



*The Barossa Council*

## **NOTICE OF MEETING**

**Notice is hereby given that the next ordinary meeting of Council  
will be held on Tuesday 18 June 2019  
in the Council Chambers,  
43 – 51 Tanunda Road, Nuriootpa, commencing at 9.00am.**

Martin McCarthy  
CHIEF EXECUTIVE OFFICER  
THE BAROSSA COUNCIL

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# **A G E N D A**

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## **1. THE BAROSSA COUNCIL**

- 1.1 Welcome by Deputy Mayor John Angas - meeting declared open
- 1.2 Present
- 1.3 Leave of Absence  
Cr Johnstone
- 1.4 Apologies for Absence  
Mayor Lange
- 1.5 Minutes of previous meetings – for confirmation:  
Ordinary Council meeting held on Tuesday 21 May 2019 at 9.00am  
Confidential Council meeting held on Tuesday 21 May 2019 at 9.29am  
Special Council meeting held on Wednesday 5 June 2019 at 6.00pm
- 1.6 Matters arising from previous minutes  
Nil
- 1.7 Petitions  
Nil
- 1.8 Deputations  
Nil
- 1.9 Notice of Motion  
Nil

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

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### **6.1 VISITORS TO THE MEETING**

Nil

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Nil

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9.2	Leave of Absence Request – Cr Richard Miller – Saturday 29 June 2019 to Monday 19 August 2019
9.3	Leave of Absence Request – Cr Don Barrett – Saturday 6 July 2019 to Sunday 14 July 2019

## **10. NEXT MEETING**

Tuesday 16 July 2019 at 9.00am

## **11. CLOSURE**



## Mayor's Report to Council – June Meeting 2019

### **MAY**

- 15/05/2019 Lunch Auswine – Chinese delegation
- 16/05/2019 Radio Triple BFM – Radio interview  
Barossa Valley Lions Club – Sir Condor Laucke Oration
- 22/05/2019 Barossa Ladies Probus – Guest Speaker presentation  
Big Project meeting – Lobby Strategy  
Local Procurement Forum
- 23/05/2019 Meeting Australian Masters Games Cycling Event  
National Volunteer Week Celebrations – Thank You Event
- 24/05/2019 WASA Australian Property Regional Conference - Guest Speaker  
Regional CEO/Mayor Meeting, Gawler - Regional Planning Board discussions
- 29/05/2019 Official Opening - Nuriootpa High School STEM Building  
Lutheran Community Care Luncheon - Barossa Arts and Convention Centre  
1847 Winery Arts Culture Exchange - Chinese Delegation
- 30/05/2019 Meeting with BBBFM Representative and CEO  
Meeting Brett Laing and CEO – Nuriootpa Dump site  
Meeting with Estilo Group with CEO and planning staff
- 31/05/2019 Legatus Group meeting - Balaklava  
Open Day and Afternoon Tea - Wirraminna Care Inc (formerly Abbeyfield Society) – Williamstown  
Black Screen Movie Event - National Reconciliation Week, Nuriootpa

### **JUNE**

- 3/06/2019 Interview - BBB FM - Suicide Prevention Forum
- 5/06/2019 Reconciliation Event – Bush Gardens  
Meeting with Robert O' Callaghan  
South Para Drop In survey & information session

**COUNCIL**

**MAYOR**

**18 JUNE 2019**

**4.1. CONSENSUS AGENDA - MAYOR**

**4.1.1**

**CORRESPONDENCE FROM TOWN OF GAWLER – BOUNDARY REFORM**  
**B9101 19/33137**

Correspondence as attached has been received from Mayor Redman on behalf of the Town of Gawler. The resolution of the Town of Gawler is consistent with the discussions Council has had and work internally on boundary reform ideas has already commenced. Further information will be coming to Council as ideas for discussion in the next few months.

**RECOMMENDATION**

That the correspondence be received and noted.

## OFFICE OF THE MAYOR

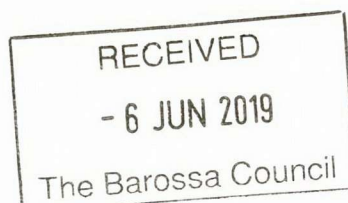
Gawler



Contact: Karen Redman

Ref: KR/ts  
CC16/772

3 June 2019

Mayor Bim Lange  
The Barossa Council  
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NURIOOTPA SA 5355

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*Bim*  
Dear Mayor ~~Lange~~

**Re: Boundary Reform**

The topic of boundary reform has been an issue in Gawler and the wider region for many years. With the new boundary reform process in place, the time is right for Town of Gawler to explore its options in this regard.

At the 28 May 2019 Gawler Council Meeting, the following motion was resolved:

**RESOLUTION 2019:05:COU001**

Moved: Cr D Fraser

Seconded: Cr P Little

That Council:

1. Acknowledges the need to strategically investigate its boundaries in accordance with its ongoing commitment to appropriately service the Gawler and Regional communities of interest.
2. Write to the Barossa Council, Light Regional Council, giving notice of its intention to submit a Stage 1 Proposal to the Local Government Boundaries Commission to adjust its boundaries with respect to, but not limited to, the following areas:
  - a. Concordia
  - b. Hewett
  - c. Kalbeeba
  - d. Gawler Belt
3. Request Council Staff to prepare a report to be presented at the August 2019 Council Meeting that addresses the requirements of a Stage 1 Proposal for Councils consideration.
4. Importantly, included in this report will be a costed proposal for consulting residents and business to ascertain their views on incorporation of the abovementioned areas into the Town of Gawler particularly their perception of 'community of interest'
5. Notes that the Local Government Boundaries Commission will provide initial feedback and advice on any Council submission and will advise Council accordingly to

Mayor Bim Lange  
3 June 2019

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*ascertain Councils position before any further action occurs, and that a report will be presented for Council's consideration regarding the Commissions views and feedback, including impacts/costs associated with developing the Stage 2 Proposal.*

Town of Gawler will now commence investigations regarding boundary adjustments with a view to preparing a Stage 1 General Proposal for Council and if endorsed by Council to make such a submission to the Local Government Boundaries Commission for consideration.

