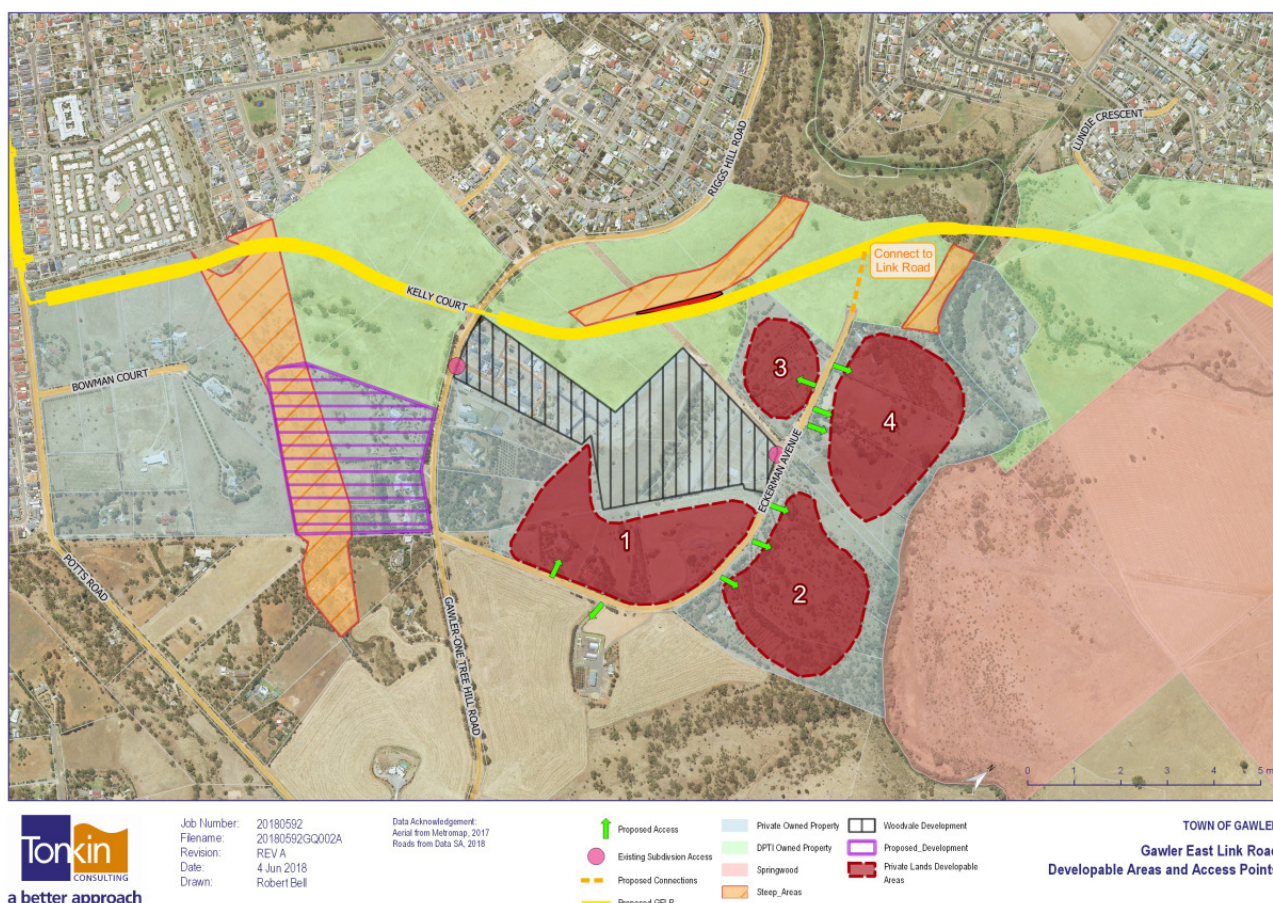


Figure 3.1 Developable areas and access for Eckerman Avenue

4 Assessment of Interventions

This section details the assessment of the transport infrastructure interventions to support primarily the Gawler East development. The original interventions were identified partially in the Gawler East DPA Traffic Assessment and then developed further during consultation and discussion with the various stakeholders. Appendix A contains a list and map of the overall interventions.

The review of the interventions takes into consideration the updated traffic modelling undertaken in the previous section as well as previously agreed requirements between DPTI, Council and the Springwood developers.

The assessment follows the designation that was undertaken as part of the previous intervention investigations. A brief description of the proposed intervention is provided followed by assessment of the change in volumes and whether there is a need to modify the proposed intervention.

4.1 Northern Section

This area is essentially all of the Springwood (Gawler East Stage 1) area to the north of the South Para River. The location the proposed interventions for this section are shown in Figure 4.1 below.

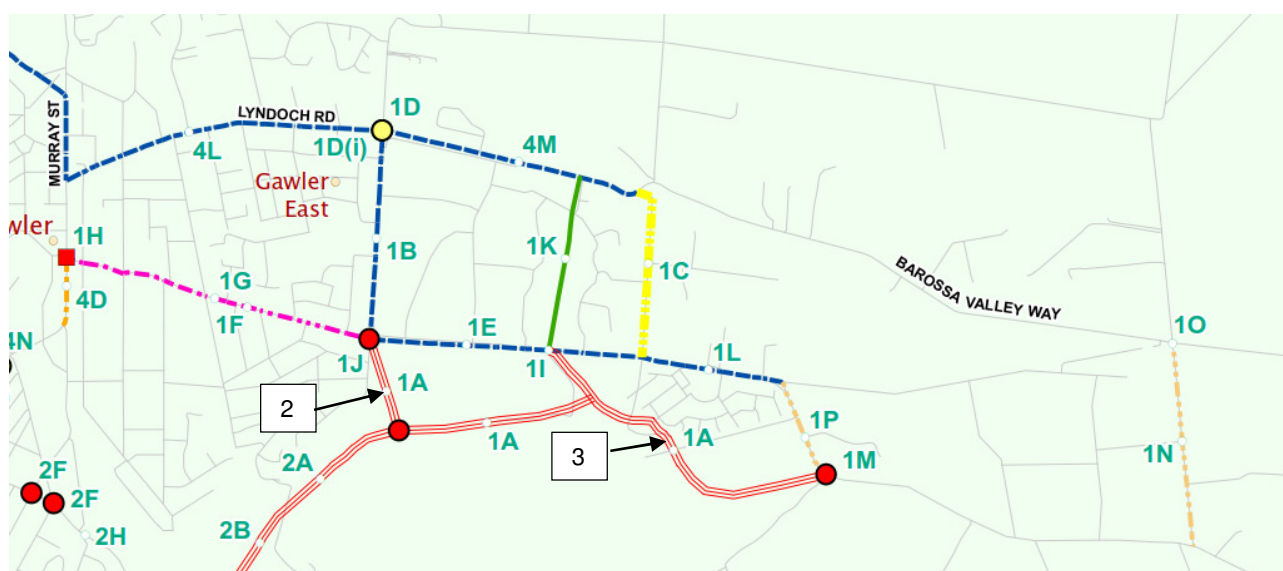


Figure 4.1 Plan of Northern Interventions

1A – Link Road

The provision of the Link Road (1A) is a requirement of the Gawler East development. The Link Road as part of this intervention assessment continues through to Calton Road. Additional connections between the Link Road and Cheek Avenue and Link Road to Balmoral Road are shown in Figure 4.1 as route 2 and 3 respectively.

Cheek Avenue Extension – 1A (2)

This road link was also shown as one of the three connections to Calton Road as part of the Gawler Growth Areas Transport Framework. There has been no change in the nature of this road over time. The main objective of this road link is to provide access from western parts of Stage 1 and sections of Stage 2 to Barossa Valley Way and the Gawler Town Centre.

Local Connection – 1A (3)

This road link was initially shown as one of the three connections to Calton Road as part Gawler Growth Areas Transport Framework. From a traffic volume standpoint this link is expected to cater for eastbound traffic from Stage 2 (DPTI or private lands) and bypass traffic.

The Link Road would be classified as a collector road with a single lane in each direction and connections to Calton Road in three locations as indicated in the Gawler Growth Areas Transport Framework. The initial treatment indicated provision of a bike lane. However, it is considered that parking lanes may be required based on abutting land uses.

Traffic volumes were not estimated for the internal road network within Springwood as the Neighbourhood Centre and abutting land uses have yet to be finalised. However, it is expected that they would range between 3,000 and 10,000vpd.

The form of the intersection treatments is still to be determined but should direct local traffic away from Calton Road.

Recommendation – No change to intervention with connection points at Cheek Avenue, to the west of Sunnysdale Avenue and at Balmoral Road.

1B – Cheek Avenue Upgrade

The upgrade of Cheek Avenue is required due to the expected increase in traffic from the Gawler East development area. Expected daily volume without the development is in the order of 2,500vpd. Indicative increase in traffic is likely to be in the order of 9,050vpd comprising Stage 1 and 2 areas as well as some increase from diverted traffic from adjacent residential areas and through traffic.

The proposed intervention is to include a pavement upgrade as well as road widening and traffic control. Retain single lane in each direction plus provision for parking lane. Issues with existing services were not resolved in the initial assessment.

The level of traffic increase warrants the upgrade of this road.

A preliminary review of the proposed treatment suggests that the proposed intervention is feasible within the current road reserve width allowing for the location of the power poles.

Recommendation – No change in proposed intervention treatment.

1C – Sunnysdale Avenue Traffic Treatment

This intervention was removed from the original list.

Proposed improvement was to consist of traffic management treatments that were to be determined after further investigation. Traffic increase is expected to be minor (in absolute number) at about 500vpd. The issue will be how the traffic accesses Barossa Valley Way given the layout of the junction.

The preference is to direct traffic towards Cheek Avenue for trips into Gawler and Balmoral Road / Kalbeeba Road for trips east to the Barossa Valley Way.

In the short term until the Link Road is constructed to Potts Road and Balmoral Road there is expected to be a minor increase in traffic on Sunnysdale Avenue. Based on current development patterns the increase is expected to be in the order of 100 to 200 vehicles per day.

Recommendation – No treatment required.

1D – Barossa Valley Way / Cheek Avenue Intersection

The increase in traffic volumes on Barossa Valley Way (both directions) and Cheek Avenue would significantly increase turning volumes at the intersection. Hence, there is a need to improve the intersection to cater for the extra volumes. No detailed examination of traffic

volumes was originally undertaken to determine actual treatment. However, it was likely to require extension of turn lanes and provision of separate right and left turn lanes on the Cheek Avenue approach.

Revised traffic modelling confirms the increase in traffic volumes.

The interim upgrade provides for improved channelisation and widening for the intersection. Further analysis (via SIDRA) of future volumes indicates that a further upgrade would be required to cater for the turning volumes. A roundabout is the preferred treatment for the long term upgrade based on expected traffic volumes from the Gawler East Development.

It is recommended that this location be monitored as the operation of the intersection is reliant on the volume of traffic turning into Cheek Avenue south and the right turn from Cheek Avenue south as well as growth in movements along Barossa Valley Way. The more critical turn is the right turn from Cheek Avenue south. If the right turn movement from Cheek Avenue is encouraged early (rather than directing eastbound traffic to Balmoral Road / Kalbeeba Road), then there may be a need to bring forward works.

Recommendation – No change is proposed for the interim or long term treatments.

1E – Calton Road Upgrade – Cheek Ave to Eastern Drive

Original intervention treatment for Calton Road required that it be upgraded to a kerbed collector road. The type of cross section would also be dependent on whether there is direct access from the proposed development.

The traffic volumes were not estimated as the layout for the Neighbourhood Centre and land uses have not been finalised.

Recommendation – No change in proposed intervention.

1F – Calton Road Upgrade – Murray Street to Cheek Ave

This treatment was based on an increase in traffic volume from the Springwood development with some traffic from the eastern end of Stage 2. The original intervention proposed provision of painted median and improved pavement marking to improve traffic flow and safety particularly with turning traffic into properties.

The revised traffic volumes indicate that the increase in traffic likely to be less than previously estimated at around 1,800vpd. Hence total volume is expected to be in order of 10,500vpd.

This intervention is still required as the overall traffic volume is significant. It is noted that that current volumes would suggest that a median treatment is required for Collector Road status.

Recommendation – No change in proposed intervention.

1G – Calton Road Upgrade – Murray Street to Cheek Ave

The original intervention treatment proposed that pavement rehabilitation be required for the full length of Calton Road based on a staged implementation for the Link Road.

This is not likely to occur. Hence, construction traffic for the Springwood development is likely to be diverted to the Link Road once completed.

It is recommended that full rehabilitation not be provided for but allowance be made for a reseal and minor rehabilitation depending traffic patterns at completion of the Link Road.

Recommendation – Reduce extent of treatment to provide a reseal with minor rehabilitation.

1H – Calton Road / Murray Street intersection

This intervention treatment provided for traffic signals.

Recent works to restrict the right turn out of Calton Road has improved operation and safety. Hence this intervention is not required unless the safety for the right turn movement into Calton Road becomes an issue.

Recommendation – Remove intervention.

1I – Calton Road / Link Road Intersection @ Hamilton Reserve

The proposed intervention is based on the revised Masterplan for Springwood.

The traffic volumes for internal areas within Springwood have not been estimated.

However, this intersection and/or connection is required. The key requirement is that traffic is directed into / along the Link Road and not along Calton Road beyond this location.

The detailed design for the Link Road and connection to Calton Road has reviewed this junction and based on impacts a roundabout is the preferred treatment. It is understood that DPTI as part of the construction of the Link Road is undertaking a traffic assessment of the connection to Calton Road.

Recommendation – A roundabout is to be provided as the junction treatment at this location.

1J – Calton Road / Link Road Intersection @ Cheek Avenue

The proposed intervention treatment comprises a single lane roundabout.

The reduced number of dwellings within the Stage 1 (Springwood) results in a reduced number of movements at this location. However, there is still significant turn movements expect at this location from all four approaches. On this basis a single lane roundabout is still the preferred intersection treatment.

Recommendation – No change in proposed intervention.

1K – Hike / Bike between Barossa Valley Way and Calton Road

The proposed intervention treatment comprises a sealed shared path. The timing / delivery to be reviewed taking into consideration upgrade to Town of Gawler's bicycle and pedestrian plan.

It should be noted that this is not a road traffic intervention and will be assessed separately by Council as part review of a broad pedestrian / cycling strategy.

Recommendation – No change in proposed intervention.

1L – Calton Road Upgrade – Eastern Drive to Balmoral Road

The initial treatment recommended that this section be upgraded to a collector road. However, this was modified to improvements to southern side only as a result of change to road layout within Springwood. It also provided for consistency of treatment and integration with the Barossa and Gawler councils walking and cycling plans.

The traffic volumes were not estimated as the layout for the Neighbourhood Centre and land uses have not been finalised.

However, the upgrade is still required.

Recommendation – No change in proposed intervention.

1M – Link Road / Balmoral Road intersection

The initial treatment for this location was a T-junction located midway between the Calton Road junction and the bend in Balmoral Road. During development of the Springwood Masterplan the developer indicated a preference for the location to be at the bend in Balmoral Road and that a T-junction be provided.

Previously a roundabout was proposed for this intervention treatment. This was recommended to provide an entry statement to the Springwood development and provide a means of speed reduction, particularly coming from the east where the current speed is 80km/hr.

Springwood has indicated that they would prefer a T-junction at the location with the priority being from the Link Road through to Balmoral Road. This would assist with diverting traffic away from Calton Road to the west. However, there is a concern that without some form entry statement the traffic speeds at the eastern end of the Link Road may be too high and result in a higher crash risk.

Recommendation – No change in proposed intervention albeit consideration should be given to methods of ensuring that the traffic speeds are maintained at either 50 or 60 km/hr.

1N – Kalbeeba Road upgrade

Kalbeeba Road is considered to be the preferred route for travel to the Barossa Valley from Stage 1 of the Gawler East development lands. A section of this road is unsealed and to achieve the required objective it was recommended that it be sealed.

This treatment was originally included in the intervention list, however, it was removed. It is understood that the reason was that it could be included in Council's asset improvement program.

The traffic volumes for Kalbeeba Road are expected to increase by about 2,000 vehicles per day from Gawler East of which about 750vpd could be from diverted traffic. It is noted that there is a review of the land zoning within Kalbeeba area to permit increased density and this would also increase traffic on this road.

On this basis it is suggested that this treatment be retained on the list or be formally included in Council's asset plan.

Recommendation – Retain the proposed intervention.

1O – Kalbeeba Road / Barossa Valley Way intersection

This intersection is proposed to be upgraded to provide a left turn lane (or widened shoulder) into Kalbeeba Road from Barossa Valley Way. This is required as this was likely to be the dominant movement for the increased traffic.

The expected increase in traffic volumes are likely to be in the order of 2,000vpd from Gawler East. As the majority of this traffic on Kalbeeba Road results from Stage 1 of the Gawler East development there are few realistic alternative routes (Cheek or Sunnydale Avenues) as well as diverted traffic from Barossa Valley Way / Murray Street.

On this basis it recommended that the increase in traffic be monitored over time to better understand traffic routes.

Recommendation – Retain the proposed intervention but monitor as required.

1P – Balmoral Road upgrade (Calton Road to Link Road)

The original intervention treatment was to widen the existing seal between the Calton Road junction and the proposed junction with the Link Road.

Originally houses along Balmoral Road were to have direct access. However, this cannot be provided due to issues with the SEAGAS pipeline.

On this basis there is no requirement to upgrade this section of Balmoral Road

Recommendation – Remove the intervention.

1Q – Balmoral Road / Calton Road junction

There was no initial intervention identified for this junction.

There is a sight distance issue at the junction. In addition, priority for the eastbound movement to Balmoral Road is difficult to achieve due to the layout of the junction

On this basis it recommended that junction be upgraded to provide priority to Balmoral Road and improve sight lines.

Recommendation – Add the proposed treatment as an intervention.

1R – Balmoral Road upgrade (Link Road to Kalbeeba Road)

There was no intervention identified for Balmoral Road east of the connection with the Link Road.

The expected increase in traffic volumes to Kalbeeba Road are likely to be in the order of 2,100vpd from Gawler East development and a 750vpd diversion from Barossa Valley Way to bypass the Gawler Town Centre.

The existing seal width is 6.8 to 7.0m with unsealed shoulders. The increase in traffic volumes could be expected to double the existing volume at full development. This together with future development of the Kalbeeba area could result in additional access points onto Balmoral Road and result in a higher crash rate.

On this basis it recommended that the increase in traffic be monitored over time to better understand traffic routes.

Recommendation – Do not include proposed intervention but monitor as required.

4.2 Central Section

This section takes into consideration the area south of Springwood to Potts Road (essentially Gawler East Stage 2). The location the proposed interventions for this section are shown in Figure 4.2 below.

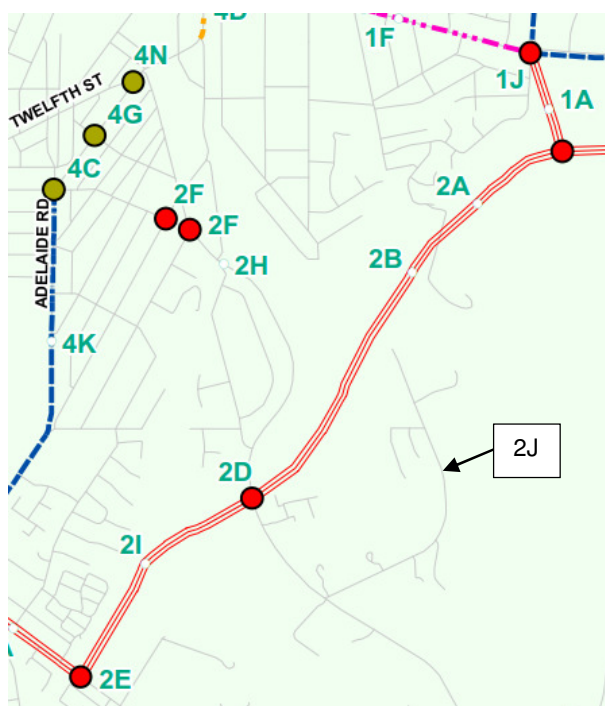


Figure 4.2 Plan of Central Interventions

2A – Link Road to One Tree Hill Road

The intervention is the provision of the Link Road as a collector road with a single lane in each direction along the DPTI original corridor. The proposed cross section is to include bike lanes and a raised median with a footpath on one side initially. The road reserve width should allow for the footpath to be provided on both sides of the road, depending on the rate of future development.

The expected volume on the Link Road could vary between 10,000 and 12,000 vehicles per day but more likely at the higher end depending on access from abutting development.

No change to cross sectional requirement is proposed.

Recommendation – No change in proposed intervention.

2B – Link Road / South Para Crossing

Provision of the bridge over the South Para River will be retained.

Recommendation – No change in proposed intervention.

2D – Link Road / One Tree Hill Road Intersection

Original intervention recommended a roundabout.

Recommendation – No change in proposed intervention.

2I – Link Road between One Tree Hill Road and Potts Road

This intervention is the provision of the Link Road as a collector road with a single lane in each direction along the DPTI corridor as per Intervention 2A.

The expected volume on the Link Road could vary between 10,000 and 12,000 vehicles per day.

No change is proposed to the cross sectional requirement with a single lane in each direction. However, the full width of the solid median may not be required as there is unlikely to be direct property access along this section of road.

Recommendation – No change in proposed intervention.

2E – Link Road / Potts Road Intersection

The proposed treatment at this location initially was a roundabout and then modified to provide a T-junction.

Council is investigating the provision of a new road link from Potts Road connecting to Tiver Road along the Bentley Road corridor. If this is the preferred long term objective, then consideration should be given to a road/junction layout at this location that directs longer distance traffic to Tiver Road. In the short term a roundabout is considered the appropriate treatment until the future Bentley Road corridor is provided.

Recommendation – Change layout to a roundabout.

2F – First Street, Fifth Street / Hill St Intersection

These locations were highlighted to be investigated based on increase in traffic from One Tree Hill Road travelling to Ryde Street / Northern Expressway or the Gawler Central train station.

It is understood that Council has undertaken some modifications to these streets in recent years.

The expected volume on these roads could increase by approximately 2,300vpd. It is expected that this increase is likely when Stage 2 is fully developed. The initial increase is likely to be significantly less. However, this is dependent on future development patterns in the area, particularly the rate of Stage 2 development surrounding One Tree Hill Road.

It is suggested that a review be undertaken of traffic patterns once the Link Road is opened.

Recommendation – No change in proposed intervention.

2H – Gawler to One Tree Hill Road intersection

This road was highlighted to be investigated but would be dependent on provision of future sections of the Link Road. As previously indicated, the Link Road was to be provided in sections, but will now be completed as one link.

Future residential development for Stage 2 of Gawler East is expected to be located along One Tree Hill Road through to Eckerman Avenue. Consequently, there is a need to consider the length of One Tree Hill Road from Eckerman Avenue through to Hill Street.

A review of the traffic volumes indicates that there could be a significant variation in demands on this road due to the preferred alignment. Furthermore, there is expected to be a significant increase in the number of dwellings originally envisaged at the time of the rezoning (1,600 compared to 1,250). The variation in traffic volumes could be in the order of about 5,300vpd at the proposed roundabout increasing to 6,500vpd just to the south of Hill Street and then reducing to just below 2,800vpd south of Bridge Street.

A review of this section of road (Refer Appendix D) indicates that the road cross section is too narrow (no or poorly graded shoulders) and areas of pavement distress that need to be rehabilitated to cater for existing volumes. Furthermore, there would be a need to provide safety barriers along the Riggs Hill Road section for the existing speed zone (80km/hr). It is noted that these are existing deficiencies but the traffic volumes are low and hence the risk is considered manageable. However, with the increased volumes from the proposed development the risk is expected to increase significantly.

The investigations indicate that this section of One Tree Hill Road requires upgrading due to existing deficiencies as well as increase in traffic from development in the DPTI / Private lands (Stage 2). In addition, consideration should be given to reducing the speed zone from 80 km/hr to 60 km/hr as this may have an impact on the requirement to provide safety barriers. The timing of the improvements is dependent on rate of development but considering that WoodVale has begun it is suggested that a trigger of 800 to 1,000 dwellings for Stage 2 is considered appropriate.

Recommendation – Widen the road to provide shoulders, rehabilitate the pavement and upgrade to improve safety. In addition, consideration should be given to reducing the speed zone to 60 km/hr from the existing 80 km/hr speed zone through to Eckerman Avenue. Consideration should also be given to developing a treatment plan for any proposed junctions to the Gawler East Development.

2J – Eckerman Avenue

Eckerman Avenue was not identified in the original list of interventions. The existing road is narrow and with increased development would not be able to cater for the increased traffic volumes without a significant increase in the risk of crashes.

Traffic analysis for the area surrounding the Link Road, One Tree Hill Road and Eckerman Avenue indicates that traffic can be distributed evenly between the roads as long as a connection is made from Eckerman Avenue to the Link Road. On this basis it is expected that traffic volumes on Eckerman Avenue would increase between 1,500 and 2,000vpd at full development. On this basis, the function of Eckerman Avenue would remain as a local road based on Council's Road Hierarchy. A minimum cross section width of 7.4m would be required, together kerb and gutter.

If this connection is not provided, then the majority of traffic will travel either through the WoodVale development onto Filsell Road, or along Eckerman Avenue to One Tree Hill Road.

This is expected to increase traffic volumes on Eckerman Avenue to close to 3,000vpd, which is defined as a Collector Road.

Recommendation – Ensure connection is made from Eckerman Avenue to the Link Road. Provide minor widening to maintain function as a local access road.

4.3 South Section

This section includes Potts Road and the section of Main North Road south of the junction with Potts Road. The location of the proposed interventions for this section are shown in Figure 4.3 below.



Figure 4.3 Plan of Southern Interventions

3A – Potts Road Upgrade

The original intervention treatment indicated that Potts Road would be upgraded to provide a single lane in each direction with bike lanes, raised median and a parking lane on the northern side of the road. The extent of the treatment was from the proposed junction with the Link Road to Adelaide / Main North Road. The raised median was considered appropriate if a roundabout was to be provided.

The preferred alignment changes the road cross section slightly by changing the median to a painted median to allow right turn access to abutting properties.

The expected volume on Potts Road could increase to about 15,300 vehicles per day. This also includes through traffic diverted from Barossa Valley Way and Calton Road as well as diverted existing traffic from residential areas north of Calton Road. Note this increase is expected when both stages are fully developed, but the initial increase is likely to be less. However, this is dependent on future development patterns in the area.

Recommendation – Change cross section to a painted median.

3B – Main North Road / Potts Road intersection

Traffic signals are the proposed intervention for this location.

Recommendation – No change in proposed intervention.

3C – Main North Road duplication (south of Potts Road)

The proposed intervention treatment is the duplication of Main North Road from Potts Road through to the Gawler Bypass. No scheme had been developed for this intervention as the priority was considered low.

The expected increase in traffic volumes are likely to be in the order of 7,500 to 8,600vpd to around the 39,000vpd without the Tiver Road extension. With the Tiver Road extension the increase could reduce to between 3,000 and 5,000vpd depending on how access is provided to Trinity College from Tiver Road.

Recommendation – No change in proposed intervention at this point in time. However, it is recommended that more detailed traffic modelling be undertaken to confirm future traffic volumes.

4.4 Other Treatments

The interventions listed in this section are located outside the specific Gawler East DPA area but are affected by the traffic generated. The location the proposed interventions for this section are shown in Figure 4.4 below. The interventions have been separated into those being directly related to the Gawler East development or have been identified by other studies.

Figure 4.4 shows two 4C interventions; one at the Redbanks Road / Main North Road junction and the other at the Adelaide Road / Fifth Street junction. It is noted that the upgrade at the Redbanks Road / Main North Road junction has been constructed and can be removed from the list.

4.4.1 Treatments affected by Gawler East

4C – Adelaide Road / Fifth Street / 19th Street Intersection

Whilst this intersection is highlighted on the treatment plan there is no description for it. The Road Management Plan indicated a high priority for improvement works to assist with road safety. A roundabout was indicated as the preferred treatment by Council and this has since been constructed.

There is expected to be an increase in traffic along Fifth Street as drivers access the train station and travel to the Northern expressway. The intersection should be monitored as turning movements may be difficult during peak periods.

Recommendation – Remove intervention but monitor safety and operation.

4G – Adelaide Road / Sixth Street Intersection

The proposed intervention indicated minor intersection works and the Road Management Plan suggested a medium priority of improvement works to assist with pedestrian safety. There is expected to be an increase in traffic along both Adelaide Road and Sixth Street. The intersection should be monitored as turning movements may be difficult during peak periods.

Recommendation – No change in proposed intervention.

4I – Main North Road between Kestral Road and Redbanks Road

The Main North Road Management Plan indicates the proposed treatment is to provide a central median has a medium priority. Traffic volumes have increased as a result of the developments to the north and are expected to further with development of the Roseworthy area.

Future traffic increases on this section of the road from the Gawler East development are in the order of 1,900vpd.

Recommendation – No change in proposed intervention.

4J – Main North Road between Redbanks Road and Barossa Valley Way

As per Intervention 4I except that the volume increase will be slightly higher at 2,800vpd as some traffic from Springwood would use Redbanks Road to access the Northern Expressway.

Recommendation – No change in proposed intervention.



Figure 4.4 Plan of Other Treatments

4K – Adelaide Road between 19th Street and Potts Road

The Main North Road Management Plan indicates the proposed treatment to provide a central median has a high priority.

Future traffic increases on this section of the road from the Gawler East development are expected to be minor and are offset by the diversion of traffic. Hence it is expected that traffic would remain as is or with a slight increase of less than 500vpd.

Recommendation – No change in proposed intervention.

4L – Barossa Valley Way between Murray Street and Cheek Avenue

The proposed treatment was viewed as minor line marking works to provide a painted median. The actual form and timing of the treatment was dependent on traffic growth.

The revised traffic modelling indicates that at full development the expected traffic increase on this section of Barossa Valley Way would be in the order of 2,000 vpd but is minimised due to the traffic diversion to the Link Road.

Recommendation – No change in proposed intervention.

4M – Barossa Valley Way between Cheek Ave and Sunnydale Ave

Refer intervention treatment 4L.

The revised traffic modelling indicates that at full development the expected traffic increase on this section of Barossa Valley Way would be minimal as less than 1,000vpd.

Recommendation – No change in proposed intervention.

4N – Adelaide Road / 12th Intersection

The proposed intervention indicated minor intersection works and the Road Management Plan suggested a medium priority of improvement works to assist with pedestrian safety. There is expected to be an increase in traffic along Adelaide Road. The intersection should be monitored as turning movements may be difficult during peak periods.

Recommendation – No change in proposed intervention.

4.4.2 Other Interventions

In addition, various treatments identified with the future Tiver Road Extension (4E, 4F, and 4H) have been removed as they are not required as a result of the Gawler East development.

4A – Main North Road / Tiver Road intersection

This intersection was recently upgraded and should be removed from the list.

Recommendation – Remove intervention.

4B – 15th Street / Twelfth Street / Overway Bridge upgrade

A roundabout is proposed at this intersection as part of the intervention treatments.

It is understood that the location was included this road is likely to be most direct route for access to Northern Expressway for Gawler based traffic. A review of travel / time and distance confirms this. From a safety viewpoint a total of 7 crashes (2 Casualty) have occurred at this location over the last 5 years.

The increase in traffic volume is expected to be in the order of 2,000 to 3,000vpd depending on access to the train station.

Recommendation – No change in proposed intervention.

4C – Redbanks Road / Main North Road intersection

This intersection was identified in the Main North Road Management Plan as requiring treatment. This work has been completed and now can be removed from the list.

Recommendation – Remove intervention.

4D – Murray Street upgrade

The upgrading of Murray Street streetscape has progressively been undertaken over various stages with the final stage to Adelaide Road being undertaken at present.

Recommendation – Remove intervention when works are completed.

4.5 Proposed Interventions Triggers

As part of the intervention assessment this investigation has reviewed the triggers for the interventions. The review has taken into consideration the change in traffic volumes and the likelihood that parts of Stage 2 development will occur prior to completion of Stage 1 at Springwood.

Table 4.1 indicates the current and proposed triggers for the interventions listed and a brief description if the trigger has changed.

Table 4.1 Intervention triggers

Intervention location	Description of intervention	Original Trigger	New Trigger	New Trigger and discussion
1A(2)	Cheek Ave Extension (Link Road to Calton Road)		1000 Stage 1 only	The requirement for this road is based on development of the western portions of Stage 1 as well as additional traffic from Stage 2 eastern sections. At 1000 dwellings development would have started in the areas to the south of the Link Road. However, this could also be affected by future development patterns of Stage 2.
1A(3)	Link Road connection to Balmoral Road			The trigger for this is difficult to determine and may be more of an issue of timing of development on the southern side of the Link Road.
1B – Cheek Ave	Upgrade and widen	2300	1500 combined	At this level, traffic increase (excluding diverted traffic) is 2000 vehicles per day from Gawler East (Stage 1 and 2). Hence total traffic on Cheek Avenue likely to be between 4,000 and 4,500vpd. This is significantly over requirement for an upgrade of the road to Collector Road status.
1D – Barossa / Cheek I/S - Interim	Improve turn lanes	1000	No Change	
1D – Barossa / Cheek I/S - Ultimate	Improve turn lanes	2300	No Change	Trigger is considered appropriate. However, if the crash rate increases significantly then there may be a need to provide upgrade to a roundabout earlier. Further if traffic from Stage 2 increases significantly with traffic heading east then this could also impact on priority.
1E – Calton – Cheek to Eastern	Upgrade and widen	1000	No Change	
1F – Calton – Murray to Cheek	Provide line marking changes	2300	1000 (Stage 1 only)	There is a need for this treatment now to improve safety.
1G – Calton – Murray to Cheek	Rehabilitate existing pavement	2300	1000 (Stage 1 only)	This project would coincide with the line marking improvements.
1I – Calton Road / Link Road @ hamilton	Provide intersection treatment			Being provided as part of Springwood Development.
1J – Calton / Cheek I/S	Provide roundabout	1000	No change (or at completion of Link	The trigger point is based on assumption that all components of the Link Road being provided in one project.

Intervention location	Description of intervention	Original Trigger	New Trigger	New Trigger and discussion
Road)				
1K – Hike Bike trail	Provide shared path			Being provided as part of Springwood Development.
1L – Calton – Eastern to Balmoral	Widen through to junction			Being provided as part of Springwood Development.
1N – Kalbeeba Road upgrade	Seal and widen		1300 (Stage 1 only)	Trigger should be provided at 75% of capacity of Springwood (Stage 1). However, timing could change depending on actual growth in traffic and use of Cheek Ave / Barossa Valley Way.
1O – Kalbeeba Road / Barossa Valley Way I/S	Widen approach		1300 (Stage 1 Only)	See above - provide at same timeframe as Kalbeeba Road upgrade
1Q – Calton / Balmoral junction	Upgrade			Being provided as part of Springwood Development
2F – First / Fifth / Hill I/S	Intersection upgrades	3600	1,000 (Stage 2 only)	Intersection improvements required primarily from Stage 2 traffic.
2H – One Tree Hill Road	Upgrade existing junctions		1,000 (Stage 2 only)	The intervention treatment assumes that One Tree Hill Road is upgraded now to address existing issues. Hence trigger is based on additional traffic impacting on existing junction operation and safety. It is considered that this intervention should be undertaken at same time frame as 2F.
2I – Eckerman Avenue	Widen existing		Stage 2 only	Once development starts for properties fronting Eckerman Avenue
4L – Barossa Valley Way – Murray to Cheek	Provide line marking changes	1600	No Change	
4M – Barossa Valley Way – Cheek to Sunnydale	Provide line marking changes	1600	2300 (combined)	The change is based on future demands for traffic to head east to Barossa Valley. The priority may change if more traffic uses Cheek Ave to head east compared to Balmoral Road.
4N – Adelaide Rd Twelfth I/S	Intersection improvement	3900	3300	Change required as total number of dwellings has reduced.

5 Review of No Gawler East Development

This section describes a review of the road network within the Gawler East environs without the Gawler East Development. The primary objective of this review is to identify if any treatments / infrastructure works would be required at the locations of the nominated intervention treatments. This would then be used to assist with the apportionment of costs for the proposed interventions.

The basis for the assessment is the 2026 existing traffic volumes indicated in Table 3.3. These are based on traffic counts undertaken as part of previous investigations undertaken in 2007 and 2013 for the original QED Traffic Assessment and Council's Transport and Traffic Management Plan respectively.

The layout is similar to that used for the assessment of the interventions. Interventions that are associated with the Link Road are not included in this review.

5.1 Northern Section

1B – Cheek Avenue Upgrade

Expected daily volume without the development is in the order of 2,500vpd. This road is currently indicated as a Collector Street 2 in the existing road hierarchy but is classified as a District Road with the future hierarchy due to future growth. However, as volumes are significantly lower without the development, Cheek Avenue would be classified as a Local Street (less than 3,000vpd).

Only one crash has occurred on this road over the last 5 years.

The pavement is in satisfactory condition but is showing signs of crazing etc and would need rehabilitation in the near future, particularly as the road is a bus route.

On this basis, Cheek Avenue would not require widening to cater for future volumes without Gawler East. However, it is expected that pavement rehabilitation would be required.

1D – Barossa Valley Way / Cheek Avenue Intersection

The intersection is currently widened along Barossa Valley Way to provide left and right turn lanes. A recent traffic count indicates turning movements are not significant and that the major turn movement is the right turn from the west to the south and vice versa.

The crash history indicates only one crash over the last five years.

On this basis, there is no requirement to upgrade the intersection without the Gawler East Development.

1E – Calton Road Upgrade – Cheek Ave to Eastern Drive

Traffic volumes on this section of Calton Road could vary between 5,000 and 7,000vpd. This section of Calton Road is classified as a Collector Street 1 in the current road hierarchy.

There is no crash history on this section of Calton Road.

The road is narrow at 6.2m wide (maximum) and there is no kerbing albeit there is no direct access to abutting properties. The pavement condition varies with minor cracking but it appears in satisfactory condition.

On this basis, there could be a need to widen the roadway (to a minimum of 10m wide if travel speed remained at 60 km/hr) to provide for cyclists as part of a hierarchy upgrade.

1F and 1G – Calton Road Upgrade – Murray Street to Cheek Ave

Traffic volumes on this section of Calton Road are expected to vary between 8,000 and 9,000vpd. This section of Calton Road is classified as a Collector Street 1 in the current hierarchy.

The road is 12.0m wide and kerbing is provided for the full length of the road. Direct access is provided to abutting properties.

Crash statistics indicate that there have been 18 crashes over the last 5 years with 8 resulting in casualty. Eleven of the crashes occurred at the junctions. It is noted that three casualty crashes occurred at the intersection with East Terrace.

The pavement condition varies with minor cracking but it appears in satisfactory condition, albeit it may need surface treatment in the near future.

On this basis, line marking (provide a painted median treatment) improvements are required to improve safety and resurfacing would be required in the future.

1H – Calton Road / Murray Street intersection

This location is to be removed from the list of interventions and consequently not assessed.

1J – Calton Road / Cheek Ave Intersection

Traffic growth is not significant for this location without the proposed development.

The crash history indicates 4 property damage only crashes have occurred at this location. Three of these were right angle crashes indicating cause to be drivers from Cheek Avenue crossing Calton Road without seeing oncoming traffic.

No major works are required but sight lines may need improvement due to existing vegetation.

1L – Calton Road Upgrade – Eastern Drive to Balmoral Road

Traffic volumes on this section of Calton Road could vary between 4,000 and 6,000vpd. This section of Calton Road is classified as a Collector Street 1 in the current hierarchy.

Four crashes (1 casualty) have occurred on this section of Calton Road all of them at junctions.

The road is narrow at 6.2m wide (maximum) and there is no kerbing. There is no direct access to abutting properties, except on the northern side of the road east of Sunnydale Avenue. The pavement condition varies with minor cracking but it appears in satisfactory condition.

There could be a need to widen the roadway to meet the requirements of a Collector Road as per the road hierarchy.

However, it is recommended that no upgrade be considered given that the low crash rate and existing access conditions are not expected to change.

1N – Kalbeeba Road Upgrade

The section of road is a combination of sealed and unsealed road. There has been 1 property damage only crash in the last five years.

Future growth is expected to be minimal with no change in development patterns in the short to medium term.

In the medium to long term Barossa Council would be expected to seal the unsealed section as a minimum.

1O – Kalbeeba Road / Barossa Valley Road Intersection (left turn treatment)

Future traffic growth for the left turn is expected to be minimal for this location without the proposed development.

The crash history indicates only 1 property damage only crashes have occurred at this location.

On this basis, no treatment is required without Gawler East development for this movement.

1P – Balmoral Road Upgrade (Calton to Project Entrance)

This location is to be removed from the list of interventions and consequently not assessed.

1Q – Calton Road / Cheek Ave Intersection

Traffic growth is not significant for this location without the proposed development.

The crash history indicates 2 property damage only crashes have occurred at this location, both of which were hit fixed object crashes.

On this basis no major works are required without the development.

5.2 Central Section

2F – First Street, Fifth Street / Hill St Intersection

There is expected to be minimal growth in traffic on these roads without the Gawler East Development, due to infill. The existing safety record on these streets indicates there are no safety issues that need to be addressed.

Pavement condition is satisfactory although some rehabilitation may be required at the roundabout with First Street.

On this basis there is no requirement for works without the proposed development.

2H – Gawler to One Tree Hill Road intersection

As indicated in Section 4.2 a detailed review of this section of road was undertaken as part of the proposed interventions (Refer Appendix D). This review indicated that the road has a cross section that is too narrow (no or poorly graded shoulders). Traffic growth without the Gawler East development would continue the pavement deterioration process with no treatment. Furthermore, there would be a need to provide safety barriers at the bend for the existing speed zone (80km/hr).

Future traffic volumes without Gawler East are expected to range between 2,000 and 2,600vpd and primarily result from areas to the south east of Gawler.

The crash history highlights there have been seven crashes of which 5 have resulted in a casualty. This indicates that the road could be classified as a black spot.

On this basis, there would be a need to upgrade this section of One Tree Hill Road to improve safety and rehabilitate the existing pavement at Seventh Street and along Riggs Hill Road. The preferred treatment would be to widen and seal shoulders on both sides of the road with the pavement rehabilitation undertaken at the same time. In addition, consideration should be given to reducing the speed environment to 60 km/hr.

2I – Eckerman Avenue

This road provides access to existing properties and the WoodVale development. Traffic growth without the Gawler East development is expected to be minimal and the road would be able to cater for the existing traffic. No crashes have occurred on Eckerman Avenue of the last five years.

The pavement and seal condition is satisfactory with only minor cracking.

On this basis there is no requirement to upgrade the road.

5.3 South Section

No discussion is provided for the upgrades in this section as the treatments are required due to the provision of the Link Road. It is noted that the DPTI Road Management Plan for Adelaide Road indicates various upgrades these locations to improve safety and operation and many of which have been implemented.

It is noted that a separate report has been provided to Council regarding the upgrade of Potts Road without the Gawler East Development (refer Appendix E).

5.4 Other Treatment locations

5.4.1 Adelaide Road / Main North Road

The locations identified below have previously been investigated as part of the 2008 Adelaide Road / Main North Road - Road Management Plan.

4I and 4J – Main North Road between Kestral Road and Barossa Valley Way

The Main North Road Management Plan indicates the proposed treatment is to provide a central median has a medium priority. Traffic volumes have increased as a result of the developments to the north and are expected to increase further with development of the Roseworthy area.

Crash statistics for this section of road indicate the following:

- A total of 26 crashes have occurred between Kestral Road and Redbanks Road, the majority of which are property damage with 5 casualty crashes and 1 fatal crash.
- A total of 42 crashes have occurred along this section of road, the majority of which are property damage with 9 casualty crashes.

As no change has occurred to development patterns this treatment is required to cater for growth outside of Gawler East.

4C – Adelaide Road / Fifth Street / 19th Street Intersection

This location has been upgraded. Traffic growth is expected to increase marginally from Evanston areas and infill development.

Some delays have been experienced to side road traffic during peak periods but unless safety issue arises there is unlikely to be a need to upgrade the intersection further.

4G – Adelaide Road / Sixth Street Intersection

As per 4C above.

4K – Adelaide Road between 19th Street and Potts Road

Future growth without Gawler East will primarily come from commercial development at the Racecourse and Gawler Green areas as well as Evanston Gardens.

The Main North Road Management Plan indicates the proposed treatment to provide a central median has a high priority. Some of this work has been implemented but areas still need to be modified.

Crash statistics for this section of road have indicate a total of 45 crashes have occurred, the majority of which are property damage with 10 casualty crashes.

Future works would continue to implement recommendations of the Road Management Plan.

4N – Adelaide Road / 12th Street Intersection

As per 4C above.

4C – Redbanks Road / Main North Road intersection

This intersection has been upgraded and no further upgrades required.

4A – Main North Road / Tiver Road intersection

This intersection has been upgraded and no further upgrades required.

5.4.2 Barossa Valley Way

4L – Barossa Valley Way between Murray Street and Cheek Avenue

This section of road would cater for 15,000vpd close to Murray Street and then reduce to about 8,000vpd at Cheek Avenue. Direct access is provided along the road way and there are a number of junctions along the road.

31 crashes of which 5 were 5 casualty occurred on this section of Barossa Valley Way with half occurring at junction with High Street and another 6 at Daly Street,

On this basis there is a need to review crash history at the High Street junction.

4M – Barossa Valley Way between Cheek Avenue and Sunnydale Avenue

Traffic volumes reduce significantly as the road travels east. In addition, the crash history has also improved.

On this basis there is no requirement to undertake interim works along this section of roadway.

5.4.3 Other Locations

4B – 15th Street / Twelfth Street / Overway Bridge upgrade

From a safety viewpoint a total of 7 crashes (2 Casualty) have occurred at this location over the last 5 years.

On this basis, there may be a need to review the operation of the junction to improve safety.

4D – Murray Street upgrade

The upgrading of Murray Street streetscape has progressively been undertaken over various stages with the final stage to Adelaide Road being undertaken at present. No further upgrades are considered.

5.5 Summary of Required Works

The above review has indicated that there are various road sections / locations that require upgrade without the Gawler East Development. These locations are indicated in Figure 5.1 and include:

- Calton Road
- Cheek Avenue
- One Tree Hill Road
- Potts Road.

A summary / comparison of the interventions with and without the development are provided in Table 5.1. The Link Road and those treatments that were identified to be removed are not included in the comparison.

Table 5.1 Comparison of intervention with / without development

Intervention location	Description of intervention with development	Treatment required without development
1B – Cheek Ave	Upgrade and widen	Pavement rehabilitation required
1D – Barossa / Cheek I/S	Improve turn lanes	No upgrade required
1E – Calton – Cheek to Eastern	Upgrade and widen	No upgrade required
1F – Calton – Murray to Cheek	Provide line marking changes	Provide painted median
1G – Calton – Murray to Cheek	Rehabilitate existing pavement	Require resurfacing
1J – Murray / Cheek I/S	Provide roundabout	NA
1L – Calton – Eastern to Balmoral	Widen through to junction	No upgrade required
1N – Kalbeeba Road upgrade	Widen and seal	No upgrade required in short term
1O – Kalbeeba Road / Barossa Valley Way	Upgrade left turn movement	No upgrade required
1Q – Calton / Balmoral junction	Upgrade	Upgrade for safety
2F – First / Fifth / Hill I/S	Upgrade intersections	No upgrade required
2H – One Tree Hill Road	Upgrade and widen with speed reduction and safety barrier	Provide sealed shoulders and rehabilitate pavement with speed reduction.
2J – Eckerman Avenue	Widen to provide 7.4m	No upgrade
3A – Potts Road Upgrade	Upgrade and widen	Widen and pavement rehabilitation
4B – 15 th St / Twelfth / Overway I/S	Upgrade to roundabout	Upgrade for safety improvements
4C – Adelaide / Fifth / 19 th I/S		NA
4D – Murray St Upgrade	Being undertaken	NA
4G – Adelaide / Sixth I/S		NA
4I – Main North Rd – Kestrel to Redbanks	Widen as per Road Management Plan	Require upgrade
4J – Main North Rd – Redbanks to BVW	Widen as per Road Management Plan	Require upgrade
4K – Adelaide Rd – 19 th St to Potts	Widen as per Road Management Plan	Require upgrade
4L – Barossa Valley Way – Murray to Cheek	Provide line marking changes	Review High St junction
4M – Barossa Valley Way – Cheek to Sunnydale	Provide line marking changes	NA
4N – Adelaide Rd Twelfth I/S		NA

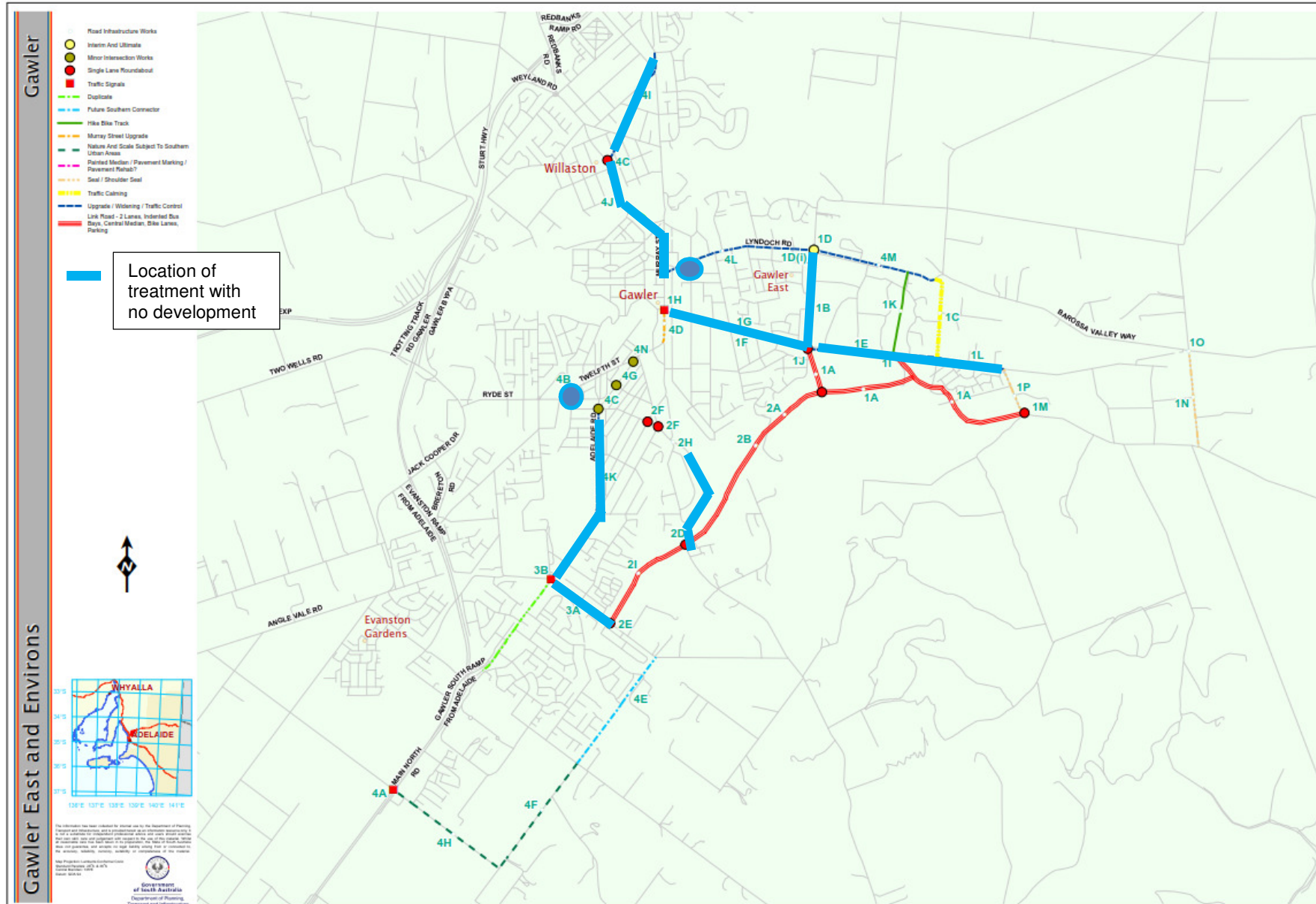


Figure 5.1 Location of Treatments that are required without Gawler East Development

6 Summary of Review

This assessment reviewed a range of documentation associated with the development of the Gawler East area to confirm the requirements of the transport infrastructure interventions identified by the developers, councils (Town of Gawler and Barossa Council) and DPTI.

The review included assessment of previous reports, identifying changes in assumptions and review of transport modelling. Based on this assessment, the interventions identified and agreed in 2015 were reviewed and modified.

The development potential for the Gawler East area has changed over time from the original 3,950 dwellings (2,700 in Springwood – Stage 1) in 2008 to 3,300 dwellings in 2016 (1,700 in Springwood). In addition to this change there has also been new developments (Gawler Green and Roseworthy), together with modifications to the road network (Murray Street / Calton Road intersection) that will impact on traffic patterns within Gawler. Consequently, a review of the traffic modelling has been undertaken.

The revised traffic modelling has indicated the following:

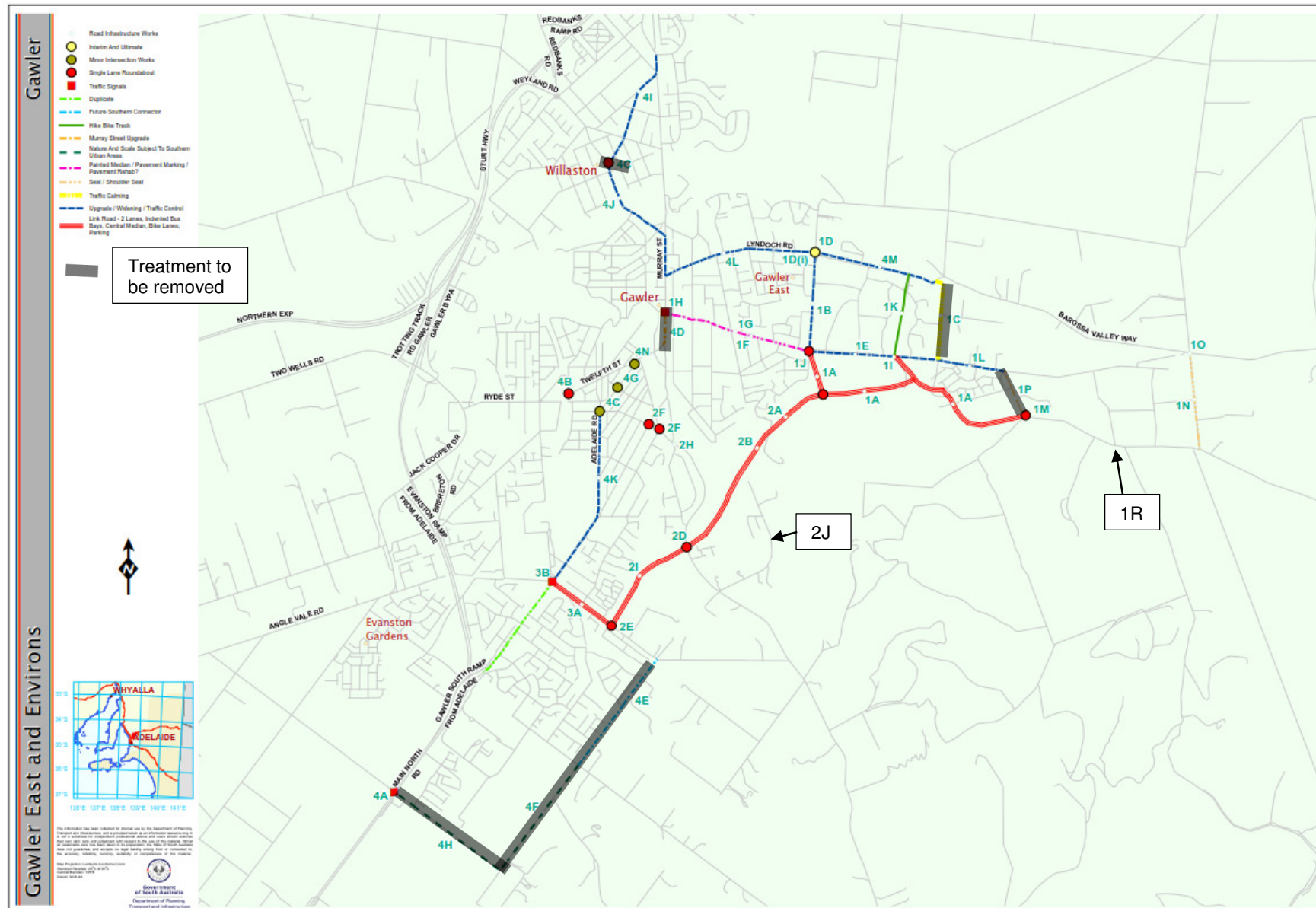
- The previous trip generation and distribution assumptions are valid.
- The overall **total traffic** generated by the development is 26,400 vehicles per day (vpd) comprising 13,600vpd for Stage 1 and 12,800vpd for Stage 2 (DPTI and Private lands).
- The total external traffic generated by the Gawler East Development is indicated in Table 3.2 and is 12,300vpd for Springwood, 4,300 for DPTI lands and 7,200 Private lands.
- The changes in trip patterns and dwelling distribution results in:
 - A reduction in volume of traffic on Calton Road due to reduced number of dwellings for Stage 1 and changes in the Murray Street / Calton Road intersection.
 - An increase in traffic on One Tree Hill Road north of the developable areas based on an increase in number of Stage 2 dwellings and possible access points from these developments.
 - Review of existing traffic patterns indicating Ryde Street / Two Wells Road is preferred route to access the Northern Expressway rather than Redbanks Road.
 - Slight increase in traffic on Cheek Avenue / Barossa Valley Way as a result of restricting the right turn movement from Calton Road at the intersection with Murray Street.