Key issues to be explored will be the understanding of 'community of interest' and impacts on residents and services, and what form that may or may not take, noting that Town of Gawler is already delivering services to communities far exceeding its limited rate base.

This new process allows us all to plan for our future, show strong leadership in our region and effectively lead the conversation as it relates to boundary reform.

I note that a meeting has been scheduled for us to discuss this and related matters to be held on Monday 24 June at 4.00pm here at the Town of Gawler Administration Centre.

I look forward to progressing discussions accordingly.

Kind regards



**Karen Redman**  
Mayor

Direct line: (08) 8522 9221  
Email: Mayor@gawler.sa.gov.au

**COUNCIL**

**EXECUTIVE SERVICES**

**CHIEF EXECUTIVE OFFICER REPORT**

**18 JUNE 2019**

**4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER**

**4.2.1.1**

**LEGATUS GROUP - ANNUAL BUSINESS PLAN AND BUDGT 2019/2020**

**B9103**

Council has received correspondence from the Chief Executive Officer of Legatus Group providing the draft budget and business plan for the 2019/20 financial year.

Consultation with constituent councils is required before the documents can be adopted.

A copy of the correspondence and supporting documents are attached.

**RECOMMENDATION:**

That the report item 4.2.1.1 be received and the Legatus Group Annual Business Plan and Budget 2019/2020 be endorsed.



ABN: 34 728 242 315

**Chairman:**  
Mayor Peter Matthey

**Chief Executive Officer:**  
Simon Millcock

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**Member Councils:**

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

## **ANNUAL BUSINESS PLAN AND BUDGET 2019 / 2020**

### **For consultation**

Date: 9 May 2019

### **Purpose**

#### **1. Consultation – Business Plan**

Before the 2019/2020 business plan can be adopted it requires consultation with the constituent councils.

#### **2. Endorsement – 2019/2020 Budget**

Each year the Legatus Group must prepare and submit a draft budget to the constituent councils for the ensuing Financial Year.

Both the business plan and the budget will be presented to the Legatus Group ordinary meeting to be held on 31 May 2019.

The business plan was presented to the Legatus Group Audit and Risk Management Committee meeting on 30 April 2019. The budget was to have been presented to the Legatus Group Audit and Risk Management Committee for their meeting on 30 April 2019 before distributing to all constituent councils. This was not achieved although the members of the committee were provided with the budget papers on 6 May 2019 with a request that any comments to be provided by 8 May 2019. There were no comments and as such the budget papers for 2019/2020 are included with this report.

### **Background**

The Legatus Group ordinary meeting held on 25 May 2018 at Kapunda endorsed the Legatus Group Strategic Plan 2018-2028 and 3-year Action Plan July 2018 - June 2021.



Legatus Group  
Strategic Plan 2018-

The Legatus Group endorsed the 2018/2019 budget (which was later updated) and the 10-year long term financial plan.



## ***Legatus – Regional Local Government ambassador and advocate***

### **Legatus Group Strategic Plan 2018-2028**

Date 19 June 2018

The Legatus Group ordinary meeting held on 25 May 2018 at Kapunda passed the following motions:

1. That the Legatus Group endorses the Legatus Group Strategic Plan 2018-2028 and 3-year Action Plan July 2018 - June 2011 subject to the endorsement of the 2018/2019 budget and business plan.
2. That the Legatus Group adopts the draft business plan and budget for 2018/2019 subject to endorsement by all Constituent Councils.

As of 19 June 2018, all Constituent Councils have advised the Legatus Group CEO that they have endorsed the Legatus Group Strategic Plan 2018-2028, 3-year Action Plan July 2018 - June 2011 and the 2018/2019 budget and business plan.

#### **Member Councils**

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

## **Purpose**

The Legatus Group:

- speaks with one voice on what matters most to our communities;
- works together efficiently making the best use of available resources for delivery of services;
- builds partnerships with those who can contribute to stronger and more sustainable communities.

## **Setting Strategic Directions**

The Legatus Group is the peak regional local government organisation that is focused on the interests of its communities. The Legatus Groups primary purpose focuses on the wealth, wellbeing and social cohesion of these communities via a sustainable approach of productive landscapes and natural environment.

Their focus is on the key roles of local government and is broader than that of organisations with a primary focus on economic development or natural resource management. The Legatus Group recognises that there are other regional organisations who's focus complements and supports the role of Local Government. They are important regional partners for the Legatus Group.

The strategic directions for the Legatus Group is based on this review of their Strategic Plan 2015 – 2025. These outcomes require a longer time horizon for realisation and a shorter more flexible timeframe will come from a 3-year Action Plan and an annual business plan with measurable targets and a clear reporting framework.

***Goal One: Speak with a united voice on matters of regional importance.***

### **Strategies**

- 1) Develop and implement a 3-year Action Plan that sets clear regional priorities and guides the budget and annual business plan.
- 2) Develop and implement a Marketing and Communications Plan that ensures Constituent Council elected members and staff are adequately informed and able to actively contribute.
- 3) Maintain sound working relationships with the principal decision makers, policy influences and regional partners that are based on mutual respect and timely communication.
- 4) Build strong positive relationships with state and regional partners to ensure the region has a high profile and is seen as the “go-to” opinion leader on matters of interest to Local Government.
- 5) With other regional partners convene an annual “Regional Forum / Think Tank” that brings together leaders from each of the region’s communities and relevant State and Federal politicians and agencies to present the regional impacts of their plans and policies and the opportunities to work together to address these.

***Goal Two: Support Social Infrastructure and Community Services that meet the region’s needs.***

### **Strategies**

- 1) Actively work with regional providers to gain knowledge to assist with advocating for improvement of health, education, community and social support services.



- 2) Identify and provide sub-regional opportunities for population growth through lifestyle and service delivery that attracts and retains people in the region. Whilst celebrating and growing a diverse population base.
- 3) Support regional leadership and capacity building programs that encourage and contribute to the growth of the region.
- 4) Assist Constituent Councils with their Regional Public Health Plans in partnership with stakeholders.
- 5) Identify and assist with funding and grants that provide regional and sub-regional opportunities to link community infrastructure for events and infrastructure such as walking, cycling and horse riding trails.
- 6) Assist Constituent Councils in progressing their digital strategies and services.

***Goal Three: Support development and infrastructure that contributes to sustainable communities.***

**Strategies**

- 1) Provide a platform to assist with regional planning and consistent regulatory framework across the region to support appropriate economic development.
- 2) Provide a safe, well-maintained, regional integrated and cost-effective road network that includes appropriate routes for freight, tourism and community purposes.
- 3) Maintain and develop both local and visitor amenities that support the growth of regional and sub-regional tourism opportunities including integrated visitor information services.
- 4) Establish regional waste management regimes that reduces the volumes of hard waste going to landfill and minimises costs to Councils and their communities.
- 5) Develop a regional support program for Community Wastewater and Water reuse projects.
- 6) Support the growth of information technology by advocating for services to ensure any digital divides are reduced.

***Goal Four: Work together to manage the sustainability of communities within their natural environment.***

**Strategies**

- 1) Maintain and strengthen partnerships with NRM Boards to support programs and projects that address the most significant issues for regional communities.
- 2) Protect areas of significant biodiversity conservation value, such as roadside and remnant vegetation, river, coastal and marine environments and fragile soils.
- 3) Support the collaborative approach to climate change adaptation through the Regional Climate Change Sector Agreements and monitor measures at the relevant regional or sub-regional level.
- 4) Support the Constituent Councils with Emergency Management Planning.

***Goal Five: Manage a robust and financially sustainable model that underpins our operations.***

**Strategies**

- 1) Maintain a strong and robust governance model.
- 2) Develop and implement a sustainable resourcing model for the management of the organisation and its activities.
- 3) Provide skills training and developmental support to Constituent Council's both elected and administrative to enable their effective contribution to the region.
- 4) Identify opportunities for resource sharing and support to Constituent Councils through regional and sub regional activities that add value and build capacity.

**Attachments:**

**A – 3-year Action Plan**

**B - Background**

## Attachment A

### 3-year Action Plan July 2018 – June 2021

Goal	2018-2019	2019-2020	2020-2021
<b>1: Speak with united voice on matters of regional importance</b>			
3-year action plan	Q1 & 2 monitor Q3 – review Q4 – develop budget / business plan	Q1 & 2 monitor Q3 – review Q4 – develop budget / business plan	Q1 & 2 monitor Q3 – review and draft new 3-year action plan Q4 – develop budget / business plan
Marketing and Communications Plan	Q1 – update current website & develop communications plan Q2 – develop e-newsletter Q4 – review the effectiveness of communications plan	Q1 – implement recommendations from review Q4 – review the effectiveness of communications plan	Q1 – implement recommendations from review Q4 – review the effectiveness of communications plan
Working relationship	Attendance and proactive partner including attending or hosting forums / workshops  Q3 – survey of constituent councils and regional partners (use to develop strategies for 19/20)	Attendance and proactive partner including attending or hosting forums / workshops  Q3 – survey of constituent councils and regional partners (use to develop strategies for 20/21)	Attendance and proactive partner including attending or hosting of forums / workshops  Q3 – survey of constituent councils and regional partners (use to develop strategies for 21/22)
Profile of Legatus Group	Q2 – Review all alliance and partnerships Q3 – Report to Board & implement recommendations	Q2 – Review all alliance and partnerships Q3 – Report to Board & implement recommendations	Q2 – Review all alliance and partnerships Q3 – Report to Board & implement recommendations
Regional Forum	Q1 – Review of the 2018 regional forum Q2 – Planning for 2019 regional forum Q3-4 Staging of 2019 regional forum	Q1 – Review of the 2019 regional forum Q2 – Planning for 2020 regional forum Q3-4 Staging of 2020 regional forum	Q1 – Review of the 2020 regional forum. Plan for Regional SA Conference in region Q2 – Planning for 2021 regional forum Q3-4 Staging of the regional 2021 forum and 2021 Regional SA Conference in Legatus region
<b>2: Support Social Infrastructure and Community Services</b>			
Regional Health	Q3 – Analysis of regional health plans for the coming year and support where required	Q3 – Analysis of regional health plans for the coming year and support where required	Q3 – Analysis of regional health plans for the coming year and support where required
Population growth	Q1 – Partner with RDA's and Constituent	Implement outcomes	Implement outcomes

	<p>Councils to analysis the outcomes from SA Regional Workshop June 2018</p> <p>Q2 – Identify the role for Legatus Group including communication platforms re attraction and retention for staying connected with the region.</p>		
Reconciliation	<p>Q1 – Workshop on Reconciliation Action Plans (RAP)</p> <p>Q2 – Develop a Legatus Group RAP - support individual councils</p> <p>Q3 – Adopt a Legatus Group RAP</p>	Implement and monitor RAP	Implement, monitor and review RAP
Diversity	<p>Q3 – Partner with RDA's and Constituent Councils on identifying programs to support celebrating and growing diverse population base.</p>	Support the delivery of programs and identify opportunities such as sister cities.	Review programs and identify changes.
Leadership	<p>Q2 – Review the current outcomes of the 3 sub-regional leadership programs</p> <p>Q3 – Provide report on Commonwealth grant.</p> <p>Q3 – Support a regional emerging leaders program.</p>	<p>Support, monitor and review programs.</p> <p>Q1 – Develop and implement a regional scholarship program to support members of constituent councils in regional leadership.</p> <p>Q2 – Develop and implement a regional local government mentor / leadership program for the region.</p>	<p>Support, monitor and review programs.</p> <p>Q1 – Review and implement a regional scholarship program to support members of constituent councils in regional leadership.</p> <p>Q2 – Review and implement a regional local government mentor / leadership program for the region.</p>
Grants	<p>Q1 &amp; Q2 – Identify long term community infrastructure projects that have a regional focus and develop partnership that link to funding programs.</p> <p>Q3 – Identify a priority list and develop business cases where needed.</p>	Regularly monitor and support applications for funding based on these projects.	<p>Q1 Review the projects</p> <p>Regularly monitor and support applications for funding based on these projects.</p>