The revised modelling has then been used to review the intervention treatments for the Gawler East development. A number of the intervention treatments have been completed since the original list was agreed and these should now be removed including;

- 1H - Calton Road / Murray Street junction being redesigned to remove right turn from Calton Road.
- 4A - Tiver Road / Main North Road intersection signalisation.
- 4C - Main North Road / Redbanks Road junction upgrade.
- 4D - Murray Street upgrade.

In addition, various treatments identified with the future Tiver Road Extension (4E, 4F, and 4H) have been removed as they are not required as a result of the Gawler East development.

The upgrade of Eckerman Avenue (Intervention 2J) has been included as an intervention due to the increased traffic from abutting development.



The following intervention treatments have been modified based on the review:

- 1C – Sunnydale Avenue Traffic Treatment – remove from list as traffic to be diverted to Cheek Avenue or Kalbeeba Road.
- 1G – Calton Road Upgrade – Murray Street to Cheek Ave, Pavement rehabilitation – modify works to provide for reseal only.
- 1M – Link Road / Balmoral Road intersection – review form of junction.
- 1N – Kalbeeba Road upgrade – seal remaining unsealed section – retain on list but identify that should be part of Council's Asset Management Plan.
- 1O – Kalbeeba Road / Barossa Valley Way intersection – review traffic volumes and determine if need still warranted.
- 1P – Balmoral Road upgrade – remove as direct access no longer provided.
- 1Q – Balmoral Road / Calton Road junction – add treatment to upgrade junction
- 2E – Link Road / Potts Road Intersection – roundabout but to consider long term objective to direct traffic to the Bentley Road corridor.
- 2H – One Tree Hill Road - Gawler to Link Road intersection – Rehabilitate pavement and widen the road to provide shoulders, and upgrade to improve safety as well as considering a reduction in the speed zone to 60 km/hr. Consideration should also be given to developing a treatment plan for any proposed junctions to Stage 2 developments.
- 3A – Potts Road Upgrade – Change to a painted median.

The triggers for the proposed intervention treatments have been assessed and reviewed based on the investigations undertaken. Table 4.1 provides a detailed list of the proposed triggers.

A review of the operation of the area without the Gawler East Development indicates that there some of the interventions are required now to address existing deficiencies. The key locations are indicated in Figure 5.1 and include:

- 1B – Cheek Avenue – undertake pavement rehabilitation.
- 1F – Calton Road Upgrade – Murray Street to Cheek Avenue, Line marking treatment – provide painted median.
- 1G – Calton Road Upgrade – Murray Street to Cheek Avenue, Pavement rehabilitation – modify works to provide for reseal only.
- 2G – One Tree Hill Road – widen shoulders, rehabilitate pavement at selected locations and consider a speed reduction to 60 km/hr.
- 3A – Potts Road – Adelaide Road to Mueller Drive – Upgrade pavement and widen.
- 4B – 12th Street / Overway Bridge upgrade – provide safety improvement
- 4I and 4J– Main North Road – Kestral Road to Barossa Valley Way – improve as per Road Management Plan
- 4K – Adelaide Road – 19th Street to Potts Road – improve as per Road Management Plan
- 4L – Barossa Valley Way – Murray Street to Cheek Avenue – improve safety at High Street junction

Appendix A

Plan of Proposed 2012 Interventions

ANNEXURE 1

(Draft) Traffic Intervention Schedule 1 – Lend Lease Development

Map Reference	Responsible Party	Road Infrastructure Works			Cost (2016) (\$million)	Trigger Timing (Allotments)	Contributions Schedule (% and \$million)			
		Component	Treatment	Intent			Springwood	Minister	Town of Gawler	Barossa Council
		Sector (Northern)								
1A	SC	Link Road (Eastern Connector)	One lane in each direction with bike lane, indented bus bays, parking, footpaths and standard median. 3 connections to north / north-east	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre	4.90	1000	100% 4.90			
1B	TOG	Cheek Avenue Up-grade	Pavement up-grade, widening & traffic control (excludes relocation of stobey poles)	Upgrade road to facilitate future traffic growth and improve safety	1.83	2300	32% 0.59	13% 0.24	55% 1.00	
1D	TOG	Barossa Valley Way / Cheek Avenue Intersection - interim	Channelisation and widening	Upgrade intersection to facilitate future traffic growth and improve safety	0.26	1000			100% 0.26	
1D(i)	DPTI	Barossa Valley Way / Cheek Avenue Intersection - ultimate	Roundabout	Upgrade intersection to facilitate future traffic growth	5.26	2300		100% 5.26		
1E	SC	Calton Road Up-Grade - Cheek to Project entrance	Upgrade to kerbed collector road	Formalise. Improve drainage.	2.74	1000	100% 2.74			
1F	SC	Calton Road - Murray Street to Cheek Avenue	Pavement marking & painted median treatment	Improve safety and traffic flow	0.26	2300	100% 0.26			
1G	TOG	Calton Road - Murray Street to Cheek Avenue	Pavement rehabilitation	Improve road surfacing	1.88	2300			100% 1.88	

Map Reference	Responsible Party	Road Infrastructure Works			Cost (2016) (\$million)	Trigger Timing (Allotments)	Contributions Schedule (% and \$million)			
		Component	Treatment	Intent			Springwood	Minister	Town of Gawler	Barossa Council
1H	TOG	Calton Road / Murray Street Intersection	Traffic signals (ducting already installed)	Upgrade intersection to improve safety and facilitate future traffic growth	0.92 review	1000	20% 0.18		80% 0.74	
1I	SC	Calton Road / Link Road Intersection @ Hamilton Reserve	T Junction plus cycle/pedestrian crossing	Upgrade intersection to facilitate future traffic growth, including access for peds/cyclists	0.13	1000	100% 0.13			
1J	SC	Calton Road / Link Road Intersection @ Cheek Avenue	Round about Staggered T junction (as proposed by Springwood)	Upgrade intersection to facilitate future traffic growth	0.66	1000	100% 0.66			
1K	SC	Hike/Bike Calton to Barossa Valley Way	Sealed path (connection to Jack Bobridge bikeway)	Width of mixed use path to match with Barossa Council and Gawler Council cycling and walking plans	0.22	1600	100% 0.22			
1L	SC	Calton Road Upgrade – Project entrance to Balmoral Road	Sealed shared use path	Upgrade southern side of road (where allotments have frontages to Calton Road) to align with Barossa Council and Gawler Council local connectivity cycling and walking plans	0.73	1000	100% 0.73			
1M	SC	Link Road / Balmoral Road Intersection	T-junction	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre	0.66	1000	100% 0.66			

ANNEXURE 1

(Draft) Traffic Intervention Schedule 2 – Town of Gawler DPA

Map Reference	Responsible Party	Road Infrastructure Works			Cost (2016) (\$million)	Trigger Timing (allotments)	Contributions Schedule (% and \$million)			
		Component	Treatment	Intent			Springwood	Minister	Town of Gawler	Barossa Council
		Sector (Central)								
2A	DPTI	Link Road (Lend Lease boundary to One Tree Hill Road)	One 4.0m lane in each direction with 1.5m bike lane on road and footpaths	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre	27.8	1000		100% 27.8		
2B	DPTI	Link Road / South Para Crossing	Bridge	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre						
2D	DPTI	Link Road / One Tree Hill Road Intersection	Round-about	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre						
2I	DPTI	Link Road (One Tree Hill Road to Potts Road) Alignment to be determined	One lane in each direction with bike lane, indented bus bays, parking, footpaths and standard median (3.0m approx painted or otherwise).	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre						
2E	DPTI	Link Road / Potts Road Intersection	Round-about Treatment to be determined	Provide local Gawler East traffic with direct access to Main North Road (via Potts Rd), without travelling through the Gawler town centre	???	1000	50%	50%		
2F	TOG	First Street Intersection, Fifth Street / Hill Street Intersection	Treatment investigation required	Upgrade intersection to cater for projected traffic volumes	0.39	3600		50% 0.20	50% 0.20	

Map Reference	Responsible Party	Road Infrastructure Works			Cost (2016) (\$million)	Trigger Timing (allotments)	Contributions Schedule (% and \$million)			
		Component	Treatment	Intent			Springwood	Minister	Town of Gawler	Barossa Council
2H	DPTI	Gawler - One Tree Hill Road (Deadmans Pass/Town Entry)	Treatment investigation required	??	0.13	1600		100% 0.13		
		Sector (Southern)								
3A(i)	TOG	Potts Road Up-grade (Main North Road to DPTI alignment)	One lane in each direction.	Upgrade Potts Road to facilitate future traffic growth	1.6	1000	80% 1.28	20% 0.32		
3A(ii)	TOG	Potts Road Up-grade (DPTI alignment to ToG alignment)	One lane in each direction.	Upgrade Potts Road to facilitate future traffic growth	2.4	1000			100% 2.4	
3B	DPTI	Main North Road / Potts Road Intersection	Realign Para Road to form a 4-way, signalised intersection with Potts Road	Upgrade intersection to facilitate future traffic growth and cater for pedestrian movements	11.65	1000		100% 11.65		
3C	DPTI	Main North Road duplication (south of Potts Road)	Duplicate Main North Road between Potts Road and approx. Trinity Drive	Duplicate road to facilitate future traffic growth	5.97	3900		100% 5.97		
		Other Interventions								
4G	DPTI	Adelaide Road/Sixth Street intersection	Minor intersection works	Improve pedestrian safety	0.27	3900		100% 0.27		
4I	DPTI	Main North Road - btwn Kestrel and Redbanks	Painted median scheme with right turn lanes, bicycle lanes & ped refuges at high ped points. Review road lighting	Improve safety and traffic flow	4.38	*		100% 4.38		
4K	DPTI	Adelaide Road - btwn 19th Street & Potts Road	Painted median scheme with right turn lanes, bicycle lanes & ped refuges at high ped points. Review road lighting	Improve safety and traffic flow	3.62	1600		100% 3.62		

Map Reference	Responsible Party	Road Infrastructure Works			Cost (2016) (\$million)	Trigger Timing (allotments)	Contributions Schedule (% and \$million)			
		Component	Treatment	Intent			Springwood	Minister	Town of Gawler	Barossa Council
4L	DPTI	Barossa Valley Way - btwn Murray Street & Cheek Avenue	Painted median scheme with right turn lanes, bicycle lanes & ped refuges at high ped points. Review road lighting	Improve safety and traffic flow	0.12	1600		100% 0.12		
4M	DPTI	Barossa Valley Way - btwn Cheek & Sunnydale Avenues	Painted median scheme with right turn lanes, bicycle lanes & ped refuges at high ped points. Review road lighting	Improve safety and traffic flow	3.89	1600		100% 3.89		
4N	DPTI	Adelaide Road / Twelfth Street intersection	Minor intersection works	Improve pedestrian safety	0.22	3900		100% 0.22		
4G		Sunnydale Avenue Traffic Treatment	Traffic control to be determined			1000				100%
4N		Kalbeeba Road Up-grade	Seal			2200				100%
4O		Kalbeeba Road / Barossa Valley Way Intersection	Channelisation			2200				100%
4P		Balmoral Rd upgrade	Seal/widening							

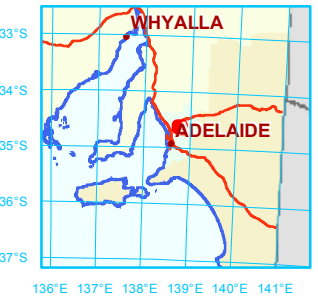
Notes:

*Timing not dependent on development

Gawler

Gawler East and Environs

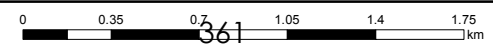
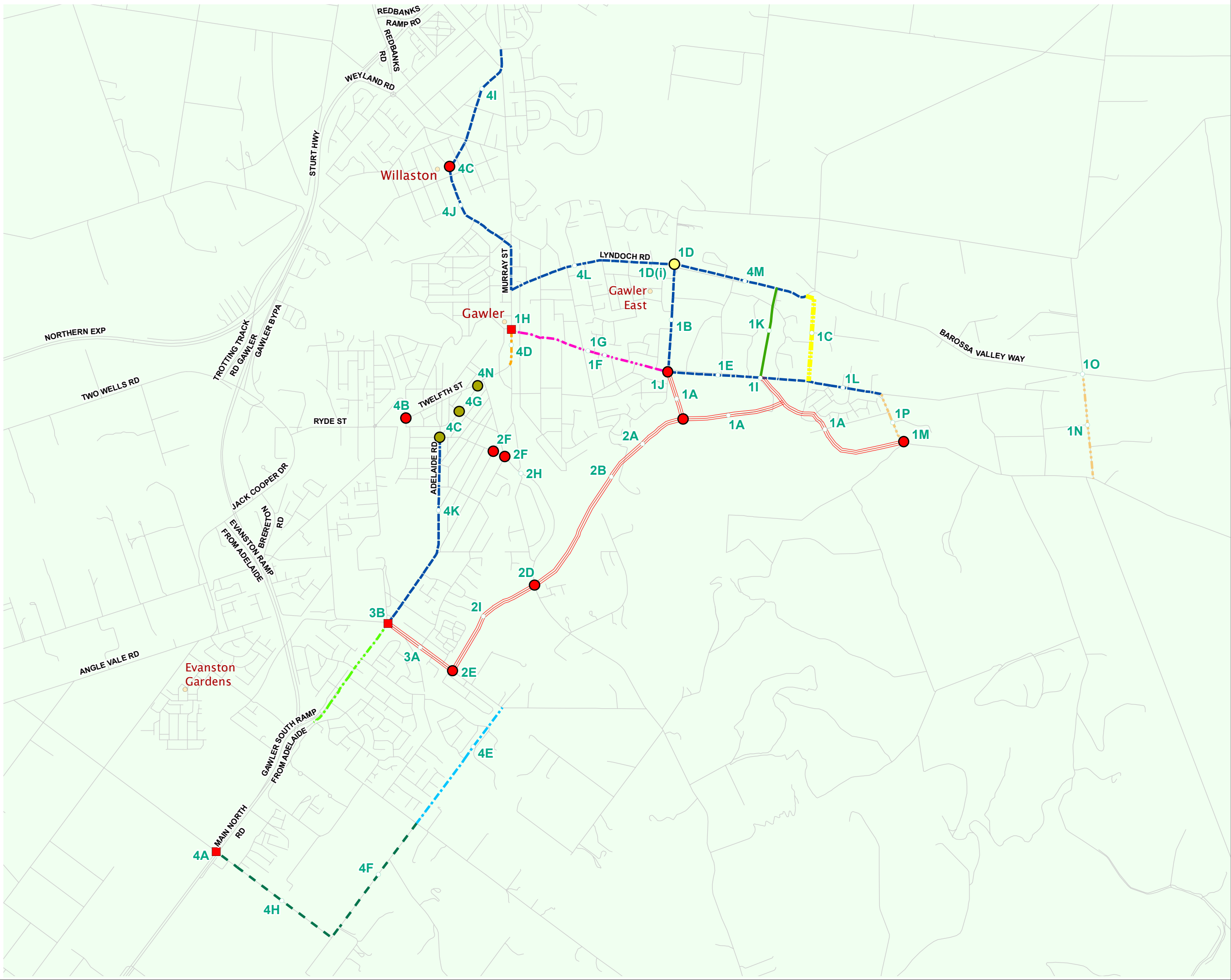
- Road Infrastructure Works
- Interim And Ultimate
- Minor Intersection Works
- Single Lane Roundabout
- Traffic Signals
- Duplicate
- Future Southern Connector
- Hike Bike Track
- Murray Street Upgrade
- Nature And Scale Subject To Southern Urban Areas
- Painted Median / Pavement Marking / Pavement Rehab?
- Seal / Shoulder Seal
- Traffic Calming
- Upgrade / Widening / Traffic Control
- Link Road - 2 Lanes, Indented Bus Bays, Central Median, Bike Lanes, Parking



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Map Projection: Lambert's Conformal Conic
Standard Parallels: 28°S & 30°S
Central Meridian: 136°E
Datum: GDA 94

Government of South Australia
Department of Planning, Transport and Infrastructure



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Appendix B

Previous Report Recommendations

Executive Summary

QED Pty Ltd have been engaged by Delfin Lend Lease (Delfin) to undertake a traffic assessment for the proposed re-zoning of the former Gawler Quarry site and adjacent lands at Gawler East. The traffic assessment is to be used as part of the investigation process for the re-zoning of land to permit residential and other development on the proposed sites.

The proposed re-zoning of the land is expected to result in the provision of 3,900 dwellings (2,700 for Phase 1) as well as a town centre and schools in two phases in areas that are within the current Urban Growth Boundary.

The existing and future traffic demands, without the proposed Gawler East development are expected to result in locations on the road network in Gawler such as Murray Street and Adelaide Road operating close to capacity with congestion at peak periods.

There is expected to be increased traffic demands within Gawler, particularly on Calton Road, Murray Street, Cheek Avenue and Adelaide Road as a result of the proposed development. A Link Road through the proposed development to the south east of Gawler is expected to reduce the traffic impacts within the Gawler Town Centre and surrounding road network by the proposed development and surrounding residential areas. The timing of the Link Road is dependant on the rate of development, and traffic volumes but is expected to be required between 2014 and 2017. This is based on traffic volumes of 14,000 to 15,000 vpd or when there are about 1,500 dwellings occupied. This Link Road will ultimately extend to Potts Roads as the development progresses past 2017.

Traffic modelling undertaken by the Department for Transport, Energy and Infrastructure (DTEI) for the Gawler Transport Plan has confirmed the basic assumptions with regard to traffic generation for this assessment. In addition it has also confirmed the need for the Link Road to reduce traffic volumes on Calton Road / Murray Street within the Gawler Town Centre area.

There are a number of improvements to the road network that are required to cater for the future demands. These involve the probable widening of Sunnydale and Cheek Avenues as well as Potts Road, providing a painted median on Calton Road and improvements to a number of junctions. The form and timing of these improvements will need to be discussed with the Town of Gawler and Delfin.

The key outcomes of the traffic assessment are:

On the basis of this assessment, Phase 1 of The Gawler East Development could proceed with interim traffic measures (up to 2014 -2017, without the need for the Link Road)

∴ The opportunity exists within Phase 2 of the development to provide an integrated solution for the early provision of the Link Road (South Eastern Connection) by all parties, being land owners, Delfin, Town of Gawler and DTEI

∴ The scope of this study does not take into consideration the future development of Concordia (within the UGB) beyond 2021. Notwithstanding the ability for Gawler East to proceed ahead of this, detailed analysis with DTEI, Town of Gawler and District Council of Barossa is required to identify appropriate connections and links to reduce traffic demands on the Barossa Valley Way.

This aerial map illustrates a comprehensive road improvement project for a city area. The map features a network of roads, with specific sections highlighted in blue and orange to indicate planned improvements. Numerous callout boxes are placed throughout the map, each pointing to a specific location and describing the proposed work. The projects include investigating junction layouts, providing roundabouts, improving junctions, investigating possible traffic signals, improving road cross-sections, and upgrading junctions. The map also shows various landmarks, including a large body of water (likely a lake or reservoir) and several industrial or commercial areas. The overall goal is to enhance the city's road infrastructure and traffic flow.

Gawler East Traffic Assessment Full Development Infrastructure Improvements



Arterial Road	Development Boundary
Major Collector Road	Phase 1
Road	Phase 2

Figure 6

8 TREATMENT SUMMARY

A number of traffic management and road maintenance improvements have been recommended in this report. Recommendations are summarised in the following tables, included in the table is a priority rating for each recommendation.

Three levels of priority are indicated – High (**RED**), Medium (**ORANGE**) and Low (**YELLOW**).

The priority of treatments has been determined based on:

safety benefits, to improve safety for vulnerable road users,

reducing roadside hazards

improving amenity and appearance of the roads

benefit/cost appraisal of treatment

8.1 INTERSECTION/ JUNCTION TREATMENTS

Priory of treatments has been made by experienced practitioners within DTEI.

ROAD SECTION	TREATMENT	PRIORITY
Main North Road Redbanks Road/ Paxton Street	Installation of signals or roundabout at Redbanks Road and modification to Paxton St	High
Main North Road Flinders Street	Installation of a painted right turn lane into Flinders Street.	Medium
Murray Street Horrocks Place	No recommendation – monitor operation	Monitor
Adelaide Road Twelfth Street/ Seventh Street	improve left turn from 12 th Street	Medium
Adelaide Road Sixth Street	Improvements to pedestrian safety	Medium
Adelaide Road Nineteenth Street and Fifth Street	Rationalisation of movements out of Nineteenth and Fifth Street	High
Main North Road Barnet Street	Installation of a painted median scheme to reduce the number of lanes (short term treatment)	Medium
Main North Road Trinity Drive	No recommendation – monitor operation	Monitor

8.2 MID-BLOCK TREATMENTS

ROAD SECTION	TREATMENT	PRIORITY
Adelaide Road Fourth St – Fifth St	Consider the installation of a raised pedestrian refuge	Monitor
Main North Road Kestrel Rd - Redbanks Rd	It is recommended to further upgrade this section as per the preferred layout in figure 4.1	Medium
Main North Road Redbanks Rd – Horrocks PI	It is recommended to further upgrade this section as per the preferred layout in figure 4.1	Medium
Adelaide Road Nineteenth St – Second St	It is recommended to further upgrade this section as per the preferred layout in figure 4.1	High
Adelaide Road Second St – Sheriff St	It is recommended to further upgrade this section as per the preferred layout in figure 4.1	High
Main North Road Sheriff St – Potts Rd	It is recommended to further upgrade this section as per the preferred layout in figure 4.1	High
Main North Road Potts Rd – Krieg Rd	It is recommended to further upgrade this section as per the preferred layout in figure 4.1	High

9 CONCLUSION

This RMP has made a number of recommendations to address the operational and safety issues that have been identified.

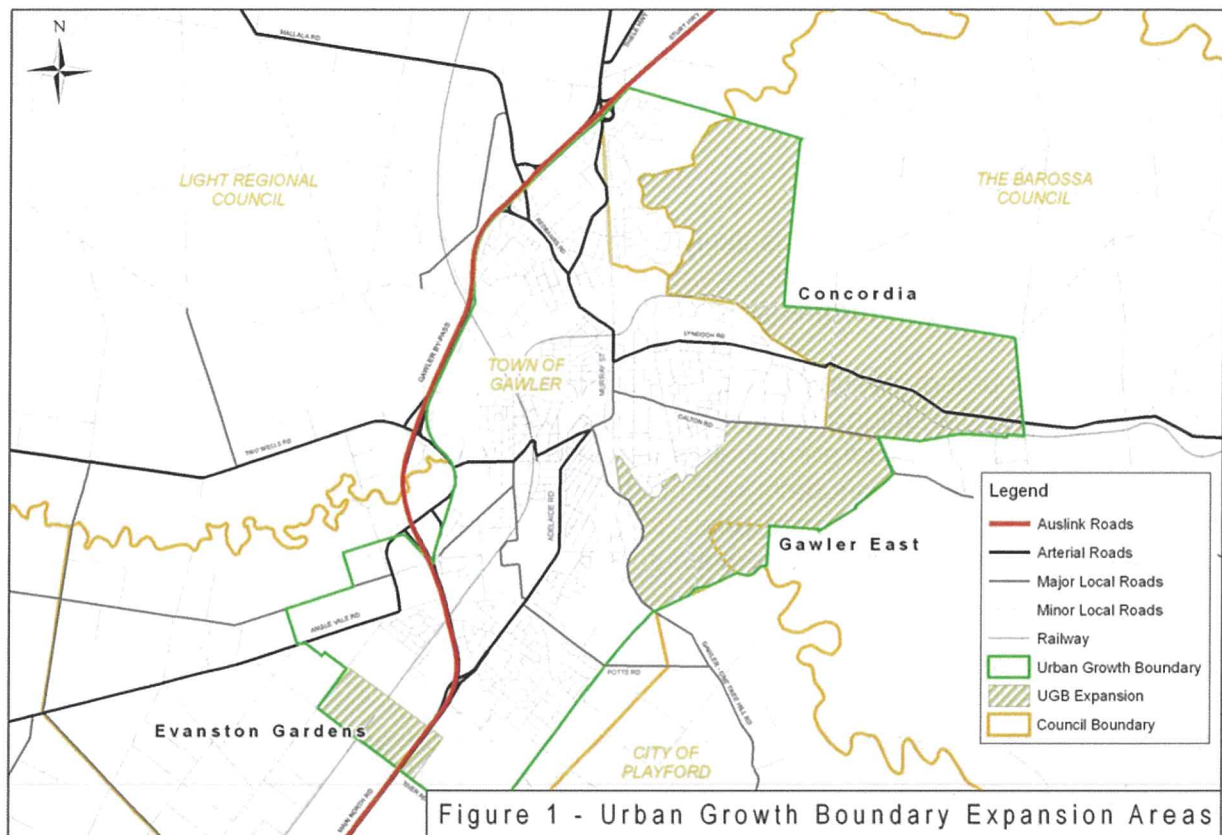
All of the proposed recommendations are conceptual only, and will therefore require further development and consultation with the Town of Gawler and the community prior to any proposed implementation.

Importantly, funding commitments to the initiatives detailed in this plan are subject to normal budgetary processes and priorities.

Initially, implementation of recommendations is likely to be limited to the higher priority and more cost effective treatments that target specific sites with higher crash rates. The design of specific treatments will aim at consistency with and target the longer-term functional outcomes outlined in this Road Management Plan.

EXECUTIVE SUMMARY

This framework has been developed in response to the announcement by the Minister for Urban Development and Planning on 20 December 2007 that the State Government has expanded the Urban Growth Boundary (UGB) in several areas of Adelaide. This expansion included changes in the vicinity of Gawler, including 320 hectares in Gawler East, 500 hectares in Concordia, and 79 hectares in Evanston Gardens (refer figure 1).



The current level of road access into these areas is limited. In September 2007 it was agreed to undertake a collaborative study between the Department for Transport, Energy and Infrastructure (DTEI), the Department of Planning and Local Government, the Land Management Corporation (LMC) and the Town of Gawler to identify transport improvement needs to support the proposed urban growth in Gawler. A Steering Committee was established to oversee this study. The Barossa Council requested to be included in this committee and the Light Regional Council were then subsequently invited to join.

Current Transport Infrastructure

The road network is made up of arterial and local roads. The most important component of the arterial road network is the western bypass, which forms part of the National Transport Network. Adelaide Road – Main North Road is currently the major gateway between Gawler and the remainder of Adelaide, however it is anticipated that an increased number of trips will use roads in the west of Gawler to access the Northern Expressway upon its completion.

Access to the proposed eastern and north eastern developments is limited and is currently only serviced by the local road network.

The broad gauge rail network is utilised to provide passenger train services to Gawler and freight services from the Barossa Valley and Roseworthy to grain export facilities and processing plants on the Le Fevre Peninsula.

State Government run public transport within the study area is provided by rail services to five stations at Evanston, Tambelin, Gawler, Gawler Oval and Gawler Central stations, as shown in Figure 3. The public transport initiatives announced in the June 2008 State Budget are expected to deliver an increase in capacity for the Gawler train line with faster more frequent rail services between Gawler and the City.

Future Traffic Demands

The growth in traffic in the area is likely to be a direct reflection of the UGB expansion and other developments. These developments are expected to occur for 10 -15 years in the east and up to 25 years in the north-east.

Two land development scenarios were used for this study. The first scenario reflects the current UGB (i.e. including the recent expansions). The second scenario considers the potential for an additional larger development in the Concordia area. It should be noted that a larger development in Concordia has not been adopted by the State or Local Government to date. It was nevertheless appropriate to consider the implications of such a development option as part of assessing the potential future transport needs for Gawler.

Options Analysed

The purpose of the analysis was to identify the location and potential nature of major improvement needs to the transport network to facilitate urban growth. This study does not identify the specific improvement concepts at each location, as this would be subject to further more detailed studies. These improvement needs include locations outside of the proposed developments to facilitate the developments.

The following road network options (in addition to the existing road network) were investigated to determine the most appropriate means to provide road access for Gawler East and Concordia.

Scenario 1 – Current UGB

- Option 1A – An eastern connector road, linking Calton Road to Potts Road. Connections to Calton Road are at Sunnydale Ave and Cheek Ave..
- Option 1B – An eastern connector road, linking Calton Road to Main North Road/Tiver Road (i.e. around Evanston South). Connections to Calton Road are at Sunnydale Ave and Cheek Ave.
- Option 1C – A north eastern connector, linking Lyndoch Road to the Sturt Highway.
- Option 1D – A combination of Option 1A and Option 1C.
- Option 1E - A combination of Option 1B and Option 1C.
- Option 1F– Option 1A, except with multiple connections to Calton and Balmoral Roads

- Option 1G – Option 1B, except with multiple connections to Calton and Balmoral Roads as per Option 1F
- Option 1H – A combination of Option 1F and Option 1C
- Option 1I – A combination of Option 1G and Option 1C

Scenario 2 – Potential Additional Larger Concordia Development

- Option 2A – A north eastern connector, linking the Barossa Valley Way to the Sturt Highway. This option has two connections to the Barossa Valley Way.
- Option 2B - A combination of Option 1A and Option 2A.
- Option 2C - A combination of Option 1B and Option 2A.
- Option 2D - A combination of Option 1F and a variation of Option 2A.
- Option 2E - A combination of Option 1G and a variation of Option 2A.

A potential road link between Main North Road and Angle Vale Road (being considered as part of the proposed Evanston Gardens development) was included in all options. At the beginning of the study a grade separation of the railway line was assumed to form part of this road link, and was adopted for the purposes of the study. The grade separation is, however, no longer being considered as part of the Evanston Gardens development.

The possibility of the extension of the rail services to cater for the urban expansion was also included in all options. The notional change was the extension of services along the Barossa rail line to a new station, 3 to 4 kilometres east of the Gawler Central station, possibly within the Wheatsheaf area.

Recommendations

The analysis indicates that an eastern connector road will be required to service the Gawler East development. The analysis further demonstrated that this road will be a local road to service the development and existing urban areas, and not an arterial road bypass of Gawler. Upgrades of existing local roads will likely be required as part of this road provision, dependant upon the final chosen alignment. This road should be constructed as part of the development of Gawler East.

A potential route for this road can be seen in Figure 2, and connects to the Tiver Road/Main North Road junction to the south, and Calton Road to the north. Multiple connection points to Calton Road are preferred. Cheek Avenue will provide the most direct connection to the Barossa Valley Way. The final alignment of this road will nevertheless be subject to the planning of Gawler East. The community will have the opportunity to provide input into the structure of the Gawler East development, including the road access strategy, as part of the upcoming Development Plan Amendment process.

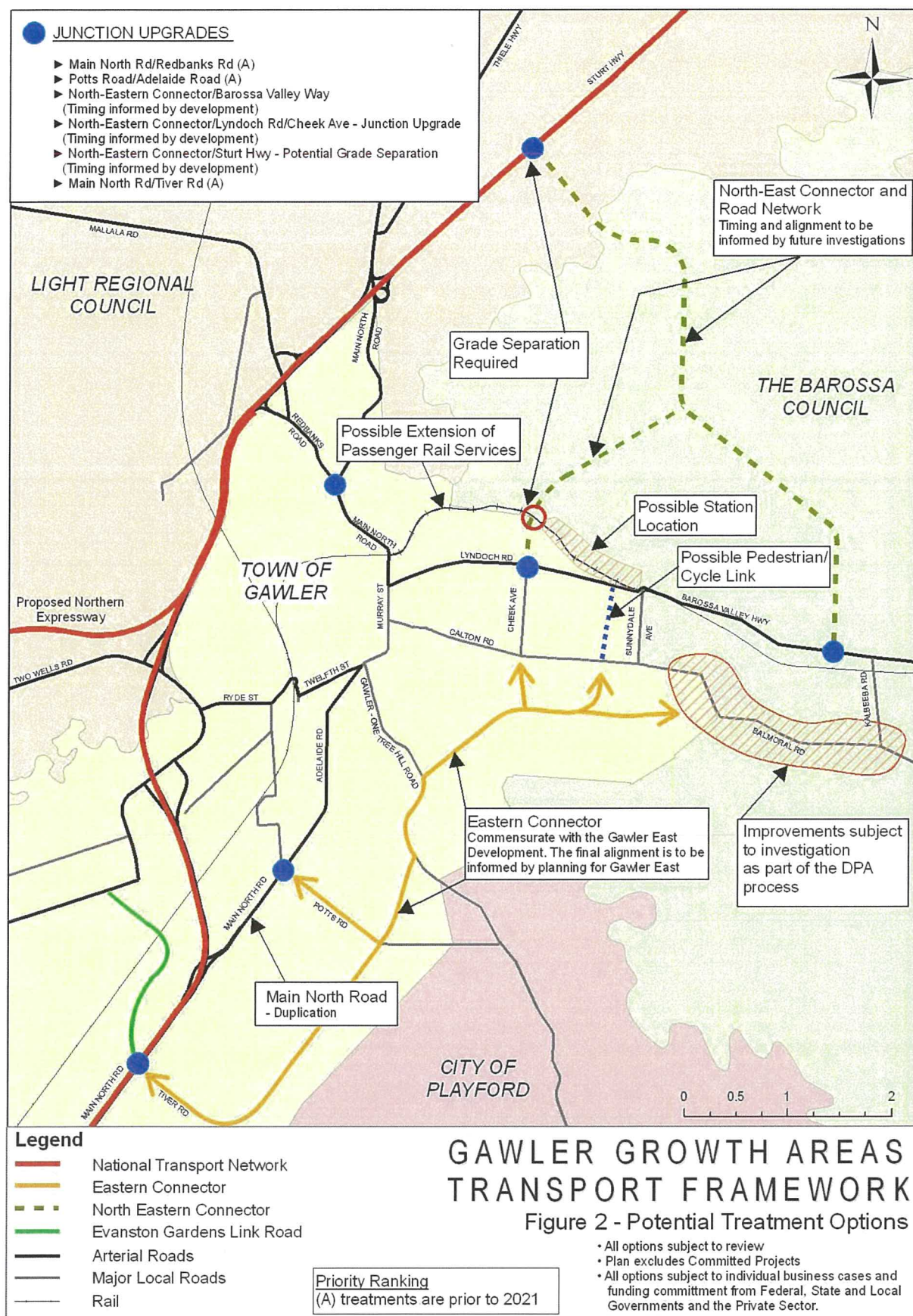
Irrespective of the ultimate development scenario for Concordia, the analysis determined that a north-eastern link would also be required to service the development. While a number of route options were considered, a decision on a preferred route will be subject to the future development of the area. A single connection to the Sturt Highway, and two connections to the Barossa Valley Way (at Cheek Avenue, and to the east of Sunnydale Avenue) is preferred. Construction of these links should occur as part of the development of the Concordia area.

The existing network within Gawler, both arterial and local, will be subject to ongoing review as developments occur to determine the potential scale and timing of major improvements/upgrades. Analysis of the arterial network, as part of this study, has nevertheless identified that Main North Road (between Potts Road and the Western Bypass) will likely need to be duplicated. Given the local nature of the Twelfth Street - Ryde Street link to Two Wells Road, there no intention to encourage increased use of this link through any major road upgrading. DTEI will investigate potential traffic calming measures in conjunction with the council. In regards to the local road network, there will be a need to identify improvements required as part of the traffic assessment of the Gawler East development.

Figure 2 below shows the potential major treatment options on the network. The delivery of justified upgrades identified in this report will depend on securing the necessary funds on a case-by-case basis from the Federal, State and Local Governments, as well as the private sector. These potential improvements do not replace the potential smaller scale improvements identified in the draft Road Management Plan for Main North Road and Adelaide Road (prepared by DTEI).

Consideration of improvements to the public transport system will be included as part of the Master Planning for the Future Public Transport Network being undertaken by the State Government. Further investigations into the costs and benefits of extending the public transport services to a new station to the east of Gawler will also be carried out.

Disclaimer: Although every effort has been made to ensure the accuracy of the statistical information included in this report, the Department for Transport, Energy and Infrastructure, its divisions and employees make no representations, either expressly or implied, that the information is accurate or fit for any purpose and expressly disclaims all liability for loss or damage arising from the reliance upon the information with it.



7. Summary and Recommendations

There has been considerable work already undertaken addressing the likely traffic generation associated with various development areas around Gawler and alternative road network scenario. The DTEI Draft Gawler Growth Areas Transport Framework outlines the most likely road and transport scenario taking into account the impacts of all development areas.

The community is very concerned over the likely impacts of the developments on existing road network, and the 'style of living' that Gawler current provides. The community is also frustrated over the lack of consultation on the future 'macro' road and transport impacts of all possible development areas.

Our assessment has been prepared on the assumption that the DPA gets approval and the development proceeds. Our assessment should not be considered support or otherwise for the development.

Preliminary estimates indicate that the Gawler East and Environs development area could generate over 30,000 vehicle trips per day. There is no one single best solution to managing this traffic, or any other additional traffic generated around the DPA site (including the Evanston South/Gardens or Concordia sites).

This report has been prepared to assist Council respond to the Gawler East and Environs DPA. Specifically the review was to consider :

- options for minimizing the impacts on Sunnydale Avenue, Cheek Avenue, Balmoral Rd, Calton Rd, Potts Rd; and
- any available information regarding options for new connector roads or adjustments to Bentley Rd from Potts Rd through to Tiver Rd; and Calton and Balmoral Rds through to Lyndoch Rd/Barossa Valley Highway.

The solution to minimising the impact of the development on the existing local road network involves a range of options as outlined below.

1. Reduce the overall scale of the development.

Detailed consideration should be given to the ultimate traffic volumes across the existing road network and whether they are sustainable and appropriate for the network. This information should be outlined in the DPA and associated structure plan. Additional traffic modelling should be undertaken to consider the impact on the existing local streets with lesser residential development.

2. Ensure the development includes adequate provision for cycling and walking

The provision of cycling and walking corridors should be integral within the DPA structure plan to ensure that a safe and convenient alternative for local trips.

3. Ensure the development provides for public transport routes and interconnectivity with rail local and long distance trips

The provision of public transport for local and longer distant trips should also be integral to the development, rather than relying on the common premise of relying on private motor vehicle usage.

4. Further consideration to the benefit of a SE bypass (along Somerton Road) and directing traffic to the east-north and south rather than west into Gawler Town Centre.

This option should be considered once the alignment of the local distributor road within the development area is established. While the bypass will better serve through traffic movements between the east and south, consideration should be given to establishing some connectivity between the route and the development area to lessen the traffic loads on other existing routes. While this option may not be justified by the Gawler East and Environs Development area, it may be justified with any future development of the Concordia area to the north.

5. Disperse traffic to the north using Cheek Avenue, Sunnydale Avenue, Balmoral Road (and potentially the Electricity Corridor)

Traffic volumes to the north of the site should be dispersed between Cheek Avenue (major collector), Sunnydale Avenue (minor collector) and a new connection to Balmoral Road. The potential use of the electricity corridor should also be explored further to minimise the amount of traffic that must use either Cheek Avenue or Sunnydale Avenue.

6. Use of existing linkages to the west.

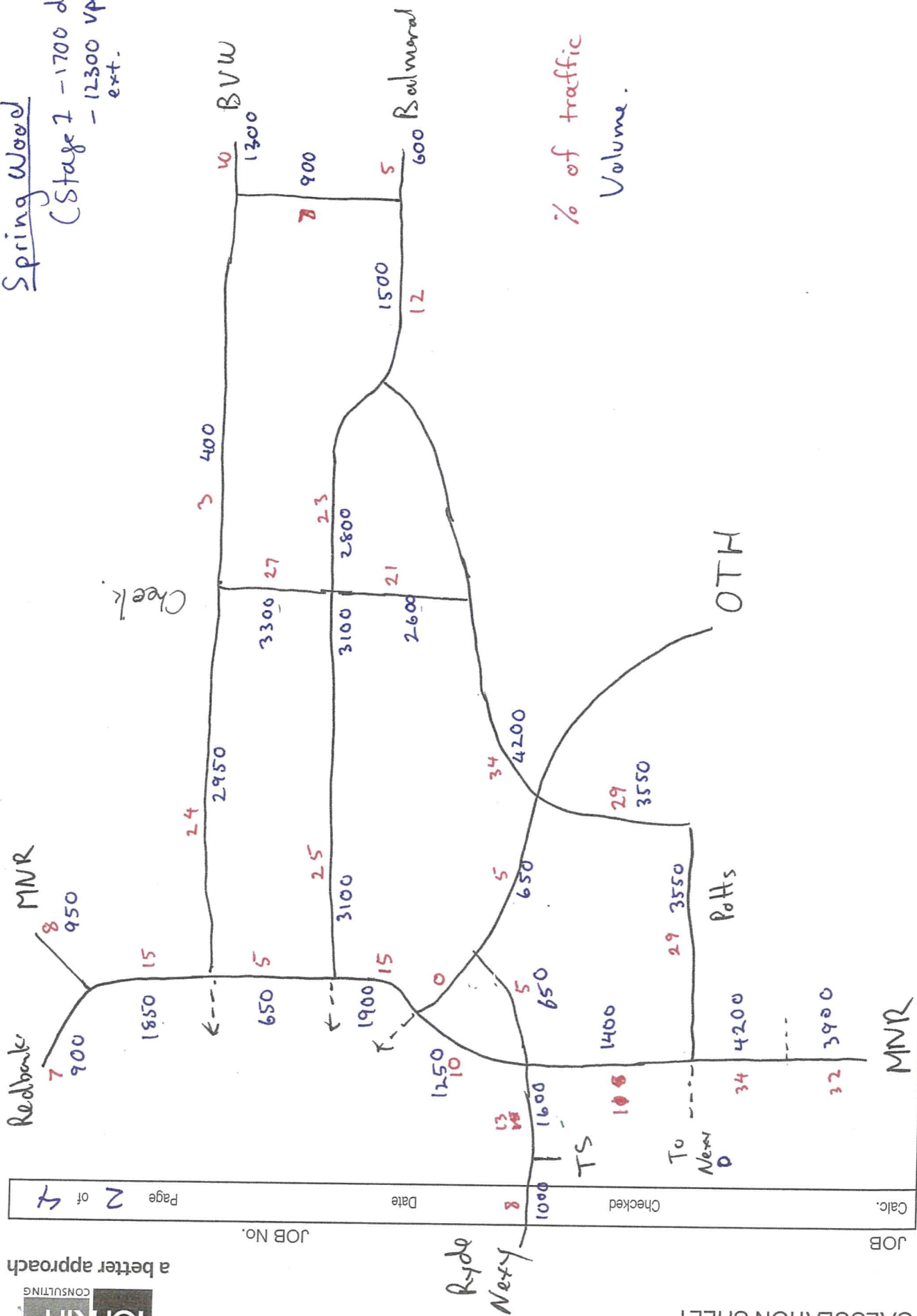
Current options along One Tree Hill Road – Seventh Avenue and Potts Road will need to be upgraded to accommodate additional traffic movements between the development site, Main North Road and the Gawler Town Centre.

7. Develop a new connection to the south most likely along Bentley – Tiver alignment.

Subject to the alignment of the eastern distributor road within the DPA structure plan, and any discussion concerning the potential development of the SE Bypass route, Bentley Road and Tiver Road may need to be upgraded to a major collector route to facilitate traffic movements between the development area and the southern areas. Further consider the realignment of the road to the eastern side of the water pipe between Potts Road and Alexander Avenue.

Appendix C

Maps of Traffic Distribution

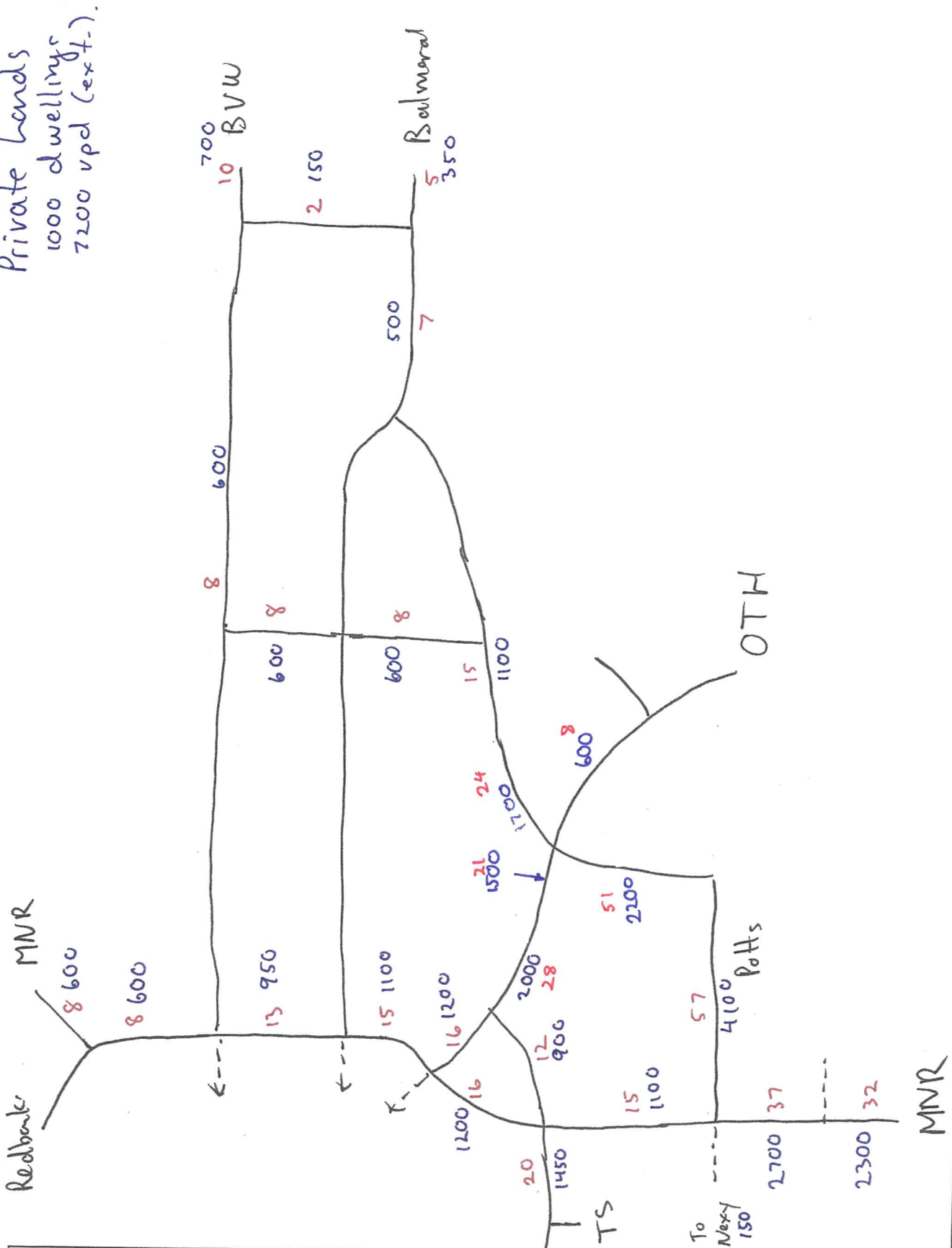


Spring Wood
(Stage 7 - 1700 dwell
- 12300 vpd)
ext.

% of traffic
Volume.

②

CALCULATION SHEET



CALCULATION SHEET

JOB

Calc.

Checked

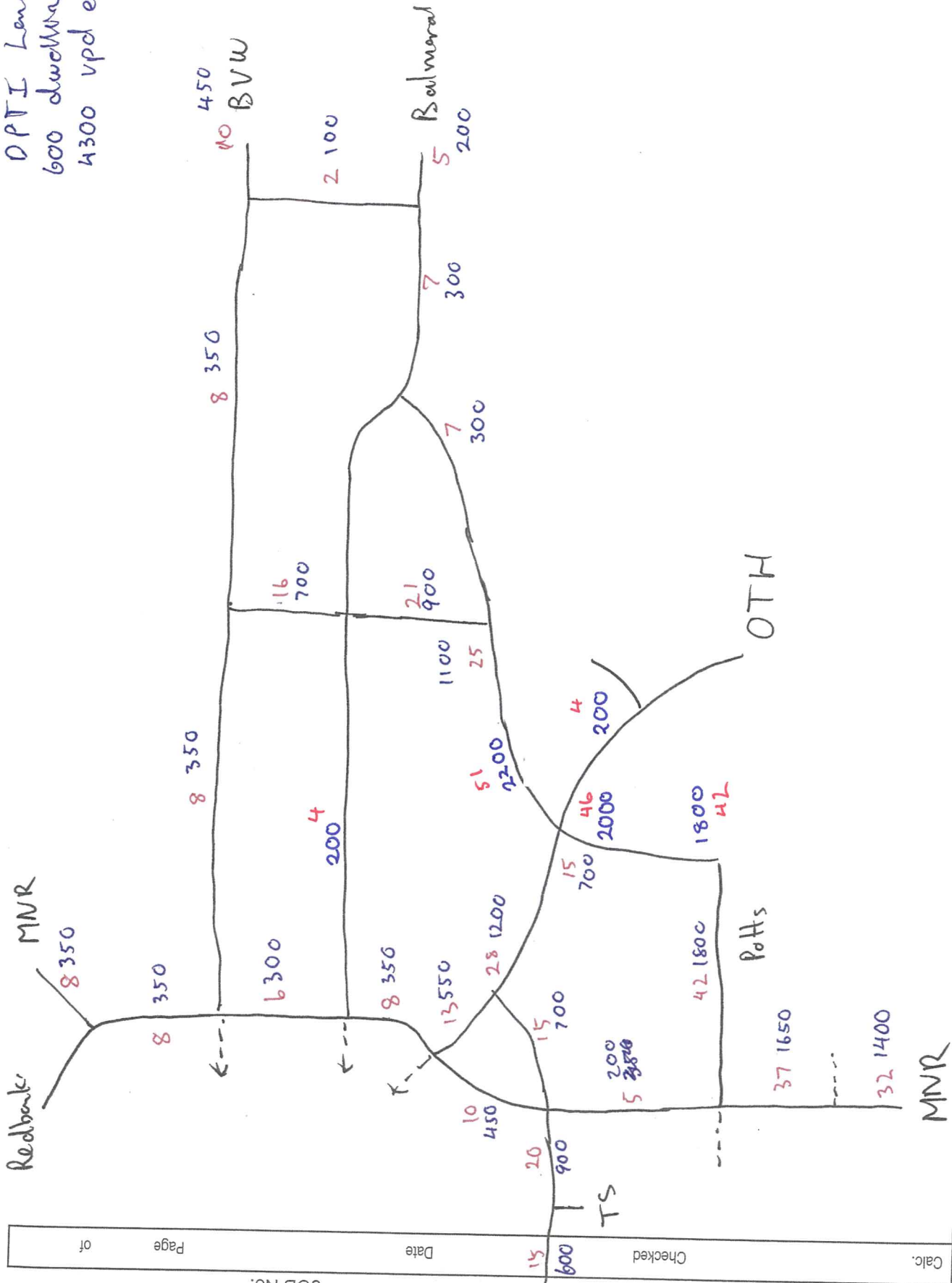
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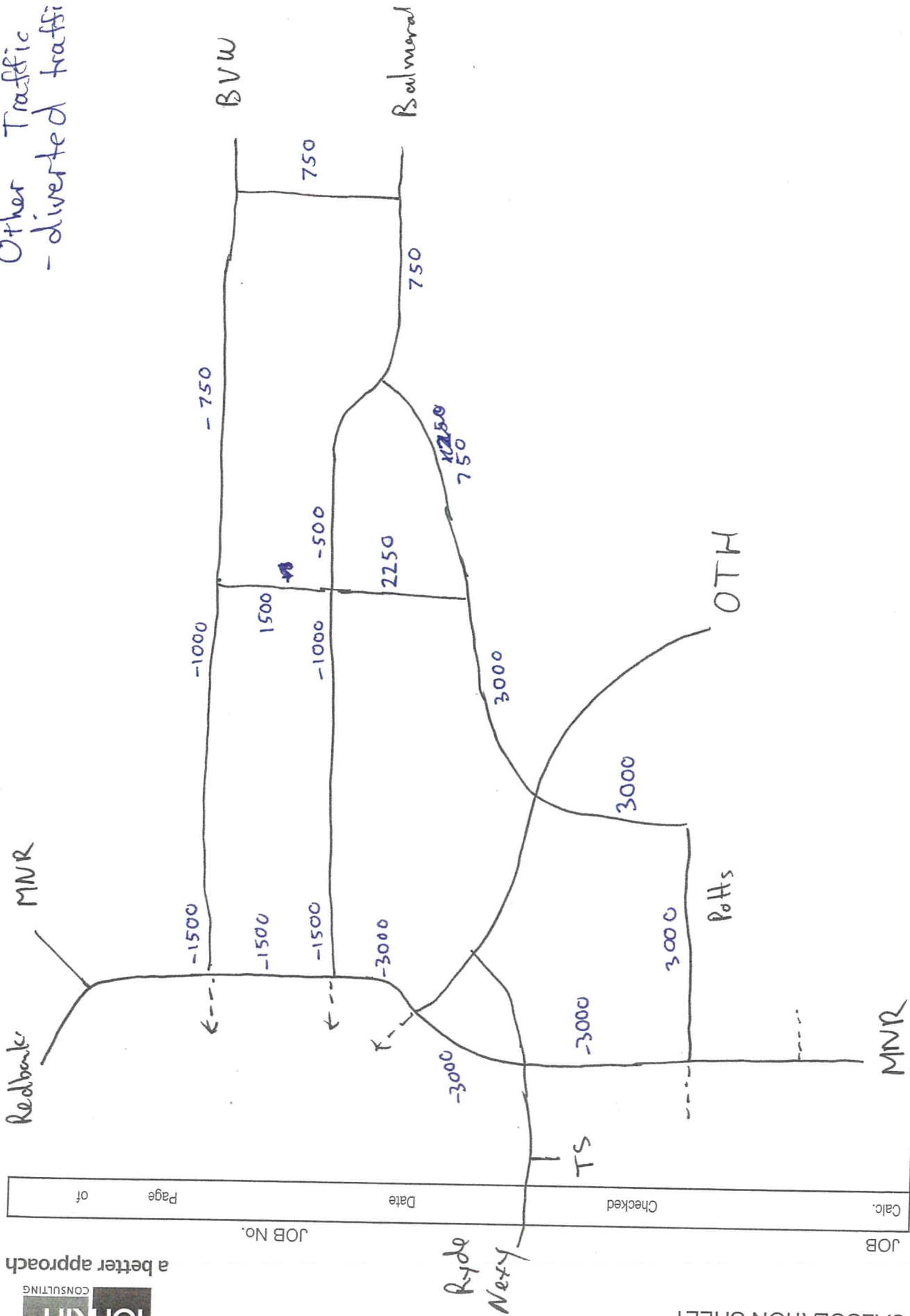
Ryde
Nexy-



OPTI Lands
600 dwelling
4300 vpd ext

③

Other Traffic
-diverted traffic



Appendix D

One Tree Hill Road Assessment

One Tree Hill Road Intervention Upgrade

Investigations Report

Town of Gawler

June 2018

Ref No. 20180592R002C



a better approach

Document History and Status

Rev	Description	Author	Reviewed	Approved	Date
A	Draft For Client Comment	PZ/RB	RB	RB	15 November 2016
B	Final	PZ/RB	RB	RB	January 2017
C	Update to incorporate new Link Road alignment	RB	PZ	RB	June 2018

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1 General Discussion

1.1 Background

The Town of Gawler have identified that an intervention assessment of Seventh Street, Riggs Hill Road and One Tree Hill Road is required to understand what upgrade is required to these roads between Eckerman Avenue and Fifth Street, due to development of the Link Road and associated Gawler East rezoning.

Previous investigations have identified a range of interventions on the local and arterial road network to support the proposed Gawler East development, including the highlighted roads in Figure 1.1. These interventions were based on investigations undertaken in 2010 based on assumptions of growth and future development at that time. A number of these have changed and the interventions need to be revisited to determine whether they are still valid. A similar investigation has recently been undertaken by Tonkin Consulting for Potts Road.

This report presents a review of the existing nature of One Tree Hill Road as part of the Gawler network, and the necessary interventions required for upgrade as a result of future developments and an increase in traffic volumes. Particular focus will be given to the section of road spanning Seventh Street, Riggs Hill Road and One Tree Hill Road, located between Eckerman Avenue and Fifth Street, due to impact from increased residential development as part of the Gawler East rezoning.

Figure 1.1 outlines the subject site.



Figure 1.1 Subject Site

2 Existing Conditions

This section outlines the existing conditions of the subject site.

2.1 Cross Section and Alignment

The roads in the subject site are sealed two-way single carriageways (one lane in each direction), with One Tree Hill Road providing a connection between Gawler South and Golden Grove.

2.1.1 Seventh Street

Seventh Street has a posted speed limit of 50km/h and provides for a sealed 12.2m carriageway, comprising of 2.3m parking bays on each side of the road and 3.45m travel lanes. This section of road provides for residential dwellings adjacent to the road with a number of property access points. Overhead power is provided on the west side of the road with some street lighting also provided.



Figure 2.1 Seventh Street at the intersection with Fifth Street, looking south

2.1.2 Riggs Hill Road

Riggs Hill Road continues from Seventh Street and has a sign posted speed limit of 50 km/hr to approximately 150m south of Seventh Street, and the 80km/h thereafter. A short length of kerbing south of the junction provides for a carriageway width of 7.0m. Beyond the kerbing the road narrows to 6.6m with unsealed shoulders. Overhead power and roadside street lighting also ends at this location. There is a side entry pit located on the west side of Riggs Hill Road at the end of the kerbing (Figure 2.2).

There is approximately 2.2m of unsealed shoulder on the eastern side of the road, with limited space provided for a shoulder on the western side (Figure 2.3). At the bend adjacent to the 80km/h speed sign and for approximately 200m further south, there is a steep slope adjacent to the eastern unsealed shoulder (Figure 2.3).

There are also delineation guide posts located on the eastern side of the road.



Figure 2.2 *Looking south along Riggs Hill Road from Seventh Street and the side entry pit located at the start of Riggs Hill Road on the western side*



Figure 2.3 *Unsealed shoulder on eastern side looking south along Riggs Hill Road and a steep slope adjacent to the unsealed shoulder*

Riggs Hill Road then curves to the right with a large section of unsealed shoulder approximately 5.5m wide (Figure 2.4). Between this point of Riggs Hill Road and Gawler Terrace there is approximately 3.9m of unsealed shoulder provided on the eastern side, which is then bounded by a property fence line (Figure 2.4).

Two stobie poles are located prior to Gawler Terrace on the eastern side of Riggs Hill Road. The larger stobie pole is located approximately 3.9m from the edge of road and the smaller stobie pole is located approximately 6.8m from the edge of road. The road width is approximately 6.5m from edge of seal to edge of seal.

No overtaking is permitted on Riggs Hill Road at any location.

No safety barriers are provided along Riggs Hill Road.



Figure 2.4 *Wide unsealed shoulder and stobie poles on eastern side of Riggs Hill Road looking south*

2.1.3 One Tree Hill Road

One Tree Hill Road continues south from Riggs Hill Road. There is a 2.7m wide left turn storage lane for northbound traffic turning into Gawler Terrace which is approximately 65m in length. One Tree Hill Road is orientated in a north-south direction with a width of approximately 7.3m from edge of seal to edge of seal. The speed zone along One Tree Hill Road is 80km/hr.

Unsealed shoulders of varying widths are provided on the both sides of the road due to the location of trees and other vegetation (Figure 2.5).



Figure 2.5 *Looking south along One Tree Hill Road from the Gawler Terrace junction and looking south along One Tree Hill Road after Gawler Terrace*

One Tree Hill Road then forms a junction with Filsell Terrace as part of the Woodvale development. A BAR treatment has been provided for northbound right turning vehicles into Filsell Terrace, with a left turn storage lane provided for southbound vehicles (Figure 2.6). Kerbing is provided on the east side of One Tree Hill Road with associated side entry pit (Figure 2.6). Target street lighting is provided at this junction.



Figure 2.6 *BAR treatment for the right turn into Filsell Terrace and a left turn storage lane for southbound traffic into Filsell Terrace*

One Tree Hill Road then forms an unsignalised junction with Eckerman Avenue. A Telstra pit is located on the northern shoulder (Figure 2.7). The westbound lane on Eckerman Avenue widens when it meets One Tree Hill Road and there are two property access points also opposite the junction (Figure 2.8).



Figure 2.7 *Junction with Eckerman Avenue looking south along One Tree Hill Road and a Telstra pit located on the northern shoulder*



Figure 2.8 *Junction with One Tree Hill Road looking west along Eckerman Avenue toward One Tree Hill Road*

Sight distance was assessed based on the requirements outlined in the Austroads Guidelines. Safe Intersection Sight Distance (SISD) to the south is considered acceptable, with SISD to the north considered unacceptable due to roadside vegetation obscuring southbound traffic (Figure 2.9).



Figure 2.9 *Sight distance from Eckerman Avenue looking south onto One Tree Hill Road and looking north onto One Tree Hill Road*

2.2 Pavements

There is no existing pavement asset data available for One Tree Hill Road.

A site inspection was undertaken to observe the existing condition of the pavement. Key observations included:

- General degradation of the parking bays on Seventh Street.
- General ravelling in sections of Seventh Street, Riggs Hill Road and One Tree Hill Road was observed.
- Cracking of the pavement in some sections, particularly in the outer wheel path of both lanes of Riggs Hill Road.

- There was consistent edge break and edge deterioration along the pavement in the subject site
- Wide unsealed shoulder areas are generally in good condition

Overall the pavement on Seventh Street, Riggs Hill Road and One Tree Hill Road (between Fifth Street and Eckerman Avenue) was in satisfactory condition. However, the pavement edge consistently showed signs of deterioration, edge break and general damage. This is particularly so on the downhill lane where there is no sealed shoulder provided along its length with associated crazing.

It is anticipated that the pavement condition will worsen over time if the existing distressed areas are not rehabilitated and the shoulders not improved / sealed.

An increase in traffic volumes due to additional residential development in the Gawler East region could have further detrimental effects on the pavement condition.



Figure 2.10 *General deterioration of the parking bays on Seventh Street*



Figure 2.11 *Ravelling of the travel lane and an example of some crazing observed in the travel lane*



Figure 2.12 *Two example of pavement edge damage which was consistently present throughout the subject site*

2.3 Stormwater

There is minimal stormwater infrastructure throughout the subject site. Stormwater runoff flows north along Seventh Street and is collected by side entry pits beyond the subject site in this direction.

Runoff on the western side of the start of Riggs Hill Road is collected by a side entry pit before Seventh Street, and runoff on the eastern side of Riggs Hill Road falls off the road and into the adjacent land.

Runoff on One Tree Hill Road is directed to fall off both sides of the road into the adjacent land, except at the Filsell Terrace junction where a side entry pit is located on the eastern side of One Tree Hill Road.

2.4 Lighting

Minor street lighting is provided along Seventh Street as individual poles and integrated with the overhead power stobie poles.

No lighting is provided on Riggs Hill Road.

Lighting is provided at the junction with Filsell Terrace on One Tree Hill Road.

2.5 Pedestrian, Cycling and Public Transport Network

Pedestrian and cycling connectivity along the subject site is limited. There are no dedicated bicycle lanes along the subject site resulting in cyclists sharing the carriageway with vehicles.

There is a dedicated footpath on the west side of Seventh Street with no footpath provided on the east side.

Reference to the 'Town of Gawler Walking and Cycling Plan 2008' and site inspection showed there is an existing off road path to the east of Riggs Hill Road used by both pedestrians and cyclists. The plan then indicates the off road route joins to One Tree Hill Road at 'Dead Man's Pass', before continuing along the east side of One Tree Hill Road before crossing the road prior to Gawler Terrace. The site inspection however did not indicate an obvious crossing point at this location (Figure 2.13).



Figure 2.13 Two example of pavement edge damage which was consistently present throughout the subject site

There is no formal bus route along this road.

2.6 Parking

Dedicated on street parking is provided on both sides of Seventh Street, approximately 2.3m wide. There is no dedicated parking on Riggs Hill Road however a wide verge provided on the eastern side would allow a vehicle to pull over out of the path of through traffic.

One Tree Hill Road does not provide for any on street parking, however there are areas where parking may be undertaken within the verge.

2.7 Traffic Volumes and Crash Data

Traffic volumes on the roads under investigation were obtained from DPTI, indicating an Annual Average Daily Traffic (AADT) of 2,100vpd. Crash data during 2010 – 2015 was obtained from the LocationSA website along the, with Table 2.1 below summarising the crash data.

Table 2.1 Crash data

Location	Crashes	Casualty	Fatalities
Seventh Street – Between Fifth Street and Riggs Hill Road	1	0	0
Riggs Hill Road	2	1	0
One Tree Hill Road	4	4	0

The four crashes with casualties recorded on One Tree Hill Road were made up of two hit fixed object and two leaving the road.

2.8 Functional Classification

The 'Town of Gawler Land Development Engineering Standards Guidelines, Standards and Requirements for Land Development and Land Division' define the existing Town of Gawler road hierarchy based on the following parameters outlined in Table 2.2.

Table 2.2 Town of Gawler Road Classification Guidelines

Road Classification	Design Speed (km/h)	Reserve Width (m)	Verge Width (m)	Footpath Width (m)	Minimum Pavement Width (m)	Dedicated on street parking (No. of)	Cycle Lane
Collector Road 1	60	25	5	1.5 or 1.8	15	2	Dedicated cycle lane
Collector Road 2	60	22	5	1.5 or 1.8	12	2	Shared path
Residential (local) Road	50	15.4	4	1.2 or 1.5	7.4*	0	Carriageway
Access Road	50	11.2	3.70	0 or 1.2	7*	0	Carriageway
Cul-de-sacs	40	40.2	3	0 or 1.2	36	0	Carriageway

Based on the information in Table 2.2 and the 'Draft Transport and Traffic Management Plan 2014', the roads in the subject site could be classified within the **existing road hierarchy** of Gawler as the following:

- Seventh Street – Collector Road 1 (Council)
- Riggs Hill Road – Collector Road 1 (Council)
- One Tree Hill Road – Collector Road 1 (Council)

3 Future Road Development

3.1 Future Development and Operation

This assessment assumes full development of the Gawler East rezoning and the implementation of the Gawler East Link Road (GELR). Council has approved the DPTI alignment as the preferred GELR alignment and is shown in Figure 3.1. A roundabout will be constructed at the intersection with the GELR and One Tree Hill Road.

Future traffic volumes on One Tree Hill Road are expected to be generated from the following developments:

- Springwood (Gawler East Stage 1)
- DPTI land area
- Private land areas (including Woodvale)

The expected additional traffic volumes directed onto One Tree Hill Road are shown in Figure 3.1. The future traffic volumes as a result of the above developments are expected to range from 2,500vpd to 4,000vpd, depending on the number of dwellings constructed and location of future access points.

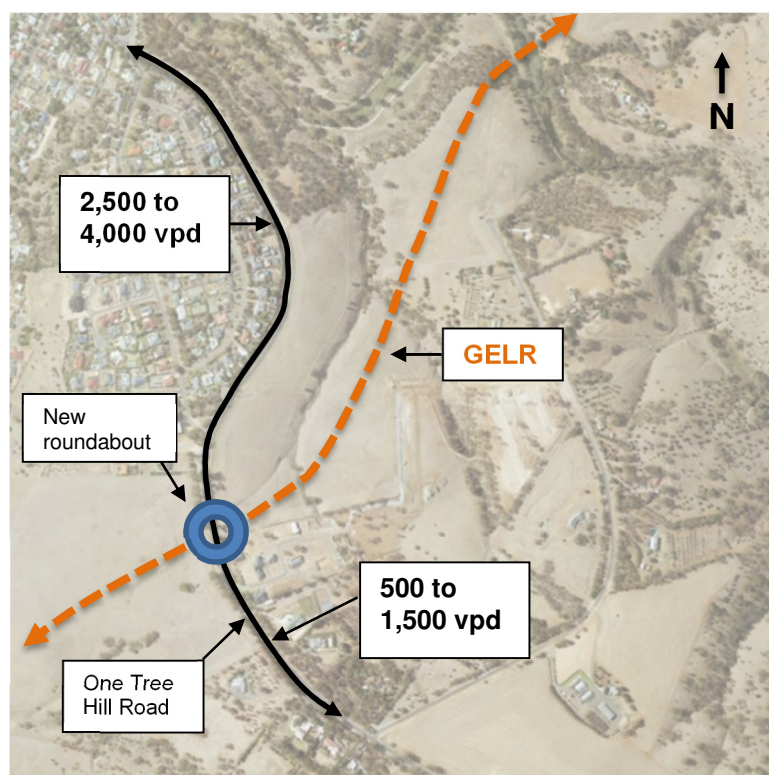


Figure 3.1 Future traffic volumes as a result of the Gawler East development (does not include existing traffic volumes)

Taking into account natural traffic growth (approximately 1% per year) of the existing traffic volumes on One Tree Hill Road, it can be expected in 10 years the existing traffic volumes will grow to approximately 2,200 vpd.

Therefore, expected traffic volumes on One Tree Hill Road in the next 5 – 10 years as a result of natural traffic growth and the Gawler East development could range from **4,700 vpd to 6,480 vpd**.

The predominate driver for upgrading One Tree Hill Road is the expected traffic volumes as a result of the Gawler East development. Particularly as the existing road width of Riggs Hill Road and One Tree Hill Road does not meet the required standards for these roads. In addition, sections of the existing pavement require rehabilitation to address areas of pavement failure.

3.2 Future Road Hierarchy

The 'Draft Transport and Traffic Management Plan 2014' classifies One Tree Hill Road as a Distributor Road, primarily due to the impact of the Gawler East Link Road and Gawler East developments on traffic volumes.

On this basis, the function of One Tree Hill Road would be consistent with a Collector Road as indicated below.

Table 7.2: Future Functional Road Hierarchy Definition

Label	Characteristics	Average Daily Traffic	Care and Control (generally)
Metropolitan	carries through traffic metropolitan-wide origin	Above 35,000	DPTI
Regional	carries traffic of a regional-wide origin	20,000 to 35,000	DPTI
Distributor	carries traffic of a district wide origin	8,000 to 20,000	Town of Gawler
Collector	carries traffic of a neighbourhood wide origin	3,000 to 8,000	Town of Gawler
Local	carries local traffic from immediate streets	Below 3,000	Town of Gawler

This is considered to be equivalent to a Collector 2 road as indicated in Table 2.2.

3.3 Junctions to One Tree Hill Road

As part of the GELR and Gawler East rezoning, there will be new road connections to One Tree Hill Road from the east and west directions.

Existing junctions on One Tree Hill Road include:

- Gawler Terrace
- Kelly Court (no development at present but will be replaced by the Link Road)
- Filsell Terrace

It is expected that with development of the areas abutting One Tree Hill Road, new junctions will need to be constructed to provide the required access, particularly for the privately owned lands. At this time the location of these new junctions are unknown as development applications have not been approved for lands and there is no formal structure plan for the area. However it is expected new junctions would be required between the roundabout with the Link Road and Eckerman Avenue.

4 Treatments

This section outlines the treatments required in order to upgrade Seventh Street, Riggs Hill Road and One Tree Hill Road to accommodate future traffic volumes, improve connectivity and repair areas of damage/deficiency.

Investigation into the existing operation of the roads within the subject site has yielded some deficiencies that require upgrade. These include:

- Generally satisfactory pavement condition with deficiencies in some areas including deteriorated parking bays on Seventh Street, ravelling/cracking/crazing in various sections of the travel lane (mainly outer wheel paths), and consistent poor pavement edge condition. Increasing traffic volumes without the Gawler East development will continue the deterioration process if no pavement treatment was implemented.
- There is no dedicated off road shared use path throughout Riggs Hill Road / One Tree Hill Road which results in providing poor pedestrian connectivity. Crossing points are poorly defined.
- Lack of a safety barrier along Riggs Hill Road.

The existing pavement condition suggests the road is not in immediate need of major repair. There is a need to rehabilitate areas of significant crazing along the existing outer wheel path on Riggs Hill Road. Future development of the Gawler East area is expected to accelerate pavement deterioration, hence upgrade should be implemented before damage to the pavement is able to worsen from an increase in traffic volumes.

The proposed upgrading will be undertaken in two sections; Seventh Street and Riggs Hill Road / One Tree Hill Road as one segment.

4.1 Design Speed

The current speed limit is predominantly 80km/hr from Seventh Street through to Eckerman Avenue along One Tree Hill Road. East of Eckerman Avenue the speed limit increases to 100km/hr.

The increase in development proposed for the area together with the new roundabout at the One Tree Hill Road / Link Road intersection suggests that the speed limit for the road should be reviewed.

It is recommended that once the Gawler East Link Road is completed the speed zone between Seventh Street and Eckerman Avenue should be reduced to 60 km/hr. It then should increase to 80km/h then to 100 km/hr east of the Eckerman Avenue.

4.2 Cross Sectional Alignment

The proposed cross section will comprise the following;

Seventh Street

- 3.5m wide travel lanes
- 2.3m wide parking lanes
- 1.5m wide footpath on east side

Riggs Hill Road / One Tree Hill Road

- 3.5m wide travel lanes
- 1.0m wide sealed and 1.0m wide unsealed shoulder on both sides of the roads. In areas of cutting the unsealed shoulder could be replaced by a spoon drain or similar.

- 2.5m wide shared path on east side along Riggs Hill Road with a defined crossing point at Gawler Terrace. Shared path to continue south from existing access to Dead Man's Pass along One Tree Hill Road, providing a connection to Eckerman Avenue.
- The installation of a safety barrier on the east side of Riggs Hill Road adjacent to a steep batter slope should be investigated further.

As indicated in Section 3 there is expected to be additional access points along One Tree Hill Road to provide access for future development of the DPTI and privately owned lands. Two options are possible for the treatments at the access points; wide sealed shoulders (BAL / BAR treatments) or channelised junctions. Given that there is uncertainty regarding the location of future access points and the speed zone is expected to be 60km/hr, the provision of a wide sealed shoulder is considered appropriate. In addition, the provision of sealed shoulders allows flexibility with widths where vegetation impact could be an issue.

4.3 Pavement

The pavement condition is generally satisfactory with some deficiencies primarily on Seventh Street and Riggs Hill Road. It is recommended to upgrade the road in two stages, with the first being an interim treatment, and once the Gawler East rezoning is close to completion with higher traffic volumes, an ultimate treatment can be undertaken.

Interim treatment

- Provide 1m wide sealed (14/5 double seal) shoulders on Riggs Hill Road and One Tree Hill Road. This may require some earthworks cut on the west side of Riggs Hill Road.
- Rehabilitate the existing failed areas of the outer wheel paths. This should be undertaken in conjunction with the widening indicated above.
- Reseal the existing roadway with a 14/5 double seal.

Ultimate treatment

- Full pavement reconstruction with a typical 50mm AC10 surface and 325mm granular pavement depending on condition of pavement at full development.

4.4 Stormwater

No change required for Seventh Street, Riggs Hill Road or One Tree Hill Road.

If dwellings are constructed fronting One Tree Hill Road, then the appropriate kerbing and underground drainage should be implemented.

4.5 Lighting

It is proposed to upgrade the lighting for Seventh Street to achieve the V3 lighting standard required for this road by either upgrading existing luminaires or constructing new 10.5m high poles at 40m spacing's.

Lighting to be implemented at the One Tree Hill Road / Gawler Terrace junction and to achieve the V3 lighting standard, which will also light the formalised pedestrian / cycling crossing point.

Lighting to be implemented at the Eckerman Avenue / One Tree Hill Road junction and to achieve the V3 lighting standard.

Lighting to be provided along the shared path to the relevant standard (refer AS1158).

Lighting is currently provided at the Filsell Terrace / One Tree Hill Road junction and is assumed to be of the relevant standard. If not the lighting is to be upgraded.

4.6 Pedestrian and Cycling

Footpaths will be provided on both sides of Seventh Street at 1.5m wide.

On the east side of Riggs Hill Road where the existing shared use path joins at Dead Man's Pass, it is proposed to extend the shared path south along the east side of Riggs Hill Road and provide a formalised crossing point over the road at the Gawler Terrace junction. The shared path can then continue south along One Tree Hill Road on the western side providing a connection to Eckerman Avenue.

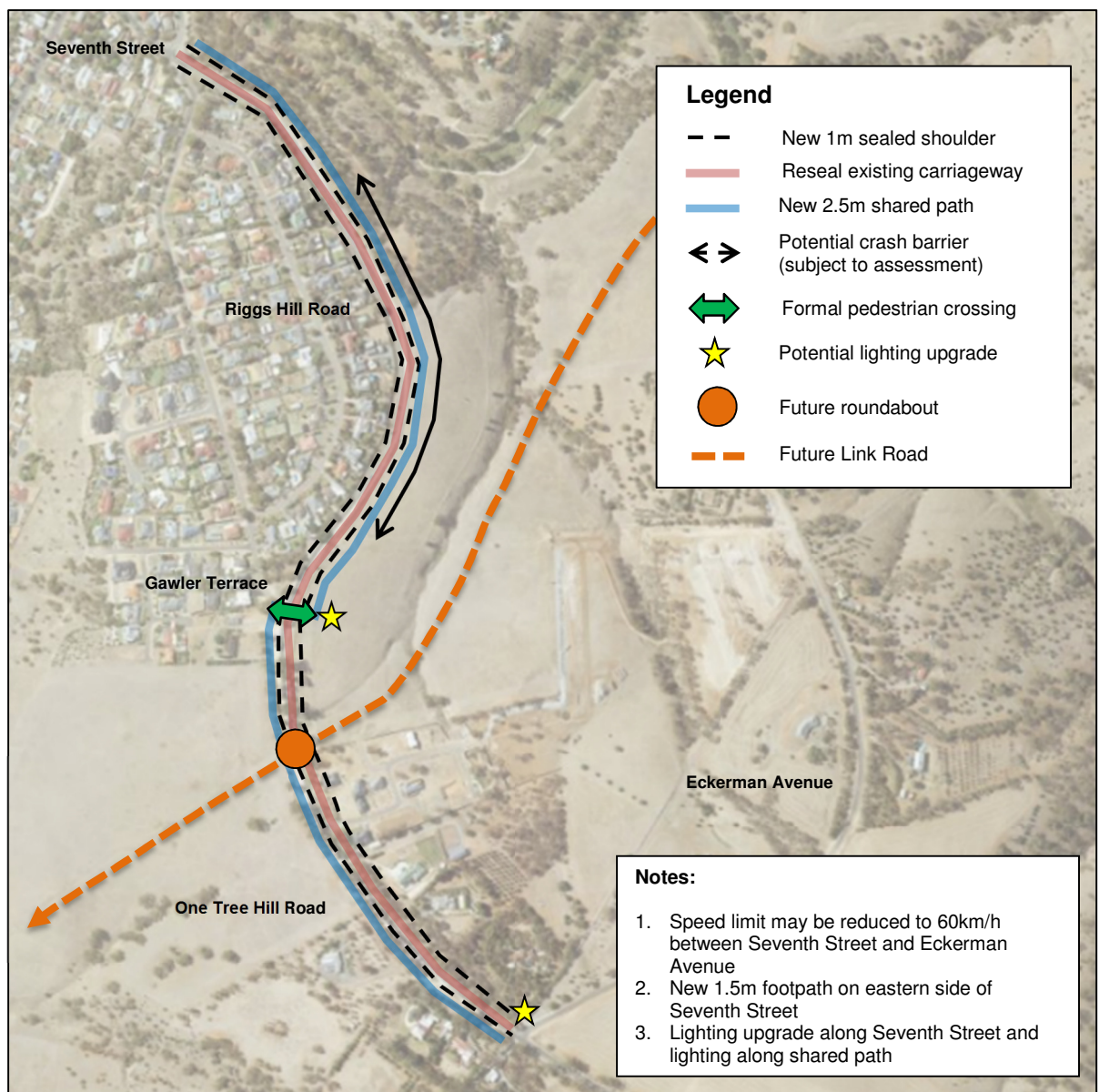


Figure 4.1 Treatment plan

5 Recommendation

The roads within the subject site are generally in satisfactory condition. However, there are various deficiencies that require upgrading to cater for the existing and expected future traffic volumes due to the Gawler East development and associated works.

A review of the road hierarchy and traffic volumes indicated that Seventh Street, Riggs Hill Road and One Tree Hill Road would function as a Distributor Road in the future (refer Draft Transport and Traffic Management Plan 2014), which is equivalent to a Collector Road as outlined in Table 2.2.

The speed limit of Riggs Hill Road and One Tree Hill Road up to Eckerman Avenue should be reduced from 80km/h to 60km/h due to the increase in traffic volumes and level of development within the area.

Based on the requirements indicated in Table 2.2 for a Collector Road the following cross section would be required for Seventh Street, Riggs Hill Road and One Tree Hill Road where there is access by abutting residential properties.

Travelling lane	3.5m wide
Parking lane	2.3m wide
Footpaths	1.5m wide on west side 1.5m wide on east side

Where there is no access by abutting residential properties there is no requirement for parking lanes. In this instance, a 1.0m wide sealed and 1.0m wide unsealed shoulder on each side of the road should be provided. Where the road is in cut the unsealed shoulder should be replaced by a spoon drain or similar.

Installation of a safety barrier on the east side of Riggs Hill Road from Seventh Street to Dead Man's Pass should be investigated and implemented if justified according to Austroads / DPTI guidelines.

The footpath on the east side would form a shared path at Riggs Hill Road which would then connect to One Tree Hill Road and continue to Eckerman Avenue.

Improvements to the pavement condition and street lighting are also required for Seventh Street, Riggs Hill Road and One Tree Hill Road. The pavement widening works and pavement rehabilitation should be undertaken simultaneously.

Appendix E

Potts Road Assessment

Potts Road Intervention Upgrade

Investigations Report

Town of Gawler

September 2016

Ref No. 20161062R001B



a better approach

Document History and Status

Rev	Description	Author	Reviewed	Approved	Date
A	Draft For Client Comment	PZ/RB	RB	RB	23 September 2016
B	Final	PZ/RB	RB	RB	26 September 2016

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1 General Discussion

1.1 Background

The Town of Gawler have identified that an intervention assessment of Potts Road is required to understand the what upgrade is required to Potts Road lower and upper section if the Link Road (and associated Gawler East rezoning) were not implemented.

Previous investigations have identified a range of interventions on the local and arterial road network to support the proposed Gawler East development, including Potts Road. These interventions were based on investigations undertaken in 2010 based on assumptions of growth and future development at that time. A number of these have changed and the interventions need to be revisited to determine whether they are still valid.

This report presents a review of the existing nature of Potts Road as part of the Gawler network, and the necessary interventions required for upgrade as a result of future developments and an increase in traffic volumes. Particular focus will be given to the section of Potts Road between Main North Road and the Bentley Road Corridor, due to increased residential development in this area compared to Potts Road east of the Bentley Road Corridor.

Figure 1.1 outlines the subject site and the location of Potts Road.

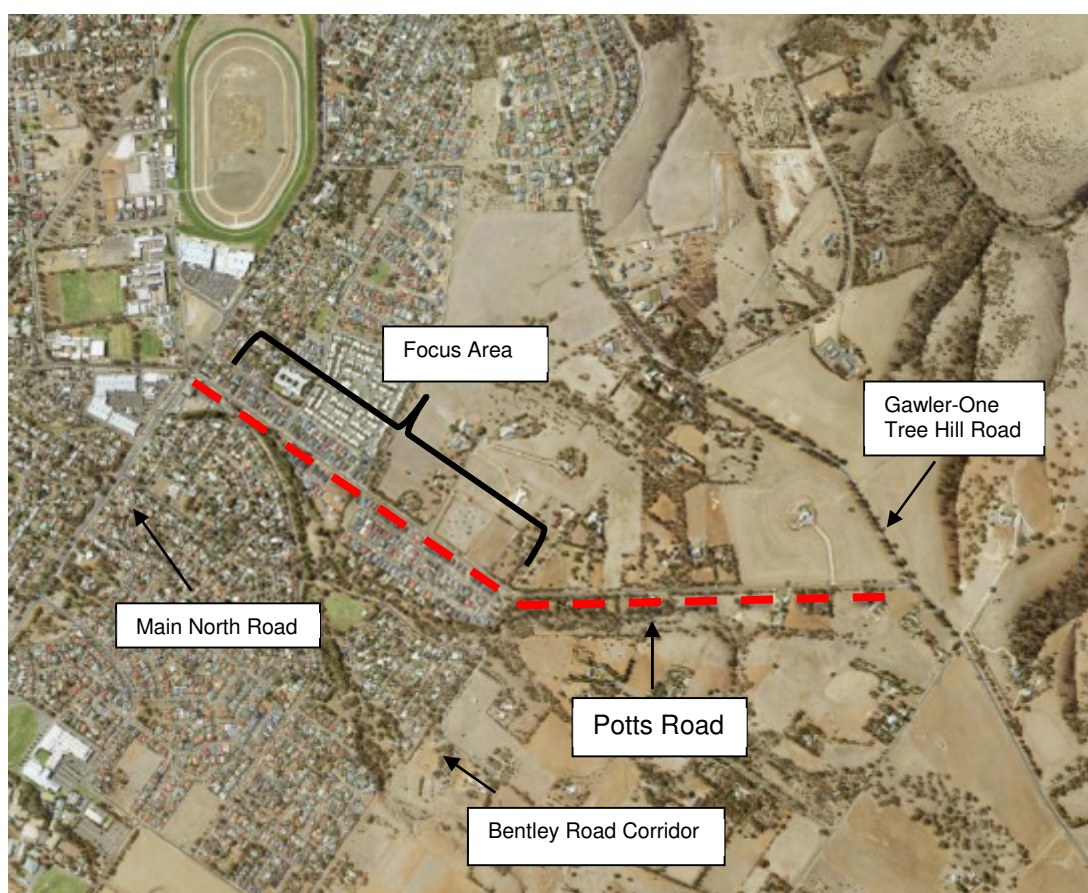


Figure 1.1 Subject Site

2 Existing Conditions

This section outlines the existing conditions of Potts Road.

2.1 Potts Road – Cross Section and Alignment

Potts Road is a sealed two-way single carriageway (one lane in each direction) that connects Gawler-One Tree Hill Road and Main North Road. The road is separated into two sections as indicated below.

2.1.1 Gawler-One Tree Hill Road to Bentley Road Corridor

Potts Road runs in an east-west direction between Gawler-One Tree Hill Road and the Bentley Road Corridor. The road is located primarily in rural type environment. A swale and several culverts under property access points run along both sides of Potts Road through this section.

Potts Road is approximately 6m wide seal to seal and has wide unsealed shoulders in this section, with no provisions for on-street parking. Land use surrounding this section of Potts Road is predominantly agricultural land serviced by a number of private access points.

There is also overhead power running along the north side of Potts Road.

2.1.2 Bentley Road Corridor to Main North Road

This section of Potts Road runs in a west-east direction between the Bentley Road Corridor and Main North Road. This section of Potts Road is primarily located in a residential environment.

Potts Road provides for a 7.9m carriageway seal to seal with a 5m lane for the westbound traffic between the Bentley Road Corridor and just east of Mueller Drive. West of Mueller Drive to Main North Road, Potts Road provides for a 6.6m carriageway kerb to seal with a 3.5m travel lane for westbound traffic.

Kerbing is provided on the north and south sides of Potts Road in areas that coincide with the location of residential dwellings. Residential dwellings are located along the north and south sides of Potts Road in this section with direct access to dwellings predominantly on the north side of Potts Road. Dwellings are set back which provides wide verges along the length of Potts Road.

Potts Road forms an uncontrolled junction with Main North Road. There is a service station located on the north-west shoulder of Potts Road which is currently under construction to provide for an 'On The Run'. A right turn storage lane for northbound traffic on Main North Road to turn into Potts Road. There is no left turn deceleration lane for the southbound traffic on Main North Road to access Potts Road. Right turn movements out of Potts Road are able to access an isolated lane from through traffic to ease congestion and for a safer turning movement.



Figure 2.1 Potts Road just west of the Bentley Road Corridor, looking west



Figure 2.2 *Potts Road just east of Mueller Drive, looking west*



Figure 2.3 *Potts Road west of Mueller Drive, looking west*

2.2 Pavements

There is no existing pavement asset data available for Potts Road.

A site inspection was undertaken to observe the existing condition of the pavement. Key observations included:

- Crazeing of the pavement in some sections (Figure 2.4)
- Pavement patching is evident throughout the majority Potts Road, particularly west of the Bentley Road Corridor (Figure 2.5)
- General ravelling and formation of potholes was observed (Figure 2.6)
- The edge of seal was showing signs of edge break and deterioration
- Potts Road consists of wide verge areas in generally good condition

The pavement on Potts Road between the Bentley Road Corridor and Main North Road was in generally poor condition.

An increase in traffic volumes due to additional residential development in the region could have further detrimental effects on the pavement condition.



Figure 2.4 Evidence of crazing on Potts Road



Figure 2.5 Example of pavement patching on Potts Road



Figure 2.6 Example of raveling and pothole formation, attempted to be patched

2.3 Stormwater

The existing stormwater network adjacent to and surrounding Potts Road was obtained from the Town of Gawler and is shown in Figure 2.7. The natural surface of Potts Road grades towards Main North Road in a predominantly west direction, before Potts Road then begins to flatten out west of Mueller Drive.

There are existing double side entry pits located on the south side of Potts Road just west of Bowman Court and east of Sunnyside Drive which drain into the creek south of Potts Road. There is also an existing double side entry pit on the north side of Potts Road east of Sunnyside Drive.

There is existing kerbing on the edges of Potts Road that are adjacent to areas of residential development. Swales are present in other sections of Potts Road with no kerbing.

Several culverts are located under existing driveway access points on both the north and south sides of Potts Road. This allows drainage to maintain a longitudinal flow along Potts Road in a west direction towards Main North Road.



Figure 2.7 Existing stormwater network

2.4 Lighting

Minor street lighting is provided along Potts Road integrated with the overhead power stobie poles. This is only located on the south side of Potts Road between Main North Road and Sunnyside Drive. No street lighting is provided along any other section of Potts Road.

Lighting is also provided at the following roads at the junctions to Potts Road. Note the lighting is on the minor roads with no on street lighting in these areas provided on Potts Road.

- Mueller Drive
- Curnow Court
- Coleman Parade

2.5 Pedestrian, Cycling and Public Transport Network

Pedestrian and cycling connectivity along Potts Road is quite limited. There is a lack of a dedicated bicycle lane on Potts Road, causing cyclists to share the carriageway with vehicles.

There is a dedicated footpath on the south side of Potts Road between Main North Road and Sunnyside Drive adjacent to the location of a bus stop. The bus stop services the 493/494 route with the stopping area located on the south side of Potts Road. There is no existing footpath fronting residential dwellings on Potts Road, except for approximately 20m of footpath that extends west out of Coleman Parade on the north side of Potts Road.

Reference to the 'Town of Gawler Walking and Cycling Plan 2008' and site inspection showed there are two existing pedestrian/cycling crossing points on Potts Road. One crossing point is located east of Sunnyside Drive which connects an off road path to dwelling frontage. Kerbing is located at the frontage to the dwellings with no kerb ramp, limiting connectivity specifically for disabled access.

A shared path crossing is located east of Mueller Drive providing connectivity between Gawler South and Evanston Park.

Both of the above locations are shown on the SA Bike Direct maps for Gawler.

2.6 Parking

There is no dedicated on street parking along Potts Road, particularly west of the Bentley Road Corridor in sections of Potts Road fronting residential dwellings.

Potts Road has wide verge areas on both the north and south side which allows uncontrolled parking to occur, with Figure 2.8 indicating vehicles utilising the wide verge areas for on street parking.



Figure 2.8 Vehicles utilising the wide verges for parking

2.7 Traffic Volumes and Crash Data

Traffic volumes on Potts Road were obtained from DPTI, indicating an Annual Average Daily Traffic (AADT) of 2,500vpd. Crash data during 2010 – 2015 was obtained from the LocationSA website along Potts Road, with Table 2.1 below summarising the crash data.

Table 2.1 *Crash data*

Location	Crashes	Injuries	Fatalities
Potts Road – Between Gawler-One Tree Hill Road and Evanston	0	0	0
Potts Road – Between Evanston and Main North Road	2	1	0
Potts Road / Main North Road Junction	10	2	0

The crash resulting in an injury was located at the Potts Road / Sunnyside Drive junction and involved a cyclist. No other cyclist or pedestrian involved crashes were recorded along Potts Road.

A high number of crashes (10) have been recorded at the Potts Road / Main North Road junction, with eight crashes being right angle. The high number of right angle crashes is typical for this type of unsignalised junction.

2.8 Functional Classification

The 'Town of Gawler Land Development Engineering Standards Guidelines, Standards and Requirements for Land Development and Land Division' define the existing Town of Gawler road hierarchy based on the following parameters outlined in Table 2.2.

Table 2.2 *Town of Gawler Road Classification Guidelines*

Road Classification	Design Speed (km/h)	Reserve Width (m)	Verge Width (m)	Footpath Width (m)	Minimum Pavement Width (m)	Dedicated on street parking (No. of)	Cycle Lane
Collector Road 1	60	25	5	1.5 or 1.8	15	2	Dedicated cycle lane
Collector Road 2	60	22	5	1.5 or 1.8	12	2	Shared path
Residential (local) Road	50	15.4	4	1.2 or 1.5	7.4*	0	Carriageway
Access Road	50	11.2	3.70	0 or 1.2	7*	0	Carriageway
Cul-de-sacs	40	40.2	3	0 or 1.2	36	0	Carriageway

Based on the information in Table 2.2, the existing Potts Road layout could be classified as a Residential (local) Road. This is attributed to the following conditions of Potts Road and applying the classification guidelines in Table 2.2.

- Potts Road has a posted speed limit of 50km/h
- Reserve width and verge widths are similar to the above parameters
- There is no existing dedicated on street parking
- The cycle lane is part of the carriageway
- The existing traffic volumes.

However, the 'Draft Transport and Traffic Management Plan 2014' classifies the Potts Road within the **existing road hierarchy** of Gawler as a Collector Road 1 (Council).

3 Future Road Development

3.1 Future Development and Operation

This assessment assumes there is no significant Gawler East development, with a marginal residential development expected east of the Bentley Road Corridor.

The Woodvale development located on the north side of One Tree Hill Road east of the Bentley Road Corridor has currently been approved. It can be expected this development will have a minor influence on the traffic operation of Potts Road as vehicle demands are likely to be attracted to Gawler Green shopping area and the key schools (Trinity and Gawler and District).

Additional traffic volumes generated from Woodvale expected to be minor of say 500 vehicles per day over 5-year timeframe to approximately 3,000vpd.

The traffic operation is also likely to change as a result of marginal residential development adjacent to Potts Road contributing to an increase in traffic volumes. In addition to this, natural traffic volume growth (approximately 1% per year) will contribute to an increase in traffic volumes on Potts Road. This natural growth of traffic volumes will likely be directed onto Potts Road from Gawler-One Tree Hill Road.

The predominate driver for upgrading the road is its existing poor condition. In addition, the existing road width and poor lighting as well as lack of street lighting do not meet the required standards for this road.

3.2 Future Road Hierarchy

The 'Draft Transport and Traffic Management Plan 2014' classifies the Potts Road as a Distributor Road, primarily due to the impact of the Gawler East Link Road on the traffic volumes.

However, with the no Gawler East development case the traffic volumes are expected to be in the order 3,000vpd.

On this basis, the function of Potts Road would be consistent with a Collector Road as indicated below.

Table 7.2: Future Functional Road Hierarchy Definition

Label	Characteristics	Average Daily Traffic	Care and Control (generally)
Metropolitan	carries through traffic metropolitan-wide origin	Above 35,000	DPTI
Regional	carries traffic of a regional-wide origin	20,000 to 35,000	DPTI
Distributor	carries traffic of a district wide origin	8,000 to 20,000	Town of Gawler
Collector	carries traffic of a neighbourhood wide origin	3,000 to 8,000	Town of Gawler
Local	carries local traffic from immediate streets	Below 3,000	Town of Gawler

This is considered to be equivalent to a Collector 2 road as indicated in Table 2.2.

4 Treatments

This section outlines the treatments required in order to upgrade Potts Road to accommodate future traffic volumes, improve connectivity and repair areas of damage/deficiency.

Investigation into the existing nature of Potts Road has yielded various deficiencies that require upgrade. These include:

- A lack of dedicated on street parking
- Poor pavement condition between Main North Road and the Bentley Road Corridor. Increasing traffic volumes will only accelerate the deterioration process if no pavement treatment was implemented
- Pedestrian crossing points are poorly defined and no dedicated footpath present along Potts Road fronting residential dwellings
- Lack of sufficient street lighting along Potts Road

This section assumes DPTI are to upgrade the Main North Road / Potts Road junction to a signalised intersection.

The existing pavement condition indicates that Potts Road requires upgrading in the next two years irrespective of future development within the area.

The proposed upgrading will be undertaken in two sections; east and west of the existing residential development on the northern side of Potts Road.

4.1 Cross Sectional Alignment

The proposed cross section will comprise the following;

Eastern Section

- 3.7m wide travel lanes

Western Section

- 3.7m wide travel lanes
- 2.3m wide parking lanes
- 2.5m wide shared path on north side and 1.5m wide footpath on south side

Protuberances will be provided along the section to assist with pedestrian crossing of the roadway.

4.2 Pavement

The pavement condition is poor on the existing western section and adequate to the east, and consequently the following is recommended.

Eastern section

- Reseal the existing roadway with a 14/5 double seal.

Western section

- Full pavement reconstruction with a typical 50mm AC10 surface and 325mm granular pavement.

4.3 Stormwater

It is recommended that a kerb and gutter with underground drainage be provided along Potts Road along the western section. The existing driveway cross pipes would be removed. From initial investigations the water would be diverted to the existing creek system depending on existing invert levels.

Preliminary investigations indicated that a 450mm diameter pipe would be required for the proposed cross section with the Gawler East Link Road. Given that the area of pavement for the no development case is less a smaller pipe could be utilised. However, to allow for any future development the size should remain as is.

No change is required for the eastern section.

4.4 Lighting

It is proposed to upgrade the lighting for the full length of Potts Road to Bowman Court.

The lighting treatment will provide 10.5m high poles at 40m spacing's to achieve the V3 lighting standard required for this road.

4.5 Pedestrian and Cycling

Footpaths will be provided on both sides of the road with the footpath on the southern side 1.5m wide.

On the northern side it is proposed to provide a shared path that links the existing off road path to the existing on-road route at Sunnyside Drive. A road crossing would be provided across Potts Road at this location.

5 Recommendation

Potts Road is in poor condition and requires upgrading to cater for the existing and expected future traffic volumes without the Gawler East development and associated works.

A review of the road hierarchy and traffic volumes indicates that Potts Road would function as a Collector Road in the future.

Based on the requirements indicated in Table 2.2 for a Collector Road the following cross section would be required for Potts Road where there is access by abutting residential properties.

Travelling lane	3.7m wide
Parking lane	2.3m wide
Footpaths	1.5m wide on south side
	1.5m wide on north side

Note that the footpath on the north side could be upgraded to provide a shared path at a later date to connect the two off-road bike paths.

Improvements to the pavement condition, street lighting and stormwater infrastructure are also required for Potts Road to cater for its desired function.

East of this area, the road is of appropriate width and standard and requires only minimal improvement via a reseal.

Appendix A

Potts Road – Concept Design

Annexure E
COMMUNITY INFRASTRUCTURE

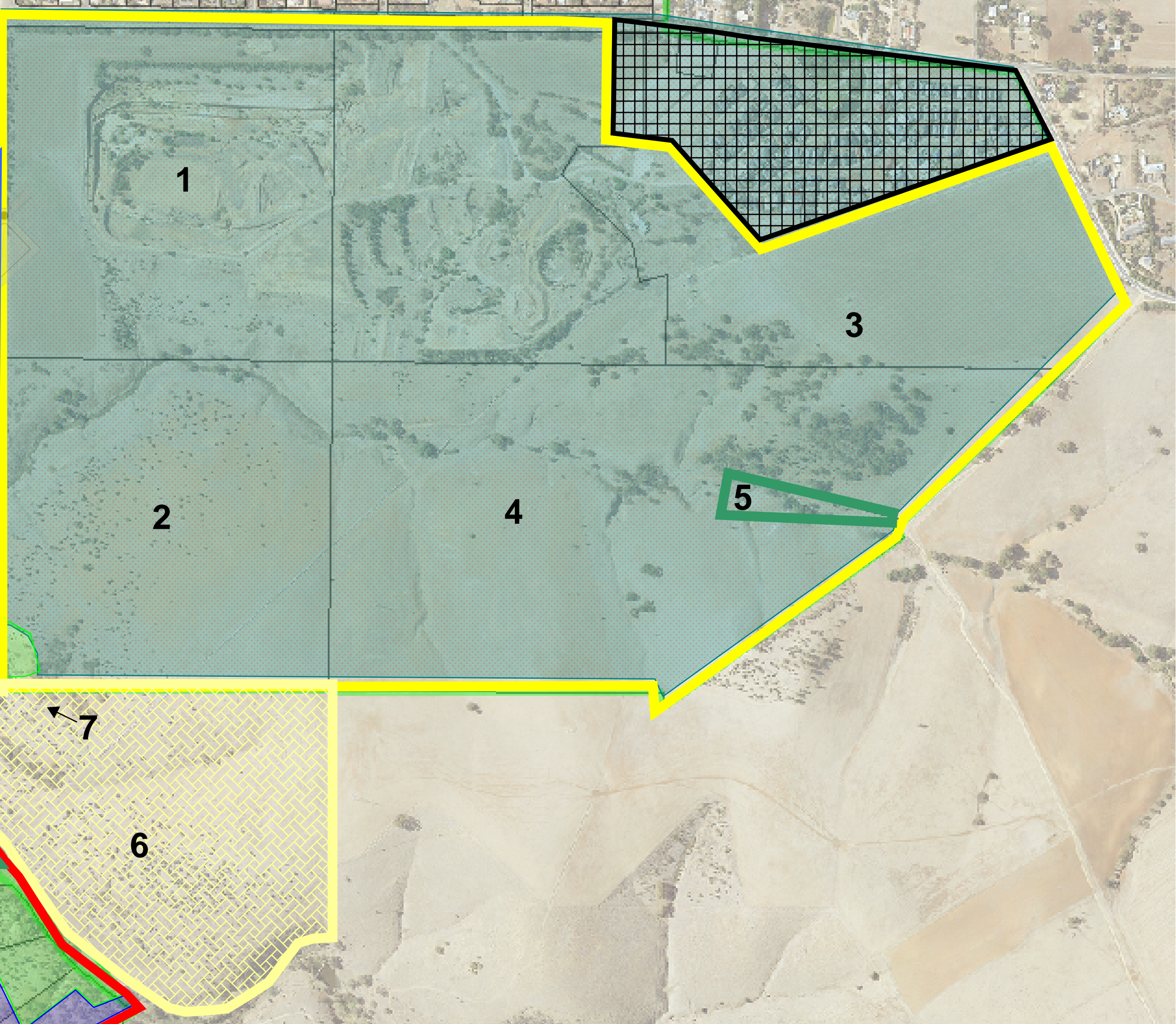
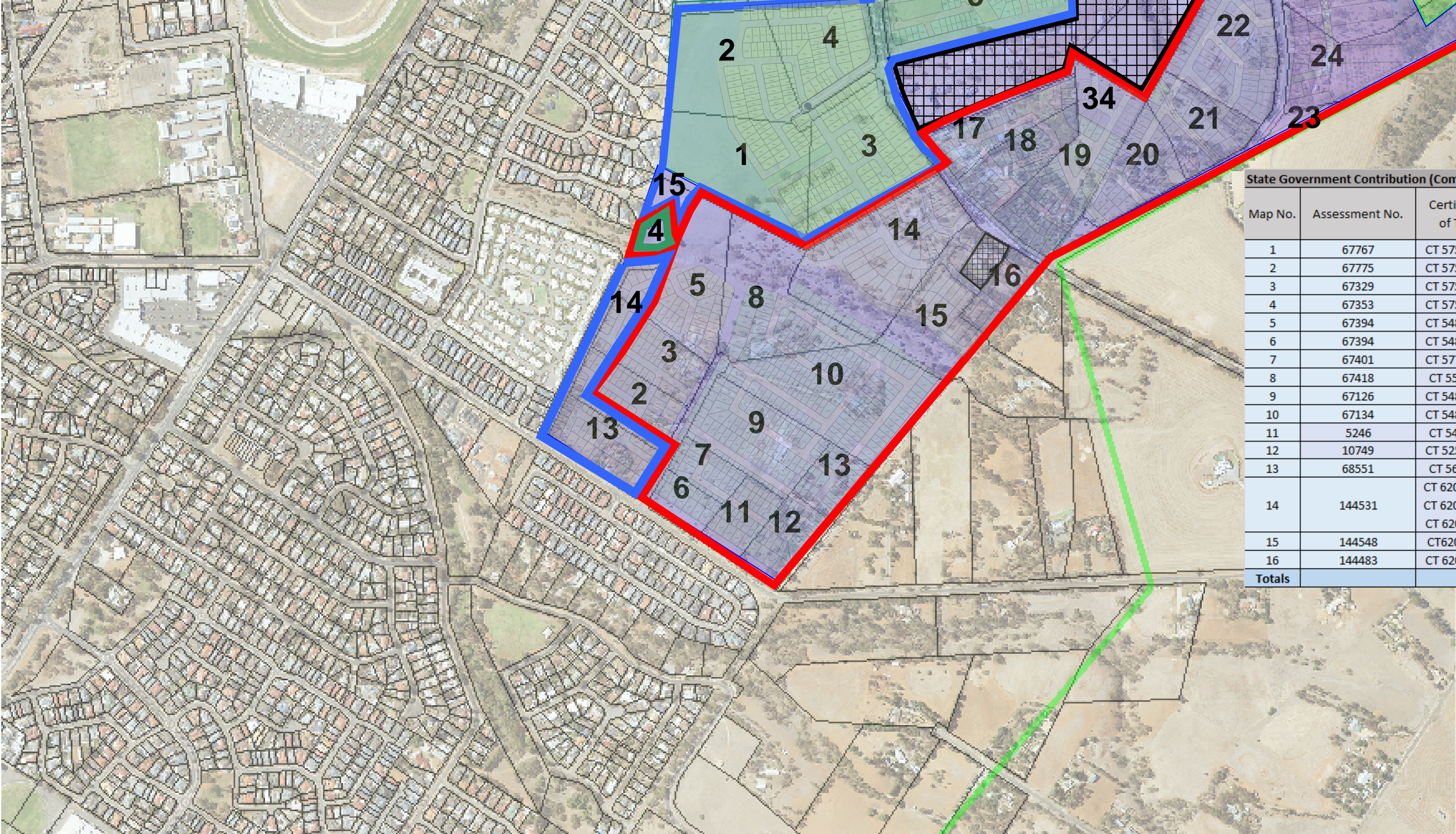
Gawler East Development Area---Community Infrastructure			
Infrastructure	Category/Trigger	Specifications	Quantity
District Level Open Space	Non-Conventional 5,000+ people	<ul style="list-style-type: none"> •→ Minimum of 3 hectares in size (As stated in the Development Plan) •→ District Level Open Space considers the wider community and areas that people deliberately visit for the purpose of a specific activity. They are generally used for multi-use activities and often contain sports fields, courts and other sports infrastructure (goals, nets, etc.). •→ Typically includes: Play equipment, seating, bins, shelters, irrigation, grassed areas, lighting, landscaping, shared paths, BBQ, car parking, toilets. •→ Specialised Infrastructure: <ul style="list-style-type: none"> ○→ Skate Park, BMX Track ○→ Community Garden ○→ Nature Play Areas 	1
General Activity Green Space	Non-conventional 10,000+ people	15,000sqm general play fields, top soil, sandy loam, turf, irrigation and sports equipment/infrastructure	1
Multi-Use Courts	Non-conventional 10,000+ people	Netball/Basketball/Tennis courts with associated infrastructure to be located within the district play space.	2
Community Hub/Centre	Non-conventional 10,000+ people	<p>1000sqm multipurpose community centre facility/meeting facilities.</p> <p>A single facility or group of facilities co-located together. A community hub provides a broad range of services to the community based on three main functions:</p> <ul style="list-style-type: none"> •→ Provide key services to meet local needs. Program activity responds to the needs of the local community and involves providers of social, health, employment and/or business services. •→ Provide accessible community space. The space is open to the public and common areas are available for both formal and unstructured programming. •→ Build networks through the co-location of different service providers. The scale and focus of services creates a critical mass that improves overall accessibility for clients and creates synergies for co-locating tenants. Informal social networks among 	1

Annexure F
COMMUNITY INFRASTRUCTURE ALLOTMENT PAYMENT

Community Infrastructure Allotment Payments

Community Infrastructure Separate Rate Area - Springwood as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
1	140744	CT 6205/146, CT 6186/896	61.7	45.68	\$ 25,460.42	\$ 1,162,955.60	\$ 18,848.55
2	40868	CT 5912/653	31.94	22.75	\$ 25,460.42	\$ 579,097.25	\$ 18,130.78
3	144475	CT 6167/581	25.92	21.70	\$ 25,460.42	\$ 552,516.57	\$ 21,316.23
4	144467	CT 6162/334	53.15	29.02	\$ 25,460.42	\$ 738,886.85	\$ 13,901.92
5	40527	CT 6163/873	0	0.00	\$ 25,460.42	\$ -	\$ -
6	VG No 9693352009	G No 969335200	28.043	15.62	\$ 25,460.42	\$ 397,666.30	\$ 14,180.59
7	VG No 9693349002	G No 969334900	0.078	0.00	\$ 25,460.42	\$ -	\$ -
Totals			200.831	134.76		\$ 3,431,123	

Community Infrastructure Separate Rate Area - Other Future Developers as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
2	144572	CT 6208/637	1.60	1.60	\$ 35,381.10	\$ 56,645.14	\$ 35,403
3	144564	CT 6208/636	1.42	1.42	\$ 35,381.10	\$ 50,241.16	\$ 35,381
4	100526	CT 5887/879; CT 5887/914	0.60	0.00	\$ 35,381.10	\$ -	\$ -
5	144556	CT 6208/635	3.65	2.10	\$ 35,381.10	\$ 74,300.31	\$ 20,356
6	68584	CT 5462/883	1.00	1.00	\$ 35,381.10	\$ 35,381.10	\$ 35,381
7	68576	CT 5462/882	1.00	1.00	\$ 35,381.10	\$ 35,381.10	\$ 35,381
8	68802	CT 5592/947	4.22	1.73	\$ 35,381.10	\$ 61,209.30	\$ 14,505
9	68827	CT 5636/60	3.26	3.26	\$ 35,381.10	\$ 115,342.39	\$ 35,381
10	68819	CT 5636/59	5.59	5.49	\$ 35,381.10	\$ 194,242.24	\$ 34,748
11	68568	CT 5463/945	1.31	1.31	\$ 35,381.10	\$ 46,349.24	\$ 35,381
12	88222	CT 5809/64	1.58	1.58	\$ 35,381.10	\$ 55,902.14	\$ 35,381
13	79776	CT 5809/65	1.38	1.38	\$ 35,381.10	\$ 48,825.92	\$ 35,381
14	67312	CT 5456/200	5.53	4.17	\$ 35,381.10	\$ 147,539.19	\$ 26,680
15	67337	CT 5098/618	3.62	1.61	\$ 35,381.10	\$ 56,963.57	\$ 15,736
16	67345	CT 5786/841	1.00	1.00	\$ 35,381.10	\$ 35,381.10	\$ 35,381
17	67434	CT 5162/73	2.03	1.25	\$ 35,381.10	\$ 44,226.38	\$ 21,786
18	71893	CT 5162/74	2.02	1.58	\$ 35,381.10	\$ 55,902.14	\$ 27,674
19	144653	CT 6206/115	4.03	2.103	\$ 35,381.10	\$ 74,406.45	\$ 18,463
20	67078	CT 6149/844	2.16	1.96	\$ 35,381.10	\$ 69,346.96	\$ 32,105
21	70808	CT 5903/197	2.27	1.81	\$ 35,381.10	\$ 64,039.79	\$ 28,211
22	67086	CT 5899/721	4.27	3.87	\$ 35,381.10	\$ 136,924.86	\$ 32,067
23	68535	CT 6112/595	0.53	0.53	\$ 35,381.10	\$ 18,751.98	\$ 35,381
24	67191	CT 5481/177	5.23	2.45	\$ 35,381.10	\$ 86,683.70	\$ 16,574
25	67183	CT 5125/726	4.07	2.10	\$ 35,381.10	\$ 74,300.31	\$ 18,256
26	67175	CT 5894/916	4.17	1.05	\$ 35,381.10	\$ 37,150.16	\$ 8,909
27	133356	CT6154/432	0.11	0.00	\$ 35,381.10	\$ -	\$ -
28	133348	CT 6181/286	3.01	0.65	\$ 35,381.10	\$ 22,997.72	\$ 7,640
29	133331	CT 6154/433	1.08	0.00	\$ 35,381.10	\$ -	\$ -
30	144491	CT 6207/896	4.19	3.20	\$ 35,381.10	\$ 113,219.52	\$ 27,021
31	67159	CT 6182/69	4.52	1.55	\$ 35,381.10	\$ 54,840.71	\$ 12,133
32	67142	CT 5485/704	4.09	0.59	\$ 35,381.10	\$ 20,874.85	\$ 5,104
33	5262	CT 6132/534	4.81	1.13	\$ 35,381.10	\$ 39,980.64	\$ 8,312
34	144661	CT 6206/116	1.05	1.05	\$ 35,381.10	\$ 37,044.01	\$ 35,280
Totals			90.4	55.52		\$ 1,964,394	