	Regularly monitor and support applications for funding based on these projects.		
Digitally mature	<p>Q1 – Survey councils on their current digital and on-line community engagement strategies and identify any capacity building projects.</p> <p>Q2 – Seek LGA R&amp;D funding to deliver business case on developing digital maturity, service standards and design</p> <p>Q3 – Manage the R&amp;D program funding</p> <p>Q4 – Launch the findings from the R&amp;D project.</p>	Support the implementation and monitor and review programs.	Support the implementation and monitor and review programs.
<b>3. Development and Infrastructure</b>			
Regional Planning	Monitor the regional approaches being considered for planning and support where required.	Deliver a regional planning forum / conference that focuses on support to economic development.	
Road Network	<p>Q1 &amp; Q2 Finalise phase 2 of the Legatus Group Regional Transport Plan</p> <p>Q3 – Adopt the Legatus Group Regional Transport Plan</p> <p>Q4 – Applications for SLRP funding reviewed and submitted</p>	<p>Support the implementation and monitoring of actions from the Regional Transport Plan</p> <p>Q4 – Applications for SLRP funding reviewed and submitted</p>	<p>Support the implementation and monitoring of actions from the Regional Transport Plan</p> <p>Q4 – Applications for SLRP funding reviewed and submitted</p>
Visitor Information Services	<p>Q2 – Survey of current digital visitor and volunteer base re information services being provided across the region.</p> <p>Q3 – workshop the findings of the survey.</p> <p>Q4 – Provide report with recommendations.</p>	Support the implementation and monitoring of actions from report.	Support the implementation and monitoring of actions from report.
Waste Management	<p>Q1 – Develop report on the findings of the sub-regional CWMS workshops and develop ToR for regional steering group.</p> <p>Contract Project</p>	Implement and monitor the actions / recommendation from the business case on processing plant and the outcomes from the waste workshops.	Implement and monitor the outcomes from previous 2 years.

	<p>Officer and commence compiling the regional list of systems.</p> <p>Assist with the development of a State CWMS forum in the region.</p> <p>Q2 – Form the steering group and hold sub-regional workshop to discuss the findings of the regional list of systems. Support the development of a common compliance template.</p> <p>Workshop on regional waste approaches.</p> <p>Q3. Draft business case for a regional processing plan.</p> <p>Q4. Finalise business case and hold sub-regional CWMS workshops.</p>	<p>Q2 Hold regional CWMS forum. Report on what regional resource sharing has occurred.</p> <p>Q3 Hold subregional workshop and review the progress of CWMS joint services arrangements</p> <p>Q4 Report on the way to progress with joint CWMS Service Arrangements.</p> <p>Develop the business case for extension of the Project Officer.</p>	
Information Technology	<p>Q1 Develop project brief and secure funding from LGA R&amp;D grant to undertake research on the current capabilities and gaps for constituent councils.</p> <p>Q2. Secure contractor for the delivery of the report and commence project.</p> <p>Q3. Finalise report.</p> <p>Q4. Progress recommendations.</p>	Implement and monitor the actions / recommendation from the IT report.	Implement and monitor the actions / recommendation from the IT report.
<b>4. Sustainability within natural environment</b>			
Regional Climate Change	Refer to the 3-year action plan associated with the Sector Agreement – Subject to securing funding for Project Officer to assist with implementation.		
Partnerships	Maintain the partnerships with NRM through the regional alliance and partnering on regional and local forums.		
Protect areas of biodiversity	<p>Q1 Formation of the Legatus Group Coastal Council Alliance – linkage with State and National council coastal alliances.</p> <p>Q2 Develop a working / advisory group to investigate the</p>	Secure funding and implement and monitor the actions / recommendation from report.	Implement and monitor the actions / recommendation report.

	alignment between Constituent Councils and NRM programs. Q3 Report on regional biodiversity projects and identify funding streams and partnerships.		
Emergency Management Planning	Q1 Advocate for a Regional Project Officer to be appointed for the Legatus Group region and be hosted at the Legatus Group office. Assist with the delivery of outcomes and deliverable for the regional project officer.	Assist with the delivery of outcomes for the regional project officer.	Assist with the delivery of outcomes for the regional project officer. Q1 Review the progress.
<b>5. Manage a robust and financially sustainable model.</b>			
Strong robust governance and sustainability models	Refer to the Legatus Group Audit and Risk Committee work plan which is designed to comply with the Legatus Group Charter.		
Skills training and support for Constituent Councils	Q1 – Undertake a survey of council administration on skills training requirements and develop and assist with the implementation of programs. Q3 – Following Council elections undertake a survey of elected members and types of training required and develop program.	Q1 – Undertake a survey of council administration on skills training requirements and assist with the development and implementation of the programs.	Q1 – Undertake a survey of council administration and elected members on skills training requirements and assist with the development and implementation of the programs.
Identify opportunities for resource sharing.	Q2 – Develop a report on the impacts of rate capping (subject to State Govt outcomes) that includes what resource share is occurring and identify opportunities. Q3 Workshop with Constituent Councils on the opportunities identified and develop an action plan.	Implement and monitor outcomes from action plan.	Implement and monitor outcomes from action plan.