State Government Contribution (Commissioner of Highways Land) as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
1	67767	CT 5751/799	5.20	1.68	\$ 32,665.15	\$ 54,877.45	\$ 10,553.36
2	67775	CT 5751/798	4.39	1.79	\$ 32,665.15	\$ 58,470.62	\$ 13,319.05
3	67329	CT 5751/797	4.68	4.68	\$ 32,665.15	\$ 152,872.90	\$ 32,665.15
4	67353	CT 5751/800	3.04	3.04	\$ 32,665.15	\$ 99,302.06	\$ 32,665.15
5	67394	CT 5481/447	4.06	3.25	\$ 32,665.15	\$ 106,161.74	\$ 26,148.21
6	67394	CT 5481/447	4.04	3.42	\$ 32,665.15	\$ 111,714.81	\$ 27,652.18
7	67401	CT 5772/170	4.06	3.10	\$ 32,665.15	\$ 101,261.97	\$ 24,941.37
8	67418	CT 5508/97	4.06	1.74	\$ 32,665.15	\$ 56,837.36	\$ 13,999.35
9	67126	CT 5485/879	4.30	2.26	\$ 32,665.15	\$ 73,823.24	\$ 17,168.20
10	67134	CT 5485/880	4.46	3.35	\$ 32,665.15	\$ 109,428.25	\$ 24,535.48
11	5246	CT 5452/13	19.94	13.73	\$ 32,665.15	\$ 448,492.51	\$ 22,492.10
12	10749	CT 5256/114	2.49	0.00	\$ 32,665.15	\$ -	\$ -
13	68551	CT 5636/57	2.10	2.10	\$ 32,665.15	\$ 68,596.82	\$ 32,665.15
14	144531	CT 6208/638, CT 6208/639, CT 6208/640	1.94	1.94	\$ 32,665.15	\$ 63,370.39	\$ 32,665.15
15	144548	CT 6208/641	0.55	0.00	\$ 32,665.15	\$ -	\$ -
16	144483	CT 6207/897	0.23	0.00	\$ 32,665.15	\$ -	\$ -
Totals			69.54	46.08		\$ 1,505,210	

- Residential (Gawler East) Zone
- Open Space Zone
- Residential (Hills) Zone
- Other Future Developers
- Springwood Communities
- Springwood Communities Within the Barossa Council

- Commissioner of Highways (Not Included in Separate Rate)
- Town of Gawler Ownership
- Existing Communities Excluded from Separate Rate

Community Infrastructure Allotment Payments

Community Infrastructure Separate Rate Area - Springwood as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
1	140744	CT 6205/146, CT 6186/896	61.7	45.68	\$ 25,460.42	\$ 1,162,955.60	\$ 18,848.55
2	40868	CT 5912/653	31.94	22.75	\$ 25,460.42	\$ 579,097.25	\$ 18,130.78
3	144475	CT 6167/581	25.92	21.70	\$ 25,460.42	\$ 552,516.57	\$ 21,316.23
4	144467	CT 6162/334	53.15	29.02	\$ 25,460.42	\$ 738,886.85	\$ 13,901.92
5	40527	CT 6163/873	0	0.00	\$ 25,460.42	\$ -	
6	VG No 9693352009	G No 969335200	28.043	15.62	\$ 25,460.42	\$ 397,666.30	\$ 14,180.59
7	VG No 9693349002	G No 969334900	0.078	0.00	\$ 25,460.42	\$ -	\$ -
Totals			200.831	134.76		\$ 3,431,123	

Community Infrastructure Separate Rate Area - Other Future Developers as at 1 July 2018							
Map No.	Assessment No.	Certificate of Title	Approx. Total Hectares	Approx Developable Land	Infrastructure Charge on Developable Land Per Ha	Total Contribution Payable (\$)	Per Ha Rate Payable (\$)
2	144572	CT 6208/637	1.60	1.60	\$ 35,381.10	\$ 56,645.14	\$ 35,403
3	144564	CT 6208/636	1.42	1.42	\$ 35,381.10	\$ 50,241.16	\$ 35,381
4	100526	CT 5887/879; CT 5887/914	0.60	0.00	\$ 35,381.10	\$ -	\$ -
5	144556	CT 6208/635	3.65	2.10	\$ 35,381.10	\$ 74,300.31	\$ 20,356
6	68584	CT 5462/883	1.00	1.00	\$ 35,381.10	\$ 35,381.10	\$ 35,381
7	68576	CT 5462/882	1.00	1.00	\$ 35,381.10	\$ 35,381.10	\$ 35,381
8	68802	CT 5592/947	4.22	1.73	\$ 35,381.10	\$ 61,209.30	\$ 14,505
9	68827	CT 5636/60	3.26	3.26	\$ 35,381.10	\$ 115,342.39	\$ 35,381
10	68819	CT 5636/59	5.59	5.49	\$ 35,381.10	\$ 194,242.24	\$ 34,748
11	68568	CT 5463/945	1.31	1.31	\$ 35,381.10	\$ 46,349.24	\$ 35,381
12	88222	CT 5809/64	1.58	1.58	\$ 35,381.10	\$ 55,902.14	\$ 35,381
13	79776	CT 5809/65	1.38	1.38	\$ 35,381.10	\$ 48,825.92	\$ 35,381
14	67312	CT 5456/200	5.53	4.17	\$ 35,381.10	\$ 147,539.19	\$ 26,680
15	67337	CT 5098/618	3.62	1.61	\$ 35,381.10	\$ 56,963.57	\$ 15,736
16	67345	CT 5786/841	1.00	1.00	\$ 35,381.10	\$ 35,381.10	\$ 35,381
17	67434	CT 5162/73	2.03	1.25	\$ 35,381.10	\$ 44,226.38	\$ 21,786
18	71893	CT 5162/74	2.02	1.58	\$ 35,381.10	\$ 55,902.14	\$ 27,674
19	144653	CT 6206/115	4.03	2.103	\$ 35,381.10	\$ 74,406.45	\$ 18,463
20	67078	CT 6149/844	2.16	1.96	\$ 35,381.10	\$ 69,346.96	\$ 32,105
21	70808	CT 5903/197	2.27	1.81	\$ 35,381.10	\$ 64,039.79	\$ 28,211
22	67086	CT 5899/721	4.27	3.87	\$ 35,381.10	\$ 136,924.86	\$ 32,067
23	68535	CT 6112/595	0.53	0.53	\$ 35,381.10	\$ 18,751.98	\$ 35,381
24	67191	CT 5481/177	5.23	2.45	\$ 35,381.10	\$ 86,683.70	\$ 16,574
25	67183	CT 5125/726	4.07	2.10	\$ 35,381.10	\$ 74,300.31	\$ 18,256
26	67175	CT 5894/916	4.17	1.05	\$ 35,381.10	\$ 37,150.16	\$ 8,909
27	133356	CT 6154/432	0.11	0.00	\$ 35,381.10	\$ -	\$ -
28	133348	CT 6181/286	3.01	0.65	\$ 35,381.10	\$ 22,997.72	\$ 7,640
29	133331	CT 6154/433	1.08	0.00	\$ 35,381.10	\$ -	\$ -
30	144491	CT 6207/896	4.19	3.20	\$ 35,381.10	\$ 113,219.52	\$ 27,021
31	67159	CT 6182/69	4.52	1.55	\$ 35,381.10	\$ 54,840.71	\$ 12,133
32	67142	CT 5485/704	4.09	0.59	\$ 35,381.10	\$ 20,874.85	\$ 5,104
33	5262	CT 6132/534	4.81	1.13	\$ 35,381.10	\$ 39,980.64	\$ 8,312
34	144661	CT 6206/116	1.05	1.05	\$ 35,381.10	\$ 37,044.01	\$ 35,280
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15	144548	CT 6208/641	0.55	0.00	\$ 32,665.15	\$ -	\$ -
16	144483	CT 6207/897	0.23	0.00	\$ 32,665.15	\$ -	\$ -
Totals			69.54	46.08		\$ 1,505,210	

Annexure G

WORKS PROTOCOLS

1. INTERPRETATION

- 1.1 In these Protocols, unless defined otherwise in these Protocols, the terms defined in clause 1.1 of this Deed have the meaning set out in clause 1.1.
- 1.2 **Certificate of Practical Completion** means the certificate issued by a council pursuant to paragraph 4.1.1.
- 1.3 **Council Standards** means those standards ordinarily applied by a council in respect of works of a similar nature to the Works.
- 1.4 **Defect** includes any damage to or deterioration of the Works other than any damage or deterioration caused by normal aging or ordinary wear arising from the normal use of the Works concerned for their intended purpose.
- 1.5 **Defects Liability Period** means, in respect of any particular Works, a period of 12 months following Practical Completion of such Works.
- 1.6 **Detailed Plans and Specifications** has the meaning given to it in paragraph 2.1.
- 1.7 **Practical Completion** means the state of being substantially complete and fit for use by a council and members of the public, all performance or structural tests reasonably required by a council having been satisfactorily completed and omissions or defects being limited to items:
 - 1.7.1 the immediate making good of which is accepted by a council as not being practicable;
 - 1.7.2 the existence of which of the subsequent making good of which is accepted by a council as not likely to significantly inconvenience council or the members of the public using the works taking into account the use or intended use of the works concerned and the areas in which they exist; and
 - 1.7.3 which a council accepts do not cause any legal impediment to the use of the works by a council and members of the public.
- 1.8 **Works** means works undertaken by the Developer pursuant to this Deed.
- 1.9 A reference to a paragraph is a reference to a numbered paragraph in these Protocols.

2. DETAILED DESIGN

- 2.1 The Developer must engage as may be required and at its own expense appropriately qualified surveyors engineers and landscape architects to prepare construction plans and specifications and detailed landscaping plans and specifications for the Works in accordance with the prevailing Council Standards from time to time for design, construction, handover and maintenance of public infrastructure (**Detailed Plans and Specifications**) and submit the Detailed Plans and Specifications to the council for the council's written approval.
- 2.2 The council must not unreasonably withhold its approval of the Detailed Plans and Specifications. The council is taken to have unreasonably withheld its approval of the Detailed Plans and Specifications if the council does not give notice in writing either approving or providing reasons for not approving those plans and specifications within 20 Business Days after their receipt from the Developer.

- 2.3 The Developer must obtain and comply with all Statutory Requirements required for the construction of the Works.
- 2.4 The Developer acknowledges that the council is not bound to check any of the Detailed Plans and Specifications or Works for errors, omissions, or compliance with the requirements of this agreement and the council's receipt or assessment of any documentation and inspection of any work pursuant to paragraph 2.1 does not relieve the Developer from responsibility for meeting its obligations under this agreement.

3. DEVELOPER TO CARRY OUT WORKS

The Developer must carry out or cause to be carried out the Works and must achieve Practical Completion of the Works:

- 3.1 in accordance with the Detailed Plans and Specifications approved by the council under paragraph 2;
- 3.2 to the reasonable satisfaction of the council;
- 3.3 at the expense of the Developer; and
- 3.4 on or before the relevant date or within the period specified in this Deed or subsequently agreed between the Parties in writing.

4. CERTIFICATE OF PRACTICAL COMPLETION

- 4.1 When the Developer considers it has achieved Practical Completion of the Works it must give written notice to the council accordingly. The council must then either:
 - 4.1.1 give to the Developer a Certificate of Practical Completion:
 - 4.1.1.1 stating that the Developer has achieved Practical Completion of the Works to the satisfaction of the council; and
 - 4.1.1.2 specifying the omissions or Defects that the Developer must attend to within the Defects Liability Period or any shorter specified period; or
 - 4.1.2 give to the Developer a written notice stating that the council is not satisfied that the Developer has achieved Practical Completion of the Works and specifying the omissions or Defects that the Developer must attend to before the council will issue its Certificate of Practical Completion in respect of the Works.
- 4.2 If the council does not give to the Developer either a Certificate of Practical Completion under paragraph 4.1.1 or a notice under paragraph 4.1.2 within 10 Business Days after receipt of the Developer's completion notification, the Developer may give to the council a further written notice requiring the council to issue a Certificate of Practical Completion under paragraph 4.1.1 or a notice under paragraph 4.1.2 within five Business Days after receipt of the further notice from the Developer. If the council does not respond to the further notice within five Business Days, it is taken to have given a Certificate of Practical Completion of the Works under paragraph 4.1.1.
- 4.3 The Developer may give a notice to the council under paragraph 4.1 more than once.

- 4.4 The Developer must provide “as constructed” plans (including final detailed topographical survey and work as executed plans undertaken by a licenced surveyor) of the Works upon the Works reaching Practical Completion. Those plans must show (without limitation) the exact locations of all wires, pipes, flushing points, manholes and other structures and plantings in relation to adjacent boundaries including invert levels and grades. The plans are to be submitted in both hard copy and Autocad® DWG File and PDF electronic format to Australian Map Grid standard. All levels are to be provided in accordance with the Australian Height Datum. The plans must otherwise meet such other reasonable requirements specified by the council.
- 4.5 Any proposed variation to the Works (being a variation in either the design or construction phase) must be reported to and agreed with the council for approval (which must not be unreasonably withheld) before the Works are varied in accordance with the proposed variation. Any variation must be reflected in the final plans provided by the Developer to the council under paragraph 4.4.

5. COMPLETION AND MAINTENANCE OF THE WORKS AFTER PRACTICAL COMPLETION

- 5.1 The Developer must complete the Works promptly following the date of the Certificate of Practical Completion and must during the Defects Liability Period rectify and make good any Defect in the Works:
- 5.1.1 resulting from faulty materials or workmanship; or
 - 5.1.2 arising at any time before the expiry of the Defects Liability Period and however caused (including, for the avoidance of doubt, any Defect arising from or out of any act, activity or omission, whether intentional, negligent or otherwise on the part of any other person, whether or not under the control of the Developer other than an employee or agent of the council or any other event or cause, whether or not within the control of the Developer or any employee, agent or contractor of the Developer).
- 5.2 If any Defect in the Works exists or becomes apparent during the Defects Liability Period and Council gives written notice to the Developer within the Defects Liability Period specifying the nature of the Defect and requiring the rectification and making good of the Defect the Developer must comply with the requirements of the notice within any period reasonably specified in that notice or, if no period is specified, within two calendar months after receipt of the notice.
- 5.3 Paragraphs 4.1 and 4.2 again apply with any modifications appropriate in the circumstances in respect of the practical completion of the rectification and making good of any Defect by the Developer under paragraph 5.2. The Developer must maintain and must rectify and make good any Defect in any further work carried out under paragraph 5.2 for the additional period of six calendar months commencing on the date of issue of a Certificate of Practical Completion in respect of the further work if in the reasonable opinion of the council that work is of a significant nature.

6. REPLACEMENT OR RE-EXECUTION BY THE DEVELOPER OF INFERIOR MATERIALS OR WORK

- 6.1 If any of the materials supplied by the Developer are or any of the work executed by the Developer in the performance or maintenance of the Works before or after the issue of a Certificate of Practical Completion is of an inferior quality or in any other respect not in compliance with this agreement, the Developer must upon receipt of a written notice from the council specifying the nature of the non-compliance and requiring the rectification and making good of the non-compliance remove the materials from the Works or re-execute the work within any period reasonably specified in that notice, or if no period is specified, within two calendar

months after receipt of the notice, at the Developer's expense so that the materials or work comply with this agreement.

- 6.2 The council may issue a notice under paragraph 6.1 more than once during the performance of the Works or before the expiry of the Defects Liability Period.

7. SECURITY

The Developer is not required to provide any additional security for construction or any defects liability period.

Annexure H
LAND MANAGEMENT AGREEMENT

Annexure H
LAND MANAGEMENT AGREEMENT

FORM B2 (Version 3)

GUIDANCE NOTES AVAILABLE

LANDS TITLES REGISTRATION OFFICE

SOUTH AUSTRALIA

**APPLICATION TO NOTE LAND
MANAGEMENT AGREEMENT**
(Pursuant to s 57(5) of the *Development Act
1993*)

FORM APPROVED BY THE REGISTRAR-GENERAL

SERIES NO	PREFIX

PRIORITY NOTICE ID

**BELOW THIS LINE FOR OFFICE &
STAMP DUTY PURPOSES ONLY**

AGENT CODE

LODGED BY:

Norman Waterhouse

NWAM

CORRECTION TO:

Norman Waterhouse

YXMM00266161F05147091.DOCX

NWAM

CORRECTION	PASSED
ENTERED	
____ / ____ / ____	
AND NOTICES SENT TO THE CAVEATEE	

DRAFT

TYPE OF DOCUMENT APPLICATION TO NOTE LAND MANAGEMENT AGREEMENT

(Pursuant to s 57(5) of the *Development Act 1993*)

PRIVACY COLLECTION STATEMENT: The information in this form is collected under statutory authority and is used for maintaining publicly searchable registers and indexes. It may also be used for authorised purposes in accordance with Government legislation and policy requirements.

To the Registrar-General:

1. **Town of Gawler (Council)** of 43 High Street, Gawler East SA 5118 has entered into the attached Land Management Agreement dated _____ (**Agreement**) with **[insert name of landowner]** of **[insert address of landowner]** pursuant to s 57(2) of the *Development Act 1993* (SA) (**Act**).
2. The Agreement relates to the whole of the land comprised in Certificate of Title Volume # Folio # (**Land**).
3. The Council applies pursuant to s 57(5) of the Act to note the Agreement against the Land.

Signed as delegate for **Town of Gawler**
under Section 20 of the *Development Act*
1993:

.....
Signature of authorised delegate

.....
Signature of witness

.....
Full name of authorised delegate (print)

.....
Name of witness (print)

.....
Position of authorised delegate

.....
DATED.....

CERTIFICATION ~~Delete the inapplicable~~

~~The Prescribed Person has taken reasonable steps to verify the identity of the Applicant.~~

~~The Prescribed Person holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.~~

~~The Prescribed Person has retained the evidence to support this Registry Instrument or Document.~~

~~The Prescribed Person has taken reasonable steps to ensure that the Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.~~

Signed By:

for:

On behalf of the Applicant

LAND MANAGEMENT AGREEMENT

TOWN OF GAWLER

[INSERT NAME OF LANDOWNER]

**Norman
Waterhouse**
LAWYERS

Level 15, 45 Pirie Street
Adelaide SA 5000
Telephone + 61 8 8210 1200
Fax + 61 8 8210 1234
www.normans.com.au

DATE

PARTIES

Town of Gawler of 43 High Street, Gawler East SA 5118 (**Council**)

[insert name of landowner] ACN # of [insert address] (**Owner**)

BACKGROUND

- E. The Owner is the proprietor of an estate in fee simple in the Land.
- F. Council and the Developer have entered into the Link Road Deed and Council, The Barossa Council and the Developer have entered into the Traffic Interventions and Community Infrastructure Deed, pursuant to which certain commitments have been made in relation to the provision and funding of the Link Road, Traffic Interventions and Community Infrastructure required to facilitate the development of the Land.
- G. Council and the Owner agree that the obligations under this agreement are intended to be complied with by all occupiers and persons having enjoyment from time to time of the Land and that it is the Owner's responsibility to ensure that all such persons comply with the terms of this agreement.
- H. Pursuant to section 57(2) of the Act, and having regard to the matters referred to in section 57(2a) of the Act, the Owner has agreed with Council to enter into this agreement relating to the development, management, preservation or conservation of the Land.

AGREED TERMS

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this agreement:

Act means the *Development Act 1993* (SA).

Business Day means a day that is not a Saturday, Sunday or public holiday in South Australia.

Community Infrastructure has the meaning given to it in the Traffic Interventions and Community Infrastructure Deed.

Developer means Springwood Development Nominees Pty Ltd ACN 609 168 247.

Development has the meaning given to it in the Act.

Land means the whole of the land comprised in Certificate of Title Volume # Folio # and includes any part or parts of it.

Link Road has the meaning given to it in the Link Road Deed.

Link Road Deed means the deed entered into between Council and the Developer in the form of the deed attached to this agreement as Annexure A as subsequently varied, supplemented, superseded or assigned as agreed between the parties to it from time to time.

Traffic Interventions has the meaning given to it in the Traffic Interventions and Community Infrastructure Deed.

Traffic Interventions and Community Infrastructure Deed means the deed entered into between Council, The Barossa Council and the Developer in the form of the deed attached to this agreement as Annexure B as subsequently varied, supplemented, superseded or assigned as agreed between the parties to it from time to time.

1.2 Interpretation

In this agreement, unless the context otherwise requires:

- 1.2.1 headings do not affect interpretation;
- 1.2.2 singular includes plural and plural includes singular;
- 1.2.3 words of one gender include any gender;
- 1.2.4 a reference to a party includes its executors, administrators, successors and permitted assigns;
- 1.2.5 a reference to the Owner includes each person registered or entitled to be registered as a proprietor of an estate in fee simple of the Land;
- 1.2.6 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.2.7 an agreement, representation, warranty or indemnity by two or more parties (including where two or more persons are included in the same defined term) binds them jointly and severally;
- 1.2.8 an agreement, representation, warranty or indemnity in favour of two or more parties (including where two or more persons are included in the same defined term) is for the benefit of them jointly and severally;
- 1.2.9 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.2.10 a provision is not construed against a party only because that party drafted it;
- 1.2.11 an unenforceable provision or part of a provision may be severed, and the remainder of this agreement continues in force, unless this would materially change the intended effect of this agreement;
- 1.2.12 the meaning of general words is not limited by specific examples introduced by 'including', 'for example' or similar expressions;

- 1.2.13 an expression defined in the Act has the meaning given by the Act at the date of this agreement.

1.3 Background

The Background forms part of this agreement and is correct at the date of this agreement.

1.4 Legislation

The requirements of this agreement are to be construed as additional to the requirements of the Act and any other legislation affecting the Land.

2. OWNER'S OBLIGATIONS

The Owner must:

- 2.1 not commence or proceed with or permit any other person to commence or proceed with:
- 2.1.1 any application under the Act, the *Real Property Act 1886*, the *Community Titles Act 1996* or any other relevant legislation to undertake any division or other Development of the Land;
- 2.1.2 any application or request for a certificate under section 51 of the Act in relation to any division of the Land; or
- 2.1.3 any Development of the Land for residential or other purposes,
- in each case unless at the time of such application or Development and at all times during the Development of the Land, the Owner is complying with and is procuring the Developer to comply with the Developer's obligations under the Link Road Deed and Traffic Interventions and Community Infrastructure Deed; and
- 2.2 provide a copy of this agreement to any person commencing occupation of the Land before commencement of that occupation.

3. RESTRICTION ON LEASING AND OTHER DEALINGS

The Owner must not grant any lease licence easement or other right which may give any person the right to possession or control of or entry on to the Land which right would enable such person to breach any of the obligations imposed on the Owner by this agreement unless such grant contains 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 which would constitute a breach by the Owner of the Owner's obligations under this agreement.

4. COUNCIL'S POWERS OF ENTRY

- 4.1 Council and any employee or agent of Council authorised by Council may at any reasonable time enter the Land for the purpose of:
- 4.1.1 inspecting the Land and any building or structure on the Land;

4.1.2 exercising any other powers of Council under this agreement or pursuant to law.

4.2 If the Owner is in breach of any provision of this agreement, Council may, by notice 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 Council in the notice (being at least 28 days from the date of service of the notice). If the Owner fails so to remedy the breach, 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.

4.3 Council may delegate any of its powers under this agreement to any person.

5. NOTATION OF THIS AGREEMENT

Each party must do and execute all acts documents and things necessary to ensure that as soon as possible after the execution of this agreement by all necessary parties this agreement is noted by the Registrar-General on the Certificate of Title for the Land pursuant to section 57(5) of the Act.

6. RESCISSION OF THIS AGREEMENT

6.1 If:

6.1.1 development approval under the Act has been granted in respect of the plan of division for a stage of Development on the Land (**Relevant Stage**); and

6.1.2 Council, acting reasonably, is satisfied the Owner has complied with or has procured the Developer to comply with the Developer's obligations under the Link Road Deed and the Traffic Interventions and Community Infrastructure Deed with respect to the payment of contributions as they apply to the Relevant Stage; and

6.1.3 the Owner has requested Council in writing to rescind this agreement as applies to the Relevant Stage,

Council must rescind this deed in relation to the part of the Land comprised in the Relevant Stage.

6.2 Where this agreement is rescinded in relation to the Land or any part of it:

6.2.1 Council and the Owner will do all things required for a note of the rescission of this agreement to be entered on the relevant Certificate(s) of Title; and

6.2.2 the Owner must pay Council's reasonable costs of and incidental to the rescission of this agreement and the noting of the rescission by the Registrar-General.

7. MISCELLANEOUS

7.1 Consideration

In consideration of the Owner's obligations under this agreement, Council must pay to the Owner the sum of 10 cents if demanded.

7.2 Alteration

This agreement may be altered only by a supplementary agreement signed by Council and the Owner.

7.3 Approvals and consents

Unless otherwise provided, a party may in its discretion give (conditionally or unconditionally) or withhold any approval or consent under this agreement.

7.4 Entire agreement

This agreement:

- 7.4.1 constitutes the entire agreement between the parties about its subject matter;
- 7.4.2 supersedes any prior understanding, agreement, condition, warranty, indemnity or representation about its subject matter.

7.5 Waiver

A waiver of a provision of or right under this agreement:

- 7.5.1 must be in writing signed by the party giving the waiver;
- 7.5.2 is effective only to the extent set out in the written waiver.

7.6 Exercise of power

- 7.6.1 The failure, delay, relaxation or indulgence by a party in exercising a power or right under this agreement is not a waiver of that power or right.
- 7.6.2 An exercise of a power or right under this agreement does not preclude a further exercise of it or the exercise of another right or power.

7.7 Survival

Each indemnity, obligation of confidence and other term capable of taking effect after the expiration or termination of this agreement, remains in force after the expiration or termination of this agreement.

7.8 Governing law

- 7.8.1 This agreement is governed by the law in South Australia.

- 7.8.2 The parties irrevocably submit to the non-exclusive jurisdiction of the courts in South Australia.

8. NOTICES

- 8.1 A notice, demand, consent, approval or communication under this agreement (**Notice**) must be:
- 8.1.1 in writing, in English and signed by a person authorised by the sender; and
 - 8.1.2 hand delivered or sent by pre paid post or electronic mail to the recipient's addresses specified below, as varied by any Notice given by the recipient to the sender.
- 8.2 At the date of this agreement, the addresses for Notices are:
- Council
- Site address: 43 High Street, Gawler East SA 5118
 Postal address: PO Box 130, Gawler SA 5118
 Email: council@gawler.sa.gov.au
 Attention: Chief Executive Officer
- Owner
- Address: #
 Email: #
 Attention: #
- 8.3 A Notice is deemed to be received:
- 8.3.1 if hand delivered on delivery;
 - 8.3.2 if sent by prepaid mail, five Business Days after posting (or seven Business Days after posting if posting to or from a place outside Australia);
 - 8.3.3 if sent by electronic mail, on the day after the day the message is showing on the sender's electronic mail system as having been properly transferred or transmitted,
- However if the Notice is deemed to be received on a day that is not a Business Day or after 5:00pm, the Notice is deemed to be received at 9:00am on the next Business Day.
- 8.4 If two or more persons comprise a party, Notice to one is effective Notice to all.

9. COSTS

The Owner must pay to Council on demand Lands Titles Office registration fees for noting this agreement.

EXECUTED as an agreement

COUNCIL

Signed as delegate for **Town of Gawler**
under Section 20 of the *Development Act*
1993:

.....
Signature of authorised delegate

.....
Signature of witness

.....
Full name of authorised delegate (print)

.....
Name of witness (print)

.....
Position of authorised delegate

OWNER

Executed by # pursuant to section 127 of
the *Corporations Act 2001*

.....
Signature of Director

.....
Signature of Director/Company Secretary
(Please delete as applicable)

.....
Name of Director (print)

.....
Name of Director/Company Secretary (print)

or

.....
Signature of Sole Director and Sole Company Secretary

.....
Name of Sole Director and Sole Company Secretary (print)

Signed by # in the presence of:

.....
Signature of witness

.....
#

.....
Name of witness (print)

(ACN # as mortgagee pursuant to memorandum of mortgage no. # consents to the Owner entering into this Agreement

The Owner certifies pursuant to section 57(4) of the Act that no other person has a legal interest in the Land.

.....
Signature of Owner

.....
Signature of Owner

Annexure A Link Road Deed

Annexure B Traffic Interventions and Community Infrastructure Deed

DRAFT

Annexure I
SECTION 221 AUTHORISATION – STANDARD TERMS AND CONDITIONS

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES
DEVELOPMENT SERVICES REPORT

16 APRIL 2019

7.5.1. DEBATE AGENDA – DIRECTOR'S REPORT

7.5.1.2

CONCORDIA PRECINCT PLANNING – ISSUES PAPER
B9440

Author: Director, Development and Environmental Services

PURPOSE

To seek Council endorsement of the key parameters to be considered in the establishment of a Precinct Authority pursuant to the *Urban Renewal Act 1995*.

RECOMMENDATION

That Council:

- (1) endorses the Issues Paper as a basis for discussion with the Department of Planning, Transport and Infrastructure, Renewal SA and Concordia Land Management in the formulation of a Memorandum of Understanding or Deed as a supplement to the Business Case prepared pursuant to the *Urban Renewal Act 1995*.

REPORT

Background

At the 19 February 2019 meeting, Council considered a report on Concordia Growth Area – Precinct Planning, and resolved to establish a small internal Working Group, comprising the Mayor, Deputy Mayor, Chief Executive Officer, Director, Development and Environmental Service and Principal Planner to work with officials from the Department of Planning, Transport and Infrastructure and the proponent on the preparation of a Memorandum of Understanding or Deed that outlines the key governance establishment and Precinct Planning parameters, on the basis of supporting a Statutory Corporation as the Precinct Authority.

In addition, Council requested that a subsequent report be presented to Council to endorse the Memorandum of Understanding (MOU) or Deed (Note: in this report reference is made to MOU).

Introduction

The Working Group has met on three occasions.

As part of its deliberations, the Group developed an Issues Paper that seeks to consolidate the key parameters that need to be factored into the establishment of a Precinct Authority pursuant to the Urban Renewal Act.

A copy of the Issues Paper is provided in Attachment 1.

Discussion

Issues Paper:

A confidential draft copy of the Issues Paper has been distributed to Department of Planning, Transport and Infrastructure, Renewal SA and Concordia Land Management (CLM) for comment/feedback in order to have common understanding of Council's position in supporting the establishment of a Precinct Authority.

CLM provided an initial response (Attachment 2) that was considered by the Working Group at its last meeting. Overall, CLM are supportive of the matter raised, and are prepared to incorporate elements within the Business Case and/or the MOU.

Key points raised:

- Authority membership – open to having five members but additional cost should be considered.
- Process of membership selection may be determined by the Minister. May not be able to commit to the Expression of Interest process.
- Character/Vision Panel – The need for an additional panel may not be required, as the Authority would engage with Council through the planning process, and that the community would have input through the Community Panel and design/vision could be address by the Design Review Panel.
- Underlying Zoning – CLM have considered having a Deferred Urban Zone in place. This would be subject to further discussion.

Memorandum of Understanding:

The purpose of preparing a MOU is to establish agreed understanding between the parties of the respective roles, operating arrangements and commitments to establishing a Precinct Authority. The content of the MOU will also assist in finalising the Business Case that is be prepared under the Act.

Signing of the MOU will be dependent on who the parties are (i.e. if the Authority, can only be signed once the Authority is established).

Next Steps:

Following endorsement of the Issues Paper, a subsequent report will be presented to Council to endorse a MOU. The MOU will be prepared jointly between Council and CLM. The MOU will address the key partnership elements between Council and CLM and/or the Precinct Authority. It is expected that the MOU would be presented to the May 2019 Council meeting.

CLM are to finalise the Business Case, incorporating elements from the Issues Paper that relate to the statutory process for establishing a Precinct Authority. The Business Case is then to be considered by the Minister for Housing and Urban Development.

The Act requires the Minister to consult with Council prior to his determination of the Business Case to establish the Authority.

The timing of receiving the Business case is uncertain, but it is anticipated it could be in May/June 2019.

Summary and Conclusion

The internal Working Group has prepared an Issues Paper that details issues, structures, non-negotiables and ideas that need to be covered in the MOU and Business Case.

The Paper is presented to Council for endorsement.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Issues Paper (draft)

Attachment 2 – CLM response to Issues Paper

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.1 Facilitate planned and appropriate development of our townships and district to maintain the character of townships and rural landscapes and to preserve properties and sites which have historic significance.
- 1.3 Work with community and State Government to manage township boundaries and growth within them to ensure development is planned and appropriate whilst ensuring opportunities for population growth and tourism development.
- 1.6 Apply development policies to protect places of environmental value and significance.
- 1.10 Ensure development policies are responsive to current trends through an active development policy review/amendment program.
- 1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.

Legislative Requirements

Development Act

Planning, Development and Infrastructure Act

Urban Renewal Act

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management

Nil

COMMUNITY CONSULTATION

Not required at this point by legislation or Council's Public Consultation Policy.

CONCORDIA PRECINCT AUTHORITY

Issues Paper

The Barossa Council

CONCORDIA PRECINCT PLANNING AUTHORITY – ISSUES PAPER

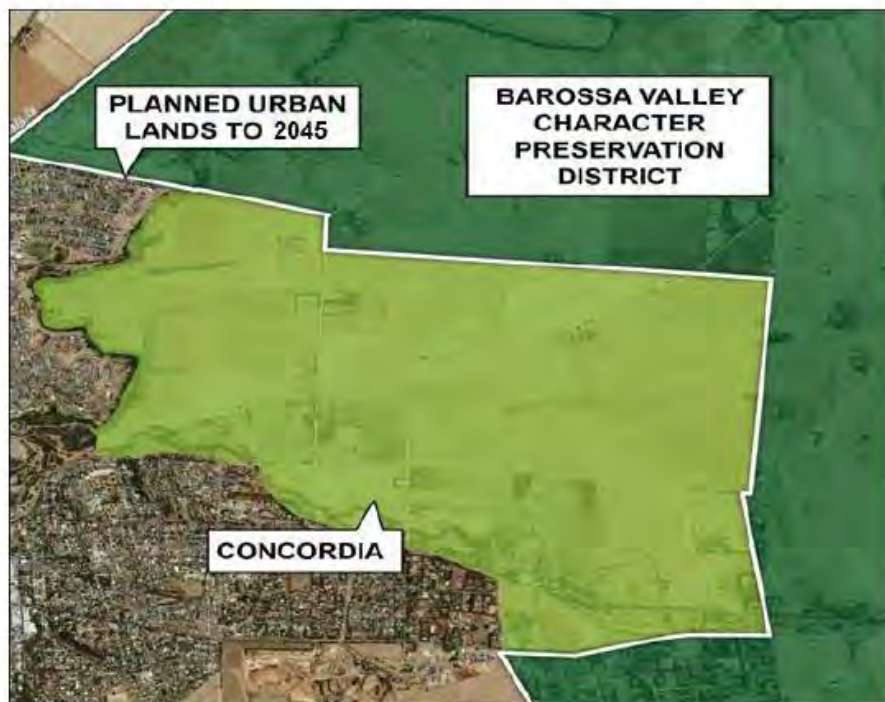
The following Issues Paper has been prepared to outline the Key Parameters that The Barossa Council seeks to have considered and incorporated into the preparation of a Memorandum of Understanding or Deed, and subsequent Business Case for supporting the establishment of a Precinct Authority pursuant to section 7H of the *Urban Renewal Act 1995* (the Act).

The purpose of initially preparing a Memorandum of Understanding or Deed is in order to establish agreed understanding between the parties of the respective roles, operating arrangements and commitments to establishing a Precinct Authority. The content of the MOU/Deed will also assist in preparing the formal Business Case that must be prepared under the Act.

KEY PARAMETERS

1. Definition of the Precinct Area

Council supports that the proposed precinct area encapsulates the entire Concordia Growth Area as identified within *The 30 Year Plan for Greater Adelaide*, but in doing so needs to adequately address the interface with adjoining land within the Character Preservation District, Hewitt (Light Regional Council) and the Town of Gawler.



CONCORDIA PRECINCT PLANNING AUTHORITY – ISSUES PAPER

2. Governance model

Council supports the establishment of an independent Statutory Corporation as the Precinct Authority. In doing so, Council supports the request and supporting Business Case being prepared with CLM, ensuring that the interests of Council are incorporated.

CLM is to facilitate the preparation of the Business Case in consultation with both Council and relevant stakeholders.

Board and Membership:

- Council propose that the Board comprise five members, including a Chairperson, comprising persons with demonstrated skills and experience in land/urban development; Local Government; finance; engineering; planning; law; asset management; major projects and property economics.
- Council supports the establishment of a merit based system for the appointment of the Board Members that comprises as a minimum: a call for expressions of interest; a shortlisting of candidates; whereby a short list of eight preferred candidates are referred to the Governor for consideration and subsequent appointment of the Board.

Panels and Membership:

- Design Review Panel
 - Scope:
 - Provide advice about design elements in both public and private areas on the precinct
 - Design issues that arise in the planning and development of the precinct
 - Practices and procedures that should be adopted to promote innovative design solutions to issues that arise
 - Any other matter relating to design within the precinct.
 - Terms of Reference to be established
 - Membership:
 - Three members plus a chairperson
 - Skills in the area of urban design, planning, landscape architecture, and architecture.
- Community Reference Panel
 - Scope:
 - Provide advice in relation to community views and contribute to a shared vision for the development of the precinct
 - Primary point of contact for consultation and communication throughout the preparation and implementation of the precinct
 - Mechanism to discuss how to disseminate information and engage with the community
 - Terms of reference to be established
 - Membership:
 - Chairperson to be skilled in the area of engagement and/or communication
 - Comprise either representative community groups, or individuals or a combination of both

CONCORDIA PRECINCT PLANNING AUTHORITY – ISSUES PAPER

- A mix of resident, business interest, community and environmental groups
- Representatives to be determined through an expression of interest process, to determine their ability to adequately represent community interests and fulfil the roles and responsibilities of the panel
- The Barossa Council representative
- Town of Gawler representative
- Maximum of 15 persons

In addition to the required Design Review Panel and Community Reference Panel, Council supports the following panels, as recommended by CLM:

- Land Owner Reference Panel

Scope:

- Provide two-way communication with all land owners within the defined precinct
- Provide input to the development of the Precinct Plans
- Advisory only
- Terms of reference to be established

Membership:

- No limit on membership/attendance, except that the land owner should have vacant potential development land within the identified precinct area
- Independent Chairperson

- Infrastructure Panel

Scope:

- Provide advice on staging, revisions, funding allocation and technical standards
- Physical and social infrastructure requirements
- Terms of reference to be established

Membership:

- Chairperson (skills based engineering, land development, planning)
- Authority representative (Precinct Chief Executive)
- Developer representative (Project Engineer)
- The Barossa Council representative (Engineer/Asset Manager etc.)
- Town of Gawler representative (Engineer/Asset Manager etc.)

In addition, Council seeks to include the following panel:

- Design Character/Vision Panel

Scope:

- To ensure that the precinct master plan is aligned with Council's vision and character requirements
- Terms of reference to be established

Membership:

- Independent Chairperson
- 3 Elected Members, The Barossa Council
- 3 community/landholder representatives
- The Barossa Council representative (Planning) – ex-officio only

CONCORDIA PRECINCT PLANNING AUTHORITY – ISSUES PAPER

Alternatively, the design character/visioning could be factored into the scope of the Design Review Panel.

The Precinct Chief Executive to be an ex-officio on all panels.

3. Authority's scope and powers

Should the Authority have the power to generate levies, make by-laws, and have delegated decision making from other Authorities/bodies?

Council would like to see the Authority have limited powers beyond the *Urban Renewal Act 1995*.

Council will retain a range of roles and responsibilities under the *Local Government Act 1999* as outlined in Section 7.

4. Funding

Council does not favour CLM's proposal to provide a loan for the administration of the Authority and preparation of the Precinct Master Plan and Implementation Plan. There is a need to ensure that the process is seen as being independent for probity reasons and to engender community confidence in the master planning process.

In this respect, an independent funding partner or source will need to be identified. Preference to approach the State Government to fund the Authority, with a payback mechanisms established.

5. Contact points

Council requires meaningful/critical input to the development of the Precinct Master Plan and Implementation Plan.

While the proposed Design Character/Vision Panel is there to ensure Council's interests are maintained, it is essential that the full Council has the opportunity to be informed/veto through critical hold points in the process.

Key hold /decision points for Council:

- agreement on the Key Parameters that are incorporated into the final Memorandum of Understanding or Deed.
- endorse the Business Case when refereed by Minister for Housing and Urban Development.
- endorse Council nominations for the Precinct Authority.
- agreement of the draft Precinct Master Plan prior to community engagement.
- endorse the final Precinct Master Plan and Consultation Report prior to submission to the Minister for Housing and Urban Development.
- agreement of the draft Precinct Implementation Plan(s).
- endorse the draft Precinct Implementation Plan(s) and Consultation Report prior to submission to the Minister for Housing and Urban Development.

6. Master Planning

What are the expected level of detail and form of the Precinct Plans?

In order to set goals for the Council, Community and Developer, the Precinct Plans should be developed upon the following principles:

- Participative – community involvement
- Integrative – between levels of government
- Proportionality – not overly prescriptive – allows flexibility (excluding staging of infrastructure)
- Precautionary – consider authentic threats or uncertainty

The Precinct Plans should provide clear strategic directions for development over a 20-30 year horizon, but with the flexibility required to respond to change. Community engagement should seek to facilitate ‘place making’ at its heart, and that the community has input to the visioning for the growth area.

The precinct planning process should seek adopt the ‘One Planet Living’ principles as developed by Bioregional Australia, namely:



For example, White Gum Valley project in the City of Fremantle, Western Australia is the first residential project to achieve national recognition for One Planet Living.

Broad spatial planning to consider road bypass; servicing; density; land use arrangements; open space; riparian/environment.

The planning process to incorporate ‘edge planning’ principle to ensure that the interface between agriculture and urban land uses remain compatible. (Early decision needs to be made whether any ‘edge planning’ is implemented solely within the growth area or whether it includes adjacent land outside the growth area. This suggests that such land needs to be included in the precinct from day 1, but we would need to ensure that owners of that land don’t assume that it is potential development land)

Areas of investigation to include the capacity of and implications for existing services such as schools, child care, health care, Home and Community Care, community bus services, libraries etc. and, the broader implications of any change in demographics.

The Precinct Master Plan should seek to foster the ‘Healthy Active by Design’ as promoted by the Heart Foundation, including:

CONCORDIA PRECINCT PLANNING AUTHORITY – ISSUES PAPER

- A sense of place
- Housing diversity
- Movement networks
- Destinations
- Community facilities
- Public open space
- Healthy food
- Buildings

Wherever possible, the proponent must seek to create a community that it built on the values and character of the Barossa Valley region. The Concordia development should be developed in such a way that it does not require new ratepayers to draw dependency on services within the Town of Gawler. Similar mechanisms was implemented for the Selandra Rise development in the City of Casey, Victoria.

The underlying zone to remain unchanged, until such time that the Minister for Planning amends the Planning and Design Code.

7. Service delivery

How are the arrangements for managing the daily operational role of Council, the new Precinct and community expectations going to be factored?

The Council is responsible, by exception, for ongoing local government service provision.

Waste Services

- Council will be responsibility through its contractor to provide waste services within Concordia Precinct as new ratepayers require the service.

Development Services

- To assess development as complying development and issue full Development Approval
- To undertake compliance inspections

Health Services

- public health management such as inspection of food premises, personal service establishments, cooling towers and swimming pools

Regulatory Services

- fire prevention, by laws, car parking and dogs

Other Services

- community transport
- community assistance

ISSUE	RESPONSE
Definition of Precinct Area	Master Plan will address interface with Character Preservation District, Hewitt and Town of Gawler using appropriate edge planning techniques. DPTI can provide advice on the matter of policy change to adjoining land.
Governance Model	
<ul style="list-style-type: none"> Preparation and submission of business case 	CLM as the proponent has submitted a business case to the Minister for consideration. CLM has provided the essential elements of that document to Council and in consultation with Council may amend the business case prior to the formal consultation process commencing.
<ul style="list-style-type: none"> Precinct Authority Membership 	CLM is open to the authority having 5 members but the cost of the 2 additional members should be taken into consideration.
<ul style="list-style-type: none"> Appointment of Authority Members 	The process for the selection of members is the Ministers responsibility so CLM cannot commit to an EOI. DPTI may wish to comment.
<ul style="list-style-type: none"> Membership of Land Owner Reference Panel 	Membership should not be limited to only those with developable land as all owners, even if they only have a house block, have an interest in the precinct and should not be excluded. DPTI may wish to comment.
<ul style="list-style-type: none"> Design Character/Vision Panel 	The final arrangement of panels is the Ministers decision. The Act requires that all key stakeholders including Council are consulted in regard to the preparation of plans. We would envisage that this would involve workshops with elected members. However, if it is of benefit to Council to formalise this arrangement CLM would support the involvement of 3 elected members and a Council planning representative (ex-officio) in the Design Review Panel. It is unclear what the benefit of the 3 community/landholder representatives would be on a Design Character/Vision Panel given that there are already Community and Land Owner Reference Panels proposed. DPTI may wish to comment.
Authorities Scope and Powers	The current business case is in agreement with the approach outlined here.
Funding	CLM is supportive of the State Government funding the establishment of the Authority.
Contact Points	CLM is committed to working with Barossa Council to achieve an MOU and Business Case which is supported by both parties. In relation to the final 6 dot points these are matters governed by the Urban Renewal Act and CLM is unable to commit to matters which are the responsibility of the Minister or Precinct Authority. The Act sets out the process for the establishment of the Precinct and for the preparation and approval of the Master Plan and Implementation Plans which involve consultation with Council but approval ultimately rests with the Minister for Housing and Urban Development. DPTI may wish to comment.
Master Planning	
<ul style="list-style-type: none"> Planning principles 	The responsibility for the preparation of the Master Plan lies with the Authority. However, CLM supports the adoption of appropriate planning principles such as outlined here,

	subject of course to the outcomes of the statutory consultation process with the panels and public. We are happy to amend the Business Case to reflect this position.
<ul style="list-style-type: none"> Contents of Master Plan 	As discussed at our meeting, CLM will prepare an outline of the contents of the Master Plan, including the expected level of detail and form of the Plan for further discussion with DPTI and Council. This can then form part of the Business Case if seen as desirable by the Minister.
<ul style="list-style-type: none"> Underlying zoning 	Originally we proposed the retention of the underlying zoning but we have also considered the option of putting a Deferred Urban Zone in place at the time of the precinct is declared but this requires further discussion.
Service Delivery	This is consistent with the current Business Case.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

DEVELOPMENT SERVICES REPORT

16 APRIL 2019

7.5.1 DEBATE AGENDA – DEVELOPMENT SERVICES REPORT

7.5.1.3

NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DEVELOPMENT PLAN AMENDMENT – ASSESSMENT OF PUBLIC SUBMISSIONS AND AGENCY COMMENTS, AND FINALISING DPA FOR APPROVAL (B6245)

Author: Principal Planner

PURPOSE

This report relates to Public Submissions and Agency comments received on the draft Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment (DPA) and recommends that various alterations be made to the draft DPA prior to it being submitted for approval. The report follows consideration of these matters by the Nuriootpa (Sturt Highway Service Centre) DPA Committee (the Committee) and is based on the advice received from the Committee with regard to each Submission and Agency comment.

RECOMMENDATION

That:

- (1) Council acknowledges the Public Submissions and Agency comments received in relation to the draft *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment*.
- (2) Council adopts the advice of the Nuriootpa (Sturt Highway Service Centre) DPA Committee in relation to responses to the Public Submissions and Agency comments on the draft *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment* contained in this report;
- (3) Council proceeds with the *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment*, subject to it being amended as proposed in this report and submitted to the Minister for Planning for approval together with a *Summary of Consultations and Proposed Amendments* report to be prepared by staff under delegation;
- (4) The Director Development and Environmental Services be authorised to make any necessary minor amendments to the *Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment* as directed by Department of Planning, Transport and Infrastructure staff or the Minister for Planning.

Background

Request to rezone land

At its meeting on 16 May 2017 Council considered a request from Rocland Wines Pty Ltd to initiate a DPA to facilitate a Highway Service Centre on the corner of the Sturt Highway and Belvidere Road, Nuriootpa. The request was to rezone the land from Primary Production (Barossa Valley Region) Zone to Commercial Zone and to introduce a Policy Area which would apply to the land.

Under the current zoning all forms of development are non-complying with various exceptions; however none of the components of the Highway Service Centre are listed as exceptions. The intent of the request was for the Development Policies to be changed so that the development would be a merit form of development in the zone.

The proponent had dismissed the non-complying approach due to the risk of third party appeals. The Proponent advised at the time of the request that the Coordinator-General would not appoint the Development Assessment Commission (now the State Planning Commission) as the Relevant Authority because the development would be non-complying. An option for the Minister for Planning to declare the development as a Major Project under Section 46 of the Development Act 1993 was also not available because the land is located in the rural area of the Barossa Valley Character Preservation District.

Council decision to initiate the DPA

Council agreed to consider the request on 16 May 2017 and at its meeting on 18 July 2017 formally initiated the DPA, simultaneously endorsing the Statement of Intent and a Deed of Agreement with the land owner which primarily addressed procedural aspects. The draft DPA was endorsed for public and agency consultation by Council at its meeting on 21 August 2018.

Although the request from the owner was to rezone the land, the draft DPA proposes to retain the land in the Primary Production (Barossa Valley Region) Zone but to amend the zone policies whereby the proposed development would be a merit form of development.

The *rezoning* approach was rejected due to associated complexities to facilitate the proposed development while not impeding the existing uses on the land, but also to acknowledge the potential for the highway service centre development not proceeding and the paramount risk that the land could have as an unintended consequence become available for a broad range of commercial and industrial uses.

Developer funded DPA

The DPA is known as a 'Developer Funded DPA' where the Proponent contributes an amount towards the cost of the DPA as agreed with Council. As indicated previously a Deed of Agreement addresses obligations, commitments, cost sharing and the like. The Developer has arranged all necessary investigations under the supervision of Council officers and arranged for preparation of the proposed Policy amendments in consultation with Council officers.

Despite being a Developer Funded DPA Council retains full control over the DPA process. To date this has included endorsement of the Statement of Intent, and endorsement of the draft DPA for consultation. With a Developer Funded DPA Council also retains full control of a DPA through to submission with the Minister for Planning with the Council endorsing a DPA prior to submission.

Intended outcomes of the DPA

The adopted approach, to retain the land in the Primary Production (Barossa Valley Region) Zone and to introduce a Policy Area specific to the subject land to accommodate the development of a Highway Service Centre, recognises the substantial existing investment in wine industry infrastructure on the land.

The draft DPA proposes the following main changes:

- Amend Policy Area Map Baro/2, to include a new Policy Area called "Nuriootpa Sturt Highway Service Centre, Policy Area 13".
- Amend the Objectives, Desired Character Statement and Principles of Development Control in the Primary Production (Barossa Valley Region) Zone to provide for development of a highway service centre and associated land uses on the land
- Amend the list of non-complying land uses in the zone to exclude development associated with the Highway Service Centre

The Policy changes will not authorise the proposed development as such, but will set out the development assessment procedures and the Policies against which any application would be assessed. Subsequent development approval would still be required.

Public consultation

Public consultation on the draft DPA was conducted from Thursday 13 December 2018 to Thursday 21 February 2019.

23 written Public Submissions and comments from 10 Agencies were received during the consultation period. The Public Submissions were made available for public inspection between the end of consultation and the public meeting which was held on 4 March 2019. At the public meeting three submitters or their representatives made verbal submissions. No additional persons requested to speak at the meeting. A record of the public meeting is included in [Attachment 1](#).

Key issues and concerns raised in submissions and agency comments

Copies of the Public Submissions and Agency comments have previously been supplied to Elected Members.

The major themes raised in the Public Submissions and Agency comments were:

Need/competition:

- Query need for an additional facility
- Potential impacts on existing businesses

Traffic/safety:

- Concerns about increasing risks at an existing poor intersection

- Inadequate investigations regarding heavy vehicle traffic accessing and exiting site Increase in cross highway traffic

Zoning/land use and precedence:

- Should retain land for primary production use
- Precedent for other development

Developer/operator:

- Query who developer is
- Concerns if a particular fuel retailer

Location:

- If facility needed, consider site closer to Gawler or in Truro
- Strategic reports and plans don't include option for a Service Centre on the Highway
- No holistic or evidence-based research undertaken to identify appropriate location of a Highway Service Centre across the whole extent of the Highway

Amenity/character:

- Proposal will be unsightly and ruin amenity of area
- Loss of rural character

Noise:

- Assessment does not take into account lower background noise due to 80 kph change
- Assessment does not include impacts from noise from trucks pulling into and leaving the Service Centre at all hours
- Potential impacts on nearby sensitive residential development including Retirement Villages

Other:

- Potential impact on native vegetation and fauna habitat to the north west of the land
- Negative effect on property values
- Marshalling facility would be inconsequential and should be deleted
- Policy direction presents an inconsistent approach to the direction of Policy Reform being progressed by DPTI, premature in context of forthcoming Planning and Design Code
- Design needs to provide suitable entry and exit and to accommodate all vehicles
- Concern if development hinders possible future Highway duplication
- Suggested alternative bypass option
- Seek reduction in speed limit to 80 kph for the impacted section of Highway
- Seek safe Mawson Trail crossing across Highway
- Requests suitable fencing on shared boundary for security

DPA Committee advice

The Nuriootpa (Sturt Highway Service Centre) DPA Committee was appointed by Council to consider all Submissions and Agency comments and to provide advice to Council or the Strategic Planning and Development Policy Committee.

The Committee met on 3 April 2019. A summary and analysis on the Public Submissions is included in Attachment 2 and a summary, analysis and officer recommendation on Agency comments is included in Attachment 3.

The Committee agreed to the recommended responses to Submissions and Agency comments presented to it. A record of the Committee meeting is included in Attachment 4.

The Committee advice to Council is to adopt the DPA with the following changes:

1. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 6 with:

"6 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises." *[Reason: in response to agency comment A8]*

2. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 7 with:

"7 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises." *[Reason: in response to agency comment A8]*

3. Insert instructions to introduce the following new heading and new Principles of Development Control:

"Air Quality

8 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.

9 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:

(a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere

(b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses." *[Reason: in response to agency comment A8]*

4. In the proposed new Nuriootpa Sturt Highway Service Centre Policy Area 13 replace proposed Policy Area PDC 3(a) with: "(a) provide safe and convenient access to and from the adjoining road network for all vehicles (up to and including the largest vehicle type expected to access the site)." Note: additional wording requested by the agency is underlined. *[Reason: In response to agency comment A10]*

In brief, the recommended changes are to insert instructions to amend General Section: Interface between Land Uses section policies relating to noise, air quality and odour, and to amend proposed Policy Area 13 Principle of Development Control 3(a) to ensure that safe and convenient access to and from the adjoining road network is provided for all vehicles up to and including the largest vehicle type expected to access the site.

The recommended changes have been consolidated into an annotated version of the Amendment – refer Attachment 5.

Council decision

As indicated above, the Committee advice to Council is to adopt the DPA with changes; however Council may also decide that additional changes are necessary prior to submitting the final DPA to the Minister for Planning for approval.

Alternatively Council may decide to decline to proceed any further with the amendment after which it would need to advise the Minister for Planning of that decision.

Approval steps

If Council adopts the DPA with the recommended changes a *Summary of Consultations and Proposed Amendments* document will be prepared by staff under delegation for submission to the Minister for Planning. That report will summarise the consultation process and how Council responded to each Submission and Agency comments.

While it is not uncommon for other 'minor' issues to be raised by Department of Planning, Transport and Infrastructure after the DPA is submitted for approval, all the required Policy matters have been addressed by Council. Unless major Policy issues are identified it is suggested that the Director Development and Environmental Services be authorised to negotiate and make any required changes to the DPA, provided they do not denigrate the intent of Council's proposed Policy approach or derogate from Council's intended outcomes.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Record of public meeting
Attachment 2: Summary and analysis on public submissions
Attachment 3: summary and analysis on agency comments
Attachment 4: Record of DPA Committee meeting
Attachment 5: Annotated amendment instructions

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

1.11 Provide transparent, efficient and effective development assessment processes and regulatory activities.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

A previously endorsed Deed of Agreement provides for a contribution from the Developer to cover out of pocket expenses but also provides scope for additional resources to be recovered from the Developer to cover any additional or unforeseen costs and tasks.