## **Attachment B**

### **Background**

The Legatus Group (Central Local Government Region of SA) is formed under Schedule 2, part 2, clause 24 of the Local Government Act 1999 and the most recent version of its charter can be found in the South Australian Government Gazette 14 March 2018.

This charter requires at item 5.3 for a Long Term Financial Plan with the following requirements:

5.3.1 The Legatus Group must prepare and submit to the Constituent Councils for their approval a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Legatus Group were a council.

5.3.2 The Legatus Group may at any time review the Long Term Financial Plan but must undertake a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.

5.3.3 In any event, the Legatus Group must undertake a comprehensive review of its Long Term Financial Plan every four (4) years.

5.3.4 The Long Term Financial Plan will be taken to form part of the Legatus Group's Strategic Plan.

NOTE: No other Regional Organisations of Councils require a Long Term Financial Plan over 10 years

Item 6.1 of the Charter requires that to be consistent with the Long Term Financial Plan set out above, the Legatus Group must:

6.1.1 prepare and adopt a Strategic Plan with a minimum operational period of ten (10) years which sets out the goals, objectives, strategies and priorities of the Legatus Group over the period of the Strategic Plan;

6.1.2 prepare an Asset Management Plan, with detailed financials for the first ten years;

6.1.3 submit the Strategic Plan to the Constituent Councils for their approval.

Note: That Legatus doesn't have any assets apart for a motor vehicle.

Item 6.2 requires that the Legatus Group shall:

6.2.1 prepare an Annual Business Plan linking the core activities of the Legatus Group to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;

6.2.2 consult with the Constituent Councils prior to adopting or amending the Annual Business Plan; and

6.2.3 ensure contents of the Business Plan is in accordance with the Act.

Schedule 2, part 2, clause 24 of the Local Government Act 1999 relates that in consultation with each of its Constituent Councils, a regional subsidiary must prepare and adopt a business plan and must set out:

- The performance targets the subsidiary is to pursue
- A statement of the financial and other resources as well as internal processes that will be required to achieve the subsidiary's performance targets
- The performance measures that are to be used to monitor and assess performance against targets



In order to maintain relevance, measure progress against its targets and meet the requirements of the *Local Government Act 1999*, this plan should be reviewed on an annual basis.

NOTE: The act requires that in consultation with the Constituent Councils that Legatus Group prepare and adopt a business plan which is to be reviewed annually. It does not stipulate a 10-year business plan is required.

The Central Local Government Region was established in 1998 under Section 200 of the Local Government Act 1934 as a controlling authority and continues in existence and as a regional subsidiary of its establishing councils under Part 2 of Schedule 2 of the Local Government Act 1999 by the provisions of Section 25 of the Local Government Act 1999. In 2016 the Central Local Government Region of South Australia adopted the name of Legatus Group to which it is now referred.

Consistent with the charter, the role of Legatus Group is to:

- undertake co-ordinating, advocacy and representational roles on behalf of the members at a regional level;
- facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the members;
- develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;
- develop further co-operation between the members for the benefit of the communities of the region;
- develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the region;
- undertake projects and activities that benefit the region and its communities;
- associate collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;
- provide strong advocacy speaking with one voice on what matters most to the communities of the members;
- work together to make the best use of available resources;
- collaborate to deliver effective services;
- build partnerships with those who can contribute to stronger and sustainable communities; and
- develop and implement a robust Business Plan.

The Legatus Group provides an opportunity for members to:

- have a cohesive point of view;
- have a combined and collective voice;
- work collaboratively to achieve common goals;
- attract funding and resources;
- be proactive and responsive to regional matters of interest; and share experiences and information.



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budget 2018-2019 12

## **Charter**

### **Annual Business Plan**

The Legatus Group shall prepare an Annual Business Plan linking the core activities of the Legatus Group to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period.

Consult with the Constituent Councils prior to adopting or amending the Annual Business Plan and ensure contents of the Business Plan is in accordance with the Act.

### **Annual Budget**

The Legatus Group must before 30 April of each year prepare and submit a draft Budget to the Constituent Councils for the ensuing Financial Year (or, if appropriate, part Financial Year) in accordance with the Act for endorsement by the Constituent Councils.

The Legatus Group must adopt after 31 May and within six (6) weeks of endorsement of the draft Budget by all of the Constituent Councils in each year, a Budget in accordance with the Act for the ensuing Financial Year consistent with the approval given by the Constituent Councils pursuant to Clause 5.1.1.

The Legatus Group may in a Financial Year, after consultation with the Constituent Councils, incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.

The Legatus Group must each Financial Year provide a copy of its adopted Budget to the Constituent Councils within five (5) business days after the adoption of the Budget by the Legatus Group.

The contents of the Budget must be in accordance with the Act.

### **Long Term Financial Plan**

The Legatus Group may at any time review the Long-Term Financial Plan but must undertake a review of the Long-Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan. In any event, the Legatus Group must undertake a comprehensive review of its Long-Term Financial Plan every four (4) years.