Resource

Refer above discussion.

Risk

The Deed of Agreement and various Legislative provisions ensure that Council controls the DPA process including the right to decide not to proceed with the DPA at any stage. However given the current Planning reforms the potential exists for the Minister for Planning to not approve a final DPA. Alternatively the project could be delayed significantly if any proposed Policy approach is only able to be incorporated into the forthcoming Planning and Design Code via a new and unknown 'designated instrument' amendment process.

COMMUNITY CONSULTATION

Consultation has been undertaken in accordance with Legislative requirements and no further consultation is required. All submitters will be notified in writing of Council's decision and after the Minister for Planning has made a decision.



RECORD OF MEETING OF THE NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DPA COMMITTEE

Held on Wednesday, 3 April 2019 in the Council Chambers, 43-51
Tanunda Road, Nuriootpa

1 WELCOME

Mayor Bim Lange declared the meeting open at 5:33 pm.

2.1 MEMBERS PRESENT

Presiding Member Mayor Bim Lange, Crs John Angas, David de Vries, Cathy Troup, Katheryn Schilling, Carla Wiese-Smith, David Haebich, Russell Johnstone, Don Barrett, Tony Hurn (from 5:45 pm),

Joanne Thomas (Acting Chief Executive Officer), Mr Gary Mavrinac (Director – Development & Environmental Services), Mr Paul Mickan (Principal Planner) and Mr Steven Kaesler (Manager Engineering Services).

2.2 APOLOGIES

Cr Leonie Boothby

2.3 LEAVE OF ABSENCE

Cr Richard Miller

3 DISCUSSION OF SUBMISSIONS AND AGENCY COMMENTS

Mr Mickan clarified that the role of the committee was to provide advice to Council on the public submissions and agency comments received. He spoke to the written report and the associated officer recommendations, explaining that the advice from the committee to Council could be:

1. Adopt the DPA with no change
2. Adopt the DPA with change(s)
3. Not proceed with the DPA

The Mayor invited open discussion on the matters raised in the report. Mr Mickan and Mr Kaesler responded to questions.

Consensus was reached to adopt the officer recommendations as presented, meaning the recommendation to Council would be to adopt the DPA with the following changes to the Amendment Instructions:

1. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 6 with:

"6 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises." *[Reason: in response to agency comment A8]*

2. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 7 with:

"7 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises." *[Reason: in response to agency comment A8]*

3. Insert instructions to introduce the following new heading and new Principles of Development Control:

"Air Quality"

- 8 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.

- 9 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:

(a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere

(b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses." *[Reason: in response to agency comment A8]*

4. In the proposed new Nuriootpa Sturt Highway Service Centre Policy Area 13 replace proposed Policy Area PDC 3(a) with: "(a) provide safe and convenient access to and from the adjoining road network for all vehicles (up to and including the largest vehicle type expected to access the site)." Note: additional wording requested by the agency is underlined. *[Reason: In response to agency comment A10]*

4 CLOSURE OF MEETING

Presiding Member Mayor Lange closed the meeting at 6.15 pm.

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
P1.	Carolyn O'Callaghan	Supports: <ul style="list-style-type: none"> Alternative to traffic turning into existing petrol station Employment opportunities 	Noted	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
P2.	Lee Pridmore	Opposes: <ul style="list-style-type: none"> <u>Need/competition</u>: other facility exists in locality; should encourage use of existing amenities and services <u>Traffic/safety</u>: will create traffic hotspot <u>Zoning/land use</u>: area not zoned for commercial use; need to protect rural areas <u>Developer/operator</u>: queries who developer is 	See detailed commentary below	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
P3.	Abby Osborne	Opposes: <ul style="list-style-type: none"> <u>Need/competition</u>: Nuriootpa has sufficient service stations; will result in oversupply; impact on existing Caltex service station <u>Zoning/land use</u>: retain land for primary production use <u>Location</u>: if facility needed, look for a site closer to Gawler 	See detailed commentary below	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
P4.	Heather Allen	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Need/competition</u>: don't need another facility <u>Amenity/character</u>: leave landscape in current form 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P5.	Jesse Helbig	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Need/competition</u>: existing facility in Truro which relies on passing traffic <u>Traffic/safety</u>: potentially makes a poor intersection worse <u>Amenity/character</u>: will further ruin amenity of area <u>Developer/operator</u>: opposed to a particular operator 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P6.	Jan Fuller	<p>Supports:</p> <ul style="list-style-type: none"> Employment opportunities Will provide decent rest area for travelers Benefits outweigh any negatives 	Noted	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P7.	Mark Graetz	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Need/competition</u>: impact on Caltex site 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> <u>Developer/operator</u>: concerned if particular fuel retailer 		<u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
P8.	Louis den Berger	Conditionally supports: <ul style="list-style-type: none"> Seeks reduction in speed limit to 80 kph for the impacted section of highway Seeks safe Mawson Trail crossing across highway 	It is noted that the speed limit has been reduced by the State government following a separate road safety review. Any special provision for Mawson Trail users is a matter for the State government to consider, separate to this DPA process.	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
P9.	Leonie Dahlitz	Opposes: <ul style="list-style-type: none"> <u>Traffic/safety</u>: frequently hears near misses; concerned that the facility would be another distraction for drivers 	See detailed commentary below	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
P10.	Leanne Carter	Opposes: <ul style="list-style-type: none"> <u>Need/competition</u>: a facility already exists in the area to service passing traffic <u>Traffic/safety</u>: increase in traffic movement at intersection 	See detailed commentary below	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> <u>Zoning/land use and precedence</u>: zoned land near Caltex exists; precedent if rezoning starts on northern side of highway 		
P11.	Randolph Klemm	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Amenity/character</u>: will be unsightly <u>Need/competition</u>: enough service stations exist to meet demand <u>Developer/operator</u>: concerned if a particular fuel retailer and potential impact on fuel price 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P12.	Sam Kurtz	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Traffic/safety</u>: Concerned at the safety of the Belvidere Road, Sturt Highway intersection <u>Other</u>: suggests alternative bypass option <u>Amenity/character</u>: concerned northern part of Barossa becoming eyesore 	<p>The need for an alternate bypass is a State or Federal government matter, outside this DPA process.</p> <p>See detailed commentary below regarding traffic/safety and amenity/character concerns.</p>	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P13	Tony Parbs	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Traffic/safety</u>: Road Safety Assessment inadequate regarding heavy vehicle traffic accessing and exiting site via Belvidere Road; concern about suitability of intersection for anticipated movements 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> • <u>Noise</u>: assessment does not take into account lower background noise due to 80 kph change • <u>Noise</u>: assessment does not include data related to ancillary noise that may be generated by heavy vehicles including refrigeration and noise from trucks entering and leaving the site • <u>Amenity/character</u>: visual impact on preservation of the heritage and culture of Barossa Valley • <u>Zoning/land use</u>: loss of the vineyard on the land • <u>Location</u>: 30 year Barossa Development Plan does not include the option for a service centre on the Sturt Highway • <u>Need/competition</u>: other facilities exist in locality to address driver fatigue issues 		
P14.	Cheryl Ellis, Secretary, Barossa Go Kart Club	Conditionally supports: <ul style="list-style-type: none"> • Requests suitable fencing on shared boundary for security 	Boundary fencing is a matter for the owners to negotiate separate to the development approval process. In any case the security to the go kart track should not change and it is possible that a 24 hour operation on the subject land could improve security for the adjoining land.	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
P15.	Martin	Conditionally supports:	See detailed commentary below	<u>Officer recommendation</u>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> • <u>Design</u>: needs suitable entry and exit and to accommodate all vehicles • <u>Future highway planning</u>: Acknowledge potential future highway duplication 		<p>No change to Amendment</p> <p><u>DPA Committee recommendation</u></p> <p>No change to Amendment</p> <p><u>Council decision</u></p>
P16.	David Dixon	<p>Opposes:</p> <ul style="list-style-type: none"> • <u>Need/competition</u>: sufficient facilities in Barossa • <u>Traffic/safety</u>: likely issues with vehicles re-entering highway from Belvidere Road 	See detailed commentary below	<p><u>Officer recommendation</u></p> <p>No change to Amendment</p> <p><u>DPA Committee recommendation</u></p> <p>No change to Amendment</p> <p><u>Council decision</u></p>
P17.	Darryl Noal	<p>Supports:</p> <ul style="list-style-type: none"> • Will help reduce fatalities • No real rest stops with toilet facilities exist for truck drivers and passing through tourists • Will help reduce fatigue related accidents and near misses on the highway • Will bring economic benefit to community and employment in the area 	Noted	<p><u>Officer recommendation</u></p> <p>No change to Amendment</p> <p><u>DPA Committee recommendation</u></p> <p>No change to Amendment</p> <p><u>Council decision</u></p>
P18.	Garry Jungfer	Opposes:	It is presumed that the submitter is referring to the <i>30 Year Plan for Greater</i>	<p><u>Officer recommendation</u></p> <p>No change to Amendment</p>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> <u>Location</u>: no assessment has been conducted against the 'Greater Adelaide Development Impact Study'. <u>Future highway planning</u>: concerned if development hinders possible future highway duplication. 	<p><i>Adelaide</i> which is referenced in Part 2.2 of the DPA, along with other strategic planning documents. No policy documents speak against a facility in this location.</p> <p>See detailed commentary below regarding future highway planning concerns.</p>	<p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P19.	Brian and Marie Mibus	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Zoning/land use and precedence</u>: should remain in rural use; precedent for other developments <u>Noise</u>: concerned about noise from trucks pulling into and leaving the service centre at all hours <u>Need/competition</u>: close by facility already meet the needs provided by the proposed development <u>Traffic/safety</u>: due to proximity local residents will be tempted to shop at the service centre but need to undertake dangerous highway crossing 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>
P20.	Grantley Penrhyn	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Need/competition</u>: facilities already exist to enable drivers to stop and rest, including a fuel stop at the eastern entrance to Nuriootpa 	Property values: these can be affected by a multitude of factors outside of the realm of land zoning. A development undertaken in accord with the relevant Development Plan provisions and located some distance from adjoining residential development and separated from it by a	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> <u>Environmental</u>: concerned at impact on native vegetation to the north west of the land <u>Property values</u>: development will have a negative effect on property values <u>Traffic/safety</u>: cross highway traffic will cause significant problems <u>Noise</u>: acoustic assessment does not take into account noise from traffic decelerating or accelerating to access and exit the site <u>Noise</u>: the land is close to sensitive residential development including a retirement village <u>Marshalling area</u>: the facility would be inconsequential and should be deleted, with any facility only considered in a major hub with safer and more convenient access <u>Amenity/character</u>: loss of rural character 	<p>highway is unlikely to adversely affect property values in the nearby Residential zone.</p> <p>Environmental: the DPA does not affect the land on which the native vegetation referred to is located.</p> <p>The addition of truck marshalling facilities has been strongly supported by Rural Development Australia – Barossa. The size of the facility will be determined by demand from local businesses. The marshalling facility need not be large to service the needs of local business but ample room is available on site to accommodate a freight hub big enough to service local demand.</p> <p>See detailed commentary below regarding need, environmental, traffic/safety, noise and amenity/character concerns.</p>	
P21.	MasterPlan and MFY Pty Ltd of behalf of Robert Jarrett and Margaret Jarrett	<p>Opposes:</p> <ul style="list-style-type: none"> <u>Location</u>: no holistic or evidence-based approach has been undertaken to identify the appropriate location of a highway service centre along the Sturt Highway. 	<p>Policy direction: The Minister for Planning allowed the DPA process to move forward notwithstanding the pending implementation of the Planning and Design Code. The State Government has introduced transitional provisions regarding current DPAs to ensure timely</p>	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
		<ul style="list-style-type: none"> • <u>Policy direction</u>: it presents an inconsistent approach to the direction of Policy Reform being progressed by DPTI and is premature in context of the forthcoming Planning and Design Code. • <u>Traffic/safety</u>: further traffic investigations are warranted if the subject land is to be developed as proposed by the DPA. 	<p>and seamless integration into the Code as needed.</p> <p>See detailed commentary below regarding location and traffic/safety concerns.</p>	
P22.	Keith and Cheryl Hampel	<p>Opposes:</p> <ul style="list-style-type: none"> • <u>Traffic/safety</u>: will add to danger of an already notorious section of the highway and create more of a bottle neck on Belvidere Road. • <u>Need/competition</u>: already have three service stations in the area. • <u>Zoning/land use and precedence</u>: always understood no development would occur on north side of Highway; original understanding that when existing winery went ahead it was a winery not a service station; concern about ease for developments to be approved • <u>Noise</u>: additional traffic will add to the noise pollution particularly at night and also to traffic entering either Belvidere Road or the Highway. 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

The Barossa Council
Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions

Sub No.	Name	Submission summary	Comment	Council response
P23.	Lee Martin Tanunda Lutheran Homes	<p>Conditionally supports:</p> <ul style="list-style-type: none"> <u>Noise</u>: notes potential for existing noise levels to increase from vehicles decelerating and accelerating to access the facility <u>Noise</u>: requests provision of noise reduction/deflection fencing or devices to minimize impacts on future residents in new retirement village currently under construction. 	See detailed commentary below	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

DETAILED COMMENTARY ON COMMON ISSUES

Need/competition

Competition is not a matter for consideration in the Development Plan or development assessment process.

In terms of perceived duplication of facilities, it is not unusual for highway service centres to be developed on each side of a highway and close proximity to each other. In addition, provision of such facilities on both sides of the highway in part should minimise the need for highway users to cross the highway to access rest and service facilities.

The amendment is not just intended to accommodate a service station but it will include other facilities to encourage drivers to stop and rest as well as providing freight facilities which will benefit local industries.

The amendment does not envisage any future highway service centre being a local shopping destination and in this context it would not contain facilities that would undermine the primacy of the Nuriootpa district town centre.

Location

Highway service centres of the type envisaged by the DPA are not a feature of any current South Australian government strategic planning documents. Although they are a common feature on highways and freeways interstate they have not been specifically dealt with in strategic policy in SA. It is not known if they are to be specifically addressed through the current planning reform process; however that does not imply that suitable proposals for such facilities should be deferred until or unless strategic policy in effect 'catches up'.

The purpose of the DPA is to determine how this facility will and can fit within in the present planning framework. In this regard it is relevant to note there have been no objections to the proposed amendments from relevant Government Agencies with a role to play in establishing strategic policy in the state or managing highway infrastructure.

The research documentation referred to in the DPA identifies the need for 'rest stops' to be 80 to 100km apart, with rest stops ranging from a safe area in which to pull off a highway and have a break through to full service facilities such as that envisaged by the DPA.

The DPA identifies that the subject land as being within the recommended separation distance for highway rest stops and notes the further attributes of the land that support the provision of an appropriate rest stop, namely:

- Location at the intersection of a B-double route to the Clare Valley (Belvidere Road)
- Ability to make use of the existing acceleration and deceleration lanes at the intersection
- Location on the outskirts of Nuriootpa as a source of employees for the development
- Location at the end of the double lane section of the Highway which simplifies access arrangements
- Relative separation from adjoining sensitive land uses
- Location about an hour's drive from Adelaide and as such an appropriate stopping point for vehicles either travelling to the City or from it

It is also noted that the site is now located in an area of the highway with a posted 80kph speed limit which was not in place at the time consultation on the DPA commenced.

Several submissions suggested that other sites on the highway between Adelaide and Blanchetown might be better positioned to be developed however they would not necessarily have the same attributes identified above. Suggestions were also made about possible alternative sites within the corridor between Gawler and Truro as being less constrained in terms of character and loss of primary production land; however it is relevant to note that as a significant proportion of the corridor is within the Barossa Valley character preservation district and a primary production zone and therefore any other sites would be subject to the same constraints.

A submission also suggested development of a facility in Truro township however it is noted that is in the middle of the town with limited space and as such does not have the ability to provide the range of services intended by the provisions of the DPA.

Zoning/land use and precedence

Land on the Southern side of the Sturt Highway in the vicinity of the subject land is zoned either Primary Production or Residential. There are small areas of land zoned Commercial or Primary Production near the intersections of Kalimna Road and Murray Street and the Sturt Highway which is largely developed; however that land has a very close interface with adjoining residential development, no direct access to the highway, and the development proposed would also be non-complying under the current zoning. However there would seem little benefit in providing another petrol station, rest facilities and the like on the same side as an existing facility.

The proposed policy changes are intended to allow a range of rural land uses to continue on the land but with the provision to also develop a highway service centre. Introduction of site-specific policies, as proposed in the DPA, is considered to be an appropriate procedure to facilitate development not otherwise envisaged for the land given the unique nature of the potential development and the site itself.

One submission understood there would be no further development on the northern side of the highway. In reality the Development Plan envisages primary production activities and value-adding in the form of wineries and associated activities on both sides of the highway all of which can involve additional buildings and structures and which may also involve some loss of primary production land. The amendment envisages a range of rural land uses to continue on the land but with the provision to also develop a highway service centre and associated facilities.

Traffic/safety

Proponent's response to matters raised in public submissions

Traffic safety has been assessed by a traffic consultant and independently by DPTI and no particular traffic safety issues have been identified. The recent reduction in highway speed limits to 80kph in the vicinity of Nuriootpa will, in addition to any roadworks required to enable the development, contribute significantly to improving traffic safety in the locality.

The Barossa Council

**Nuriootpa (Sturt Highway Service Centre) Development Plan Amendment
Summary and Response to Public Submissions**

Prior to the preparation of the DPA extensive discussions were had with DPTI to ensure there was an understanding of the operation of the site and the need for external road infrastructure upgrades to facilitate access to the site, and also safe travel by vehicles past the site. This included a concept design of the left turn access into the site from Sturt Highway and confirmation that an appropriate internal site circulation and speed environment could be provided. This included consideration of the separation of existing weighbridge facilities for the adjacent winery from traffic on the land.

The traffic assessment had regard to all vehicle types expected to access the land and provided details of these numbers and their estimated turning movements. The site will not generate significant additional heavy vehicle traffic but seeks primarily to provide a facility for existing vehicles traversing the locality. Present data shows the section of the highway in the vicinity of the land accommodates in the order of 5200 vehicle movements (DPTI 2015), of which 35% (1820) are Commercial vehicles. Not all these vehicles will stop at the subject land.

As noted by DPTI, a more detailed assessment will be undertaken as part of any development application for the site to confirm specific traffic demands and impacts for the proposed development. Given the response from DPTI (see agency submission summary), DPTI appear satisfied that the traffic assessment provided for the DPA is sufficient to determine that appropriate traffic measures can be undertaken to support the proposed policy changes.

Extensive discussions have taken place with the Department of Planning, Transport and Infrastructure re the relationship between the development and the adjoining road network. As indicated in the response from DPTI, they have no objection to the development subject to some additional works being carried out on both Belvidere Road and the Sturt Highway, which will be determined as part of any assessment of a future application on the land.

Further advice based on traffic data obtained from DPTI indicate the annual average daily traffic volumes (AADT) is 5,700 (2016 count) vehicles per day within the locality of the development site. Heavy vehicles contribute to 26% of the total traffic volume. This would equate to approximately 1,500 trucks per day. A breakdown of the vehicle types from DPTI is shown below:

•	Total of Trucks	1500
•	Class 3 to 5 Rigid Truck	480
•	Class 6 to 9 Semi-Trailer	390
•	Class 10 B-Double	600
•	Class 11 Road Train	10

If 10% of these vehicles (not all the heavy vehicles on Sturt Highway are semi-trailers as per above) used the site, that would be 150 trucks per day (or about 30% of all articulated trucks). It is understood that the site would have capacity of 20 trucks per hour. Assuming an average utilisation of 80%, this would equate to 160 trucks per day or 16 per hour during the peak periods.

The original traffic assessment report in the DPA are a 'worst case' scenario. Based on the above, the number of trucks would be quite low in comparison to light vehicles at the site, with up to 30 per hour during the peak period (not all refuelling as per above). The original report assumed a total 760 trips (all vehicles). Based on the revised plans this is more likely to be 450 trips per hour (all vehicles).

The DPTI response, which indicates no objection to the rezoning based on traffic issues, is founded on the basis of the higher figures in the traffic assessment contained in the DPA. Lower traffic movements

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will of course improve this aspect of the policy changes. Traffic figures will ultimately have to be remodeled for a Development Application and will be reassessed by DPTI at that stage.

Additional comments from GTA:

Traffic data has been collected in 2018. Recent traffic data from 2017 (DPTI) from Sturt Highway and Old Kapunda Road has been utilised to understand the operating flows of the Highway past Belvidere Road. DPTI has been satisfied with the traffic data presented for the traffic assessment.

The peak hour survey is sufficient for use by experienced traffic engineers to assess the operation of a road. DPTI has been satisfied with the data presented in the traffic assessment.

Council's Works and Engineering Services analysis

Acceleration lanes for left-in and left-out on Sturt Highway are accounted for, likewise right-in on Sturt Highway, but there is no accommodation for right turn out from Belvidere to Sturt Highway. The significant expectation for this requires further consideration.

The MFY report suggestion for a review of the internal traffic management is noted and considered justified. Note again the MFY report regarding increased traffic numbers accessing Sturt Highway from Belvidere Road.

The DPTI assessment of proposed Sturt Highway interventions on Sturt Highway are noted and considered warranted. The DPTI assessment however did not discuss issues relating to the access in Belvidere Road, they may have assumed that as this is a Council Road this would be addressed by Council. We believe there are considerable engineering concerns regarding the proposed development in this respect.

Contrary to the GTA report, dated 20 June 2018, and in support of the MFY report, dated 20 February 2019, it is likely that the proposed development truck marshalling area will generate additional traffic and would require access in all directions to / from the site.

The distance of the proposed development exit on Belvidere Road to Sturt Highway is assumed to be approximately only 45 metres. This is not considered adequate cueing length for southbound vehicles on Belvidere Road turning left / right to Sturt Highway. Further, there are no dedicated left and right access lanes in Belvidere Road to allow unrestricted flow of consecutive turning movements if cueing occurs.

Likewise, it is not considered adequate length for northbound traffic on Belvidere Road from Sturt Highway, such that vehicles are not restricted by other slow moving, long length vehicles exiting the proposed development.

Overall, considerable queues and delays would be expected well beyond the access point, diminishing the level of expected road safety.

Future highway planning

Council has not been advised of any State or Federal government plans to duplicate the Sturt Highway in the vicinity of the subject land. In the absence of any design concept or decisions on how intersections are dealt with (i.e. grade separation or at ground as current) the extent of any required land acquisition is unknown.

Character and amenity

The impact of the rezoning has been assessed against the character of the locality in the report prepared by Oxigen Landscape Architects and the actual area affected by the development is likely to be less than 2.2 ha of land, of which only about 1.8ha is given over presently to vines. The impact on the character of the locality has been assessed as being minimal given the influence of existing urban development in the locality, whilst the impact on rural production is also assessed as being minimal.

Noise

The area of the proposed DPA is located with significant setback distances to the closest sensitive receptors on the opposite side of the Sturt Highway. Therefore, the area is well situated from an environmental noise perspective, given the distance, as well as the masking noise from vehicles on the Sturt Highway.

At the time of a Development Application, each of the noise sources associated with the development would need to be considered in accordance with the provisions of the Development Plan. In particular, General Section: Interface between Land Uses PDC 7 requires the Development to be consistent with the requirements of the current Environment Protection (Noise) Policy. This would require an assessment of noise from each noise source including plant and equipment, refrigerated trucks and the coupling and uncoupling of trailers.

Sonus, via the proponent, have advised that the calculated difference in noise between a truck travelling at 80 KPH and 110 KPH is less than 2 dB(A). Generally it is considered that 3 dB(A) is just noticeable, 5 dB(A) is clearly noticeable and a reduction of 10 dB(A) would be perceived as a halving in the noise level.

In relation to noise from vehicles (including heavy vehicles) moving onsite and associated vehicle noise such as from refrigerated trucks and while coupling/uncoupling trailers and from plant and equipment it is noted that the affected area impacted by the DPA is located with significant setback distances to the closest sensitive receptors on the opposite side of the Sturt Highway and is thus well situated from an environmental noise perspective, given the separation distances involved as well as the masking noise from vehicles on the Sturt Highway.

Notwithstanding the land being well situated, the layout of any Development Application would need to be carefully designed to ensure that the Environment Protection (Noise) Policy is achieved. This might involve placing high noise sources further from sensitive receptors and/or shielding the noise from these sources with buildings or other structures.

Developer/operator

The DPA identifies that the rezoning is being Developer Funded by Franc Rocca of Rocland Wines Pty Ltd, the owners of the land contained in the area affected.

The matter of potential future tenants was raised in a number of submissions. There is no nominated operator for the site at the present time; however regardless it is not a matter for consideration at this point.

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Ref	Agency	Agency comment	Commentary	Council response
A1.	MFS	<ul style="list-style-type: none"> Reminder about need to comply with Building Code of Australia and provisions of access for emergency vehicles and firefighting infrastructure (water mains etc) 	Noted. Future development is obliged to comply with the Building Code of Australia.	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
A2.	Town of Gawler	<ul style="list-style-type: none"> No comment 	Noted	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
A3.	Light Regional Council	<ul style="list-style-type: none"> Considers the adopted policy approach is an interesting way to accommodate a kind of development that should be directed to land within defined township boundaries, clustering with other commercial/service type industries and away from land currently used for primary production purposes. Questions the need for the rezoning given the location of the Caltex facility 	<p>The facility is directed primarily at servicing passing traffic on the Sturt Highway and as such needs to be accessible to passing traffic on the highway. It is noted that although within a township boundary, the Caltex facility referred to is actually located in the Primary Production zone itself.</p> <p>It is also noted that interstate highway service centres appear to locate opposite or nearby each other in order to service traffic going each way on the highway.</p>	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
A4/A6.	Regional Development Australia: Barossa, Gawler, Light, Adelaide Plains Inc.	<ul style="list-style-type: none"> Identifies benefits including improved efficiency and safety of road freight Facility is needed to support the future of the wine and tourism economy in the region 	The agency observes that the highway service centre would co-locate with "the first new large-format freight facility in the Barossa Region"; however it is relevant to note that no facility of this nature has been approved on the subject land.	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment

Ref	Agency	Agency comment	Commentary	Council response
		<ul style="list-style-type: none"> Location is suitable to service the Barossa Region's freight industry and growing tourism sector The peri-urban location is already dominated by the highway as a transition between Nuriootpa as and primary production areas and would not significantly alter the character of the locality There is currently no large-format highway service centre connecting a freight hub in the Barossa Valley The closest hub at Dry Creek (Adelaide) will be bypassed on completion of the Northern Connector in 2019. 	Although the proposed policy changes envisage "truck marshalling" yards/facilities, under the proposed policy area such a facility would be optional only, and if established, would be ancillary to a highway service centre. These policies were prepared on the understanding that the primary intent was to provide rest facilities for all road users, with other services and facilities being ancillary and not the primary activities.	<u>Council decision</u>
A6.	SA Power Networks	<ul style="list-style-type: none"> Clarifying availability of existing electricity supply infrastructure for any new development on the subject land, and a reminder for developer to liaise with SA Power Networks directly. 	Noted	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
A7.	SA Water	<ul style="list-style-type: none"> SA Water currently provides a water connection to the subject site. Increased demand generated by the proposed development may require network augmentation. General comments re SA Waters' policies in relation to water resources 	Noted. Water resource aspects are adequately addressed by General Section: Natural Resources provisions in the Council Development Plan	<u>Officer recommendation</u> No change to Amendment <u>DPA Committee recommendation</u> No change to Amendment <u>Council decision</u>
A8.	Environment Protection Authority	<ul style="list-style-type: none"> Notes the potential for a highway service centre to generate noise impacts from vehicles moving onsite and associated vehicle noise such as 	At the time of a Development Application, each of the noise sources associated with the development would need to be considered in accordance with the	<u>Officer recommendation</u> Incorporate principles of development control into the General Section: Interface between

Ref	Agency	Agency comment	Commentary	Council response
		<p>from refrigerated trucks and while coupling/uncoupling trailers, and noise from plant and equipment</p> <ul style="list-style-type: none"> • Requests additional principles of development control (PDCs) from the South Australian Planning Policy Library Version 6 to assist with assessment of future development applications that may have noise and air emissions:: <ul style="list-style-type: none"> – PDCs 7 and 8 relating to noise – PDC 11 relating to the <i>Environment Protection (Air Quality) Policy 2016</i> – PDC 12 relating to nuisance odour • Suggests the Desired Character statement could be enhanced to acknowledge the potential noise, air quality and odour impacts that should be mitigated. • Supports connection of any new development to the existing CWMS. • Notes the boundary of the proposed 'Wine Industry Area' and 'Highway Service Centre Area' on the Concept Plan intersects with the existing winery wastewater lagoon and that any alternate arrangements for the treatment and/or disposal of winery wastewater would need to be implemented and approved by the EPA. 	<p>provisions of the Development Plan. In particular, General Section Interface Between Land Uses PDC 7 requires the Development to be consistent with the requirements of the current Environment Protection (Noise) Policy. This would require an assessment of noise from each noise source including plant and equipment, refrigerated trucks and the coupling and uncoupling of trailers.</p> <p>As observed by the EPA the existing Development Plan policies are based on an old version of the state policies and this DPA provides an opportunity to update the relevant policies. The recommended updated/new policies are listed below:</p> <p>7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.</p> <p>8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.</p>	<p>Land Uses section of the Development Plan as requested. Note: this will require replacement of existing PDCs 6 and 7; introduction of a new "Air quality" heading and the new PDCs; and consequential renumbering of the balance PDCs</p> <p><u>DPA Committee recommendation</u> As per officer recommendation</p> <p><u>Council decision</u></p>

Ref	Agency	Agency comment	Commentary	Council response
			<p>11 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.</p> <p>12 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:</p> <p>(a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere</p> <p>(b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.</p>	
A9.	Department for Environment and Water	<ul style="list-style-type: none"> Supports the proposal to manage stormwater onsite and to reuse collected rainwater for watering existing vineyards, however notes that the Amendment does not include any policies that would facilitate these water management solutions for this particular site. Notes existing General 	Repetition of General Section: Natural Resources policies in the new policy area is considered unnecessary. Comments relating to native vegetation are noted.	<p><u>Officer recommendation</u> No change to Amendment</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

Ref	Agency	Agency comment	Commentary	Council response
		<p>Section: Natural Resources policies to facilitate water management suggests it might be appropriate to include specific policies in the proposed Policy Area 13.</p> <ul style="list-style-type: none"> Supports retention of native vegetation and use of species endemic to the area in future landscaping, but reminder that removal of existing native vegetation in the adjacent road reserve may clearance approval under the Native Vegetation Act 1991. 		
A10.	Department of Planning, Transport and Infrastructure	<ul style="list-style-type: none"> Generally supports the proposed policy changes but provides a reminder of the looming changes through the Planning and Design Code. Indicates Transport section's general support however notes the following works would be required to facilitate use of the site as contemplated in Policy Area 13, noting they would be addressed at the development assessment stage: <ul style="list-style-type: none"> The provision of a solid median on Sturt Highway between Belvidere Road and Old Kapunda Road (including any widening of Sturt Highway required to facilitate this). The left turn lane into Belvidere Road being extended to enable the piggyback left turn lane to serve the site. Extension of the right turn lane into Belvidere Road by 80m to 	The supporting comments are noted. The requested change to proposed Policy Area PDC 3(a) is supported.	<p><u>Officer recommendation</u> Replace proposed Policy Area PDC 3(a) with: “(a) provide safe and convenient access to and from the adjoining road network <u>for all vehicles (up to and including the largest vehicle type expected to access the site).</u>” Note: additional wording requested by the agency is underlined</p> <p><u>DPA Committee recommendation</u> No change to Amendment</p> <p><u>Council decision</u></p>

Ref	Agency	Agency comment	Commentary	Council response
		<p>provide sufficient storage and deceleration length.</p> <ul style="list-style-type: none"> – Additional upgrading of the Sturt Highway / Belvidere Road junction to facilitate access by 36.5m Road Trains (if necessary). • Requests a change to a proposed Policy Area PDC to ensure the above necessary treatments are addressed at the development assessment stage. 	Noted	



RECORD OF MEETING OF THE NURIOOTPA (STURT HIGHWAY SERVICE CENTRE) DPA COMMITTEE

Held on Wednesday, 3 April 2019 in the Council Chambers, 43-51
Tanunda Road, Nuriootpa

1 WELCOME

Mayor Bim Lange declared the meeting open at 5:33 pm.

2.1 MEMBERS PRESENT

Presiding Member Mayor Bim Lange, Crs John Angas, David de Vries, Cathy Troup, Katheryn Schilling, Carla Wiese-Smith, David Haebich, Russell Johnstone, Don Barrett, Tony Hurn (from 5:45 pm),

Joanne Thomas (Acting Chief Executive Officer), Mr Gary Mavrinac (Director – Development & Environmental Services), Mr Paul Mickan (Principal Planner) and Mr Steven Kaesler (Manager Engineering Services).

2.2 APOLOGIES

Cr Leonie Boothby

2.3 LEAVE OF ABSENCE

Cr Richard Miller

3 DISCUSSION OF SUBMISSIONS AND AGENCY COMMENTS

Mr Mickan clarified that the role of the committee was to provide advice to Council on the public submissions and agency comments received. He spoke to the written report and the associated officer recommendations, explaining that the advice from the committee to Council could be:

1. Adopt the DPA with no change
2. Adopt the DPA with change(s)
3. Not proceed with the DPA

The Mayor invited open discussion on the matters raised in the report. Mr Mickan and Mr Kaesler responded to questions.

Consensus was reached to adopt the officer recommendations as presented, meaning the recommendation to Council would be to adopt the DPA with the following changes to the Amendment Instructions:

1. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 6 with:

"6 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises." *[Reason: in response to agency comment A8]*

2. Insert instructions to amend General Section: Interface between Land Uses section to replace Principle of Development Control 7 with:

"7 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises." *[Reason: in response to agency comment A8]*

3. Insert instructions to introduce the following new heading and new Principles of Development Control:

"Air Quality

- 8 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.

- 9 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:

(a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere

(b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses." *[Reason: in response to agency comment A8]*

4. In the proposed new Nuriootpa Sturt Highway Service Centre Policy Area 13 replace proposed Policy Area PDC 3(a) with: "(a) provide safe and convenient access to and from the adjoining road network for all vehicles (up to and including the largest vehicle type expected to access the site)." Note: additional wording requested by the agency is underlined. *[Reason: In response to agency comment A10]*

4 CLOSURE OF MEETING

Presiding Member Mayor Lange closed the meeting at 6.15 pm.

Development Plan Amendment

By the Council

Council

Nuriootpa (Sturt Highway Service Centre) DPA

The Amendment

For Approval Consultation

Amendment Instructions Table				
Name of Local Government Area: The Barossa Council				
Name of Development Plan: The Barossa Council				
Name of DPA: Nuriootpa (Sturt Highway Service Centre)				
<p>The following amendment instructions (at the time of drafting) relate to the Council Development Plan consolidated on 1 November 2018.</p> <p>Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.</p>				
Amendment Instruction Number	Method of Change	Detail what in the Development Plan is to be amended, replaced, deleted or inserted.	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> Amend Replace Delete Insert 	<p>If applicable, detail what material is to be inserted and where. Use attachments for large bodies of material.</p>		
COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)				
Amendments required (Yes/No): <u>Yes</u> <u>No</u>				
<u>Interface between Land Uses</u>				
<u>1.</u>	<u>Replace</u>	<u>Replace Principle of Development Control 6 with “6 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.”</u>	<u>No</u>	<u>No</u>
<u>2.</u>	<u>Replace</u>	<u>Replace Principle of Development Control 7 with “Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.</u>	<u>No</u>	<u>No</u>
<u>3.</u>	<u>Insert</u>	<u>After Principle of Development Control 7 the provisions contained in Attachment A</u>	<u>Yes</u>	<u>No</u>
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)				
Amendments required (Yes/No): Yes				
Primary Production (Barossa Valley Region) Zone				
<u>4-4.</u>	Insert	At the end of zone objective 3 the following; “except as provided for in Nuriootpa Highway Service Centre Policy Area 13.”	No	No
<u>2-5.</u>	Insert	In the Desired Character statement after paragraph 3, the following; “Provision has been made for the development of a highway service centre at the corner of the Sturt Highway and Belvidere Road, with policy area specific policies	No	No

		applicable to this land contained in Nuriootpa Sturt Highway Service Centre Policy Area 13."		
3-6.	Amend	In Procedural Matters, Non-complying Development - Exceptions; under Advertisement and/or advertising hoarding replace "(a) or (b)" with "(a), (b) or (c)",	No	No
4-7.	Insert	In Procedural Matters, Non-complying Development - Exceptions; under Advertisement and/or advertising hoarding, and at the end, the following: "(c) Is located within Nuriootpa Sturt Highway Service Centre Policy Area 13 and is limited to information relating to approved services and facilities within the Policy Area"	No	No
5-8.	Insert	In Procedural Matters, Non-complying Development - Exceptions; after the Alterations, additions or replacement of an existing dwelling entry, the following: "Any development not listed elsewhere as an exception which is envisaged within and associated with a highway service centre in Nuriootpa Sturt Highway Service Centre Policy Area 13."	No	No
6-9.	Insert	In Procedural Matters, Exceptions, Land Division entry, at the end: "(c) is to create a separate allotment for an envisaged land use located in Nuriootpa Sturt Highway Service Centre Policy Area 13."	No	No
7-10.	Insert	In Procedural Matters, Exceptions after the Pergola entry, the following: "Petrol filling station including electric vehicle recharging facilities but which does not include any associated servicing of motor vehicles and which is located within Nuriootpa Sturt Highway Service Centre Policy Area 13"		
8-11.	Insert	In Procedural Matters, Exceptions after the Shade sail entry, the following: "Shop in form of a cafe, fast food outlet or restaurant where: (a) it will be associated with a petrol filling station which together comprise a highway service centre (b) located within Nuriootpa Sturt Highway Service Centre Policy Area 13 Shop in the form of a convenience shop where: (a) it has a gross leasable floor area of no more than 250 square metres (b) it will be ancillary to and in association with a petrol filling station and shop in form of a cafe, fast food outlet or restaurant which together comprise a highway service centre (c) located within Nuriootpa Sturt Highway Service Centre Policy Area 13"	No	No
9-12.	Insert	In Procedural Matters, Exceptions; at the end of the exception applicable to restaurant; the following "or is located in Nuriootpa Sturt Highway Service Centre Policy Area 13."	No	No
10-13	Insert	In Procedural Matters, Exceptions, at the end of the exception relating to a winery, the following, "or is located in Nuriootpa Sturt Highway Service Centre Policy Area 13."		
14-14	Insert	Under Public Notification, in the list of Category 1 land uses, the following; "All development associated with a highway service centre in Nuriootpa Sturt Highway Service Centre Policy Area 13."	No	No
Policy Area				
12-15	Insert	After Principle of Development Control 26 the Policy Area provisions contained in Attachment BA	No	No
TABLES				

Amendments required (Yes/No): No				
MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)				
Amendments required (Yes/No): Yes				
Map Reference Table				
13-16	Insert	In Policy Area Maps, after Residential Lyndoch Policy Area 12; under Policy Area Name “Nuriootpa Sturt Highway Service Centre Policy Area 13” and under the associated Policy Area Map Numbers “Baro/2”	No	No
14-17	Insert	In Concept Plan Maps after Lyndoch Fringe, the following “Nuriootpa Sturt Highway Service Centre and Baro/18”	No	No
Map(s)				
15-18	Insert	After Zone Map Baro/2 the Policy Area map contained in Attachment <u>CB</u>	No	No
16-19	Insert	After Concept Plan Map Baro/17, the Concept Plan map contained in Attachment <u>DC</u>	No	No

Attachment A

Air Quality

- 8 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 9 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
 - (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
 - (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

Attachment [BA](#): Policy Area Provisions

Nuriootpa Sturt Highway Service Centre Policy Area 13

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 Development of land uses that provide essential services and facilities to cater for the needs of highway users.
- 2 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

Development within the Policy Area will comprise a continuation of existing industry and commercial activities associated with the wine industry together with the potential development of a highway service centre which would provide essential services and facilities to encourage highway users to stop and take an effective break in the interests of driver safety. A highway service centre within the Policy Area will provide safe and convenient access onto and off the highway, a recognised and expected range of services and facilities to cater for the needs of both heavy and light vehicle traffic and will be open on a 24-hour/7-days per week basis.

A highway service centre will include the following core services and facilities::

- designated parking areas for a range of light and heavy vehicles;
- undercover areas for petrol, diesel and LPG sales and electric vehicle recharging designed to cater for light and heavy vehicles;
- food and refreshment facilities excluding the sale of alcohol;
- comfortable and safe, free access toilets, shower and washroom facilities;
- rest facilities for truck drivers
- public telecommunication facilities;
- indoor sit-down eating areas
- outdoor picnic and eating areas and playground facilities.

A highway service centre may include the following ancillary services and facilities:

- convenience store not exceeding 250 square metres;
- truck marshalling yards
- local and regional tourist information;
- facilities for emergency services;
- RV dump point;

A highway service centre will not include any of the following services and facilities:

- accommodation facilities
- vehicle servicing and repairs (except for emergency vehicle repairs)
- general retail facilities
- entertainment, amusement or gaming facilities
- sale, distribution and consumption of alcohol

The built form of the highway service centre will be low in scale, functional, efficient and aesthetically pleasing to encourage drivers to stop. Buildings will adopt a unified architectural design, and signage will be integrated throughout and shared to minimise the proliferation of signage. Advertising will not dominate the buildings to which they relate.

The design, cladding, colour and layout of the buildings will respond to the local landscape character and visual context by avoiding highly commercial architectural finishes and maximising use of stone, timber and other rustic architectural elements.

Landscaping and signage will be located and designed to assist drivers to identify entrance points and to integrate the built form development into the landscape. Particular importance will be given to landscaping the development as viewed from the Sturt Highway east of the land. Shaded picnic and public outdoor dining facilities will be an important part of the landscape design.

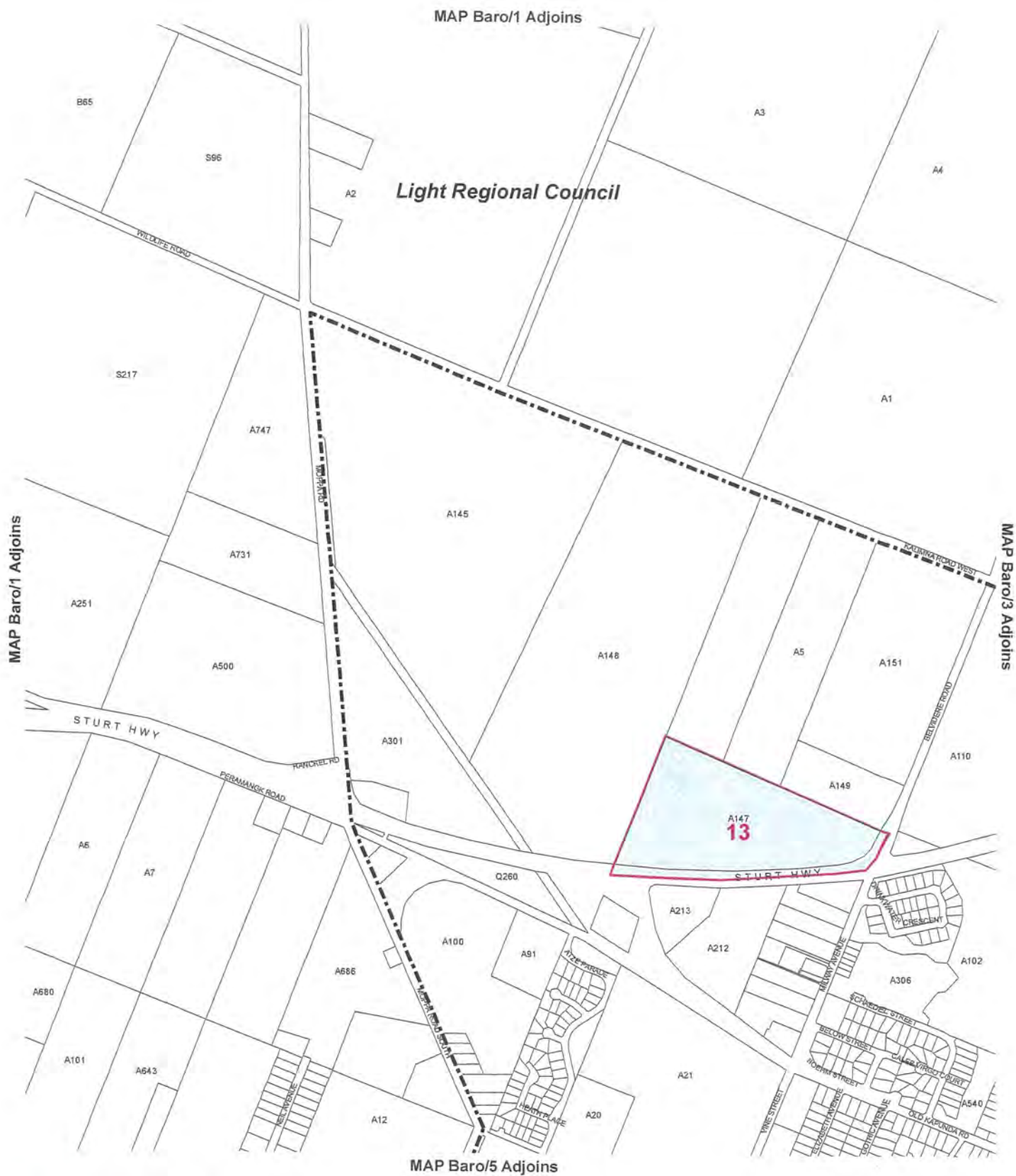
PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

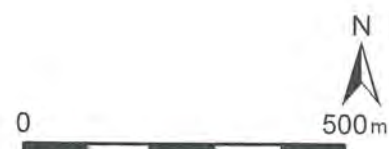
- 1 The following forms of development are envisaged in the policy area:
 - industry and commercial activities associated with the wine industry
 - highway service centre which includes the following core services and facilities:
 - petrol, diesel and LPG sales and electric vehicle recharging facilities
 - cafés and restaurants
 - free public amenities
 - public telecommunication facilities
 - rest facilities for truck drivers indoor and outdoor eating areas
 - playground facilities for children.
 - the following where ancillary to a highway service centre:
 - advertisements and advertising hoardings promoting approved uses and activities located within the policy area
 - facilities for emergency services
 - RV dump point;
 - a single convenience retail area not exceeding 250 square metres
 - truck marshalling facilities
- 2 Development should be undertaken in accordance with Concept Plan Map Baro/18 – Nuriootpa Sturt Highway Service Centre with any highway service centre only located within Area 2 as shown on the Concept Plan.
- 3 The development of a highway service centre should:
 - (a) provide safe and convenient access to and from the adjoining road network [for all vehicles \(up to and including the largest vehicle type expected to access the site\)](#);
 - (b) be visible from the adjoining roadway and be clearly signposted to promote safe access from the highway, but should not be so prominent so as to adversely impact on the landscape character of the locality;
 - (c) provide a layout that is simple, understandable and accessible for drivers and which separates heavy from light vehicles wherever possible, and keeps internal traffic speeds to not more than 20kph;
 - (d) adopt a unified architectural design with building material, colour and the layout of buildings to address the visual context of the locality;
 - (e) locate buildings, (excluding an advertising hoarding) a minimum of 25m from the road alignment;
 - (f) provide a minimum of 5 metres of landscaping along the road frontages, with additional internal landscaping around buildings and to separate driveways;
 - (g) include landscaping which provides safe driver sightlines and that reflect local landscape character;
 - (h) be well lit;
 - (i) provide for integrated and shared advertising to minimise the proliferation of signage; and
 - (j) manage noise, odour, visual or light spill impacts on road users and any existing adjacent sensitive land uses.
- 4 No more than one multi-tenancy pylon sign should be erected, it should not be more than 12m high and should only identify the primary facility and individual tenancies approved within the policy area.
- 5 Advertising should only relate to approved services and facilities within the policy area, should be integrated with the design of the buildings and should not be located above the roofline of any building, including above any refuelling area canopy.

- 6 Individual freestanding signs for individual tenancies approved within the policy area should not exceed 6 metres in height and should be sited a minimum of 20m from each other and from adjoining road reserves.
- 7 Fencing where required should be traditional rural post and wire fencing, except as required to screen service areas.

Attachment [CB](#): Map Baro/2 Nuriootpa Highway Service
Centre Policy Area 13



Lamberts Conformal Conic Projection, GDA94
Policy Area
13 Sturt Highway Service Centre



NURIOOTPA

Policy Area Map Baro/2

Policy Area Boundary
 Development Plan Boundary

Attachment [DC](#): Concept Plan Map Baro/17



-  Access
-  Vehicle Links
-  Wine Industry Area
-  Highway Service Centre Area
-  Landscape Buffer

Concept Plan Map Baro/18 **STURT HIGHWAY SERVICE CENTRE**

COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES
ENVIRONMENTAL SERVICES REPORT

16 APRIL 2019

7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.1

**GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY (GRFMA) – NOTICE OF
BUSINESS PLAN 2018–2021 AND DRAFT BUDGET 2019–2020
B9072**

Author: Director, Development and Environmental Services

PURPOSE

The attached documents have been circulated for consideration and approval by Constituent Councils in accordance with Clause 11.2.3 of the Charter for the Gawler River Floodplain Management Authority.

RECOMMENDATION

That Council:

- (1) Endorse the draft Gawler River Floodplain Management Authority Business Plan 2019–2022 and the draft Budget 2019-2020 as circulated to the Constituent Councils.
- (2) Authorise the Chief Executive Officer to advise the Gawler River Floodplain Management Authority of its resolution by the 31 May 2019.

REPORT

Background

The Gawler River Floodplain Management Authority (GRFMA) is established as a Regional Subsidiary pursuant to section 43 and Schedule 2 of the *Local Government Act 1999* to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River.

Constituent Councils are City of Playford, Adelaide Plains Council, Town of Gawler, The Barossa Council, Light Regional Council, and Adelaide Hills Council.

Introduction

The Executive Officer of the GRFMA has written to the Constituent Councils regarding the draft GRFMA Business Plan 2019-2022 and Draft 2019/20 Budget (Attachment 1).

The GRFMA must submit in draft form the Business Plan and Draft Budget to each Constituent Council before 31 March for approval of its contribution for the year.

Both the draft Business Plan and Budget were reviewed at the 7 February 2019 GRFMA Board Meeting and the 15 March 2019 meeting of the GRFMA Audit Committee, and subsequently at a special meeting of the Board on 21 March 2019.

The documentation was received on 24 March 2019, and are now presented for endorsement.

Discussion

BUSINESS PLAN 2019-2022:

The draft Business Plan is provided in Attachment 2.

The GRFMA has focussed on the outcomes of the Gawler River 2016 Flood Review, with work being undertaken to facilitate flood mitigation in the lower Gawler River.

The GRFMA has pursued Federal and State Government funding for the proposed Gawler River Northern Floodway at a cost of approximately \$27 million. While the GRFMA was unsuccessful in the recent Building Better Regions Fund (BBRF), the Board will continue to pursue funding from Federal and State Government for the project.

Page 6 of the Plan outlines the Work Priorities for 2019-2022.

DRAFT BUDGET 2019-2020:

The draft Budget has been prepared based on the 2018-19 budget with an annual escalator (Local Government Price Index) of 2.9% to general expenses, excluding Chair honorarium, EO consultancy costs and Audit Committee Chair honorarium.

The draft budget is provided in Attachment 3.

The 2019-20 subscription for The Barossa Council is \$31,562, an increase of \$121.

Summary and Conclusion

The draft Business Plan 2018-2021 and Budget 2018-2019 have been circulated for consideration and approval by Constituent Councils in accordance with the GRFMA Charter.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1:	Letter from Executive Officer, GRFMA
Attachment 2:	Gawler River Floodplain Management Authority Business Plan 2019 – 2022
Attachment 3:	Gawler River Floodplain Management Authority Draft Budget 2019 -2020

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage



Infrastructure



Health and Wellbeing



How We Work – Good Governance

Corporate Plan

- 1.12 Build and maintain relationships with other levels of government to ensure development strategies are responsive to regional needs and issues.
- 3.11 Advocate for the allocation of State and Federal funding to maintain and invest in infrastructure within our region.
- 4.15 Plan for and where appropriate support response to extreme weather events or disasters in the region.
- 6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislative Requirements

Local Government Act 1999

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

As indicated in the Business Plan, the scope of the GRFMA annual Budget and operations is small in comparison to the extensive undertakings by Constituent Councils.

Principally the Budget revenue is sourced from predetermined 'formulae based' financial contributions by the six Constituent Councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

The financial contributions are listed on page 5 of the Business Plan.

Risk Management

The GRFMA and Constituent Councils have a level of responsibility to act on dealing with known potential flood risks. The GRFMA needs to be seen to be moving forward in seeking to address flood measures in a strategic and financially sustainable manner.

COMMUNITY CONSULTATION

The GRFMA Charter requires that the Business Plan and Draft Budget are circulated to the Constituent Councils seeking support prior to their adoption. There is not an obligation or need for community consultation in relation to this matter.

Gawler River Floodplain Management Authority
266 Seacombe Road, Seacliff Park, SA 5049
Telephone: 0407717368 Email: davidehitchcock@bigpond.com
Website: www.gawler.sa.gov.au/grfma

Martin Mc Carthy
Chief Executive Officer
The Barossa Council
43-51 Tanunda Road
NURIOOTPA SA 5355
By email barossa@barossa.sa.gov.au

24/3/19

Dear Martin,

GRFMA Business Plan 2019-2022 and Draft 2019/20 Budget.

I am writing regarding the draft GRFMA Business Plan 2019 – 2022 and Draft 2019/20 Budget.

Prior to setting the draft budget each year the Authority must review its Business Plan in conjunction with the constituent councils. The Business Plan must be updated to ensure it presents a plan for the ensuing three years.

The Authority must also prepare a budget for the forthcoming financial year which must be consistent with and account for activities and circumstances referred to in the Authority's Business Plan and must be submitted in *draft form to each constituent council before 31 March* for approval of its contribution for the year.

The draft Business Plan and Budget have been considered by the 7/2/19 Board Meeting, the 15/3/19 meeting of the GRFMA Audit Committee and the 21/3/19 GRFMA Special Meeting.

The budget must not be adopted by the Authority until after 31 May but before 30 September; and the Authority must then provide a copy of its budget to each constituent council within five business days after adoption.

GRFMA Business Plan

Key elements of the Business Plan include:

- The Gawler River 2016 Flood Review report provides recommendations for flood mitigation works to be undertaken in the lower Gawler River with a first stage indicative cost of \$27 million:
 - a) proposed Gawler River Northern Floodway,

- b) upgrade and maintenance of the levee system and
- c) management of silt and pest vegetation;

The GRFMA has resolved to pursue Federal and State Government funding to progress the report recommendations in 2019.

- The Authority, in partnership with the University of Adelaide, has received funding via the *National Disaster Resilience Program* (NDRP), to develop an existing decision support tool (UNHARMED) to explore how to manage flood risk into the future in an integrated and dynamic approach. The project will commence mid-2019 and conclude in late 2020.

This project will consider:

- Specific pilot studies (such as proposed Dam raise and Northern Floodway proposal) of analysis and developing a methodology for continued use of the program for integrated planning of flood mitigation actions by GRFMA; and
 - Providing an example for other local government authorities and floodplain managers in integrated flood risk management supported by integrated risk modelling.
- Maintenance and operations during 2019 to 2022 will include:
 - Completion of the detailed Dam Failure Consequence Assessment of the Dam pursuant to ANCOLD guidelines;
 - Review of Dam Safety Emergency Plans and Operation and Maintenance Manuals;
 - Dewatering and repair of the low-level inlet pipe and stilling basin;
 - Scheduled inspections and environmental management of land associated with the Dams location; and
 - Investigation into feasibility of a proposal for the establishment of a revegetated zone around the Bruce Eastick North Para Flood Mitigation Dam.

See attached for a copy of the draft 2019-2022 GRFMA Business Plan.

2019/20 Budget

The scope of the GRFMA Annual Budget is small in comparison to the extensive undertakings by constituent councils.

Principally the budget revenue is sourced from predetermined "formulae based" financial contributions by the six constituent councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

The 2019/20 draft Budget has been prepared based on the 2018/19 Budget estimates with an annual escalator (September 2018) Local Government Price Index) of 2.9 % to general expenses not otherwise being programmed capital and maintenance projects. No escalator has been applied to the Chair honorarium, EO consultancy costs or the Audit Committee Chair honorarium.

Constituent council contributions for 2019/20 total \$230,300 which is a budgeted reduction from \$ 231,576 in 2018/19.

A net Operating Loss of (\$231,231) is forecast for 2019/20. This is the amount of unfunded depreciation.

No allowance has been made for any surplus or deficit that might result from the current 2018/19 Budget results.

See attached for a copy of details of the GRFMA Budget functions which identifies the current 2018/19 Budget against Year to Date (March 2019) income and expenditure and also the 2019/2020 Draft Budget income and expenditure proposals. The GRFMA Balance Sheet as at 23 March 2019 is also attached.

See further below - Table 1 Budget document for constituent council shares proposed as per the draft 2019/20 GRFMA Budget and Table 2 – constituent council shares for contributions as per GRFMA Charter.

Table 1 Budget document for constituent council shares proposed as per the draft 2019/20 GRFMA Budget

	2018/19	2018/19	2018/19	2019/20	2019/20	2019/20	
Council	Operation	Maint	Total	Operation	Maint	Total	
Adelaide Hills Council	\$23,683	\$1,548	\$25,231	\$24,166	\$1,476	\$25,642	
Adelaide Plains Council	\$23,683	\$25,867	\$49,550	\$24,166	\$24,660	\$48,826	
The Barossa Council	\$23,683	\$7,758	\$31,441	\$24,166	\$7,396	\$31,562	
Town of Gawler	\$23,683	\$15,515	\$39,198	\$24,166	\$14,791	\$38,957	
Light Regional Council	\$23,683	\$7,758	\$31,442	\$24,166	\$7,396	\$31,562	
City of Playford	\$23,683	\$31,030	\$54,714	\$24,170	\$29,581	\$53,751	
Total	\$132,100	89,476	\$231,576	\$145,000	\$85,300	\$230,300	

Operational contributions are calculated from the costs reflective of Administration of the GRFMA and general costs for the Gawler River Scheme Mark 2 (does not include capital works or maintenance of Assets).

Maintenance contributions are calculated from the costs reflective of capital works or maintenance works for Construction North Para Works - Construction South Para Works and Gawler River Scheme Mark 2 capital works. In 2018/19 the Board resolved to undertake a catch-up Capital Works (Maintenance contributions) associated with the Dam and road access and Operational works.

In 2018/19 this resulted in Operational. contributions of \$132,100 and Maintenance contributions of \$89,476.

The draft 2019/20 Operational contributions of \$145,000 consist of Administration costs \$77,900, net costs Flood Risk project \$30,000 plus Gawler River Scheme Mark 2 consultancies \$38,715 less \$1,615 Bank and other income.

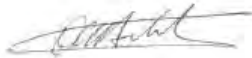
The draft 2019/20 Maintenance contributions of \$85,300 consist of Maintenance Flood Mitigation Scheme \$316,531 less \$231,231 unfunded depreciation (Dam).

Table 2 – Constituent Council Shares for Contributions as per GRFMA Charter

Constituent Council	Capital Works Percentage Share	Maintenance of Assets Percentage Share	Operational Costs Percentage Share
Adelaide Plains Council	28.91%	28.91%	16.66%
Adelaide Hills Council	1.73%	1.73%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

I would be pleased if this matter could be included in the next available Council Meeting Agenda and subsequent indication of Councils consideration of this matter being provided to davidhitchcock@bigpond.com by 31 May 2019.

Yours Sincerely



David Hitchcock
Executive Officer



BUSINESS PLAN

2019-2022

**Gawler River Floodplain
Management Authority**

Constituent Councils:

Adelaide Hills Council

Adelaide Plains Council

The Barossa Council

Town of Gawler

Light Regional Council

City of Playford

GRFMA

Business Plan 2019-2022

Gawler River Floodplain Management Authority (GRFMA)

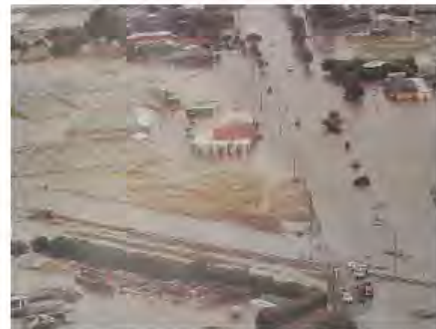
The Gawler River

The Gawler River is formed by the confluence of the North Para and South Para in the town of Gawler, and is located in the Adelaide Plains district of South Australia. The district surrounding the river produces cereal crops and sheep for both meat and wool, as well as market gardens, almond orchards and vineyards. The farm gate output of the Gawler River floodplain horticultural areas is estimated to be at least \$225 million.

History

The river is subject to periodic flood events.

Desirable Levels of Protection Cost of Flooding	
Flood Frequency (ARI)	Estimated Damages
1 in 10	\$15m
1 in 20	\$24m
1 in 50	\$102m
1 in 100	\$182m
1 in 200	\$212m
Average Annual Damage	\$7.40m
Present Value of Damages*	\$109m



Properties at Risk				
Flood Frequency (ARI)	Number of residential properties within each hazard rating			
	Low	Medium	High	Extreme
1 in 50	1056	785	483	236
1 in 100	1559	1451	1179	457
1 in 200	1814	1652	1419	615

Following the November 2005 flood, which flooded the Virginia district and township, a series of meetings of the major stakeholders led to the approval of \$20 million in funding from Federal, State and Local Governments to fund the Gawler River Flood Mitigation Scheme (Scheme Works).

The Scheme Works had three parts:

- One The construction of a flood control dam on the North Para River near Turretfield designed to control a 1 in 100-year flood.
- Two The modification of the South Para Reservoir dam wall and spillway to provide 1 in 100-year flood control storage on top of full reservoir storage (completed 2012).
- Three The formalisation of controlled flow paths for floodwaters along the lower reaches of the Gawler River.

Following successful construction of the flood control Dam on the North Para (Bruce Eastick North Para Flood Mitigation Dam) in 2007 and modification of the South Para Reservoir Dam and spillway in 2012, the GRFMA Board has progressed the Gawler River Flood Mitigation Scheme, elements which include:

- further development of the preliminary assessment of possible local area levees prepared in the 2008 Gawler River Floodplain Mapping Study at Gawler, Angle Vale and Two Wells and to develop a levee strategy for Virginia.
- establishment of a protocol with the Floodplain Councils that where development of land in areas identified as 'at risk of flooding' is planned to proceed by the implementation of a local area levee that mapping of the proposed levees on the Gawler River Floodplain Mapping Study Model will be required.
- to develop a funding strategy for flood protection that is delivered by local area levees on the questions of who should own and maintain the levees and whether local area levees are regional works that the GRFMA should fund or are they local works that are the responsibility of the local Council.
- investigate opportunities for funding partners and grants to undertake the necessary assessments and designs.

Purpose of the GRFMA

The Gawler River Floodplain Management Authority (GRFMA) was formed as a Regional Subsidiary under Section 43 and Schedule 2 of the Local Government Act 1999 on 22 August 2002. The Constituent Councils are the Adelaide Hills Council, The Adelaide Plains Council, The Barossa Council, The Town of Gawler, Light Regional Council, and the City of Playford.

The Charter provides for one independent person, who is not an officer, employee or elected member of a constituent council, to be appointed as the Chairperson of the Board of Management of the GRFMA for a term of two years.

The Charter sets down the powers, functions, safeguards, accountabilities and an operational framework and the Business Plan sets down the operational plan and financial plan to achieve agreed objectives.

The Authority has been established for the following purposes:

- to co-ordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. This purpose is the core business of the Authority;
- to raise finance for the purpose of developing, managing and operating and maintaining works approved by the Board;
- to provide a forum for the discussion and consideration of topics relating to the constituent council's obligations and responsibilities in relation to management of flood mitigation for the Gawler River; and
- upon application of one or more constituent councils pursuant to clause 12.4:
 - to coordinate the construction, maintenance and promotion and enhancement of the Gawler River and areas adjacent to the Gawler River as recreational open space for the adjacent communities; and
 - to enter into agreements with one or more of the constituent councils for the purpose of managing and developing the Gawler River.

A Technical Assessment Panel has been appointed to support the decision-making processes of the Board with delegated powers to provide advice and manage the technical aspects of the design, assessment and construction of the various parts of the Scheme.

An Audit Committee has been appointed to review:

- the annual financial statements to ensure that they present fairly the financial state of affairs of the Board; and
- the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the Board on a regular basis.

The following Policies have been adopted to provide management guidelines for the day-to-day business of the GRFMA:

- Access to Meetings and Documents
- Internal Review of Decisions
- Procurement and Operations
- Dam Valuation
- Public Consultation
- Treasury Management



Further work will be undertaken to complete the Asset Management Plan in relation to the Bruce Eastick North Para Flood Mitigation Dam and associated land. This will provide a longer-term approach to management of GRFMA assets.

To meet the statutory and operational responsibilities the GRFMA will maintain appointment of a part time Executive Officer, and an Auditor, on a contract basis.

The Board is required to hold a minimum of 6 meetings per year and to provide the required, Business Plans, Budgets Reports and Audited Statements to its constituent councils required by the Charter and Local Government 1999.

The Board will conduct two reviews each year of its performance against the targets set in this Business Plan that will form part of the report to its constituent councils and will be included in its Annual Report.

Cost of Operations

The scope of the GRFMA annual budget and operations is small in comparison to the extensive undertakings by constituent councils.

Principally the budget revenue is sourced from predetermined “formulae based” financial contributions by the six constituent councils, opportunistic funding applications and some interest from financial institutions. Recently any shortfalls in income (over expenditure) have been met from reserves.

Expenditure is principally budgeted on estimated costs of executive management and administrative and governance requirements of the Authority according to its charter. Some costs are incurred with maintenance of the Bruce Eastick North Para River Flood Mitigation Dam site and access.

The contributions of the constituent councils are based on the following percentage shares for capital works, maintenance of Scheme assets and operational costs of the Authority. (GRFMA Charter Clause 10)

Constituent Council Shares for Contributions

Constituent Council	Capital Works Percentage Share	Maintenance of Assets Percentage Share	Operational Costs Percentage Share
Adelaide Hills Council	1.73%	1.73%	16.66%
The Barossa Council	8.67%	8.67%	16.66%
Town of Gawler	17.34%	17.34%	16.66%
Light Regional Council	8.67%	8.67%	16.66%
Adelaide Plains Council	28.91%	28.91%	16.66%
City of Playford	34.68%	34.68%	16.66%
Total	100%	100%	100%

Work Priorities 2019/2022



In 2016/17 the GRFMA engaged:

- AECOM to provide a fatal flaw screening assessment for the potential raising of the North Para Dam by up to 10 metres to provide additional flood protection for a 1 in 100 Annual Event Probability (AEP) event to the township of Gawler and further downstream.
- Australian Water Environments to undertake the Gawler River 2016 Flood Review.

Both reports have been subsequently completed and following consultation with constituent councils the GRFMA have resolved that decision on extending the height (10mtr) of the dam be on held over pending the initiatives recommended in the Gawler River 2016 Flood Review report are implemented and outcomes considered. Feasibility of raising of the North Para Dam will then subsequently be considered.

The Gawler River 2016 Flood Review report provides three recommendations for works to be undertaken and provides first stage indicative costs of \$27 million:

- a) proposed Gawler River northern floodway;
- b) upgrade and maintenance of the levee system; and
- c) management of silt and pest vegetation.

The GRFMA resolved to progress the report recommendations in 2019 via submission to the Australian Government's Building Better Regions Fund (BBRF). The application was based on the total of cost elements as identified Table 7.1 items 1 to 5 of the Northern Floodway Project Prospectus, plus a price index escalator and contingency allowance.

These items include the major elements of preliminary works required to be undertaken first so that a more robust assessment of final project design and costs might be understood and considered prior to a further funding application (on the same 50/50 State and Federal Government funding contribution) for subsequent completion of the Project.

This effectively resulted in a total project cost of \$2 Million with the application seeking \$ 900,000 in BBR funding which is to be matched with a \$ 900,000 funding contribution (commitment received) from the State Government. An in-kind GRFMA contribution of \$200,000 was also included. There is to be no constituent council funding requirement.

Recent formal advice has now been received (March 2019) that the application was not successful. The Board will now reconsider options to continue pursuit of suitable funding from the State and Federal Government for the project.

The Authority, in partnership with the University of Adelaide, has received funding via the Federal and State Government *National Disaster Resilience Program (NDRP)*, to develop an existing decision support tool (UNHaRMED) to explore how to manage flood risk into the future in an integrated and dynamic approach. The project will commence mid-2019 and conclude in late 2020.

This project will consider:

- Specific pilot studies (such as proposed Dam raise and Northern Floodway proposal) of analysis and developing a methodology for continued use of the program for integrated planning of flood mitigation actions by GRFMA; and
- Providing an example for other local government authorities and floodplain managers in integrated flood risk management supported by integrated risk modelling.

Key project aims are:

- Provide a platform for GRFMA constituent councils to compare flood mitigation options over time in an integrated and transparent manner, as the basis for preparing a master plan incorporating existing mitigation structures and on-going maintenance and operation for constituent councils and the community.
- Enable this platform to be used to engage the community in decision making, improve risk awareness and resilience and willingness to pay for risk reduction depending on risk appetite.
- Integrate social, economic, and environmental risk factors for a broad understanding of the Gawler River Catchment to inform long-term strategic planning.
- Highlight the role of research and science in local government decision-making and provide an example for similar councils and catchment management authorities across Australia.
- Develop a repeatable process to enable continued use of the project outputs and analysis frameworks for Local Government decision making across South Australia.

Review of the GRFMA Charter will be completed in 2019.

Maintenance and operations of the scheme during 2019 to 2022 will include:

- Completion of the detailed Dam Failure Consequence Assessment of the Dam pursuant to ANCOLD guidelines;
- Review of Dam Safety Emergency Plans and Operation and Maintenance Manuals;
- Dewatering and repair of the low-level inlet pipe and stilling basin; and
- Scheduled inspections and environmental management of land associated with the Dams location.
- Investigation into feasibility of a proposal for the establishment of a revegetated zone around the Bruce Eastick North Para Flood Mitigation Dam.

Gawler River Floodplain Management Authority

Budget - Functions & Items

2019-2020

Code	2018-2019		2019-2020	
	Budget	YTD	Budget	YTD
REVENUE				
Administration of the GRFMA				
1,1	Member Subscriptions	142,100	142,100	145,000
1,3	Interest LGFA	1,500	1,406	1,500
1,4	Interest BankSA	12	174	15
1,5	Other	4,924	4,924	100
	Total	148,536	148,604	146,615
Operations Flood Mitigation Scheme				
2,1	Member Subscriptions	0		0
2,3	State Grant	0		110,980
2,4	Commonwealth Grant	0		0
2,5	Sale of Land	0		0
2,6	Other	0		0
	Total	0		110,980
Maintenance Flood Mitigation Scheme				
3,1	Council Subscriptions	89,476	89,477	85,300
3,3	Other	0		0
	Total	89,476	89,477	85,300
Capital Revenue Flood Mitigation Scheme				
4,1	Council Subscriptions	0		0
4,3	State Grant	0		0
4,4	Commonwealth Grant	0		0
4,5	Sale of land	0		0
4,6	Other	0		0
	Total	0	0	0
5,1	Surplus C/ Forward			0
	GST on Income			0
	Debtors paid /Payable			
	TOTAL INCOME	238,012	238,081	342,895

EXPENDITURE		2018-2019		2019-2020	
		Budget	YTD	Budget	YTD
Administration of the GRFMA					
6,1	Executive Officer Contract	50,004	37,813	50,000	
6,2	Advt, Print, Stat, Postage	1,230	976	1,270	
6,3	Travelling Expenses	1,320	784	1,350	
6,4	Insurance - PL & PI	6,240	4,546	6,400	
6,41	Audit Committee	2,800	1,300	2,800	
6,5	Audit Fees	6,660	6,104	6,660	
6,6	Bank Fees	120	36	120	
6,7	Legal Advice	1,000	0	2,000	
6,8	Honorarium Chairperson	7,008	5,850	7,000	
6,9	Other	240	233	300	
	Total	76,622	57,642	77,900	
Construction - North Para Works					
7,4	Replace Weir and Station	0		0	
7,41	Construct Monuments	0		0	
7,5	Consultation	0		0	
7,61	Easement consideration	0		0	
7,62	Acquisition costs	0		0	
7,9	EO Supervision	0		0	
	Total	0	0	0	
Construction - South Para Works					
8,2	SA Water GST Free			0	
8,3	SA Water			0	
8,4	EO Supervision			0	
	Total			0	
Gawler River Scheme Mark 2					
9,7	Consultancies	6,200	5,000	179,695	
9,8				0	
9,9	EO Supervision			0	
	Total	6,200	5,000	179,695	
Maintenance Flood Mitigation Scheme					
10,2	Maintenance Works	142,840	123,535	85,000	
10,3	Property Maintenance		0		
10,31	Rates - GST Free	260	121	300	
10,4	Depreciation Dam	231,000	0	231,231	
	Total	374,100	123,656	316,531	
GST on Expenditure					
Creditors paid			\$0		\$0
ALL EXPENDITURE		\$456,922	\$186,298	\$574,126	
SURPLUS/DEFICIT		-218,910	51,783	-231,231	

Profit & Loss [Budget Analysis]

July 2019 To June 2020

	Selected Period	Budgeted	\$ Difference
Income			
Admin of GRFMA			
Member Subscriptions	\$0	\$145,000	(\$145,000)
Interest LGFA	\$0	\$1,500	(\$1,500)
Interest Bank SA	\$0	\$15	(\$15)
Other	\$0	\$100	(\$100)
Total Admin of GRFMA	\$0	\$146,615	(\$146,615)
Operations Flood Mit Scheme			
State Grant	\$0	\$110,980	(\$110,980)
Total Operations Flood Mit Scheme	\$0	\$110,980	(\$110,980)
Maint Flood Mit Scheme			
Council Subscriptions	\$0	\$85,300	(\$85,300)
Total Maint Flood Mit Scheme	\$0	\$85,300	(\$85,300)
Total Income	\$0	\$342,895	(\$342,895)
Gross Profit	\$0	\$342,895	(\$342,895)
Expenses			
Admin of GRFMA			
Executive Officer Contract	\$0	\$50,000	(\$50,000)
Adv, printing, stationery post	\$0	\$1,270	(\$1,270)
Travelling Expenses	\$0	\$1,350	(\$1,350)
Insurance PL & PI	\$0	\$6,400	(\$6,400)
Audit Committee	\$0	\$2,800	(\$2,800)
Audit Fees	\$0	\$6,660	(\$6,660)
Bank Fees	\$0	\$120	(\$120)
Legal Fees	\$0	\$2,000	(\$2,000)
Honorarium - Chairperson	\$0	\$7,000	(\$7,000)
Other	\$0	\$300	(\$300)
Total Admin of GRFMA	\$0	\$77,900	(\$77,900)
Gawler River Scheme Mark 2			
Consultancies	\$0	\$179,695	(\$179,695)
Total Gawler River Scheme Mark 2	\$0	\$179,695	(\$179,695)
Maint Flood Mitigation Scheme			
Maintenance Contractors	\$0	\$85,000	(\$85,000)
Rates & Levies	\$0	\$300	(\$300)
Total Maint Flood Mitigation Scheme	\$0	\$85,300	(\$85,300)
Depreciation			
Depreciation	\$0	\$231,231	(\$231,231)
Total Expenses	\$0	\$574,126	(\$574,126)
Operating Profit	\$0	(\$231,231)	\$231,231
Total Other Income	\$0	\$0	\$0
Total Other Expenses	\$0	\$0	\$0
Net Profit/(Loss)	\$0	(\$231,231)	\$231,231

Balance Sheet

As of 3/23/2019

Assets			
Current Assets			
Bank Accounts			
Bank SA Account	\$77,040.42		
LGFA Investment Account	\$13,670.78		
Total Bank Accounts		\$90,711.20	
Other Current Assets			
Trade Debtors	\$21,558.90		
Debtor	\$149.45		
ATO Payments & Refunds	\$12,455.00		
Total Other Current Assets		\$34,163.35	
Total Current Assets			\$124,874.55
Non-Current Assets			
Infrastructure		\$18,497,000.00	
Accum. Depr. Infrastructure		(\$2,311,850.00)	
Land		\$465,687.37	
Total Non-Current Assets			\$16,650,837.37
Total Assets			\$16,775,711.92
Liabilities			
Current Liabilities			
GST Liabilities			
GST Collected	\$23,167.70		
GST Paid	(\$14,013.05)		
ATO Payments & Refunds	\$2,711.00		
Total GST Liabilities		\$11,865.65	
Total Current Liabilities			\$11,865.65
Total Liabilities			\$11,865.65
Net Assets			\$16,763,846.27
Equity			
Accumulated Surplus		\$15,144,991.00	
Asset Revaluation Reserves		\$3,664,280.00	
Retained Earnings		(\$2,097,208.68)	
Current Year Surplus/Deficit		\$51,783.95	
Total Equity			\$16,763,846.27

This report includes Year-End Adjustments.

Page 1 of 1

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES REPORT

16 APRIL 2019

7.5.2.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES

7.5.2.2.

LEASE – SEEDING NATIVES REQUEST FOR REDUCED LEASE FEE - Mt PLEASANT BRANCH AND LIBRARY OFFICE B6469

Author: Director Development and Environmental Services

PURPOSE

Seek endorsement to enter into a Lease Agreement at a reduced fee for Seeding Natives Incorporated.

RECOMMENDATION

That Council

- (1) approve the Community Facilities Lease between The Barossa Council and Seeding Natives Incorporated for the Mount Pleasant Branch and Library Office area at a reduced fee.
- (2) approve a phased approach to the Lease fee.
- (3) approve the Community Facilities Lease for a term of three years, with an option to extend for a further two years.

REPORT

Background

The Upper Torrens Land Management Project (the UTLMP) operated as a Section 41 Committee of The Barossa Council since 1998, which together with the Adelaide Hills Council provided the community based Committee with governance, and financial management assistance and oversight, in the conduct of projects and expenditure of grant funding.

The UTLMP was successful in winning a commitment of some \$1.5M in 2012 from the Federal Biodiversity Grant to undertake a six year Grassy Groundcover Revegetation Program in the Upper Torrens (the Grassy Groundcover Restoration Project - GGRP).

With the winding up of the Section 41 Committee in 2017, a newly established Board of Seeding Natives Inc. was established to oversee the activities of the GGRP beyond the grant funding.

Today, Seeding Natives Inc. is a not for profit business specialising in the ecological restoration of native grasslands and associated ecosystems.

Seeding Natives Inc. has received deductible gift recipients status with the Australian Taxation Office in order that it can obtain funding from philanthropic organisations so that it can continue the efforts of the GGR Project Officer. In addition, the Board is in the process of seeking charitable status.

The aims of Seeding Natives Incorporated are to:

- Make a significant contribution towards the reconstruction of 150,000 Ha of habitat restoration in the Adelaide Mount Lofty Ranges
- Continue to address the scarcity of adequate local native seed reserves for restoration activities through the expansion of seed production areas
- Continue to innovate specialised seeding machinery to increase production efficiencies
- Inspire the community and facilitate habitat restoration on private land
- Educate the community about the importance of grasslands, diverse habitat restoration and ongoing management techniques
- Provide a range of specialist habitat restoration services to Government, commercial and private customers.

Discussion

Since the S41 Committee was dissolved, Seeding Natives Inc. have continued to utilise office space at the Mount Pleasant Branch and Library Office for the administration of the service.

The office space utilised is shown on the floor plan, titled "Land Management Project". The Lessee also utilises office equipment and kitchen facilities.



Discussions have continued with Seeding Natives Inc. to finalise a Lease from Council.

An initial comparison to another commercial arrangement in place as well as a review of Council's internal costs associated with this space and office equipment utilisation determined a lease fee of \$7,225 (excl GST) p.a.

While the service delivered by Seeding Natives Inc. is of value to the community, at this stage there is limited capacity within its business finances to fund a lease fee. Consequently, Seeding Natives Inc. has sought support from Council by providing 'in kind' support through the provision of the office space.

There is precedent to provide a stepped fee over a number of years and officers recommend that Council consider this approach, as an alternate to providing the office 'in kind'.

To support a new business in the start-up phase, the intention is to phase this fee over the first two years of the lease:

Year	Weekly Fee	Yearly Fee
Year 1 (2019-20)	\$46.31	\$2,408.33
Year 2 (2020-21)	\$92.63	\$4,816.67
Year 3 (2021-22)	\$138.94	\$7,225.00

At the end of the initial lease period, there will be a need to review the quantum to account for any change in circumstances and CPI increases.

Any improvements that are specific to the business, will need to be funded by the business and in the early years, the reduced fee allows for capacity to achieve any required improvements.

It is noted that there is also a land-only Lease fee for land at Talunga Park and the Barossa Bushgardens for shedding and seed raising beds. This agreement is ready to be signed.



Figure 1 - Talunga Park Shed



Figure 2 –Bushgardens Seed Production Area

As part of these Leases, Seeding Natives Inc. will be required to have its own insurance to protect its assets that are located on Council Land. Outgoings, such as water usage will be on-charged to the lease holder.

Summary and Conclusion

To continue to support Seeding Natives Inc., it is recommended that a phased approach to lease fee be considered.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 Draft Lease Agreement – Seeding Natives Inc.

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.8 Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.

Legislative Requirements

Nil

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

A lease fee of \$7,225 (excl GST) per annum has been proposed. To support a new business in the start-up phase, the intention is to phase this fee over the first two years of the lease:

Year	Weekly Fee	Yearly Fee
Year 1 (2019-20)	\$46.31	\$2,408.33
Year 2 (2020-21)	\$92.63	\$4,816.67
Year 3 (2021-22)	\$138.94	\$7,225.00

Resource

Existing administration and management support for Lease preparation, execution and financial management.

Risk Management

Risk in relation to the possibility of a failed business venture is that of the proprietor; however officers will support through a proposed phased increment of the lease fee and lease terms that encourage ongoing communication and flexibility to give the business the best chance of success as well as linkages to business resources through Regional Development Australia, Barossa and facilities based maintenance that are of Council's responsibility. A priority is not to have the premises unoccupied or not

operating consistently at proposed opening times with the potential knock on effect to Council's reputation.

If the commercial arrangements are not sustained and to avoid the premises being unoccupied, alternative models for a community use could be further explored if the need arises.

COMMUNITY CONSULTATION

Formal community consultation is not required under Council's Public Consultation Policy or legislation.



The Barossa Council

**PORTION OF LAND
COMMUNITY FACILITIES LEASE**

Mount Pleasant Branch Office

THE BAROSSA COUNCIL

(Council)

AND

SEEDING NATIVES INCORPORATED

(Lessee)

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THE SCHEDULE

DRAFT

ITEM 1 Premises	The portion of the land comprised in Certificate of Title Volume 5729 Folio 387. Known as Mount Pleasant Branch Office, Seeding Natives Incorporated room. being the area delineated in the Plan attached as Error! eference source not found.				
ITEM 2 Land	The whole of the land comprised in Certificate of Title Volume 5729 Folio 387				
ITEM 3 Initial Term	Three years commencing on 1 July 2019 (Commencement Date) and expiring at midnight on 30 June 2022				
ITEM 4 Renewal(s)	Two yaers commencing on 1 July 2022 and expiring at midnight on 30 June 2024.				
ITEM 5 Rent	Seven Thousand and Twenty Five Dollars (\$7,225) per annum (inclusive of GST) (subject to review pursuant to clause 6) for rent of office space and consumables				
ITEM 6 Rent Review Dates and Review Method	<table border="1"> <thead> <tr> <th>Review Dates</th><th>Review Method</th></tr> </thead> <tbody> <tr> <td>Annual on anniversary of commencement date by CPI</td><td></td></tr> </tbody> </table>	Review Dates	Review Method	Annual on anniversary of commencement date by CPI	
Review Dates	Review Method				
Annual on anniversary of commencement date by CPI					
ITEM 7 Outgoings	Outgoings means the total of all amounts paid or payable by the Council in connection with the ownership, management, administration and operation of the Land and/or Building.				
ITEM 8 Permitted Use	Not for Profit "Seeding Natives Incorporated" office space.				
ITEM 9 Public Risk Insurance	Ten Million Dollars (\$10,000,000.00)				
ITEM 10 Refurbishment	None				
ITEM 11 Special Conditions	The terms and conditions (if any) set out in this schedule and Error! Reference source not found. are deemed to be ncorporated into this Lease and, in the event of any inconsistency with the terms and conditions contained in the body of this Lease, then the Special Conditions will prevail. The lease fee includes utility charges, telephone line rental charges, security and cleaning costs.				

ITEM 12 CONTACTS	<p>The Barossa Council</p> <p>Rebecca Tappert Manager Community and Facilities Development</p> <p>PO Box 867 NURIOOTPA, SA, 5355 rtappert@barossa.sa.gov.au 8563 8454</p> <p>Lessee</p> <p>Seeding Natives Incorporated</p> <p>Andrew Randell Fairney Chief Executive Officer</p> <p>PO Box 54 Mount Pleasant, SA, 5235 andrew@seedingnatives.org.au 0477 307 577</p>
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DATE 21 July 2017

PARTIES

THE BAROSSA COUNCIL of 43-51 Tanunda Road, Nuriootpa SA 5355 (**Council**)

[LESSEE] of PO Box 54, Mount Pleasant, SA, 5235 (**Lessee**)

BACKGROUND

- A. The Council is the registered proprietor of or has the care, control and management of the Land.
- B. The Lessee has requested a lease to use the Premises for the Permitted Use.
- C. The Council has resolved to grant the Lessee a lease of the Premises and (if necessary) undertaken public consultation and/or been granted Parliamentary approval in accordance with the *Local Government Act 1999*.
- D. The Council and Lessee wish to record the terms of their agreement in this Lease.

AND THE PARTIES AGREE as follows:

1. ACKNOWLEDGEMENT OF BACKGROUND

The preceding statements are accurate and form part of this Lease.

2. DEFINED TERMS AND INTERPRETATION

2.1 Introductory

In this Lease, unless the contrary intention appears:

- 2.1.1 a reference to this Lease is a reference to this document;
- 2.1.2 words beginning with capital letters are defined in clause 2.2;
- 2.1.3 a reference to a clause is a reference to a clause in this Lease;
- 2.1.4 a reference to an Item is a reference to an item in the Schedule;
- 2.1.5 a reference to the Schedule is a reference to the schedule of this Lease; and
- 2.1.6 a reference to an Annexure is a reference to an annexure to this Lease.

2.2 Defined Terms

In this Lease:

Act means the *Retail and Commercial Leases Act 1995*.

Agreed Consideration means the Rent, Outgoings and all other consideration (whether in money or otherwise) to be paid or provided by the Lessee for any supply or use of the Premises and any goods, services or other things provided by the Council under this Lease (other than tax payable under clause 20).

Building means the interior and exterior of all present and future improvements on the Land and includes all Building Services and Common Areas and all other conveniences, services, amenities and appurtenances of, in or to the Building.

Building Services includes all services (including gas, electricity, water, sewerage, lifts, escalators, communications, fire control, air-conditioning, plumbing and telephone and all plant, equipment, pipes, wires and cables in connection with them as applicable) to or of the Building or any premises in or on the Land supplied by any authority, the Council or any other person the Council authorises.

Business Day means a day which is not a Saturday, Sunday or public holiday in South Australia.

Commencement Date means the commencement date of the Initial Term described in Item 3.

Common Areas means all areas of the Land which are not leased or tenanted and which are for common use by tenants and lessees of the Land and their invitees and customers including driveways, car parks, walkways, washrooms, toilets, lifts and stairways.

Council means the party described as 'Council' in this Lease and, where the context permits, includes the employees, contractors, agents and other invitees of the Council.

Council's Equipment means all fixtures and fittings, plant, equipment, services, chattels and other goods installed or situated in or on the Premises and made available for use by the Lessee.

CPI means the consumer price index published by the Australian Bureau of Statistics for All Groups (Adelaide) or the index which replaces it under clause 6.2.

Current CPI means for a CPI Review Date, the CPI number for the quarter ending immediately before that Review Date.

Default Rate means the rate which is two per centum (2%) per annum greater than the published annual rate of interest charged from time to time by National Australia Bank on overdraft facilities of more than \$100,000 and if there is more than one rate published, the highest of those rates.

GST has the same meaning as given to that term in the GST Legislation.

GST Legislation means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any ancillary or similar legislation.

GST Rate means ten per centum (10%) or such other percentage equal to the rate of GST imposed from time to time under the GST Legislation.

Initial Term means the initial term of this Lease commencing on the Commencement Date described in Item 3.

Institute means the South Australian Division of the Australian Property Institute.

Land means the land described in Item 2 and includes any part of the Land.

Legislation includes any relevant Statute or Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority.

Lessee means the party described as 'Lessee' in this Lease and, where the context permits, includes the employees, contractors, agents, customers and other invitees of the Lessee.

Lessee's Equipment means any and all fixtures and fittings and other equipment installed in or brought onto or kept in the Premises by the Lessee.

Lessee's Share means the proportion the lettable floor area of the Premises bears from time to time to the total lettable area of the Land as measured in accordance with the method of measurement recommended for such Premises by the guidelines issued by the Institute current as at the Commencement Date or such other Institute method of measurement as the Council notifies the Lessee.

Outgoings means the outgoings described in Item 7.

Payment Date means the Commencement Date and the first day of each month during the Term.

Permitted Use means the use described in Item 8.

Premises means the premises described in Item 1 including the Council's Equipment.

Previous CPI means for a CPI Review Date, the CPI number for the quarter ending immediately before the last Review Date (or if there has not been a review, the Commencement Date).

Rates and Taxes means all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority, other department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Land or Premises and includes water and sewer charges, council rates,

emergency services levy and, subject to the Act, land tax (on a single holding basis).

Renewal Term means the term (if any) of renewal or extension in Item 4.

Rent means the amount described in Item 5.

Review Date means each date in Item 6.

Review Method means the relevant method of rent review in Item 6 for any Review Date.

Special Conditions means the special conditions to this Lease described in Item 11.

Statutory Authorities means any authorities created by or under any relevant Legislation including the Council in its separate capacity as such an Authority.

Statutory Requirements means all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation.

Term means the Initial Term, the Renewal Term and any period during which the Lessee holds over or remains in occupation of the Premises.

Valuer means a qualified valuer appointed to make a determination under this Lease:

- who is appointed by agreement of the Council and the Lessee or, failing agreement within fourteen (14) days of either notifying the other of the requirement for such appointment at the request of either the Council or the Lessee, by the President or Acting President of the Institute;
- who has practised as a valuer with a minimum of five (5) years relevant experience;
- who is licensed to practice as a valuer of the kind of premises in respect of which the review is required; and
- who acts as an expert and not as an arbitrator.

Yearly Amounts means the aggregate of the Rent, Outgoings and any other moneys payable by the Lessee during the Term.

2.3 Interpretation

Unless the contrary intention appears:

- 2.3.1 headings are for convenience only and do not affect interpretation;

- 2.3.2 the singular includes the plural and vice-versa;
- 2.3.3 a reference to an individual or person includes a corporation, partnership, joint venture, authority, trust, state or government and vice versa;
- 2.3.4 a reference to any party in this Lease or any other document or arrangement referred to in this Lease, includes that party's executors, administrators, substitutes, successors and assigns;
- 2.3.5 a reference to any document (including this Lease) is to that document as varied, novated, ratified or replaced from time to time;
- 2.3.6 a reference to any Legislation includes any statutory modification or re-enactment of it or any Legislation substituted for it and all by-laws, regulations and rules issued under it;
- 2.3.7 a reference in this Lease to the Council's approval or consent is to the Council's prior written approval or consent which may be granted or withheld in the absolute discretion of the Council;
- 2.3.8 'including' and similar expressions are not and must not be treated as words of limitation;
- 2.3.9 the covenants and powers implied in leases by virtue of sections 124 and 125 of the *Real Property Act 1886* will apply and be implied in this Lease unless they are expressly or impliedly excluded or modified; and
- 2.3.10 any Special Condition in Item 11 will apply to this Lease and in the event of any inconsistency with the terms and conditions in the body of this Lease, then those Special Conditions will prevail.

2.4 Retail and Commercial Leases Act

- 2.4.1 If the Act applies to this Lease, then this Lease will be read and interpreted subject to the provisions of the Act and, to the extent to which there is any inconsistency with the provisions of the Act, those provisions of the Act will override the terms of this Lease.
- 2.4.2 Any right, power or remedy of the Council or obligation or liability of the Lessee that is affected by the Act (if applicable) shall be unenforceable or void but only to the extent that it is expressly made unenforceable or void by the Act.

3. GRANT OF LEASE

The Council grants and the Lessee accepts a lease of the Premises for the Term as set out in this Lease.

4. TERM LESS THAN FIVE (5) YEARS

4.1 This clause only has effect where:

4.1.1 the Act applies to this Lease; and

4.1.2 the Term is less than five (5) years.

4.2 The Council and the Lessee acknowledge and agree that:

4.2.1 the Term is less than five (5) years; and

4.2.2 section 20B of the Act does not apply to this Lease for the Term (including without limitation any holding over period which exceeds six (6) months).

4.3 The Lessee acknowledges that:

4.3.1 the Lessee has received independent legal advice to explain the effect of and how section 20B of the Act would apply but for this Lease containing a provision excluding the operation of that section;

4.3.2 the Lessee was not acting under coercion or undue influence in requesting or consenting to the inclusion of such provision; and

4.3.3 the Lessee has given assurances to the Lessee's lawyer that the Lessee was not acting under coercion or undue influence in requesting or consenting to the inclusion of such provision when instructing the Lessee's lawyer in relation to such provision.

5. RENT

5.1 Payment of Rent

The Lessee must pay the Rent by equal monthly instalments in advance on each Payment Date.

5.2 Instalment

If a rent instalment period is less than one (1) month, the instalment for that period is calculated at a daily rate based on the number of days in the month in which that period begins and the monthly instalment which would have been payable for a full month.

6. RENT REVIEWS

6.1 CPI Review

Where the Rent is to be reviewed to a CPI Review, the Rent on and from that Review Date is calculated as follows:

$$R_2 = R_1 \times \frac{\text{Current CPI}}{\text{Base CPI}}$$

Previous CPI

Where:

R₂ is the Rent after the Review Date; and

R₁ is the Rent immediately before the Review Date (disregarding any abatements, incentives or reductions).

6.2 Change to CPI Index

If the CPI is no longer published, either party may ask the President of the Institute to nominate an index which reflects the rate of price change in the area and group for the CPI and 'CPI' then means that index. The parties must each pay one half of the President's costs for nominating an index.

6.3 Rent Pending Determination

6.3.1 The Rent may be reviewed at any time from a Review Date even if the review is instituted after that Review Date.

6.3.2 If the Rent to apply on and from a Review Date has not been agreed on or determined by that Review Date, the Lessee must continue to pay instalments of Rent at the rate that applied before the relevant Review Date until the Rent is determined.

6.4 Adjustment Once Rent Determined

Once the Rent to apply on and from a Review Date is determined, the Lessee will pay any shortfall and the Council will allow any adjustment for overpayment at the next Payment Date.

6.5 No Decrease in Rent

Subject to the Act, the Rent will not decrease on a Review Date.

6.6 Other Review

Subject to the Act, nothing in this Lease prevents the Council and Lessee negotiating and agreeing on a Rent to apply from a Review Date without following this clause 6.

7. RATES, TAXES AND OUTGOINGS

7.1 Liability for Rates and Taxes

7.1.1 Subject to clause 7.3, the Lessee must pay or reimburse the Council all Rates and Taxes levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.

- 7.1.2 The Rates and Taxes must be adjusted between the Council and the Lessee as at the Commencement Date and the end or earlier termination date of this Lease.

7.2 Payment of Outgoings

- 7.2.1 Subject to clause 7.3, the Lessee must pay or reimburse the Council all Outgoings levied, assessed or charged in respect of the Premises or upon the owner or occupier of the Premises.
- 7.2.2 The Outgoings shall be adjusted between the Council and the Lessee as at the Commencement Date and the end or termination date of this Lease.

7.3 Lessee's Proportion

If any of the Rates and Taxes or Outgoings are not separately assessed or charged in respect of the Premises, then the Lessee must pay the Lessee's Share of any such Rates and Taxes or Outgoings assessed or charged in respect of the Premises.

7.4 Power and Other Utilities

- 7.4.1 The Lessee will pay when they are due for payment, all costs for the use of telephone, lights and other utilities and the consumption of electricity, gas, water and any and all other services and utilities supplied to or used from the Premises.
- 7.4.2 If there is no separate meter for recording or measuring the services and utilities consumed on or from the Premises, then the Lessee may, if required by the Council, install the necessary meters at its own cost.
- 7.4.3 Without limiting the generality of this clause 7.4, the Lessee will comply in all respects with the *Electricity (General) Regulations 1997* and any other applicable electricity laws.

8. USE OF PREMISES

8.1 Permitted Use

The Lessee must use the Premises only for the Permitted Use and must not use or allow the Premises to be used for:

8.1.1 residential purposes; or

8.1.2 any other use,

(without the Council's prior written consent).

8.2 Offensive Activities

The Lessee must not carry on any offensive or dangerous activities on or from the Premises or create a nuisance or disturbance either:

- 8.2.1 for the Council; or
- 8.2.2 for the owners or occupiers of any adjoining property; and
- 8.2.3 must ensure at all times that activities conducted on or from the Premises will not bring any discredit upon the Council.

8.3 Use of Facilities

- 8.3.1 The Lessee will ensure that the Building Services are used carefully and responsibly and in accordance with any directions that may be given by the Council from time to time.
- 8.3.2 The Lessee will be responsible to repair or correct any damage or malfunction which results from any misuse or abuse of the Building Services by the Lessee.

8.4 Statutory Requirements

The Lessee, at its own cost, must comply with all Statutory Requirements (including any obligations under the *Work Health and Safety Act 2012* (SA)) and reasonable directives of the Council relating to:

- 8.4.1 the Lessee's use and occupation of the Premises; and
- 8.4.2 the nature of the Permitted Use conducted on the Premises by the Lessee.

8.5 Alcohol and Gaming

- 8.5.1 Unless the Lessee first obtains the written consent of the Council, the Lessee must not apply for:
 - (a) a liquor licence under the *Liquor Licensing Act 1997*; or
 - (b) a gaming machine licence under the *Gaming Machines Act 1992*.
- 8.5.2 If the Lessee obtains a licence (or licences) under this clause, the Lessee must not do (or fail to do) or allow any of its employees, agents, contractors, licensees or invitees to (or fail to):
 - (a) do anything that is in breach of the *Liquor Licensing Act 1997* and/or the *Gaming Machines Act 1992* (as the case may be) or of the conditions of the relevant licence;
 - (b) do anything that may result in the relevant licence being revoked or suspended;

- (c) assign the licence;
- (d) apply to remove the licence;
- (e) allow a licence to be granted to another person in respect of the Premises or any part of the Premises; or
- (f) apply to vary or revoke any conditions of the licence.

8.5.3 At or before the expiry or early termination of this Lease, the Lessee must:

- (a) give any notices the Council requires to renew or assign the licence;
- (b) allow those notices to be affixed as and for the period required by the *Liquor Licensing Act 1997* and/or the *Gaming Machines Act 1992* as the case may be;
- (c) assign the licence to the Council or the Council's nominees if required to do so by the Council; and
- (d) do anything else that may be required to affect the renewal or assignment of the licence.

8.6 Signs

The Lessee must not place any signs or advertisements on the outside (or inside if they can be seen from outside) of the Premises, except a sign or signs which:

- 8.6.1 are approved by the Council; and
- 8.6.2 comply with any relevant Statutory Requirements.

8.7 Dangerous Equipment and Installations

The Lessee may only install or use within the Premises equipment and facilities which are reasonably necessary for and normally used in connection with the Permitted Use and will not install or bring onto the Premises:

- 8.7.1 any electrical, gas powered or other machinery or equipment that may pose a danger, risk or hazard;
- 8.7.2 any chemicals or other dangerous substances that may pose a danger, risk or hazard; or
- 8.7.3 any heavy equipment or items that may damage the Premises or Building.

8.8 Fire Precautions

The Lessee must, at its own cost:

- 8.8.1 comply with all Statutory Requirements relating to fire safety and procedures including any structural works or modifications or other building works which are required as a consequence of the Lessee's particular use of the Premises;
- 8.8.2 comply with any requirements and directives of the Council with regard to fire safety systems and procedures including fire evacuation drills and other procedures; and
- 8.8.3 without limiting clauses 8.8.1 and 8.8.2, the Lessee will undertake maintenance of the fire safety equipment.

8.9 Security

The Lessee must keep the Premises securely locked at all times when the Premises are not occupied and must provide a key to the Premises to the Council (or if the Council has engaged a manager, then to the manager) to be used only in the case of emergencies.

8.10 No Warranty

The Council makes no warranty or representation regarding the suitability of the Premises (structural or otherwise) for the Permitted Use or any other purpose.

9. INSURANCE

9.1 Lessee must Insure

The Lessee must keep current during the Term:

- 9.1.1 public risk insurance for at least the amount in Item 9 (or any other amount the Council reasonably requires) for each claim;
- 9.1.2 all insurance in respect of the Lessee's Equipment for its full replacement value;
- 9.1.3 plate glass insurance if requested by Council against usual risks; and
- 9.1.4 other insurances required by any Statutory Requirement or which the Council reasonably requires.

9.2 Requirements for Policies

Each policy the Lessee takes out under this clause 9 must:

- 9.2.1 be with an insurer and on terms reasonably approved by the Council;

- 9.2.2 be in the name of the Lessee and note the interest of the Council and any other person the Council requires;
- 9.2.3 cover events occurring during the policy's currency regardless of when claims are made; and
- 9.2.4 note that despite any similar policies of the Council, the Lessee's policies will be primary policies.

9.3 Evidence of Insurance

The Lessee must give the Council certificates evidencing the currency of the policies the Lessee has taken out under this clause 9. During the Term the Lessee must:

- 9.3.1 pay each premium before it is due for payment;
- 9.3.2 give the Council certificates of currency each year when the policies are renewed and at other times the Council requests;
- 9.3.3 not allow any insurance policy to lapse or vary or cancel it without the Council's consent; and
- 9.3.4 notify the Council immediately if a policy is cancelled or if an event occurs which could prejudice or give rise to a claim under a policy.

9.4 Insurance Affected

- 9.4.1 The Lessee must not do anything which may:
 - (a) prejudice any insurance of the Premises or the Building; or
 - (b) increase the premium for that insurance.
- 9.4.2 If the Lessee does anything (with or without the Council's consent) that increases the premium of any insurance the Council has in connection with the Premises or the Building, the Lessee must on demand pay the amount of that increase to the Council.

10. REPAIR AND MAINTENANCE

10.1 Repair

- 10.1.1 The Lessee must keep, maintain, repair and replace the Premises, the Lessee's Equipment and any Building Services situated within the Premises and which exclusively services the Premises in good repair.
- 10.1.2 If the Council requires the Lessee to do so, the Lessee must promptly repair any damage caused or contributed to by the act, omission, negligence or default of the Lessee.

10.2 Maintain and Replace

The Lessee must maintain, repair or replace items in or attached to the Premises which are damaged or worn with items of the same or similar quality to those in use when they were last replaced with the Council's approval or, if they have not been so replaced, to those in use at the Commencement Date.

10.3 Alterations by Lessee

- 10.3.1 The Lessee must not carry out any alterations or additions to the Premises without Council's consent.
- 10.3.2 The Lessee must provide full details of the proposed alteration and additions to the Council.
- 10.3.3 The Council may impose any conditions it considers necessary if it gives its approval including requiring the Lessee to obtain the Council's consent to any agreements that the Lessee enters into in relation to the alterations or additions.
- 10.3.4 The Lessee must carry out any approved alterations and additions:
 - (a) in a proper and workmanlike manner;
 - (b) in accordance with the conditions imposed by the Council and with the approvals made by Council in its capacity as lessor under this Lease;
 - (c) in accordance with all Statutory Requirements; and
 - (d) in a way to minimise disturbance to others.
- 10.3.5 Unless otherwise agreed in writing between the parties, all alterations and additions to the Land or the Premises made pursuant to this clause will be or become the property of the Council.
- 10.3.6 The Lessee will pay all of the Council's costs (including consultant's costs and legal costs) as a result of the Lessee's alterations and additions.

10.4 Refurbishment, Re-fitting and Redecoration

The Lessee must refurbish, re-fit and redecorate the Premises on or before each of the dates specified in Item 10 to the following specification:

- 10.4.1 clean and repair all surfaces to be redecorated;

10.4.2 paint (with at least two coats) or wallpaper, stain, varnish or polish each surface to be redecorated according to the previous treatment of that surface; and

10.4.3 replace the signage, floor coverings, ceilings, lighting and fixtures and fittings with new items at Council's discretion.

10.5 Cleaning

The Lessee must:

10.5.1 keep the Premises clean and tidy;

10.5.2 keep the Premises free of vermin, insects and other pests; and

10.5.3 not cause the Common Areas to be left untidy or in an unclean state or condition.

11. TRANSFERRING, SUBLETTING AND CHARGING

11.1 Transfer

The Lessee may, subject to the Act, only transfer its interest in this Lease provided:

11.1.1 the proposed transferee does not change the Permitted Use;

11.1.2 the proposed transferee is able to meet the financial obligations under this Lease; and

11.1.3 the Lessee has complied with the Council's procedural requirements for obtaining the Council's consent and the Lessee has obtained the written consent of Council which may be withheld at Council's absolute discretion.

11.2 Subletting

The Lessee must not sublet or sublicense any part of the Premises without the written consent of the Council.

11.3 Charging

11.3.1 The Lessee must not charge the Lessee interest in this Lease or the Lessee's Equipment without the written consent of the Council.

11.3.2 If the Council consents to a charge on the Lessee's Equipment then the Lessee must enter into a deed in a form required by the Council that ensures the charge is subject to the Council's rights under this Lease.

11.4 Hiring out of Premises

The Lessee must not hire out or otherwise part with possession of the Premises without the Council's consent.

11.5 Deemed Assignment

If the Lessee is a corporation (not being a company with its shares listed on any Stock Exchange in Australia) or an association, any change in the beneficial ownership of twenty per centum (20%) or more of the voting shares in the corporation or any change in the effective control of the corporation or association will be deemed to be an assignment of the Premises requiring the consent of Council under this Lease.

11.6 Costs

The Lessee must pay all costs reasonably incurred by the Council (including the costs of any consultant or any legal fees) in relation to any dealing including in considering whether or not to grant any consent to a request by the Lessee under this clause 11.

12. LESSEE GOVERNANCE

- 12.1 On or before the Commencement Date, if requested, the Lessee must provide to the Council a copy of its constitution and any other documents that regulate the governance and operations of the Lessee.
- 12.2 As and when the Council may reasonably require, the Lessee must provide to the Council such information in relation to the Lessee's use and occupation of the Premises as required by the Council including financial information of the Lessee.

13. COUNCIL'S OBLIGATIONS AND RIGHTS

13.1 Quiet Enjoyment

Subject to the Council's rights and to the Lessee complying with the Lessee's obligations under this Lease, the Lessee may occupy the Premises during the Term without interference from the Council.

13.2 Right to Enter

The Council may (except in the case of emergency when no notice will be required) enter the Premises after giving the Lessee reasonable notice:

- 13.2.1 to see the state of repair of the Premises;
- 13.2.2 to do repairs to the Premises or the Building or other works which cannot reasonably be done unless the Council enters the Premises;

13.2.3 to do anything the Council must or may do under this Lease or must do under any Legislation or to satisfy the requirements of any Statutory Authority; and

13.2.4 to show prospective lessees through the Premises.

13.3 Emergencies

In an emergency the Council may:

13.3.1 close the Premises or Building; and

13.3.2 prevent the Lessee from entering the Premises or Building.

13.4 Works and Restrictions

13.4.1 The Council may:

(a) install, use, maintain, repair, alter and interrupt Building Services;

(b) carry out works on the Building (including extensions, renovations and refurbishment); and

(c) close (temporarily or permanently) and restrict access to the Common Areas.

13.4.2 The Council must (except in cases of emergency) take reasonable steps to minimise interference with the Lessee's use and occupation of the Premises.

13.5 Right to Rectify

Council may at the Lessee's cost do anything which the Lessee should have done under this Lease but which the Lessee has not done or which the Council reasonably considers the Lessee has not done properly.

14. DAMAGE OR DESTRUCTION

14.1 Termination for Destruction or Damage

14.1.1 If the Premises is destroyed or is damaged so that the Premises is unfit for the Lessee's use then within three (3) months after the damage or destruction occurs, the Council must give the Lessee a notice either:

(a) terminating this Lease (on a date at least one (1) month after the Council gives notice); or

(b) advising the Lessee that the Council intends to repair the Premises and/or the Building so that the Premises are accessible and the Lessee can occupy and use the Premises.

- 14.1.2 If the Council gives a notice under clause 14.1.1 (b) but does not carry out the intention within a reasonable time, the Lessee may give notice to the Council that the Lessee intends to end this Lease if the Council does not do whatever is necessary to make the Premises accessible and fit for use and occupation by the Lessee within a reasonable time (having regard to the nature of the required work).
- 14.1.3 If the Council does not comply with clause 14.1.1 or with the Lessee's notice under clause 14.1.2, the Lessee may end this Lease by giving the Council not less than one (1) month's notice.

14.2 Reduction or Abatement of Rent

- 14.2.1 The Yearly Amounts to be paid by the Lessee will, during the period the Premises are unfit or inaccessible, be reduced unless:
- (a) the Premises are unfit or inaccessible; or
 - (b) an insurer refuses to pay a claim,
- as a result of a deliberate or negligent act or omission of the Lessee.
- 14.2.2 The level of the reduction (if any) will depend on the nature and extent of the damage.
- 14.2.3 If the level of the reduction (if any) cannot be agreed, it must be determined by a Valuer.

15. REDEVELOPMENT, ASSET RATIONALISATION AND DEMOLITION

- 15.1 If as part of any redevelopment, asset rationalisation or other project conducted by the Council that includes the Premises (**Redevelopment**) or for any other reason the Council wishes to demolish or acquire vacant possession of the Premises or any part of the Premises, then the Council will be entitled to terminate this Lease subject to the following provisions:
- 15.1.1 the Council must provide the Lessee with details of the proposed Redevelopment sufficient to indicate a genuine proposal to carry out that Redevelopment within a reasonably practical time after this Lease is to be terminated;
- 15.1.2 the Council may at any time after providing the Lessee with the information specified in clause 15.1.1, give the Lessee a written notice of termination of this Lease (**Termination Notice**) specifying the date on which this Lease is to come to an end, being a date not less than six (6) months after the Termination Notice is given. This Lease will, unless terminated earlier by the Lessee under clause 15.1.3, come to an end at midnight on the day specified in the Termination Notice;

- 15.1.3 at any time after receiving a Termination Notice under clause 15.1.1, the Lessee may terminate this Lease by giving not less than seven (7) days' written notice to the Council; and
 - 15.1.4 when this Lease is terminated (whether by the Council under clause 15.1.2 or by the Lessee under clause 15.1.3), the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.
- 15.2 Require the Lessee, upon reasonable notice, to vacate the Premises and to occupy an alternative site owned by the Council from the Premises subject to the following conditions:
- 15.2.1 the Council must provide the Lessee with details of the proposed Redevelopment sufficient to indicate a genuine proposal to carry out that Redevelopment within a reasonably practical time after this Lease is to be terminated;
 - 15.2.2 the Council may at any time after providing the Lessee with the information specified in clause 15.2.1, give the Lessee a written notice of termination of this Lease (**Relocation Notice**) specifying the date on which the Lessee must relocate, being a date not less than six (6) months after the Relocation Notice is given;
 - 15.2.3 the Lessee must relocate to the alternative site on the date stipulated in the Relocation Notice and shall give to the Lessee all such assistance and cooperation as may be necessary to give effect to this clause and to the relocation including the execution of any documents or instruments which the Lessee reasonably requires;
 - 15.2.4 the alternative site must, in the reasonable opinion of the Council, be of comparable quality and utility to the Premises;
 - 15.2.5 any reasonable costs incurred in relocating the Lessee shall be borne by the Council; and
 - 15.2.6 the Lessee's occupation of the alternative site will be on the terms and conditions of this Lease with such amendments as are necessary for the terms and conditions of this Lease to apply to the Lessee's occupation of the alternative site.
- 15.3 Negotiate with the Lessee as to the necessary financial and maintenance contribution which is required from the Lessee in order for the Council to reconsider undertaking the Redevelopment. The Council may, at any reasonable time during these negotiations, exercise any of its other rights under this clause 15.

16. RENEWAL

- 16.1 If a right of renewal has been granted to the Lessee as described in Item 4 and the Lessee wishes to exercise that right of renewal, then the Lessee must serve a written notice on the Council not less than six (6) and not more than twelve (12) months before the expiry of the Initial Term stating it requires a renewal of this Lease.
- 16.2 The Lessee will not be entitled to a right of renewal if:
- 16.2.1 the Lessee has been in breach of this Lease at any time before giving notice of the Lessee's exercise of the right of renewal;
 - 16.2.2 the Lessee is in breach of this Lease at the time of giving that notice; or
 - 16.2.3 the Lessee is in breach or commits a breach of this Lease after giving notice but before commencement of the Renewal Term.

17. RIGHTS AND OBLIGATIONS ON EXPIRY

17.1 Expiry

This Lease will come to an end at midnight on the last day of the Term unless it is terminated earlier by the Council or the Lessee under any other provision of this Lease.