**Legatus Group**  
**Long Term Financial Plan Summary 2018-2028**

2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
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**1. Statement of Comprehensive Income**

OPERATING : Revenue	557,824	302,267	291,577	299,014	306,639	314,457	322,010	330,221	338,641	347,273
Less : OPERATING : Expenditure	510,303	280,459	266,971	273,474	280,140	286,973	294,686	301,864	309,222	316,764
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>47,522</b>	<b>21,808</b>	<b>24,606</b>	<b>25,540</b>	<b>26,499</b>	<b>27,485</b>	<b>27,324</b>	<b>28,357</b>	<b>29,418</b>	<b>30,509</b>
Asset Disposal	-	-	-	-	-	-	-	-	-	-
<b>NET SURPLUS/(DEFICIT) Operations</b>	<b>47,522</b>	<b>21,808</b>	<b>24,606</b>	<b>25,540</b>	<b>26,499</b>	<b>27,485</b>	<b>27,324</b>	<b>28,357</b>	<b>29,418</b>	<b>30,509</b>

**2. Statement of Cash Flows**

Opening Cash Balance	808,876	863,069	864,030	895,474	927,851	961,187	964,611	999,482	1,035,386	1,072,351
Cashflow Movement	54,192	961	31,443	32,377	33,337	3,424	34,871	35,904	36,965	3,950
Closing Cash Balance	863,069	864,030	895,474	927,851	961,187	964,611	999,482	1,035,386	1,072,351	1,076,301

**3. Statement of Financial Position**

Opening Net Assets	821,448	868,743	890,801	915,563	941,163	967,624	994,969	1,022,050	1,051,058	1,080,019
Net Movement	47,522	22,035	24,583	25,360	26,260	27,283	27,262	28,538	28,948	30,981
Closing Net Assets	868,970	890,778	915,384	940,924	967,423	994,907	1,022,231	1,050,588	1,080,006	1,111,000

**4. Reserve Movements Summary**

Reserve	Opening Balance											Closing Balance
General	31,093	-	-	-	-	-	-	-	-	-	-	31,093
P003 - Regional Waste M'tment	16,273	-	-	-	-	-	-	-	-	-	-	16,273
P022 - Roads & Transport	36,087	-	-	-	-	-	-	-	-	-	-	36,087
A009 - LGA R&D Projects	16,475	(6,650)	-	-	-	-	-	-	-	-	-	9,825
P024 - Climate Change 2015-17	11,693	(7,500)	-	-	-	-	-	-	-	-	-	4,193
P027 - Reform - Incentive Risk	144,000	-	-	-	-	-	-	-	-	-	-	144,000
P025 - Outreach Phase 2	132,922	-	-	-	-	-	-	-	-	-	-	132,922
P028-Regional Capacity Building	377,570	107,000	-	-	-	-	-	-	-	-	-	484,570
<b>TOTAL EQUITY</b>	<b>\$ 766,113</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>	<b>\$ 858,963</b>

**Legatus Group**  
**Statement of Comprehensive Income**  
**Annual Budget : 01 July 2018 to 30 June 2019**

	Actual 2017	Estimate 2018	Budget 2019
<b><u>OPERATING : Revenue</u></b>			
Grants	348,889	345,526	362,000
Interest	12,205	10,000	12,133
Reimbursements	25,105	32,988	16,000
Other Income	194,538	165,034	167,691
<b>TOTAL</b>	<b>580,737</b>	<b>553,548</b>	<b>557,824</b>
<b><u>Less : OPERATING : Expenditure</u></b>			
Employee Costs	261,600	230,000	225,697
Contract, Materials & Other Expenses	279,405	224,678	277,935
Financial Charges	24	50	-
Depreciation & Amortisation	9,487	4,760	6,671
<b>TOTAL</b>	<b>550,516</b>	<b>459,488</b>	<b>510,303</b>
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>30,221</b>	<b>94,060</b>	<b>47,522</b>
<b><u>REVENUE : Other</u></b>			
Asset Disposal	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>NET SURPLUS/(DEFICIT) Operations</b>	<b>30,221</b>	<b>94,060</b>	<b>47,522</b>

**Legatus Group****Statement of Comprehensive Income****Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan**

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
<b>OPERATING : Revenue</b>										
Grants	362,000	120,000	105,063	107,689	110,381	113,141	115,969	118,869	121,840	124,886
Interest	12,133	12,946	12,960	13,432	13,918	14,418	14,469	14,992	15,531	16,085
Reimbursements	16,000	-	-	-	-	-	-	-	-	-
Other Income	167,691	169,321	173,554	177,893	182,340	186,899	191,571	196,360	201,269	206,301
<b>TOTAL</b>	<b>557,824</b>	<b>302,267</b>	<b>291,577</b>	<b>299,014</b>	<b>306,639</b>	<b>314,457</b>	<b>322,010</b>	<b>330,221</b>	<b>338,641</b>	<b>347,273</b>
<b>Less : OPERATING : Expenditure</b>										
Employee Costs	225,697	192,735	183,716	188,309	193,017	197,842	202,788	207,858	213,055	218,381
Contract	234,450	39,376	34,723	35,591	36,481	37,393	38,328	39,286	40,268	41,275
Materials	14,650	13,171	13,501	13,838	14,184	14,539	14,902	15,275	15,656	16,048
Financial Charges	-	-	-	-	-	-	-	-	-	-
Depreciation & Amortisation	6,671	6,671	6,837	6,837	6,837	6,837	7,547	7,547	7,547	7,547
Other Expenses	28,835	28,506	28,194	28,898	29,621	30,361	31,120	31,898	32,696	33,513
<b>TOTAL</b>	<b>510,303</b>	<b>280,459</b>	<b>266,971</b>	<b>273,474</b>	<b>280,140</b>	<b>286,973</b>	<b>294,686</b>	<b>301,864</b>	<b>309,222</b>	<b>316,764</b>
<b>OPERATING SURPLUS/(DEFICIT)</b>	<b>47,522</b>	<b>21,808</b>	<b>24,606</b>	<b>25,540</b>	<b>26,499</b>	<b>27,485</b>	<b>27,324</b>	<b>28,357</b>	<b>29,418</b>	<b>30,509</b>
<b>Asset Disposal</b>										
Motor Vehicle	-	-	-	-	-	-	-	-	-	-
<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>NET SURPLUS/(DEFICIT) Operations</b>	<b>47,522</b>	<b>21,808</b>	<b>24,606</b>	<b>25,540</b>	<b>26,499</b>	<b>27,485</b>	<b>27,324</b>	<b>28,357</b>	<b>29,418</b>	<b>30,509</b>