17.2 Handover of Possession

Before this Lease comes to an end, the Lessee will:

- 17.2.1 remove all of the Lessee's Equipment and repair any damage caused by such removal;
- 17.2.2 no later than one (1) month before this Lease comes to an end, provide the Council with a written summary of all alterations and additions made to the Premises by the Lessee, whether those alterations and additions were authorised by the Council or not;
- 17.2.3 if required by the Council, remove and reinstate any alterations or additions made to the Premises by the Lessee;
- 17.2.4 refurbish the Premises as required under clause 10.4; and
- 17.2.5 complete any repairs which the Lessee is obliged to carry out under this Lease.

17.3 Abandoned Goods

If, when this Lease comes to an end the Lessee leaves any goods or equipment at the Premises, then the Council will be entitled to deal with and dispose of those goods subject to and in accordance with the requirements of the Act.

17.4 Holding Over

If, with the Council's consent the Lessee continues to occupy the Premises after the end of this Lease, the Lessee does so as a monthly tenant which:

17.4.1 either party may terminate on one (1) month's notice given at any time; and

17.4.2 is on the same terms as this Lease.

18. BREACH

18.1 Payment Obligations

18.1.1 The Lessee must make payments due under this Lease:

- (a) without demand (unless this Lease provides demand must be made);
- (b) without set off, counterclaim, withholding or deduction;
- (c) to the Council or as the Council directs; and
- (d) by direct debit or such other means as directed by the Council.

18.1.2 If a payment is stated to be due on a particular Payment Date (such as the next Payment Date or the first Payment Date after an event) and there is no such Payment Date, the Lessee must make that payment on demand.

18.2 Set Off

The Council may, by notice to the Lessee, set off against any amount due and payable under this Lease by the Council to the Lessee, any amount due and payable by the Lessee to the Council under this Lease or under any other agreement or arrangement.

18.3 Council's Rights on Breach

18.3.1 If the Lessee is at any time in breach of any of its obligations under this Lease and the Lessee fails to remedy that breach to the satisfaction of the Council after being requested by the Council to do so, the Council and anybody authorised by the Council for that purpose may at any time thereafter come onto the Premises without notice and do all things necessary to remedy that breach.

18.3.2 The Lessee will be liable to pay or reimburse the Council for all costs and expenses incurred in that regard which the Council may recover from the Lessee as a debt due and payable on demand.

18.4 Default, Breach and Re-Entry

In the event that:

- 18.4.1 any moneys (or part of any moneys) payable under this Lease are unpaid for the space of seven (7) days after any day on which the same ought to have been paid (although no formal or legal demand has been made);
- 18.4.2 the Lessee commits, permits or suffers to occur any breach or default in the due and punctual observances and performance of any of the covenants, obligations and provisions of this Lease;
- 18.4.3 in the case of a Lessee being a company or association:
 - (a) a meeting of the directors or members of the Lessee is convened to pass a resolution that an administrator of the Lessee be appointed or that the Lessee be wound up voluntarily;
 - (b) any person appoints an administrator of the Lessee;
 - (c) an application is made to any court to wind up the Lessee;
 - (d) an application is made pursuant to section 411 of the *Corporations Act 2001*;
 - (e) a Controller, Managing Controller, Receiver or Receiver and Manager is appointed to the Lessee or in respect of any property of the Lessee; or
 - (f) the Lessee is deregistered or dissolved;
- 18.4.4 in the case of a Lessee being a natural person:
 - (a) the Lessee commits an act of bankruptcy or a sequestration order is made against the Lessee;
 - (b) a creditor of the Lessee presents a creditor's petition against the Lessee under the *Bankruptcy Act 1966*;
 - (c) the Lessee presents a petition against himself or herself under the *Bankruptcy Act 1966*;
 - (d) the Lessee signs an authority under section 188 of the *Bankruptcy Act 1966*;
 - (e) the Lessee gives a debt agreement proposal to the Official Trustee under Part IX of the *Bankruptcy Act 1966* and that debt agreement proposal is accepted by the Lessee's creditors;

- (f) the Lessee becomes subject to an order directing the Official Trustee or a specified registered Trustee to take control of his or her property before sequestration; or
- (g) the Lessee is convicted of an indictable offence (other than a traffic offence);

18.4.5 execution is levied against the Lessee and not discharged within thirty (30) days;

18.4.6 any property in or on the Premises is seized or taken in execution under any judgment or proceedings;

18.4.7 the Premises are left unoccupied for one (1) month or more without the Council's consent,

then despite any other clause of this Lease, the Council at any time has the right to re-enter into and upon the Premises in the name of the whole and to have again repossess and enjoy the same as of its former estate but without prejudice to any action or other remedy which the Council has or might or otherwise could have for arrears of Rent or any other amounts or breach of covenant or for damages as a result of any such event and the Council shall be freed and discharged from any action, suit, claim or demand by or obligation to the Lessee under or by virtue of this Lease.

18.5 Rights of Council not Limited

The rights of the Council under this Lease and at law resulting from a breach of this Lease by the Lessee shall not be excluded or limited in any way by reason of the Council having or exercising any powers under this clause 18.

18.6 Landlord and Tenant Act

In the case of a breach or default of any term of this Lease where notice is required to be given pursuant to section 10 of the *Landlord and Tenant Act 1936*, such notices will provide that the period of fourteen (14) days is the period within which the Lessee is to remedy any such breach or default if it is capable of remedy or to make reasonable compensation in money to the satisfaction of the Council. No period of notices is required for the non-payment of Rent.

18.7 Repudiation and Damages

18.7.1 The Lessee acknowledges that the following obligations under this Lease are essential terms:

- (a) the obligation to pay Rent;
- (b) the obligation to pay Outgoings;

- (c) the obligations and prohibitions in relation to use of the Premises;
- (d) the obligations and restrictions in relation to additions and alterations to the Premises; and
- (e) the restriction on assignment, subletting, mortgaging and licensing.

18.7.2 If the Council accepts payment of Rent or any other moneys late or does not act or exercise any rights immediately or at all in respect of any breach of an essential term, that conduct on the part of the Council will not be deemed to amount to a waiver of the essential nature of that essential term.

18.7.3 If the Lessee breaches any essential term, that conduct on the part of the Lessee will be deemed to constitute a repudiation of this Lease and the Council may at any time thereafter rescind this Lease by accepting that repudiation.

18.7.4 The Lessee agrees that if this Lease is terminated by the Council because of a breach by the Lessee of an essential term or if the Lessee repudiates this Lease and the Council accepts that repudiation thereby rescinding this Lease, the Lessee will be obliged to pay compensation to the Council including rent and other moneys which the Council would otherwise have received under this Lease for the balance of the Term had the Lessee not breached an essential term or repudiated this Lease. In those circumstances, the Council will be obliged to take reasonable steps to mitigate its losses and to endeavour to lease the Premises at a reasonable rent and on reasonable terms.

18.7.5 The rights of the Council under this clause 18.7 and any action taken by the Council hereunder do not exclude or limit any other rights or entitlements which the Council has under this Lease or at law in respect of any breach or repudiatory conduct on the part of the Lessee.

18.8 Interest on Overdue Amounts

If the Lessee does not pay an amount when it is due, it must pay interest on that amount on demand from when the amount becomes due until it is paid in full. Interest is calculated on outstanding daily balances at the Default Rate.

19. INDEMNITY AND RELEASE

19.1 Risk

The Lessee occupies and uses the Premises at the Lessee's risk.

19.2 Indemnity

The Lessee is liable for and indemnifies the Council against all actions, liabilities, penalties, claims or demands for any loss, damage, injury or death incurred or suffered directly or indirectly including in connection with:

- 19.2.1 any act or omission of the Lessee;
- 19.2.2 the overflow or leakage of water or any other harmful agent into or from the Premises;
- 19.2.3 any fire on or from the Premises;
- 19.2.4 loss or damage to property or injury or death to any person caused by the Lessee, the use of the Premises by the Lessee or otherwise relating to the Premises;
- 19.2.5 a breach of this Lease by the Lessee; or
- 19.2.6 the Lessee's use or occupation of the Premises.

19.3 Release

The Lessee releases the Council from all actions, liabilities, penalties, claims or demands for any damage, loss, injury or death occurring in the Premises or the Building, except to the extent that they are caused by the Council's negligence.

19.4 Indemnities are Independent

Each indemnity is independent from the Lessee's other obligations and continues during this Lease and after this Lease ends.

20. GOODS AND SERVICES TAX

- 20.1 If GST applies to impose tax on the Agreed Consideration or any part of it or if the Council is liable to pay GST in connection with this Lease or any goods, services or other things supplied under this Lease then:
 - 20.1.1 the Agreed Consideration for that supply is exclusive of GST;
 - 20.1.2 the Council may increase the Agreed Consideration or the relevant part of the Agreed Consideration by a percentage amount which is equal to the GST Rate; and
 - 20.1.3 the Lessee shall pay the increased Agreed Consideration on the due date for payment by the Lessee of the Agreed Consideration.
- 20.2 Where the Agreed Consideration is to be increased to account for GST under this clause 20, the Council shall on or before the date on which the Agreed Consideration is payable, issue a tax invoice to the Lessee.

- 20.3 If the Lessee does not comply with its obligations under this Lease or with its obligations under the GST Legislation in connection with this Lease and as a result the Council becomes liable for penalties or interest for late payment of GST, then the Lessee must pay the Council on demand an amount equal to the amount of the penalties and interest.

21. GENERAL

21.1 Costs

The Lessee must, on request, pay or reimburse to the Council:

- 21.1.1 all stamp duty (if any) assessed on this Lease;
- 21.1.2 if the Act does not apply to this Lease (unless otherwise agreed between the parties) all of the legal costs (determined on a solicitor and client basis) incurred by the Council in connection with the preparation of this Lease, negotiating, revising and engrossing this Lease (including all attendances on the Lessee and its legal and other advisers and all advices provided to the Council) and attending to the execution of this Lease;
- 21.1.3 if the Act does apply to this Lease, one half of all other preparatory costs incurred by the Council. For the purposes of this sub-clause, 'preparatory costs' has the meaning described in the Act, namely, legal and other expenses incurred by the Council in connection with the preparation, negotiation, stamping and registration of this Lease including the costs of attendances on the Lessee by the Council or a solicitor acting for the Council;
- 21.1.4 all costs including legal and other expenses incurred by the Council in connection with the preparation, negotiation, revision, execution and registration of any extension of this Lease; and
- 21.1.5 all legal and other costs and expenses incurred by the Council in consequence of any actual or threatened breach by the Lessee hereunder or in exercising or enforcing (or attempting to do so) any rights or remedies of the Council hereunder or at law or otherwise arising in consequence of any actual or threatened breach by the Lessee.

21.2 Waiver

If the Council accepts or waives any breach by the Lessee, that acceptance or waiver cannot be taken as an acceptance or waiver of any future breach of the same obligation or of any other obligation under this Lease.

21.3 Notice

21.3.1 Without excluding any other form of service, any notice required to be given or served will be sufficiently given or served as follows:

- (a) in the case of the Lessee, if left at the Premises or, if the Lessee has vacated the Premises, then if posted by pre-paid post to the last known address of the Lessee;
- (b) in the case of the Council, if posted by pre-paid post to the Council at its principal place of business in South Australia (which is taken to be the address stated in this Lease unless the Lessee is or ought reasonably be aware that that is not the Council's principal place of business at the relevant time).

21.3.2 Notice served by pre-paid post will be deemed to have been given or served three (3) Business Days after posting.

21.4 Severance

If any part of this Lease is found to be invalid or void or unenforceable, then that part will be severed from this Lease and the remainder of this Lease will continue to apply.

21.5 Entire Agreement

The Council and the Lessee acknowledge and agree that this Lease contains and represents the entire agreement reached between them with regard to the Premises and that no promises, representations or undertakings other than those contained in this Lease, were made or given or relied upon.

21.6 Resumption

If the Council receives notice of resumption or acquisition of the Premises or the Land (or any part of the Land affecting the Premises) from or by any Statutory Authority or any governmental or semi-governmental body, then the Council may terminate this Lease by giving not less than three (3) months' written notice to the Lessee. When such termination takes effect, the rights and obligations of the Council and the Lessee hereunder will come to an end but if any breach by either party still exists at that time then the rights of the other party with regard to that existing breach will continue.

EXECUTED as an **AGREEMENT**

By the Council

SIGNED by **[DELEGATED AUTHORITY]** under delegated authority in the presence of:

.....
Signature of Authorised Representative

.....
Signature of Witness

.....
Name of Authorised Representative (print)

.....
Name of Witness (print)

.....
Position of Authorised Representative (print)

.....
Dated

.....
Dated

EXECUTED by **[LESSEE]** in accordance with section 127(1) of the Corporations Act by the authority of its directors:

.....
Signature of Authorised Representative

.....
Signature of Witness

.....
Name of Authorised Representative (print)

.....
Name of Witness (print)

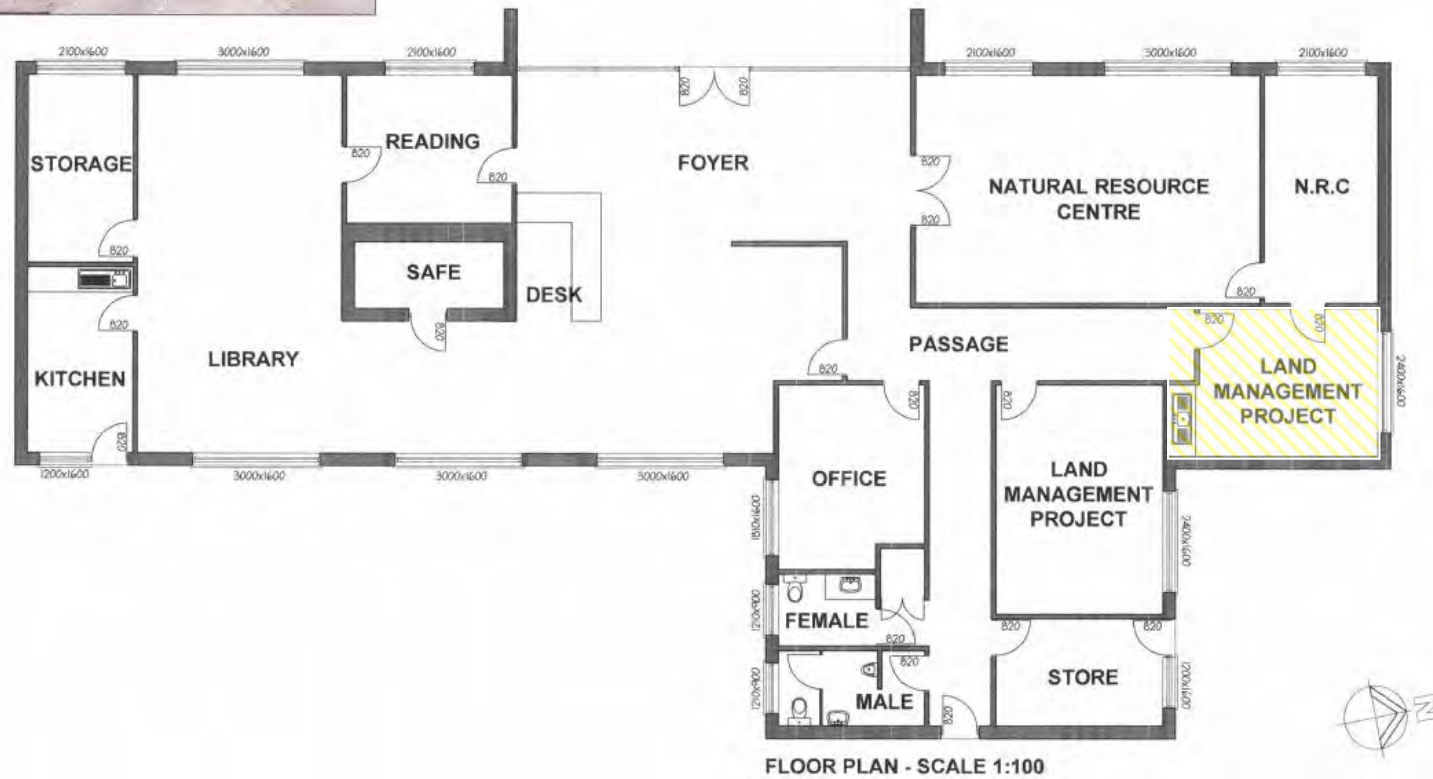
.....
Position of Authorised Representative (print)

.....
Dated

.....
Dated

ANNEXURE A

PLAN



DRAFT

ANNEXURE B

SPECIAL CONDITIONS

1. COUNCIL'S OBLIGATIONS

- 1.1 The Council may undertake a building inspection prior to the commencement of the Lease and annually during the term of the Lease. For the purposes of this clause, building inspection includes statutory requirements, foundation, salt damp, window frames, exterior walls, verandah posts, roof structure, gutters, exterior steps, stairs, guard/handrails, ramps, ceiling and interior walls. The Council will provide to the Lessee a copy of the building inspection upon receipt.
- 1.2 The Council will take out and maintain a policy of building insurance.
- 1.3 The Council will take out and maintain insurance for Council's Equipment.
- 1.4 The Council will be responsible for ensuring compliance with all statutory requirements relating to asbestos, fire safety and residual current devices and will pass on the costs incurred as an Outgoing.
- 1.5 The Council will be responsible for external water proofing (external window painting, roof, gutter (cleaning and maintenance) and footing maintenance).
- 1.6 The Council will be responsible for the maintenance of any car park at the Premises.
- 1.7 The Council will arrange for the service, maintenance and repair of all air-conditioning and heating plant and equipment (and notify the Lessee accordingly).
- 1.8 The Council will be responsible for the external painting of the Premises.
- 1.9 The Council will be responsible for pest control at the Premises and all costs incurred in relation to this can be on-charged to the Lessee.
- 1.10 The Council will be responsible for tagging, testing and RCD protection of all Council owned electronic and general electrical maintenance.
- 1.11 The Council will be responsible for ensuring the maintenance of all fire fighting equipment and emergency exit maintenance.
- 1.12 The Council will be responsible for asbestos management within the Premises.
- 1.13 The Council will be responsible for stormwater management at the Premises.
- 1.14 Where Council at its discretion installs a security alarm system at the Premises, it will be responsible for the maintenance.

- 1.15 The Council will be responsible for the installation and maintenance of fire compliance equipment.
- 1.16 The Council will be responsible for water storage and tank maintenance at the Premises.

2. LESSEE'S OBLIGATIONS

- 2.1 The Lessee will be responsible for and pay all costs relating to its use that relate to alcohol, environmental health and food safety compliance and applications.
- 2.2 The Lessee will choose, supply and grade usage of water source and be responsible for charges.
- 2.3 The Lessee will be responsible for grounds maintenance including trees and vegetation, lawns and gardens.
- 2.4 The Lessee will be responsible for all repair and maintenance of external lights and globe replacement of all external lights.
- 2.5 The Lessee will be responsible for the maintenance of the hot water service and gas pipe maintenance and replacement.
- 2.6 The Lessee will be responsible for the removal of any graffiti at the Premises and the Council may provide assistance upon request as per the Council's Graffiti Policy.
- 2.7 The Lessee will be responsible for the internal painting of the Premises.
- 2.8 The Lessee will be responsible for plumbing issues relating to the toilets, sinks, drains, pipes, water filters, etc.
- 2.9 The Lessee will be responsible for the maintenance and replacement of all glass at the Premises.
- 2.10 The Lessee will be responsible for all handyman maintenance including handles, floor coverings, locks, doors, roller doors, cobwebs, light globes, window cleaning, etc.
- 2.11 The Lessee will be responsible for the maintenance of hygiene services at the Premises.
- 2.12 The Lessee will be responsible for all waste removal from the Premises.
- 2.13 The Lessee will be responsible for testing and tagging all of its own electrical equipment brought onto the Premises.
- 2.14 The Lessee will be responsible for all flooring including carpet cleaning at the Premises.

COUNCIL

DEVELOPMENT AND ENVIRONMENTAL SERVICES

ENVIRONMENTAL SERVICES

16 APRIL 2019

7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT

7.5.2.3

LANDSCAPE SA BILL 2019 – PROPOSED LANDSCAPE BOUNDARIES B9228

Author: Director, Development and Environmental Services

PURPOSE

To provide Council with an update of the proposed Landscape SA Bill.

RECOMMENDATION

That Council

- (1) receive and note the response from the Minister for Environment and Water to Council's letter dated 20 December 2018.
- (2) note that the Landscape SA Bill 2019 has been introduced into Parliament, along with the proposed boundaries for the Landscape Boards.
- (3) write to the Minister for Environment and Water stating strong opposition to being located within the proposed Northern and Yorke Landscape Region, and seek to advocate for the Barossa, Light and Lower North region to be included within the proposed Hills and Fleurieu Landscape Region.

REPORT

Background

The State Governments intends to repeal the *Natural Resources Management Act 2004* and replace it with a new Landscape South Australia Act.

In the lead up to the State Election the Marshall Liberal Government stated that it will make "NRM reform a foundation of our environmental and regional policies through decentralisation of decision making and empowerment of communities."

Introduction

At the December 2018 meeting, Council received a Report on the NRM Reform, and in particular the outcomes of the community engagement undertaken by Becky Hirst Consulting.

Discussion

Besides receiving and noting the Consultation Report, Council resolved to write to the Minister for Environment and Water seeking clarification on the future structural arrangements for the forecast Northern Hills and Plains Region ([Attachment 1](#)), as there were concerns that The Barossa Council could be located within the Northern and Yorke Landscape region.

Minister Speirs responded on 17 February 2019 ([Attachment 2](#)), stating that “the boundary arrangements for the proposed new Boards have not yet been determined. Board regions can only be established upon passage of proposed Legislation upon proclamation of the Governor; and after my recommendation”.

On 20 March 2019, the Minister announced that the Landscape SA Bill 2019 had been introduced into the South Australian Parliament. A summary of the Bill is provided in [Attachment 3](#). With that announcement, the Minister included the proposed boundaries of Regional Landscape Boards ([Attachment 4](#)).

In the initial Discussion Paper (July 2018), the current Adelaide and Mount Lofty Ranges NRM region was to be split into three Landscape Regions:

- Green Adelaide
- Plains and Valleys
- Hills and Fleurieu

The final boundary for these Regions were yet to be finalised, as noted on the map below.



Under the proposed Landscape Regions released on 20 March 2019, all existing NRM regional boundaries are unchanged, except for Adelaide and Mount Lofty Ranges; Northern and Yorke; and SA Murray-Darling Basin.

The Adelaide and Mount Lofty Ranges NRM Region is now split into the following three Regions:

- Green Adelaide
- Northern and Yorke
- Hills and Fleurieu

The Barossa, Light and Lower North Region (comprising Adelaide Plains, Barossa, Gawler and Light Regional Councils) is located within the Northern and Yorke Region, rather than the previously proposed Plains and Valleys. The Northern and Yorke Region also incorporates part of the previous SA Murray-Darling Basin NRM Region.

In addition, the Hills and Fleurieu Region has been extended to include areas in the previous SA Murray-Darling Basin Region. Green Adelaide comprises metropolitan Adelaide from Aldinga in the south to the Gawler River in the north (excluding the Town of Gawler).

As noted in the previous Report, the Minister does not intend to undertake any further community consultation on the reform and regional boundaries.

Notwithstanding this, it is recommended that Council write again to the Minister highlighting disapproval of being located within the Northern and Yorke region. A draft letter is provided in Attachment 5.

As the Landscape SA Bill has now been introduced into Parliament, Council should seek to advocate for support from Parliamentarians from all parties to seek support to have the Barossa, Light and Lower North region included within the proposed Hills and Fleurieu Landscape Region.

Implications of Boundaries on NRM hosted programs:

Natural Resource Centres

The Natural Resources - Adelaide and Mount Lofty Ranges (NR-AMLR) fund a number of NRCs across its region.

The Barossa Bushgardens NRC, Gawler Environment Centre and Mount Pleasant NRC will be in the Northern and Yorke Landscape Board Region. Adelaide Hills NRC, South Coast Environment Centre, Willunga Environment Centre and Normanville NRC will be in the new Hills and Fleurieu Landscape Board Region. Adelaide Sustainability Centre and Port Environment Centre will be in the Green Adelaide Board Region.

NRM Education

The NR-AMLR fund the NRM Education program, with NRM Education Officers located across Adelaide - Southern Adelaide (City of Onkaparinga), Central Adelaide (KESAB) and the Northern Adelaide (City of Salisbury), and Barossa (The Barossa Council).

The Barossa education program will be in the Northern and Yorke Landscape Board Region, all others will be in the Green Adelaide Board Region.

Land Management

The NR-AMLR supports rural property owners to manage their land in a more sustainable way. This includes advice and training as well as financial incentives for certain activities.

Council host the Upper Torrens program

Summary and Conclusion

The Landscape SA Bill has been introduced into Parliament, along with the proposed boundaries of Regional Landscape Boards.

The Barossa, Light and Lower North Region is located within the proposed Northern and Yorke Region, contrary to the request made by Council to be located within a Peri-Urban Region.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1 – Letter to Minister Speirs dated 20 December 2018

Attachment 2 – Response from Minister Speirs dated 17 February 2019

Attachment 3 – Summary of Landscape SA Bill 2019

Attachment 4 – Maps of proposed boundaries of regional landscape boards

Attachment 5 – Draft Letter to Minister Speirs

Link to Landscape SA Bill 2019

<https://www.legislation.sa.gov.au/LZ/B/CURRENT/LANDSCAPE%20SOUTH%20AUSTRALIA%20BILL%202019.aspx>

Link to details of Green Adelaide

<https://www.environment.sa.gov.au/topics/green-adelaide>

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Natural Environment and Built Heritage

Corporate Plan

- 1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 1.8 Partner with affiliated government, community and business organisations to support NRM programs and services, sustainable land practices and wastewater and stormwater reuse initiatives.

Legislative Requirements

Natural Resources Management Act 2004

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Management

Nil

Risk Management

Nil

COMMUNITY CONSULTATION

Nil

20 December 2018

Hon David Spiers MP
Minister for Environment and Water
PO Box 121
BRIGHTON SA 5048

Dear Minister

The Barossa Council considered a report at its December meeting to receive and note the 'What we heard' report from the community and stakeholder engagement undertaken by Becky Hirst Consulting as part of the NRM Reform program.

Council is concerned that the new landscape governance framework may diminish the success of a number of programs hosted by Council in association with the Adelaide and Mount Lofty Ranges NRM Board, as there will be a reduction in the revenue generated from the smaller, more rural Plains and Valleys region.

In terms of regions, The Barossa Council is located within a peri-urban region that has affinity with the Greater Adelaide Planning Region (as defined by the Planning, Development and Infrastructure Act). Further, the Barossa Valley is an area of distinctive cultural, economic and environmental character that has been acknowledged through the Character Preservation District.

It was noted by Bunker, Houston, and Hutchings (2007) that peri-urban regions are attracting attention given the critical locations for a range of sustainability and developmental themes, which would benefit by having a connection between the land use planning and natural resource management systems. Despite the growing interest and apparent potential, there has been little progress in making this convergence operational.

With the NRM Reform, Council noted in its submission the opportunity to streamline the governance frameworks that exist that could achieve some of these synergies.

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ABN: 17 749 211 215

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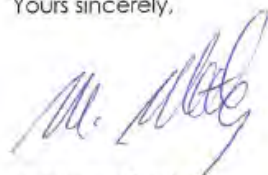
heritage, lifestyle, opportunity, prosperity

It is the understanding of Council that the Landscape SA Bill will be introduced into Parliament in early 2019, but will not include any further community and stakeholder consultation.

Council would argue that it is important that the new landscape regions do not diminish the cultural, economic and environmental importance of the Barossa Valley and its surrounds.

Therefore, in the absence of having further engagement, Council is seeking clarification on the future structural arrangements for the forecast Northern Hills and Plains Region prior to their finalisation.

Yours sincerely,



Martin McCarthy

CEO, The Barossa Council

43-51 Tanunda Road (PO Box 867)
Tanunda SA 5355

Phone (08) 8563 8444

Email: barossa@barossa.sa.gov.au

ABN: 47 749 271 215

www.barossa.sa.gov.au

19EW0003487
Your reference: HPE 18 /90093

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



**Government
of South Australia**

Office of the Minister for
Environment and Water

81-85 Waymouth Street
Adelaide SA 5000
GPO Box 1067
Adelaide SA 5001

Tel: 08 8463 5688
minister.speirs@sa.gov.au

Dear Mr McCarthy

Thank you for your letter dated 20 December 2018 regarding the establishment of proposed new Landscape SA Boards, and seeking clarification on how potential board boundary changes might impact the Barossa Council.

As you are aware, the Marshall Liberal government is committed to natural resource management reform and will introduce new proposed legislation into the parliament in the first quarter of 2019.

I can advise that the boundary arrangements for the proposed new boards have not yet been determined. Board regions can only be established upon passage of proposed legislation upon proclamation of the Governor; and after my recommendation.

I note your concerns that new proposed board regions do not diminish cultural, economic and environmental importance of the Barossa valley to its surrounds.

Upon passage of new proposed legislation, strong cultural, economic, social and local government boundaries will influence boundary limits of new regions, as well as the nature and form of the environment, such that communities of interest will be a key factor.

Further, where cross regional matters apply, it is my intention that the new boards will continue to promote strong collaboration across their respective regions and work closely with bodies such as local government to identify common objectives and delivery of on-ground works.

Thank you for taking the time to write to me on this important matter.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Speirs", written over a horizontal line.

DAVID SPEIRS MP
Minister for Environment and Water

Date: 17/02/2019

Landscape directions

Landscape SA Bill 2019



Contents

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Decentralised decision-making	2
Clear, simple priorities	10
Water planning management	12
Compliance	14
A simple accessible system	14
Transitional arrangements	16
Consequential changes to other legislation	16

A photograph of two men wearing hats and light-colored shirts, standing on a rocky, dry landscape. They are looking out over a vast, flat, arid area under a blue sky with scattered clouds. One man is pointing towards the horizon.

The South Australian Government acknowledges Aboriginal peoples as the state's first peoples and nations, and that Aboriginal peoples' deep knowledge and relationship with Country continue to be critical in sustainably caring for our lands and waters. Practical involvement in managing natural resources is vital for the future of Aboriginal nations and peoples.

Landscape reform – what we heard

Overview

This paper provides an overview of policy directions reflected in the Landscape South Australia Bill 2019 (the Bill) and how they have been shaped by community and stakeholder feedback on the *Managing our Landscapes – Conversations for Change* discussion paper, released in July 2018.

The Bill establishes a new framework for how we manage our state's natural resources based on the following principles:

- decentralised decision-making
- a simple and accessible system
- a whole-of-landscape approach
- keeping community and land owners at the centre of how we manage our landscapes
- back to basics.

Aspects of the *Natural Resources Management Act 2004* (NRM Act) that were not the focus of the landscape reform consultations will largely be replicated in the new legislation. From the outset of consultation, the South Australian government made it clear that the majority of water provisions in the NRM Act would be carried over to the new Bill. Major water reform requires significant stand-alone consultation. However, suggestions to reduce red tape and clarify the operation of regional landscape plans with respect to water are proposed.

What do we mean by 'landscape'?

Reflecting an integrated hills to sea approach, the Bill defines South Australia's landscapes as being made up of three components:

- the natural environment, including our rivers and plains, forests and hills, coasts and seas, as well as the built environment
- our natural resources, such as land, soil, water resources, native vegetation, animals and ecosystems
- the different ways people value and interact with their environment, including environmental, social, cultural and economic values.

The key elements of the landscape reform consultations that are reflected in the Bill are:

- ✓ creating arm's length landscape boards to replace existing Natural Resources Management (NRM) Boards in regional areas, which will facilitate management of landscapes in partnership with land managers, communities and stakeholders
- ✓ enabling communities and landholders to have a greater voice in how our natural resources are managed, with collaboration and partnerships being core functions of the boards and a Grassroots Grants program in each region
- ✓ capping land and water levies by the Consumer Price Index (CPI). Landscape boards will be responsible for their own annual budget and for publishing their annual expenditure on projects funded by land and water levies
- ✓ landscape boards in regional areas will have seven community members – three will be directly elected, similar to local council elections, and four will be appointed by the Minister
- ✓ establishing Green Adelaide, a regional landscape board for the Adelaide metropolitan area that will focus on seven key priorities and work towards Adelaide becoming one of the most ecologically vibrant and climate resilient cities in the world
- ✓ creating simpler, high-level regional landscape plans that identify up to five priorities for boards in regional areas and seven priorities for the Green Adelaide Board to be achieved over five years
- ✓ new processes for preparing regional landscape plans and water allocation plans (WAPs) that focus on contemporary and effective consultation and engagement
- ✓ redistributing a proportion of the levy income that is collected in the Green Adelaide region and investing it in state and cross-regional priorities through a new Landscape Priorities Fund
- ✓ streamlining and simplifying a range of processes to improve efficiency and remove red tape that gets in the way of more effective on-ground management. As well as simplifying some processes and to enable more flexibility, many procedural details have not been replicated in the Bill and will be drafted as regulations or policy, to change processes that are no longer effective.

Decentralised decision-making

Board membership

What we heard:

Regional communities want a greater voice in decision-making, with local board membership that reflects their communities.

A new approach to board membership will be introduced, which includes opportunities for greater community participation. Specifically:

- Landscape boards in regional areas will have **three elected members and four Minister-appointed members** to ensure there is a good mix of skills, knowledge and experience, as well as broad community representation including young people.
- **Board membership will be skills-based, with the required skills, qualifications, knowledge and experience to be determined and published by the Minister.** This will enable boards to be tailored for different regions and adjusted over time.
- To ensure a mix of members, the intent is that the Minister will appoint the Presiding Member first, then hold elections to select three members, and then appoint the remaining three members.
- To minimise cost, **elections will leverage local government arrangements**, with eligibility to vote and stand based on eligibility to vote and stand in local government elections. The same criteria will be applied in establishing a voting roll outside of council areas.
- Alternative arrangements will be made where issues specific to a particular region mean that community elections are not practical or desirable at a given point in time.
- Boards will continue to be able to establish regional committees to give them a good understanding about the issues in their region, enabling discussion between landholders and regional and urban communities.

Boundaries

What we heard:

Boundaries should be based around communities and landscapes.

New regional boundaries will more strongly align with connections between regional communities and local government boundaries, and better enable communities to work together in managing landscapes. The natural environment will continue to be considered in determining regional boundaries.

Aboriginal communities

What we heard:

Much progress has occurred to date towards greater participation and leadership by Aboriginal communities in NRM in South Australia but we need to do more.

Supporting the interests of Aboriginal people is included in the objects of the Bill for the first time and will underpin decisions made by the Minister and regional landscape boards.

The significance of landscapes to Aboriginal people is expressly recognised as a principle in the Bill, with each landscape board being required to work collaboratively with Aboriginal communities.

The Landscape Priorities Fund and the Grassroots Grants program, as well as the overall focus of the reform to deliver outcomes through partnerships, will together provide funding opportunities for Aboriginal people and groups to drive positive and practical improvements to landscape management.

Partnering for on-ground delivery

What we heard:

Partnerships and collaboration were identified as a high priority for the new landscape boards, with an emphasis on partnerships for on-ground projects. Many identified the opportunity for more partnerships with local service providers, local councils and Aboriginal organisations.

The new boards will build on existing partnerships with land-users, valuing their knowledge and understanding of the landscape, and working collaboratively, with land managers and communities to deliver outcomes.

Regional landscape boards will continue to partner directly with the Australian Government to deliver a range of environmental and sustainable agriculture services.

Boards will also have a mandate for financial partnerships with councils, industry and other bodies and organisations, such as environmental groups and Aboriginal organisations, to deliver on-ground projects to improve the state of natural resources and deliver on regional landscape planning priorities.

Delivering community-led landscape management will occur through greater capacity to:

- ensure regional concerns inform the statewide high-level strategy
- target issues most relevant to the local landscape with long-term planning, and
- ensure co-benefits – across the environment, the economy and the community – to manage landscapes sustainably.

Staff

What we heard:

Staff on the front-line of service and program delivery were noted as a major asset. Communities strongly supported local decision-making and would like to see boards employing their own staff.

Each landscape board (except Green Adelaide) will have a General Manager.

The General Manager is responsible to the board for managing board business effectively and efficiently, and will be responsible for employing and managing staff.

The General Manager will be appointed, on the recommendation of the board, by the Chief Executive of the Department for Environment and Water. Regional landscape boards will have a role in setting the performance agreement of the General Manager.

Boards will exercise control over the workforce through the General Manager over whom they exercise day to day management control.

The General Manager will supervise staff engaged in the work of the board and employ those staff. In this manner, General Managers will effect the business of the boards efficiently, whilst reporting to boards on outcomes of staff achievements.



Landscape directions – Landscape SA Bill 2019 3



4 Landscape directions – Landscape SA Bill 2019

Planning and budgets

What we heard:

People want to see more doing, less planning.

Plans will be simple, with the detailed scientific, social, economic, cultural, and local knowledge needed to inform the plan recorded separately. Repetitive, overlapping planning arrangements have been removed.

Each board will have a high-level, five-year regional landscape plan that sets out five priorities for managing the region's landscapes (seven for Green Adelaide) and identifies how success will be evaluated. Plans will be developed with contemporary and effective engagement and consultation outlined in guidelines approved by the Minister. This will enable practices to evolve over time. Guidelines will also support a level of consistency in how boards engage, while allowing for regional variation.

To facilitate location of rules and requirements affecting land-users:

- Policies for water affecting activities will be set out in WAPs for prescribed water resources and as a separate policy for non-prescribed water resources.
- Land management and pest plant and animal control policies currently set out in some regional NRM plans will be set out in separate regional landscape affecting activities control policies.

Water and landscape affecting activity policies will be the subject of public consultation and periodic review. For the first time, regional priorities will inform state priorities.

This simpler approach to regional planning aims to refocus effort and resources on delivering outcomes on-ground.

What we heard:

There was strong support for boards to set their own budget, with local decision-making about how money is spent identified as a high priority.

Each board will set its own budget, which will be set out in an annual business plan and clearly show the expenditure proposed for each of its priorities. This will improve the ability of a board to manage its own business.

The Minister will only be required to approve a business plan if it is inconsistent with the board's regional landscape plan or proposes a change to land or water levies (e.g. an increase above CPI).

This simpler process is expected to make the annual process for setting the land levy much simpler and reduce delays in setting council contributions.

Boards will be required to keep proper accounts and publicly report on their activities annually, including a specific report on the actual expenditure of levy funds for the relevant financial year tracked against the board's budget for that year.

A CPI cap on land and water levies

What we heard:

Community and stakeholders supported the introduction of a cap on levy increases.

All land and water levies will be capped by the Consumer Price Index (CPI), helping to address cost of living pressures for households and businesses. The cap is embedded in the Bill.

If a board seeks to increase a levy above CPI and it is approved by the Minister, then the Minister would table a report in Parliament explaining the situation. Parliament would then decide whether to allow the increase or other levy change.

Land levies

For land levies, the cap will apply to the total amount to be collected from across a region. In exceptional circumstances, such as in the event of a natural or environmental disaster, the Minister will be able to approve an increase above this cap.

In council areas, land levies will continue to be collected via the most cost-effective method – by local government via council rates. Councils will continue to set a levy rate under the *Local Government Act 1999* based on the amount they are required to contribute to the relevant landscape board. Outside council areas, the regional landscape board will gazette the levy rate and be responsible for collecting the levy.

In areas where the land levy is charged based on property values, the CPI cap will limit increases to the rate set by councils. As currently occurs, individual changes to the capital value of a person's property will impact levy charges. The total capital value in a council/region will also influence the levy calculation.

Water levies

For water levies the cap will apply to the rate that is set by the Minister. The Minister will be able to approve increases to the water levy above CPI if they are satisfied that it is appropriate in the circumstances to do so. This would then be subject to the approval of Parliament.

The levy arrangements for each region will be set out in the board's business plan. If a board proposes to increase land or water levies above CPI, they are required to consult, meaning local communities will have a say on whether levies should increase and how any additional levy money raised is spent.

Boards will also need to consult on any proposal to change how a levy is charged or to impose a levy in an area of the state where it has not previously applied.

Contemporary and effective engagement and consultation

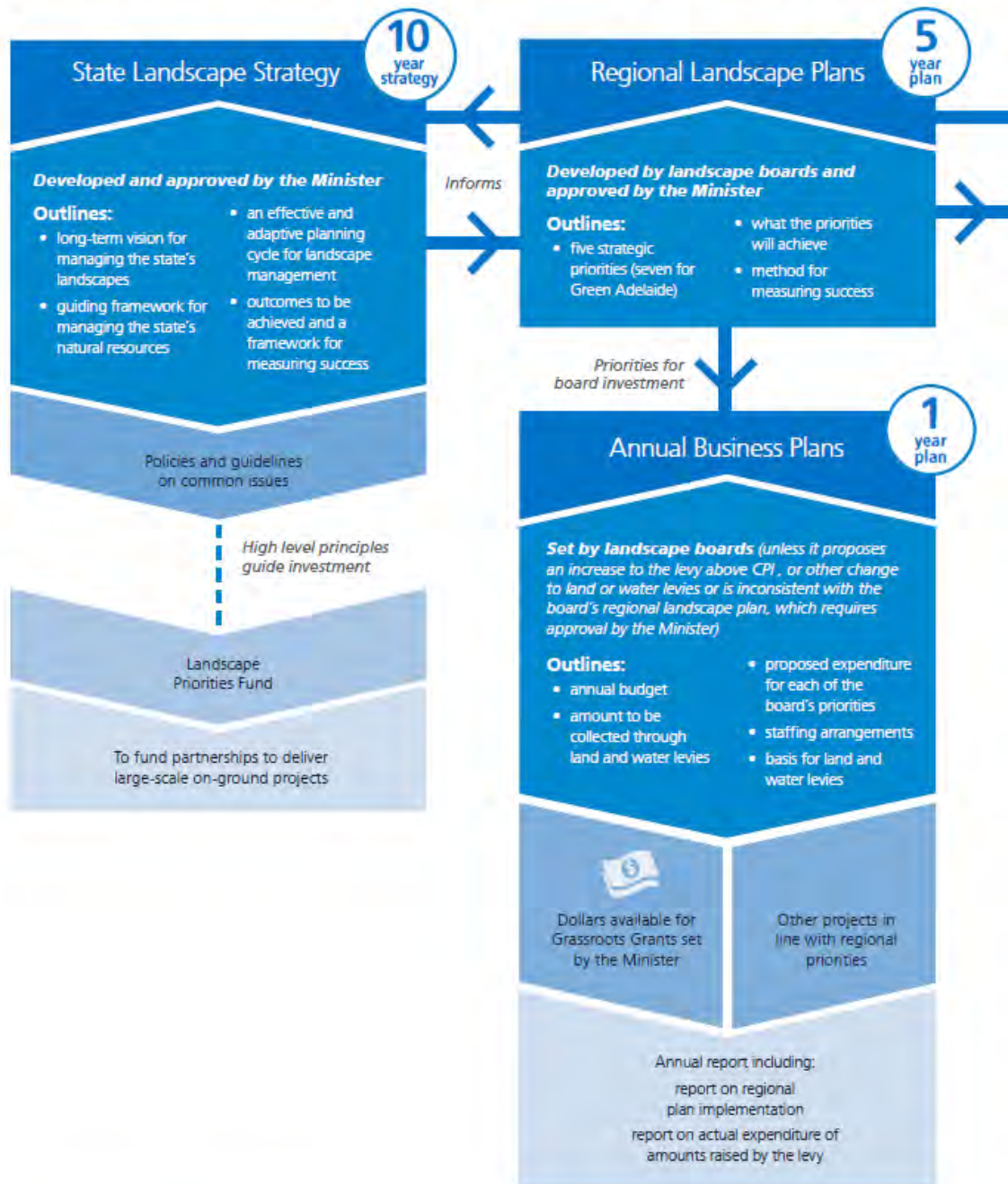
New processes for preparing regional landscape plans and water allocation plans will focus on using contemporary and effective engagement and consultation, including with Aboriginal communities.

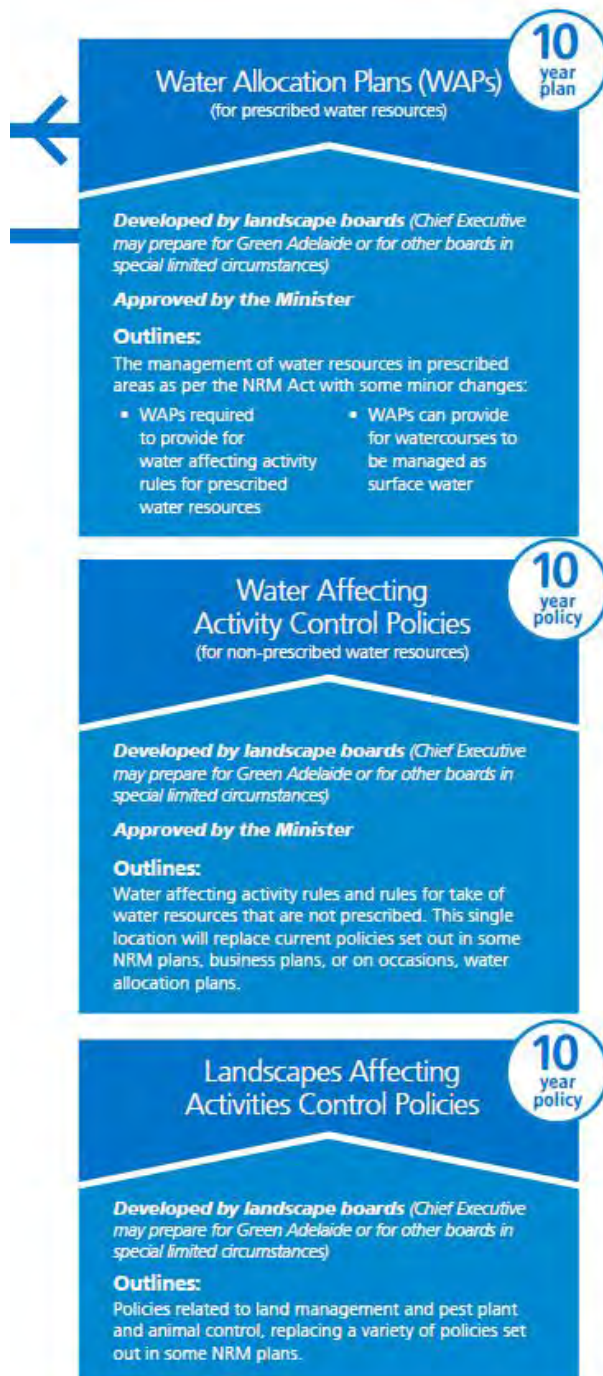
The Bill focuses on outcomes, such as community participation in setting and planning priorities, rather than rigid, outdated processes.

Board engagement and consultation processes will be informed by guidelines about how best to engage with different sectors and communities. Boards will need to take these guidelines into account in water allocation planning, setting priorities through their regional plans, and consulting on changes to levy arrangements for their regions.

Contemporary engagement and consultation processes will also be used in preparing and reviewing the State Landscape Strategy.

Proposed landscape planning framework





Landscape directions – Landscape SA Bill 2019 7



Grassroots grants program

What we heard:

There was clear support for the idea of Grassroots Grants to support community groups to undertake local projects.

Each region, including Green Adelaide, will have a Grassroots Grants program available to volunteers and not-for-profit organisations that play a significant role in managing natural resources by contributing time and energy carrying out on-ground works. The Grassroots Grants program will be enshrined in legislation by the Bill.

The grants will be funded by levies collected within each region and from state funding for boards that have no or low levy revenue. This will be administered by regional boards for on-ground projects in that region.

Regional administration reflects the underlying reform principle of decentralisation and will provide an important mechanism for boards to build relationships with local volunteer community groups.

Green Adelaide

What we heard:

There was strong community support for the creation of Green Adelaide and its vision for establishing Adelaide as a world-renowned water-sensitive urban city that is ecologically vibrant and climate-resilient.

Recognising the different conditions for managing a large urban landscape, the arrangements for operating Green Adelaide will be different to the other regional landscape boards. Green Adelaide's role will be one of innovation, with a particular focus on urban design and climate-resilience.

Green Adelaide's activities and investment will be guided by a regional plan that sets out seven priorities developed in consultation with the community and other stakeholders.

Green Adelaide's seven priorities will be mandated by the new legislation. These priorities will be:

- coastal management
- urban rivers and wetlands
- water-sensitive urban design
- green streets and flourishing parklands
- fauna and flora in the urban environment
- controlling pest animals and plants
- nature education.

The Green Adelaide Board will take a strategic leadership role in relation to these priorities and promote coordination and partnerships with other bodies. This leadership role will extend to the ability to lead innovation in other parts of the state, such as by sharing knowledge and expertise.

Given the board's expertise-based role, all members will be appointed by the Minister and will be supported by an administrative unit within the Department for Environment and Water.

Green Adelaide will also have the same powers and functions as the other regional landscape boards, but will devolve its regulatory functions to other government agencies, local councils, boards or private organisations to enable the board to focus on delivering combined outcomes with third parties.

Cross-regional coordination and large scale investment

What we heard:

There was overwhelming support for distributing some levy funding from Green Adelaide to regional South Australia.

A new statewide Landscape Priorities Fund will enable investment in large-scale integrated landscape restoration projects to address sub-regional, cross-regional and statewide priorities. Specifically:

- It will be a separate statutory fund, with a requirement for proper accounts, which will be subject to an annual audit by the Auditor-General.
- Investment from the fund will be guided by high-level principles set out in the State Landscape Strategy.
- A percentage of Green Adelaide's land and water levies will be dedicated to the fund, at a percentage determined by the Minister.
- The criteria and processes for allocating funds to projects will be established by the Minister.
- Projects will be delivered through partnerships between the boards and others, including locally based organisations, groups and individuals.

What we heard:

While there was strong support for greater local-level decision-making, the need for a degree of coordination was also recognised.

A State Landscape Strategy will provide a long-term vision for managing the state's landscapes, setting high-level principles for funding on-ground projects from the Landscape Priorities Fund. The strategy will be informed by whole-of-government strategies and both state and regional priorities. The strategy will be underpinned by a set of policies about common issues, which will reduce duplication of effort and help facilitate statewide coordination.

Crucially, it will remain important to engage with boards and peak bodies at a statewide level. The Minister will continue to convene advisory bodies as needed, which will enable advisory boards and other statewide coordination methods to evolve over time.

Many existing mechanisms to facilitate a coordinated approach will be retained. These include an equivalent fund to the NRM fund, referred to as the Landscape Administration Fund, the continued role of the Minister in collecting information and monitoring the state and condition of natural resources, and the power for the Minister to direct the boards.

Clear, simple priorities

Management and protection of land

What we heard:

Healthier soils and sustainable primary production was identified by stakeholders as an important outcome to be achieved.

Land and soil management will be a priority for the new landscape boards - particularly in regional areas. Sustainable primary production and improvements to land management practices are important ways to achieve a productive, climate-resilient and biodiverse landscape. To do this, landscape boards will work alongside landholders and provide support, advice and a helping hand where needed, and will work with and support industry to develop profitable industry-based solutions that meet local requirements.

Regional boards will still be able to require landholders to prepare and implement an action plan when unreasonable land management practices have led to unreasonable degradation of land, or when there is an unreasonable risk of degradation of land. Before requiring a landholder to implement an action plan to address land degradation issues on their property, the board will now need to consider the local situation, conditions and surrounding circumstances. The board will also need to take into account any contributing factors such as climate and land condition. The Bill also ensures that local factors are taken into account when landholders seek to demonstrate compliance with best practices for their situation.

Control of animals and plants

What we heard:

Pest plants and animals were identified as a priority issue across the state. Managing the impacts of pest species that compromise primary production and native biodiversity was identified as a core issue.

Pest plant and animal control will be a priority for the new boards, with the current regulatory framework being retained and enhanced through faster processes.

Landholders will still be required to take action to destroy or control declared pest animals and plants on their properties. Currently authorised officers can require land owners to prepare an action plan if they fail to take action to destroy or control declared pest plants or animals on their property. This process has led to delays and inaction, impacting on neighbouring properties. A simpler and faster process will now

be implemented – rather than the landholder identifying what action is needed, the authorised officer will be able to issue an action order setting out what action needs to be taken. The penalty for failing to comply with an action order will be the same as the penalty that currently applies to failing to comply with an action plan.

There will also be a more structured approach to the current practice of granting exemptions from certain pest plant and animal control requirements. Authorised officers will have a clear authority to issue a written exemption subject to conditions, making it clear when a person has written authorisation to undertake certain activities, such as moving declared animals or plants.

What we heard:

More accountability needs to be taken for roadside weeds.

Regional landscape boards will continue to be responsible for taking proper measures for the destruction and control of declared pest animals and plants on road reserves, and will be able to recover the costs of doing so from adjoining landholders. This could include working with local councils, doing the control work and either paying for it themselves or charging adjoining land owners, or boards negotiating with adjoining landowners to carry out the work.

This allows each board to work in partnership with their local community, and relevant authorities to work out what the best approach is for their region and local circumstances.

What we heard:

Regional landscape boards need to play a role in assisting in the management of over-abundant native species.

Native animals can sometimes adversely impact primary production, people or the natural or built environment. Current NRM boards vary in their approach to managing the impacts of native animals.

Regional landscape boards will now have a defined role in helping manage native species that are causing adverse impacts. Managing impacts will be achieved by connecting landholders and relevant authorities, and providing information. The existing functions of the other bodies and people involved in controlling the adverse impact of native species will continue. Permits will continue to be required under the *National Parks and Wildlife Act 1972* for the destruction of any protected native animal.

Other stewardship priorities

What we heard:

The conservation and nature-based sector sought greater support for ecological communities with thriving biodiversity.

Other stewardship priorities, such as revegetation, rewilding and fencing are important ways to help achieve vibrant diversity, a sustainable economy and resilient communities through landscape-scale restoration and local action. This will be enabled by:

- recognising that ecosystems, native vegetation and native animals are part of our landscapes and natural resources
- including healthy native flora and fauna, biological diversity and ecosystems as an objective of the new legislation, giving boards a mandate to promote these outcomes through their actions, including programs, investment and partnerships
- Grassroots Grants, which supports organisations and volunteers to deliver on-ground projects
- the Landscape Priorities Fund, which supports larger-scale projects that deliver multiple outcomes.

Education will remain an important part of connecting urban and rural communities with nature, and building awareness of the importance of sustainable primary production and sustainably managing natural resources. As currently occurs, boards will have a role in delivering nature education in South Australia's schools and communities.

What we heard:

The impact of climate change should be expressly recognised.

The significance of climate change in managing natural resources is expressly recognised in the objects of the Bill, ensuring it is taken into consideration by the boards and the Minister in making decisions and exercising their legislative functions.

Greening Adelaide's streets and parks will be a priority for Green Adelaide in helping to build the city's resilience to changes in climate. A focus of the new boards will be to work with communities to identify opportunities to achieve climate-resilient landscapes.



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Water planning management

As outlined throughout the detailed consultation process, given the complexity of major water-related reform, minor changes to water management are included.

WAPs working across regions

What we heard:

There is a need for effective water allocation plans that work seamlessly across regions with regional landscape plans.

There will be no significant changes to the criteria that a WAP needs to address. Water allocation planning is largely unchanged, given the complexity of water-related reform.

However, with regional landscape boundaries proposed to be more focused on communities of interest in the future, some prescribed water resources may be located in more than one region.

Accordingly, some changes to water allocation planning and water levies have been necessary to align water allocation planning with the landscape reforms. Specifically:

- Responsibility for preparing a plan for a prescribed resource in a board's region will sit with that board. If a prescribed water resource is in more than one region, the board for the region where most of the resource is located is responsible for preparing the WAP.
- The Chief Executive may, with the approval of the Minister, prepare a water allocation plan for water resources in the Green Adelaide region.
- Where special circumstances apply, the Chief Executive may prepare a plan at the request of the Minister.
- The water levy will be able to be distributed to more than one board where a water resource is in more than one region.

In line with the new approach to regional boundaries and regional landscape planning, the process for preparing and amending WAPs has been simplified. Plans will be developed and amended through best-practice consultation in accordance with guidelines to be prepared by the Minister.

A minimum two-month consultation period will be required to prepare a plan or to amend a plan if the amendment will lead to a reduction of water rights or a change to the consumptive pool (which will also include mandatory consultation with affected licence holders).

Water management

What we heard:

Looking to the future, statewide water planning should be reviewed.

Given the complexity of water-related matters and the need to comprehensively engage further, only minor changes are proposed to water management at this stage to reduce 'red tape' and clarify the operation of certain provisions of the current Act.

The changes are:

1. Reduce red tape

- enabling multiple works to be covered by the same works approval
- removing unnecessary administrative processes to gazette a notice as to the basis of assessment of water taken each year. Instead, a gazettal notice would remain in place unless the basis is changed

2. Clarify

- ensuring works and site use approvals can operate consistently with the water management framework of a WAP to regulate water extraction and use

3. Simplify

- the power for boards to make by-laws has not been replicated, as WAPs rather than by-laws are always used in practice
- specific requirements to consider legislation specific to the River Murray have been consolidated
- removing the need for a separate requirement for copies of permits to be available for inspection or purchase, as these are available at no cost on the Water Register


4. Flexibility

- minor changes to WAPs to provide flexibility for water users so that it will be optional whether a consumptive pool has a stated purpose, and enabling a prescribed watercourse to be treated as part of a surface water prescribed area where they are inter-connected

What we heard:

There is a need for reform of urban water management.

Green Adelaide has a clear mandate to drive a 'hills to sea' landscape-wide approach through best-practice water-sensitive urban design and managing water resources, urban rivers, wetlands and coasts in the Green Adelaide region.



A new approach to managing water affecting activities

Currently, rules about activities that affect water resources (eg dams, culverts) are set out in the regional NRM plan, WAP or, on occasion, in business plans.

To promote consistent approaches to establishing rules by boards and make it easier for people undertaking activities to identify and locate the rules and requirements that apply to them:

- For water resources that are **not prescribed**, the rules for water affecting activities and taking of water will be set out in a separate water affecting activity control policy approved by the Minister.
- For **prescribed** water resources, the rules for water affecting activities and take will in usual circumstances be specified in a WAP.

This approach will support the delivery of strategic-focused regional landscape plans, where natural resource management has a landscape-wide focus and water rules can be more easily located.

Flexibility will be provided for water affecting activity control policies to be amended as required through best-practice consultation in accordance with guidelines to be prepared by the Minister.

Transitional provisions will ensure operational viability of current plans as boards effect these streamlined processes.

Compliance

What we heard:

People want streamlined yet fair pathways to compliance.

Going forward, compliance will rely on provisions similar to those under the current NRM Act to achieve outcomes, while adopting simplification measures where appropriate to streamline processes that are currently ineffective around landholder engagement. All authorised officers will undertake training on the new processes.

If remedial action is needed, the first step will be to encourage those responsible to take action before resorting to more formal processes. This is reflected in the principles underpinning the Bill.

Penalties for a number of offences which have not been increased since the introduction of the NRM Act in 2004 have been increased by up to 40 per cent, which equates to CPI over the same period.

For example, several pest plant and animal control offences with a current maximum penalty of \$10,000 will have a new maximum penalty of \$12,500. Penalties have not been increased if they have been set relatively recently, for example in relation to water management arrangements for forestry, or where they are similar to penalties for similar state offences under other legislation.

The distinction between state and regional authorised officers, whereby officers can only exercise certain powers within their region, can cause practical issues on the ground – particularly in managing cross-regional issues, such as pest plants and animals. This distinction will be removed by the Minister being responsible for appointing all authorised officers, based upon demonstration of expertise. The powers of authorised officers will not be expanded.

As is the case for most authorised officers under other legislation, the extent of the power of individual authorised officers will be limited through their instrument of appointment to reflect regional needs, recognising demonstrated skills through training.

Removing the rigid distinction between state and regional authorised officers will increase compliance capacity and enhance responsiveness to issues on-ground. A person's authorisation as an authorised officer is separate to their employment arrangements, with authorised officers continuing to work in regions, councils and statewide.

Replacing action plans with action orders for pest plant and animal control offences and the new exemptions framework for certain pest plant and animal control offences will also provide more effective compliance pathways.

A simple accessible system

What we heard:

People want a simpler, more accessible system but one that provides an effective framework for managing natural resources.

A simpler, more accessible system will be delivered through:

- **replacing prescriptive consultation arrangements with** contemporary and effective consultation and engagement requirements to enable communities to be engaged in a manner that is right for them and allow for engagement practices to evolve over time
- **future-proofing how information is shared (such as regional plans)**, ensuring transparency and making the method for publishing information 'technology neutral'
- **changing how NRM outcomes are delivered**, with Grassroots Grants and the Landscape Priorities Fund increasing partnership opportunities, and boards having a clear mandate to enter financial partnerships to deliver on-ground projects
- **parliamentary accountability**, with key documents and decisions tabled in parliament and with levy capping now applicable, it will no longer be required to refer a levy to the Natural Resources Committee
- **a focus on collaborative government** in practice, rather than prescriptive legislative processes
- **streamlined, more flexible processes throughout** to achieve a simpler, more accessible system.



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Transitional arrangements

Transitional arrangements will ensure the continued delivery of services on-ground while board member elections and other implementation activities are undertaken, such as the development of underpinning regulations and guidelines.

Schedule 5 of the Bill provides options for the transition from the current NRM boards to the new regional landscape boards. This includes enabling Green Adelaide to be established as an NRM board and then continue as a regional landscape board. As all of Green Adelaide's board members will be appointed by the Minister, this would enable the Green Adelaide board to begin its preliminary work while elections are undertaken to appoint board members for other regions.

To provide continuity and certainty, regional NRM plans will continue to operate while new regional landscape plans are developed in consultation with local communities. The State NRM Plan will continue until a new State Landscape Strategy is developed.

In relation to water resources, existing authorisations, licences and permits will continue to operate. Water resources currently prescribed will continue to be prescribed and WAPs operating under the NRM Act will continue to operate.

Water affecting activity control policies that are currently in place through regional NRM plans will continue to have effect while each landscape board develops and consults on a water affecting activity control policy for the non-prescribed water resources in their region.

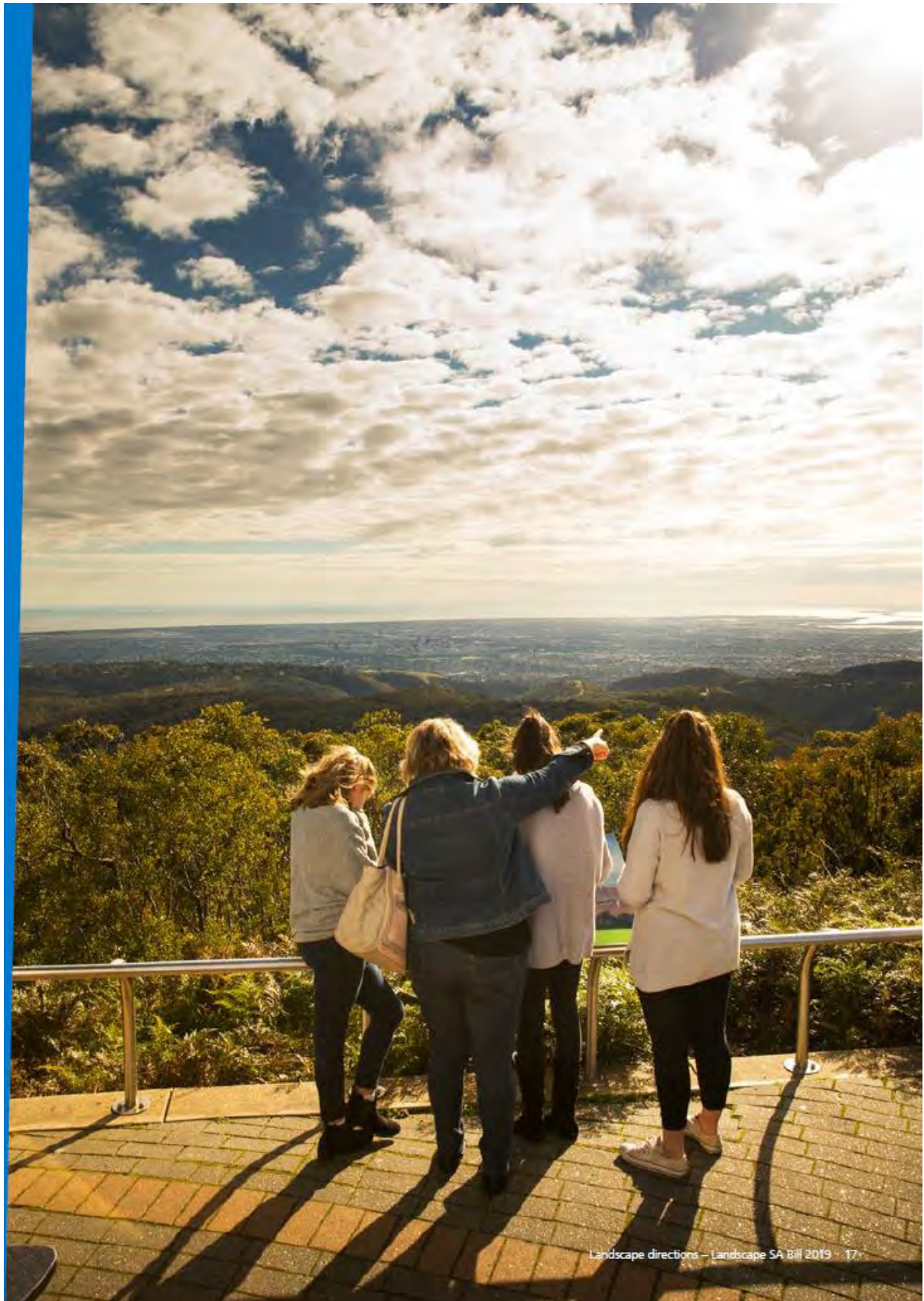
The Bill also provides for preservation of levies, penalties and other liabilities under the NRM Act and the transfer of NRM board assets and liabilities.

Funding agreements between NRM boards and the Australian Government, such as under the National Landcare Program, will continue to be delivered by the regional landscape boards.

Any impact of the reforms on land levies will be mitigated through a three year transitional scheme approved and gazetted by the Minister. The aim is to ensure that people will not pay higher land levies as a result of boundary changes. The Local Government Association will be consulted on any impacted arrangements for land levies collected during this transitional period.

Consequential changes to other legislation

The Bill mirrors current relationships between the NRM Act and other key pieces of legislation. Transitional provisions in the Bill will operate to update references to the NRM Act in other legislation, such as the *Native Vegetation Act 1991* and the *Environment Protection Act 1993*. There will be opportunities to explore improved interactions with other legislation. Any further reforms in coming years will be the subject of further engagement.



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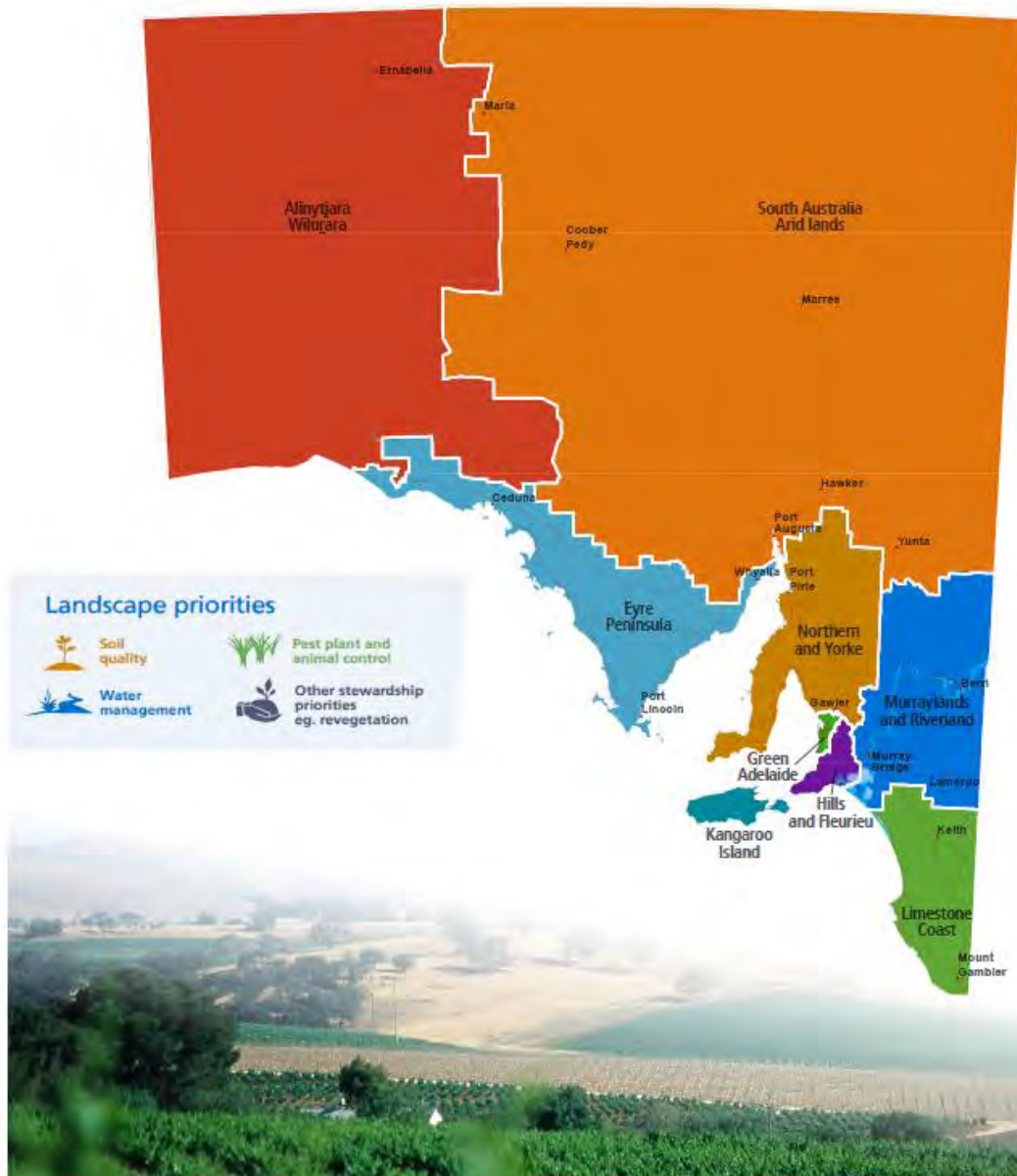
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Proposed regional boundaries

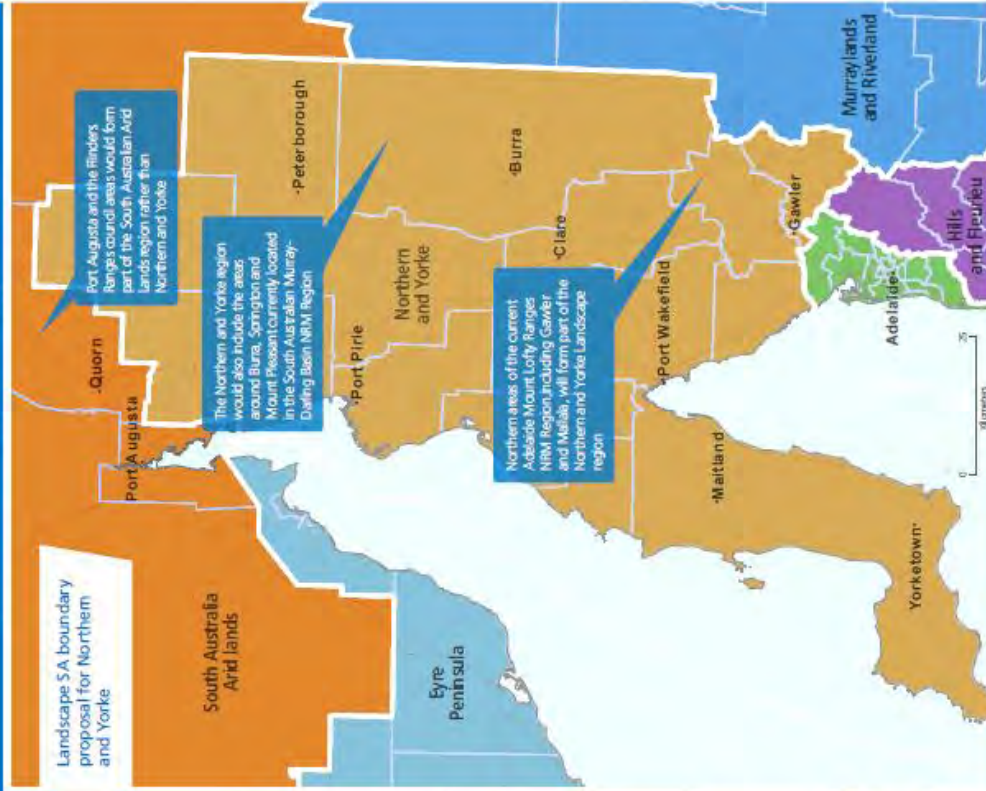
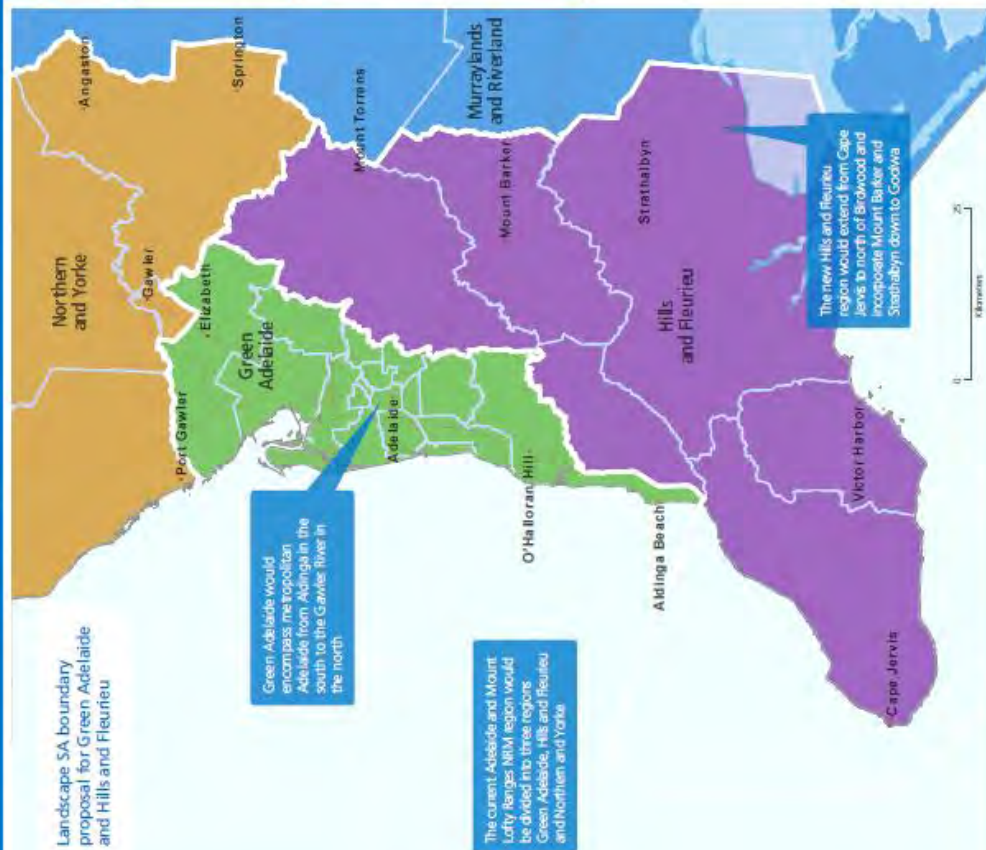
The proposed new regions are:

- Alinytjara Wilurara
- Eyre Peninsula
- Hills and Fleurieu
- Green Adelaide
- Limestone Coast (currently South East)
- South Australian Arid Lands
- Murraylands and Riverland (currently South Australian Murray-Darling Basin)
- Northern and Yorke
- Kangaroo Island



Proposed areas of change from existing NRM boundaries

Subject to the passage of the Landscape SA Bill, the proposed boundaries would be established by proclamation.



16 April 2019

Hon David Spiers MP
Minister for Environment and Water
PO Box 121
BRIGHTON SA 5048

Dear Minister

Thank you for your response dated 17 February 2019 in relation to Council's concern of the proposed boundaries for the new Landscape SA Regions.

In our initial letter, we expressed that The Barossa Council is located within a peri-urban region that has greater affinity with the Greater Adelaide Planning Region. In your response, you had stated that "the boundary arrangements for the proposed new boards have not yet been determined. Board regions can only be established upon passage of proposed legislation upon proclamation of the Governor; and after my recommendation".

On 20 March 2019, you announced that the Landscape SA Bill had been introduced into the South Australian parliament. With that announcement, you included the proposed boundaries of regional landscape boards.

The Barossa Council is included in the proposed Northern and Yorke Region.

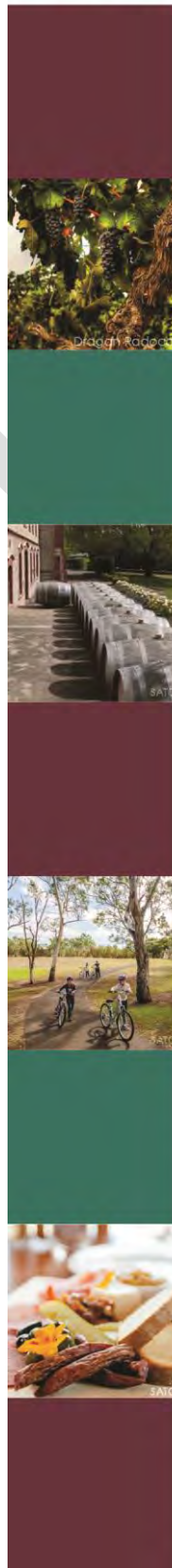
Your announcement does not give an indication of any further consultation on the proposed boundaries, which we had raised as a concern in our previous letter.

Council is strongly opposed to being located within the proposed region, and would prefer to see the Barossa, Light and Lower North region included within the proposed Hills and Fleurieu Landscape Region.

We ask that the Mayor and I meet with you to discuss this matter prior to any finalisation of the landscape regions.

Yours sincerely

Martin McCarthy
CEO, The Barossa Council



COUNCIL
DEVELOPMENT AND ENVIRONMENTAL SERVICES
REGULATORY SERVICES REPORT
16 APRIL 2019

7.5.4 DEBATE AGENDA – REGULATORY SERVICES REPORT

7.5.4.1

2019/2020 DOG REGISTRATION FEES
B6097

Author: Manager, Regulatory Services

PURPOSE

To set the Schedule of dog registration fees for the 2019/2020 financial year.

RECOMMENDATION

That Council:

- (1) Endorses the Schedule of Dog Registration Fees detailed in this Report for the 2019/2020 financial year.

REPORT

Introduction

In preparation for the 2019/2020 financial year; Council is required to consider and adopt a Schedule of Fees in relation to Dog Registration and management.

Discussion

The State Government introduced Legislative changes in relation to mandatory microchipping and desexing, which commenced on 1 July 2018 in conjunction with the State-wide Dogs and Cats Online Database (DACO).

These changes now require all dogs to be microchipped and all dogs born after 1 July 2018 to be desexed by 6 months of age.

Councils are obliged to provide a percentage rebate (deducted from the Non-Standard Dog Fee) for a dog that is both desexed and microchipped. The Dog and Cat Management Board (The Board) recommends that this rebate be set at 50%.

The Board has provided a comparison of Dog Registration Fees across all Councils. This comparison is provided as Attachment 1.

Standard Dog

A Standard Dog is a dog that is both desexed and microchipped. The Board has recommended that a discount of 50% shall apply to a Standard Dog.

Non-Standard Dog

A Non-Standard Dog is one that is not both desexed and microchipped. A dog that is only desexed (and not microchipped) or only microchipped (and not desexed) will be classed as a Non-Standard Dog. The full registration fee will continue to apply in these cases.

Current laws require all dogs to be microchipped from 3 months of age; and all dogs born after 1 July 2018 to be desexed by 6 months of age, unless an exemption applies.

The desexing requirement applies to new generations of dogs and does not apply to dogs born before 1 July 2018.

Owners who elect not to have their dogs both desexed and microchipped will be subject to a Non-Standard Dog fee. This is designed to encourage dog owners to have their dogs desexed and microchipped in line with the requirements of the State Government, in order to be eligible for a cheaper Registration Fee.

Concession Card Holders

A discount of 50% shall apply to the holder of a current concession card. This rebate shall be applied after other rebates have been calculated as is the present case. DACO has the ability to verify the status of a concession instantly through an interface with Government databases.

In line with the recommendations of the Board, the holder of the following concession cards will be eligible for the concession discount.

Department of Veteran Affairs – Gold or White Card
Pensioner Card
Senior Health Care Card
Health Care Card

All concessions, except the Health Care Card, will be a permanent concession. The Health Care Card is a temporary concession and will be required to be validated each registration year.

Training Rebate

The Board no longer provides a recommendation or guidance about the Training Rebate for Dog Registrations, and has left it to individual councils. Traditionally a 10% rebate has been provided to give incentive to owners to have their dog obedience trained.

Consultation with other councils has revealed that some councils no longer provide a Training Rebate. Officers believe that Council should continue to encourage dog owners to attend Obedience Training by providing a discount on the Registration Fee. The rebate is calculated as a percentage of the maximum fee.

Following consultation with a local Veterinarian and Dog Trainer, the following Standard has been determined in order to be eligible for the Training Rebate. Council officers must be satisfied that the dog has been trained to an appropriate level and can:

- Walk on a loose lead in a distracting or unfamiliar environment; and
- Recalls on command while off lead in an unfamiliar environment; and
- Sit, drop and advanced stay on command; and
- Remains calm and easily controlled around other people and other dogs; and
- Displays greeting manners.

Once the dog demonstrates that it meets these requirements it will be deemed to be trained for life, or until Council officers form the view that the dog no longer meets these Standards.

To encourage attendance at Puppy Pre-School classes, it is proposed that Council will continue to provide a Training Rebate for the first year of Registration to owners that have completed Puppy Pre-School.

Working Livestock Dog

Previous changes to Legislation recognises Working Livestock Dogs as those that are kept primarily for the purpose of herding, droving, protecting, tending or working stock. It is proposed to continue to provide a set fee for registering Working Livestock Dogs.

Working Livestock Dogs are exempt from the desexing requirements.

Dog Management Fund

All councils are required to pay to the State Government (via The Board) a percentage of every Dog Registration received. For rural councils, which includes The Barossa Council, this contribution is set at 12%; and 24% for metropolitan councils.

Recent History of Dog Registration Fees

For the benefit of new Elected Members a comparison has been provided for previous financial years.

	Maximum Fee	Standard Dog
2019/2020 (<i>Proposed</i>)	\$80.00	\$40.00
2018/2019	\$80.00	\$40.00
2017/2018	\$80.00	\$40.00
2016/2017	\$80.00	\$40.00
2015/2016	\$85.00	\$43.00

Partial Year Registration Rebate

A partial year rebate is currently offered for new Registrations received after 1 January. This rebate acknowledges new ownership and provides incentive to new owners registering their recently acquired dogs during the second half of the registration year. This rebate is applied after all other applicable rebates have been applied and is currently set at 50% of the fee otherwise payable. It is proposed that this rebate remains at 50% for 2019/20 and does not apply to Registration Renewals.

A summary of the Dog Registration classes and recommended Fees are provided in the following table.

Registration Type	Regular	Concession
Standard Dog (Desexed & Microchipped)	\$40	\$20
Standard Dog (Desexed, Trained & Microchipped)	\$32	\$16
Non-Standard Dog (Full Registration)	\$80	\$40
Working Livestock Dog	\$23	\$23
Racing Greyhounds (Registered with Greyhound Racing SA)	\$23	\$23
Assistance Dogs	Nil	Nil
Late Registration Renewal Fee (if paid after 31 August)	\$20	\$20

Other Fees	
Dog Impound Fee	\$75.00
Plus Daily Sustenance Fee (Per day or part thereof)	\$15.00
Dog Business Registrations (Section 35)	As per individual registrations

Rebates	
Standard Dog Rebate (Both Desexed and Microchipped)	50%
Training Rebate (Applicable in addition to Standard Dog Rebate only. Calculated as a percentage of maximum fee)	10%
Puppy Training Rebate (As above, for first year of registration only)	10%
Concession Rebate (Maximum of two dogs)	50% of fee otherwise payable
Partial Year Rebate (New registrations after 1 January only)	50% of fee otherwise payable

Conclusion

This report recommends no changes to the current Dog Registration Fee structure for the coming financial year.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Dog and Cat Management Board.
Comparison of Dog Registration Fees - All councils

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Community Plan



Community and Culture

2.12 Contribute to a safer community.

Corporate Plan



Health and Wellbeing

4.7 Address nuisance and environmental risk such as animals, vermin, pest control, illegal dumping on public land and fire prevention.



How We Work – Good Governance

6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.

Legislative Requirements

Section 26, Dog and Cat Management Act 1995
Dog and Cat Management Regulations 2017.

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial Considerations

Income received from Dog Registrations must be expended in the administration and enforcement of the provisions of the Dog and Cat Management Act 1995.

Initial assessment has revealed that the transition to DACO indicates a positive financial impact for the first year of operation, as shown in the table below. This however does not factor in the additional time and resources associated with managing the new database.

This brief overview has been provided to reflect some of the costs and savings associated with DACO. It shows the total number of dogs registered in the Council area, the total revenue from Dog Registration Fees, the corresponding mandatory contribution paid to the State Government and previous expenses associated with the production and postage of Dog Registration Renewal Notices which is now undertaken via DACO.

	2017/2018	2018/2019 (to 1 April 2019)
# Dog Registrations	5278	5160
Total Dog Registration Revenue	\$212,386.00	\$224,541.00
Less mandatory contribution to State Govt (10% 2017/18)	\$21,238.00	-
Less mandatory contribution to State Govt. (12% 2018/19)	-	\$26,944.92
Council Revenue	\$191,148.00	\$197,596.08
Postage	\$3,267.00	Now funded via DACO
Renewal Notices	\$2,392.00	Now funded via DACO
Approximate Net <i>Note: Dog registrations, Mandatory contribution, renewal Notices and Postage Only</i>	\$185,489.00	\$197,596.08

As such, this report recommends no changes to the Schedule of Dog Registration Fees that were approved for the 2018/2019 financial year.

As the percentage of those dogs that are both desexed and microchipped (and therefore eligible for the 50% Registration Rebate) increases, Council may notice an impact to revenue in coming years. Careful consideration will need to be given to Dog Registration fees in future years. Officers will monitor revenue during 2019/2020 and beyond.

Council is obliged to pay 12% of every Dog Registration to The Board. As detailed above, at the time of writing this report the mandatory contribution was \$26,977.92 based on revenue received to date. As part of the transition to DACO, Council is no longer required to fund Dog Registration Renewal Notices and associated postage.

Resource and Risk Management Considerations

DACO continues to be resource intensive at an administrative level. Every year, Council's expenditure in relation to dog management far exceeds revenue generated from Dog Registrations.

For the 2018/19 financial year, Council budgeted for a deficit of \$235,721.00 in relation to dog management.

There are no other resource or risk management considerations.

COMMUNITY CONSULTATION

Consultation is not required under Policy or Legislative requirements.

Comparison of Dog registration Fees across all SA council (2018-19).

Note that only Standard and Non-standard dog registration fees have been included.

Council	Non-standard dog	Standard Dog
District Council of Copper Coast	\$122.00	\$36.00
City of Charles Sturt	\$100.00	\$50.00
Kangaroo Island Council	\$100.00	\$40.00
City of Port Lincoln	\$95.00	\$45.00
Adelaide Hills	\$90.00	\$45.00
Town of Gawler	\$90.00	\$45.00
City of Mitcham	\$90.00	\$45.00
Alexandrina Council	\$89.00	\$41.00
City of Burnside	\$85.00	\$42.50
City of Holdfast Bay	\$85.00	\$43.00
City of Unley	\$85.00	\$42.50
City of Onkaparinga	\$83.00	\$41.50
The Barossa Council	\$80.00	\$40.00
Berri Barmera Council	\$80.00	\$40.00
City of Port Adelaide Enfield	\$80.00	\$40.00
District Council of Streaky Bay	\$80.00	\$40.00
City of Victor Harbor	\$80.00	\$40.00
City of West Torrens	\$80.00	\$40.00
Yorke Peninsula Council	\$80.00	\$40.00
Campbelltown City Council	\$75.00	\$37.50
Mount Barker District Council	\$75.00	\$37.50
City of Adelaide	\$73.00	\$36.50
Kingston District Council	\$73.00	\$36.50
City of Tea Tree Gully	\$72.00	\$36.00
City of Marion	\$71.00	\$35.00
District Council of Barunga West	\$70.00	\$35.00
The Flinders Ranges Council	\$70.00	\$35.00
Light Regional Council	\$70.00	\$35.00
District Council of Loxton Waikerie	\$70.00	\$35.00
Mid Murray Council	\$70.00	\$35.00
City of Norwood Payneham & St Peters	\$70.00	\$35.00
Port Pirie Regional Council	\$70.00	\$35.00
City of Prospect	\$70.00	\$35.00
Wakefield Regional Council	\$70.00	\$35.00
Corporation of the Town of Walkerville	\$70.00	\$35.00
District Council of Yankalilla	\$70.00	\$40.00
District Council of Grant	\$67.50	\$33.75
Municipal Council of Roxby Downs	\$66.00	\$33.00
Northern Areas Council	\$65.00	\$32.00
City of Playford	\$65.00	\$32.50
Port Augusta City Council	\$65.00	\$32.50
Renmark Paringa Council	\$65.00	\$35.00

City of Salisbury	\$65.00	\$32.50
District Council of Tumby Bay	\$65.00	\$32.50
The City of Whyalla	\$65.00	\$32.50
Adelaide Plains Council	\$60.00	\$30.00
District Council of Ceduna	\$60.00	\$30.00
Regional Council of Goyder	\$60.00	\$30.00
District Council of Lower Eyre Peninsula	\$60.00	\$30.00
Southern Mallee District Council	\$60.00	\$30.00
Wudinna District Council	\$60.00	\$30.00
Clare & Gilbert Valleys Council	\$58.00	\$29.00
City of Mount Gambier	\$55.00	\$27.50
District Council of Robe	\$55.00	\$27.50
Coorong District Council	\$50.00	\$25.00
District Council of Elliston	\$50.00	\$25.00
District Council of Franklin Harbour	\$50.00	\$25.00
District Council of Karoonda East Murray	\$50.00	\$25.00
Naracoorte Lucindale Council	\$50.00	\$25.00
Tatiara District Council	\$50.00	\$25.00
Wattle Range Council	\$50.00	\$25.00
District Council of Coober Pedy	\$45.00	\$30.00
District Council of Kimba	\$45.00	\$45.00
District Council of Orroroo Carrieton	\$44.00	\$22.00
District Council of Cleve	\$40.00	\$20.00
District Council of Mount Remarkable	\$40.00	\$20.00
Outback Communities Authority	\$40.00	\$20.00
District Council of Peterborough	\$33.10	\$16.60
Rural City of Murray Bridge	\$33.00	\$30.00
Average Fees - Metropolitan	\$82.89	\$40.85
Average Fees - Regional	\$63.12	\$32.15
Average Fees - All councils	\$67.08	\$33.83

These figures have been extracted from Dogs and Cats On line are the figures entered into DACO by officers in the respective councils.

COVER SHEET

CONFIDENTIAL REPORT

16 April 2019

COUNCIL MEETING

DIRECTOR
CORPORATE AND COMMUNITY SERVICES

8.1 CONFIDENTIAL AGENDA

8.1.1

DRAFT CROWN CONDITION AGREEMENT – TANUNDA RECREATION PARK

The matter of the agenda item being consideration of a Draft Crown Condition Agreement between the Minister for Environment and Water and The Barossa Council to formally transfer ownership of Tanunda Recreation Park from the Crown to Council, and pursuant to Section 90(3)(j) of the Local Government Act 1999 ("the Act") *being information the disclosure of which (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would on balance, be contrary to the public interest.*

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

In this matter, the reason that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest is that the information has been provided to Council in confidence, as the Crown Condition Agreement is currently in draft form and the transaction is subject to final Ministerial approval. The Crown Lands Office has advised that Crown Condition Agreements are publicly available via a website link on the Certificate of Title on SAILIS (South Australian Integrated Land Information System), and once the transaction is finalised, it can be accessed by the community.

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

RECOMMENDATION:

That Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (j) of the Local Government Act 1999 relating to agenda item 8.1.1 *Crown Condition Agreement – Tanunda Recreation Park*, being information that must be considered in confidence in order to ensure that Council does not disclose information of a confidential nature, the disclosure of which – (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council) in this case a draft Crown Condition Agreement in respect of Tanunda Recreation Park; and (ii) would, on balance, be contrary to the public interest.
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential as the Crown Lands Office has requested that the matter be considered in confidence as the Crown Condition Agreement is only in draft form and the transaction is subject to final Ministerial approval.

COVER SHEET

CONFIDENTIAL REPORT

16 April 2019

COUNCIL MEETING

DIRECTOR
CORPORATE AND COMMUNITY SERVICES

8.1 CONFIDENTIAL AGENDA

8.1.1

DRAFT CROWN CONDITION AGREEMENT – TANUNDA RECREATION PARK

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

RECOMMENDATION:

That Council:

- (1) Under the provisions of Section 90(2) of the Local Government Act 1999, make an order that the public be excluded from the meeting with the exception of the Chief Executive Officer, Director Corporate and Community Services, Director Development and Environmental Services, Director Works and Engineering, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (j) of the Local Government Act 1999 relating to agenda item 8.1.1 *Crown Condition Agreement – Tanunda Recreation Park*, being information that must be considered in confidence in order to ensure that Council does not disclose information of a confidential nature, the disclosure of which – (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council) in this case a draft Crown Condition Agreement in respect of Tanunda Recreation Park; and (ii) would, on balance, be contrary to the public interest.
- (2) Accordingly, on this basis, Council is satisfied that public interest in conducting meetings in a place open to the public has been outweighed by the need to keep the information and discussion confidential as the Crown Lands Office has requested that the matter be considered in confidence as the Crown Condition Agreement is only in draft form and the transaction is subject to final Ministerial approval.

CONFIDENTIAL REPORT

COUNCIL

CORPORATE AND COMMUNITY SERVICES

16 APRIL 2019

8.1 CONFIDENTIAL AGENDA – DIRECTOR’S REPORT

8.1.1

DRAFT CROWN CONDITION AGREEMENT - TANUNDA RECREATION PARK

B8122

PURPOSE

To consider a draft Crown Condition Agreement received from the Crown Lands Office to formally transfer ownership of Tanunda Recreation Park from the Crown to Council.

RECOMMENDATION

That Council:

- (1) approve the draft Crown Condition Agreement (CCA) as attached to this report (HPE Ref: 19/17656) to facilitate disposal to The Barossa Council of the Tanunda Recreation Park land ("the land") contained in Crown Records Volume 5905 Folio 680 and Volume 5752 Folio 204 for nil consideration;
- (2) authorise the Mayor and Chief Executive Officer to execute the CCA under Council Seal;
- (3) authorise the Chief Executive Officer to execute the Letter of Offer indicating that Council accepts the offer;
- (4) approve the expenditure of further costs up to \$1,000 ex GST for the final document preparation and associated expenditure from existing budget allocations;
- (5) note the advice received to date that Stamp Duty will not apply to the transaction as this is the first grant of transfer of the land from the Crown and require officers to report to Council prior to proceeding with this matter if this advice changes;
- (6) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, makes an order pursuant to Section 91(7), that the minutes, agenda report and attachments and associated documents in relation to agenda item 8.1.1 of Council's Confidential Meeting held 16 April 2019 titled "Draft Crown Condition Agreement – Tanunda Recreation Park" other than the minutes relating to this confidentiality order, be kept confidential and not available for public inspection until approval is received from the Minister for Environment and Water to the transfer of the land and the associated executed Crown Condition Agreement, and that the Chief Executive Officer be delegated the power to review and revoke this order.

REPORT

Background

The Tanunda Recreation Park ("the land") is owned by the Crown, with Council having care, control and management of the land.

At the end of 2017 and as part of The Big Project, Council approved some accelerated works over the land which triggered requirements under the Crown Land Management Act to first consult with and get approval from the Crown Lands Office. Approval for the accelerated works and the proposed Master Plan works was given by Crown Lands during 2018.

Officers also raised the question of tenure with Crown Lands and whether the land could be returned to Council ownership for no consideration. Officers met with Crown Lands personnel who were amenable to recommending to the Minister a disposal of ownership to Council.

Introduction

Council, at its meeting held 19 June 2018, resolved the following:

MOVED Cr de Vries that Council:

- (1) Requests of the Crown Lands Office a Crown Condition Agreement to facilitate disposal to The Barossa Council of the Tanunda Recreation Park land ("the land") contained in Crown Records Volume 5905 Folio 680 and Volume 5752 and Folio 204; subject to the approval by the Minister for Environment and Water, that the transfer will be for nil consideration and agreement by Council that it will only use the land for the agreed purpose.
- (2) Approves the anticipated expenditure of up to \$2,000 (ex GST) for associated documentation with the Minister's delegate and Lands Titles Office to be taken from the existing The Big Project budget Q003 872.
- (3) Authorises the Director Corporate and Community Services to negotiate a draft agreement with the Minister's delegate and present the final version for Council's consideration to a future Council meeting and to pursue exemption for stamp duty purposes in accordance with the Stamp Duties Act 1923.

Seconded Cr Harms

CARRIED 2014-18/1424

An excerpt from the Minutes (Attachment 1) is provided for information.

Discussion

On 12 October 2018, the Crown Lands Office (CLO) notified officers that it had received in-principle approval from the Minister for Environment and Water for the direct disposal to Council subject to a Crown Condition Agreement (CCA).

A draft CCA was received (Attachment 2) and has been reviewed by Council's legal advisers who advised that the CCA, as drafted, places no additional obligations or risk to Council outside of what is already contained in the Crown Land Management Act 2009 and under which the land is currently administered.

If the CCA is approved by Council, the CLO will submit a briefing to the Minister requesting that he revoke the current dedication, declare the land surplus to government requirements and approve the direct disposal of the land to The Barossa Council for nil consideration, subject to the terms of the CCA. Assuming that the Minister approves the briefing, the CLO will prepare a Letter of Offer for the transfer, which will include an outline of the payable fees. Current advice is that Stamp Duty will not apply as this is the first transfer grant of this land parcel from the Crown.

Summary and Conclusion

The CLO has requested that this report be considered in confidence given that the CCA is draft at the moment and the transaction is subject to final Ministerial approval. Officers recommend approval of the CCA so that the land can be returned to Council and Barossa community for no consideration.

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

- Attachment 1: Excerpt from Council Meeting Minutes – 19 June 2018
Attachment 2: Draft Crown Condition Agreement

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



Health and Wellbeing

- 4.6 Support the growth and sustainability of sporting, recreational and community clubs and organisation through the provision of shared infrastructure, grants and opportunities to share future use and development.



How We Work – Good Governance

- 6.8 Provide opportunities for the community to contribute to the ongoing care, improvement and use of Council's community facilities.
6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislation

Local Government Act 1999
Crown Land Management Act 2009

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

The CLO has quoted costs of \$844 ex GST for document preparation. Up to \$2,000 ex GST was allocated for legal advice and Title amendments from the existing Big Project operational budget.

Resource

Facilitation of this matter will be undertaken according to officer's existing duties.

Risk

No additional obligations or risk to Council outside of what is contained in the Crown Land Management Act 2009.

COMMUNITY CONSULTATION

There is no legislative requirement to consult the community in this situation nor in officer's opinion do the circumstances make this necessary, particularly given the extensive community consultation that has taken place regarding the Master Plan and which reinforced the community commitment to the continuing role of the facility.

The draft CCA includes a statement of the Purpose of the land and this is "recreation and Council approved events". This aligns with the current Community Land Register and associated Management Plan and Council will not be able to change the purpose of the land without renegotiating the CCA with the Minister.

Council will continue to maintain and insure the land under the terms of the existing Community Land Management Plan.

COMMUNITY CONSULTATION

Undertaken by the Remuneration Tribunal calling for submissions.

7.2.1.6**OWNERSHIP OF TANUNDA RECREATION PARK****B8122**

Author: Director, Community Projects

MOVED Cr de Vries that Council:

- (1) Requests of the Crown Lands Office a Crown Condition Agreement to facilitate disposal to The Barossa Council of the Tanunda Recreation Park land ("the land") contained in Crown Records Volume 5905 Folio 680 and Volume 5752 and Folio 204; subject to the approval by the Minister for Environment and Water, that the transfer will be for nil consideration and agreement by Council that it will only use the land for the agreed purpose.
- (2) Approves the anticipated expenditure of up to \$2,000 (ex GST) for associated documentation with the Minister's delegate and Lands Titles Office to be taken from the existing The Big Project budget Q003 872.
- (3) Authorises the Director Corporate and Community Services to negotiate a draft agreement with the Minister's delegate and present the final version for Council's consideration to a future Council meeting and to pursue exemption for stamp duty purposes in accordance with the Stamp Duties Act 1923.

Seconded Cr Harms

CARRIED 2014-18/1424

PURPOSE

Council is asked to consider an offer by the Crown Lands Office to formally pursue the transfer of ownership of Tanunda Recreation Park from the Crown to Council.

Background

The Tanunda Recreation Park ("the land") is owned by the Crown and, since 2012 is subject to the Ngadjuri Nation #2 Native Title claim.

Council has care, control and management of the land and has annual insurance and maintenance expenditure of approximately \$90,000 ex GST.

At the end of 2017 and as part of The Big Project, Council approved some accelerated works over the land which triggered requirements under the Crown Land Management Act to first consult with and get approval from the Crown Lands office. As part of this consultation, Council officers had to provide an update on the Native Title claim. As it is likely that finalisation of the native title claim in the Federal Court is a long term process, Officers obtained a land tenure search and due to its very complicated history, briefed the lawyer who is representing Council for the Native Title Claim to analyse the search. This confirmed that due to the extensive, consistent and lengthy land use, Native Title has been extinguished and cannot be revived over the land. Accordingly, in the light of this legal advice and in addition to meeting other relevant requirements, approval for the accelerated works and the proposed master plan works was given by Crown Lands.

It was of interest from the tenure search that the then Tanunda Council owned various parcels, which comprised the land throughout the time it was dedicated as a recreation reserve, but transferred it to the Minister/Crown on several occasions. Officers have been unable to find relevant records of that time to establish the rationale for the transfers.

With the Native Title question cleared and the issue of Council's previous ownership now apparent, Officers considered that it may be timely to broach the question of tenure to Crown Lands and

whether the land can be returned to Council for no consideration. This would avoid the need for costs and delays consulting with Crown Lands every time, pursuant to the Crown Land Management Act, Council wanted to undertake work on the land.

Introduction

Officers met with Crown Lands personnel who were amenable to recommending to the Minister a disposal of ownership to Council based on either of two options for nil consideration.

The two disposals available to Council are:

(a) Disposal subject to a Crown condition agreement (also known as a CCA)

- o The Minister for Environment and Water would need to approve the direct disposal of the Land for nil consideration on the condition that the Council enter into a Crown condition agreement. Approval from the Treasurer is not required.
- o A Crown condition agreement ensures the ongoing use of the Land for agreed purposes. The Crown Solicitor's Office has prepared a standard Crown condition agreement for adaptation. Crown Lands and the Council would work through the preparation of the agreement, ensuring that the stated purposes reflect the current and anticipated use of the land will be a key requirement.
- o The Crown condition agreement would be registered on the certificate of title granted to the Council.
- o In terms of the *Crown Land Management Act 2009*, the Council would no longer require consent to undertake works on the Land (as is the case currently while the land is under custodianship).
- o In the event that the Council wants to use the Land for a purpose inconsistent with the Crown condition agreement, the Minister may consider using powers under the *Crown Land Management Act 2009* to vary the agreement.

(b) Special circumstances disposal

- o The Minister for Environment and Water would need to be satisfied that special circumstances exist to justify a direct disposal of the Land to the Council (ie. not offering the land for sale on the open market).
- o Both the Minister for Environment and Water and the Treasurer would need to be satisfied that special circumstances exist to justify the disposal of the Land to the Council for nil consideration (ie. not requesting the market value of the land).
- o Should the Minister for Environment and Water and the Treasurer approve a special circumstances disposal, the Council would have an unencumbered certificate of title to the Land. In terms of the *Crown Land Management Act 2009*, the future use of the Land would be unrestricted.

Discussion

Application and document preparation fees will be associated with either disposal option and would be paid by Council, though the Crown Lands Office has estimated these to be approximately \$1,500 to \$2,000 ex GST.

Legal advice obtained on the available options is that both are low risk for Council and the community. In either case the land will remain on the community land register and subject to the associated legislated requirements. The terms of any Crown condition agreement will be key to how reasonable Council considers this mechanism for the transfer of the land. The biggest risk to Council is incurring a stamp duty liability on the transaction but it is suggested that the nature of the transfer appears to fall within the General exemptions set out in section 16 of the Stamp Duties

Act 1923. This needs to be further clarified and confirmed as part of future discussions with the Crown.

Officers recently briefed the Tanunda Recreation Park community committee regarding the potential transfer and negotiations with the Crown Lands Office at its meeting on the 23 May 2018.

Summary and Conclusion

It is clear from recent community consultation (2017) associated with the development of the updated master plan for Tanunda Recreation Park that it plays a significant, highly valued and continuing role as the town's main recreation parkland for both competitive and passive recreational activities.

Council has invested significant money in the ongoing use of the facility as a recreational asset as have the many community and volunteer groups associated with the park. There is no suggestion of it being used for any other purpose. With this in mind and to provide the highest degree of assurance to the community, whilst vesting ownership with Council, Officers recommend pursuing an application to the Crown Lands office on the basis of a Crown Condition agreement, that will require the ongoing use of the land for the purpose specified in the existing Land Management Agreement (in this case community recreation).

ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Not Applicable

COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

Corporate Plan



Health and Wellbeing

- 4.6 Support the growth and sustainability of sporting, recreational and community clubs and organisation through the provision of shared infrastructure, grants and opportunities to share future use and development.



How We Work – Good Governance

- 6.8 Provide opportunities for the community to contribute to the ongoing care, improvement and use of Council's community facilities.
- 6.17 Advocate for The Barossa Council and its community, our region or local government in South Australia through direct action, representation on or collaboration with local, regional or State bodies.

Legislation

Local Government Act 1999

Crown Land Management Act 2009

FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

Financial

Up to \$2,000 ex GST anticipated costs for drafting the associated agreement and title amendments. Up to \$2,000 ex GST has been allocated for legal advice already obtained to date from the existing Big Project operational budget.

Resource

Facilitation of this matter will be undertaken according to officer's existing duties.

Risk

Covered in the body of the report and the subject of the legal advice obtained to date.

COMMUNITY CONSULTATION

There is no legislative requirement to consult the community in this situation nor in officer's opinion do the circumstances make this necessary, particularly given the extensive recent community consultation that has taken place regarding the master plan and which reinforced the community commitment to the continuing role of the facility.

Crown Condition Agreement

AGREEMENT dated

day of

2019

BETWEEN

THE BAROSSA COUNCIL (ABN 47 749 871 215) of 43-51 Tanunda Road, Nuriootpa 5355 in the State of South Australia ("**Owner**")

AND

MINISTER FOR ENVIRONMENT AND WATER a body corporate pursuant to the *Administrative Arrangements Act 1994* of Level 10, 81-95 Waymouth Street, Adelaide 5000 in the State of South Australia ("**Minister**").

This Crown Condition Agreement as set out below is binding on the Owner (including his respective successors in title) of the Land pursuant to section 26(2) of the *Crown Land Management Act 2009* ("**the Act**").

The Agreement may only be varied or revoked in accordance with section 26(3) of the Act.

The Owner of the Land COVENANTS with the Minister

- (a) to use the Land in accordance with the Crown conditions in this Agreement that benefit the Minister such that this Agreement is annexed to and devolves to each and every part of the Land; and
- (b) to perform this Agreement by observing all such covenants or other provisions contained in the Agreement that runs with and binds the Land and every part thereof as follows:

1. Permitted Use

The Owner must not, occupy, develop, or use, the Land (or any part of the Land) for any purpose other than for the Purpose at all times

2. Minister's power of entry

The Minister may enter the Land at any time to carry out an inspection for any matter arising out of the Purpose and the Special Conditions and includes but is not limited to a matter arising from compliance with the Crown conditions or any right the Minister may exercise under the Act or the Agreement.

3. Breaches

The Owner acknowledges:

- 3.1 The effect of sections 26(4) and 26(6) of the Act as it relates to the Land;
- 3.2 The Minister may at any time in exercising his powers under the Act, apply:
 - (a) for a fine to be imposed on the Owner to the extent permitted under the Act; or
 - (b) to cancel the Certificate of Title for the Land under section 26(4) of the Act,

PROVIDED the Owner being in breach of this Agreement has been given a reasonable opportunity by the Minister to make good the breach but has failed to do so.

- 3.3 That nothing in the Agreement prevents the Minister from applying to a court seeking cancellation of the Certificate of Title for the Land where the Minister believes it is necessary in order to prevent or arrest serious damage to or deterioration of the Land.

4. Interests

The Owner agrees to first notify any person who is to be granted an interest in the Land (in whole or in part) by the Owner that the Owner and the person who is to receive that interest in the Land are bound by this Agreement.

5. Transfer

The Owner is required to notify any prospective purchaser of the Land that this Agreement runs with the Land and will be binding on any new owner of the Land.

6. Consent

Any consent that may be given by the Minister under this Agreement does not constitute nor can it be used as a consent that may be required under any other provision of the Act or any other relevant legislation that the Minister has administration of from time to time and includes but is not limited to such consents required under the *Native Vegetation Act 1991* and the *Development Act 1993* or for any other purpose.

7. Release and Indemnity

The Owner:

- 7.1 must indemnify the Minister and the Crown in right of the State of South Australia and keep the Minister and the Crown indemnified in respect to the whole of the Minister's costs and expenses (including without limitation all legal costs and expenses) of and incidental to the implementation, variation or revocation of this Agreement including the enforcement of these Crown conditions or cancellation of the Certificate of Title under the Act; and
- 7.2 releases the Minister and the Crown in right of the State of South Australia, to the full extent allowed at law, from all claims and demands resulting from any accident, damage or injury to persons or property which is caused or brought about by, or which arises out of the Minister's negligent act or omission in relation to the exercise of its rights under clause 2 of this Agreement.

8. Amendment/Revocation

- 8.1 The Owner acknowledges that section 26(3) of the Act applies to this Agreement such that this Agreement may be varied or revoked by:
- (a) mutual agreement between the Owner and the Minister on terms satisfactory to the Minister and may include the payment by the Owner of such amount as the Minister may require; or
 - (b) order of the Supreme Court of South Australia on application of the Minister or the Owner; and the Owner must, in any event, advise any person that is to be granted or has a current interest in the Land (whether registered or unregistered at law) of any action being taken under section 26(3) of the Act.

9. Interpretation

In this Crown condition Agreement, the following terms have the corresponding meaning:

- 9.1 "Act" means the *Crown Land Management Act 2009* as amended from time to time;
- 9.2 "Crown condition Agreement" or "Agreement" means this Agreement as registered on the Land and includes any subsequent variation as registered on the Land under the Act and the term "Crown conditions" refers to the relevant conditions in this Agreement;

- 9.3 “the Land” means the whole of the land described as Allotment 99 in Deposited Plan 62253, Hundred of Moorooroo;
- 9.4 “Minister” means the Minister for Environment and Water (or such other Minister established under the *Administrative Arrangements Act 1994* who has the administration of the Act) or such other person or body to whom the Minister may delegate his powers or otherwise authorise to exercise such powers to the extent permitted under the Act from time to time;
- 9.5 “Owner” means the owner of the Land that holds the fee simple interest in the Land;
- 9.6 “Purpose” means recreation purposes and Council approved events;

AND

- 9.7 This Agreement is interpreted as follows:
- (a) unless repugnant to the context words imputing any particular gender shall include all other genders and words imputing the singular shall include the plural and vice versa;
 - (b) any consent, any notice or any other thing required to be done by the Minister under this Agreement must be in writing and signed by the Minister or such person authorised by the Minister;
 - (c) any notice, demand or request to be given or made pursuant to this Agreement must be in writing and may be signed by:
 - (i) the Minister or such person authorised by the Minister;
 - (ii) the Owner or such person authorised by the Ownergiving the notice, demand or request;
 - (d) if any term, covenant, condition or provision in this Agreement is or is held by a court of competent jurisdiction to be invalid, void or unenforceable, then the remainder of the terms, covenants, conditions and provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated;
 - (e) a waiver of any term, covenant, condition or provision in this Agreement may only be made by the Minister in writing but at the cost and expense in all things of the Owner; and
 - (f) any waiver by the Minister of a breach of any covenant or condition, restriction or stipulation contained in this Agreement does not operate as a waiver of any other covenant or condition or breach of the same nor shall any failure by the Minister to require or exact full and complete compliance with any covenant, condition, restriction or stipulation herein be construed as, in any way, changing the Crown conditions in this Agreement or preventing the Minister from enforcing the Crown conditions of this Agreement.

THE PARTIES HAVE EXECUTED THIS AGREEMENT

THE **COMMON SEAL** of the **MINISTER**)
FOR ENVIRONMENT AND WATER was affixed)
hereto this day of 2019)
by the authority of the Minister in the presence of:)

.....

Witness (sign above)

Print name.....

THE **COMMON SEAL** of **THE BAROSSA COUNCIL**)
was affixed hereto this day of)
2019 in the presence of:)

.....

(state capacity of person signing)

.....

Print Name in Block Letters

.....

(state capacity of person signing)

.....

(Print Name in Block Letters)