**Legatus Group****Statement of Cash Flows****Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan**

		2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
<b>1. OPERATING</b>	<b>TOTAL</b>	<b>54,192</b>	<b>28,478</b>	<b>31,443</b>	<b>32,377</b>	<b>33,337</b>	<b>34,322</b>	<b>34,871</b>	<b>35,904</b>	<b>36,965</b>	<b>38,056</b>
<b>Receipts</b>											
	<b>Sub Total</b>	<b>557,824</b>	<b>302,267</b>	<b>291,577</b>	<b>299,014</b>	<b>306,639</b>	<b>314,457</b>	<b>322,010</b>	<b>330,221</b>	<b>338,641</b>	<b>347,273</b>
<b>Payments</b>											
	<b>Sub Total</b>	<b>503,632</b>	<b>273,789</b>	<b>260,134</b>	<b>266,637</b>	<b>273,303</b>	<b>280,135</b>	<b>287,139</b>	<b>294,317</b>	<b>301,675</b>	<b>309,217</b>
<b>2. INVESTING</b>	<b>TOTAL</b>	<b>-</b>	<b>(27,517)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(30,898)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(34,106)</b>
<b>Receipts</b>											
	<b>Sub Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Payments</b>											
	<b>Sub Total</b>	<b>-</b>	<b>27,517</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>30,898</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>34,106</b>
<b>3. FINANCING</b>	<b>TOTAL</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Receipts</b>											
	<b>Sub Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Payments</b>											
	<b>Sub Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>NET CASHFLOW</b>		<b>54,192</b>	<b>961</b>	<b>31,443</b>	<b>32,377</b>	<b>33,337</b>	<b>3,424</b>	<b>34,871</b>	<b>35,904</b>	<b>36,965</b>	<b>3,950</b>
<b>CUMULATIVE CASHFLOW</b>		<b>54,192</b>	<b>55,154</b>	<b>86,597</b>	<b>118,974</b>	<b>152,311</b>	<b>155,734</b>	<b>190,605</b>	<b>226,509</b>	<b>263,475</b>	<b>267,425</b>
<b>CASH RECONCILIATION</b>											
Opening Cash Balance		808,876	863,069	864,030	895,474	927,851	961,187	964,611	999,482	1,035,386	1,072,351
Movement - Current		54,192	961	31,443	32,377	33,337	3,424	34,871	35,904	36,965	3,950
<b>Closing Cash Balance</b>		<b>863,069</b>	<b>864,030</b>	<b>895,474</b>	<b>927,851</b>	<b>961,187</b>	<b>964,611</b>	<b>999,482</b>	<b>1,035,386</b>	<b>1,072,351</b>	<b>1,076,301</b>

**BUDGET 2018/19**  
**10 Year LTFP 2018-28**

Account	Description	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
<b>1. Project A001: General</b>												
<b>Income</b>												
4-1000	Council Contributions	165,191	169,321	173,554	177,893	182,340	186,899	191,571	196,360	201,269	206,301	
4-3001	Interest : LGFA	12,133	12,946	12,960	13,432	13,918	14,418	14,469	14,992	15,531	16,085	
4-2002	Grants : LGA	40,000	100,000	105,063	107,689	110,381	113,141	115,969	118,869	121,840	124,886	
4-4000	Reimbursement	16,000	-	-	-	-	-	-	-	-	-	Leadership Programme
<b>Total</b>		<b>233,324</b>	<b>282,267</b>	<b>291,577</b>	<b>299,014</b>	<b>306,639</b>	<b>314,457</b>	<b>322,010</b>	<b>330,221</b>	<b>338,641</b>	<b>347,273</b>	
<b>Expenses</b>												
6-1001	Payroll : Gross	138,462	138,462	141,923	145,471	149,108	152,836	156,657	160,573	164,587	168,702	
6-1002	Annual Leave	11,538	11,538	11,827	12,123	12,426	12,736	13,055	13,381	13,716	14,058	
6-1004	Long Service Leave	750	3,750	3,844	3,940	4,038	4,139	4,243	4,349	4,458	4,569	
6-1006	Superannuation	14,250	14,250	14,606	14,971	15,346	15,729	16,123	16,526	16,939	17,362	
6-1007	Workers Comp Premium	3,510	3,510	3,598	3,688	3,780	3,874	3,971	4,071	4,172	4,277	
6-3009	Fuel - Unleaded	5,500	5,638	5,778	5,923	6,071	6,223	6,378	6,538	6,701	6,869	
6-4001	FBT	7,537	7,725	7,919	8,117	8,319	8,527	8,741	8,959	9,183	9,413	
6-2006	Contractors	3,000	3,075	3,152	3,231	3,311	3,394	3,479	3,566	3,655	3,747	Motor Vehicle
6-2006	Contractors	16,000	-	-	-	-	-	-	-	-	-	Leadership Programme
6-9004	Insurance	835	856	877	899	922	945	968	993	1,017	1,043	Motor Vehicle
6-9004	Insurance	7,500	7,688	7,880	8,077	8,279	8,486	8,698	8,915	9,138	9,366	Other Insurances
6-3004	Registration	650	666	683	700	717	735	754	773	792	812	Motor Vehicle
6-9901	Depn : Motor Vehicles	6,671	6,671	6,837	6,837	6,837	6,837	7,547	7,547	7,547	7,547	
6-2003	Audit Fees	2,250	2,306	2,364	2,423	2,484	2,546	2,609	2,675	2,741	2,810	
6-2004	Bank Fees & Charges	200	205	210	215	221	226	232	238	244	250	
6-2006	Contractors	6,000	6,150	6,304	6,461	6,623	6,788	6,958	7,132	7,310	7,493	IT & Website
6-2006	Contractors	4,000	4,100	4,203	4,308	4,415	4,526	4,639	4,755	4,874	4,995	Finance Support
6-2006	Contractors	5,000	5,125	5,253	5,384	5,519	5,657	5,798	5,943	6,092	6,244	Mid North Regional Alliance
6-3001	Catering	2,500	2,563	2,627	2,692	2,760	2,829	2,899	2,972	3,046	3,122	
6-9009	Other Expenses	2,500	2,563	2,627	2,692	2,760	2,829	2,899	2,972	3,046	3,122	
6-2009	Rent/Hire of Premises/Equip	18,000	12,915	13,238	13,569	13,908	14,256	14,612	14,977	15,352	15,736	Clare & Outreach
6-3006	Telephone & Internet	6,000	4,305	4,413	4,523	4,636	4,752	4,871	4,992	5,117	5,245	
6-9007	Conferences	10,000	10,250	10,506	10,769	11,038	11,314	11,597	11,887	12,184	12,489	
6-9005	Members Allowances	6,000	6,150	6,304	6,461	6,623	6,788	6,958	7,132	7,310	7,493	Chairman/Deputy Chairman
<b>Total</b>		<b>278,653</b>	<b>260,459</b>	<b>266,971</b>	<b>273,474</b>	<b>280,140</b>	<b>286,973</b>	<b>294,686</b>	<b>301,864</b>	<b>309,222</b>	<b>316,764</b>	

**BUDGET 2018/19**  
**10 Year LTFP 2018-28**

Account	Description	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
<b>2. Project A009: Special Projects</b>												
<b>Income</b>												
4-2002	Grants : LGA	25,000	-	-	-	-	-	-	-	-	-	R&D LGA Digital
4-2002	Grants : LGA	20,000	-	-	-	-	-	-	-	-	-	R&D LGA Volunteering
4-2002	Grants : LGA	30,000	20,000	-	-	-	-	-	-	-	-	CWMS Project
4-9000	Other Income	2,500	-	-	-	-	-	-	-	-	-	Ticket Sales
<b>Total</b>		<b>77,500</b>	<b>20,000</b>	-	-	-	-	-	-	-	-	
<b>Expenses</b>												
6-2006	Contractors	25,000	-	-	-	-	-	-	-	-	-	R&D LGA Digital
6-2006	Contractors	20,000	-	-	-	-	-	-	-	-	-	R&D LGA Volunteering
6-1001	Payroll : Gross	21,918	8,581	-	-	-	-	-	-	-	-	Project Officer
6-1002	Annual Leave	1,827	1,827	-	-	-	-	-	-	-	-	
6-1004	Long Service Leave	594	594	-	-	-	-	-	-	-	-	
6-1006	Superannuation	2,256	2,256	-	-	-	-	-	-	-	-	
6-1007	Workers Comp Premium	556	244	-	-	-	-	-	-	-	-	Meetings/Forums
6-2009	Rent/Hire of Premises/Equip	10,000	5,500	-	-	-	-	-	-	-	-	
6-9006	Travel : Reimbursement	2,000	1,000	-	-	-	-	-	-	-	-	CWMS Project Officer
<b>Total</b>		<b>84,150</b>	<b>20,000</b>	-	-	-	-	-	-	-	-	
<b>5. Project P024: Climate Change</b>												
<b>Income</b>												
4-2003	Grants : NRM	15,000	-	-	-	-	-	-	-	-	-	NRM
<b>Total</b>		<b>15,000</b>	-	-	-	-	-	-	-	-	-	
<b>Expenses</b>												
6-1001	Payroll : Gross	16,719	-	-	-	-	-	-	-	-	-	Project Officer
6-1002	Annual Leave	2,018	-	-	-	-	-	-	-	-	-	
6-1004	Long Service Leave	656	-	-	-	-	-	-	-	-	-	
6-1006	Superannuation	2,493	-	-	-	-	-	-	-	-	-	
6-1007	Workers Comp Premium	614	-	-	-	-	-	-	-	-	-	
<b>Total</b>		<b>22,500</b>	-	-	-	-	-	-	-	-	-	



Account	Description	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
<b>8. Project P028: Regional Capacity Building</b>												
<b>Income</b>												
4-2002	Grants : LGA	207,000	-	-	-	-	-	-	-	-	-	Rubble Royalties
4-2002	Grants : LGA	25,000	-	-	-	-	-	-	-	-	-	Capacity Building
<b>Total</b>		<b>232,000</b>	-	-	-	-	-	-	-	-	-	
<b>Expenses</b>												
6-2006	Contractors	75,000	-	-	-	-	-	-	-	-	-	Road & transport plan - Phase 2
6-2006	Contractors	20,000	-	-	-	-	-	-	-	-	-	Regional Visitor Information Services Review
6-2006	Contractors	30,000	-	-	-	-	-	-	-	-	-	Eco-village concept
<b>Total</b>		<b>125,000</b>	-	-	-	-	-	-	-	-	-	

**Legatus Group**

**Capital Expenditure : Plant & Equipment**

**Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan**

Description	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
1. Motor Vehicle										
TOTAL	-	34,187	-	-	-	37,736	-	-	-	41,653
Income										
Notional Trade In										
TOTAL	-	6,670	-	-	-	6,837	-	-	-	7,547

**Legatus Group****Financial Indicators****Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan**

2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
------	------	------	------	------	------	------	------	------	------

*These Financial Indicators have been calculated in accordance with Information Paper 9 - Local Government Financial Indicators prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia. Detailed methods of calculation are set out in the SA Model Statements.*

**1 Operating Surplus Ratio**Operating Surplus

8.5%	7.2%	8.4%	8.5%	8.6%	8.7%	8.5%	8.6%	8.7%	8.8%
------	------	------	------	------	------	------	------	------	------

Total Operating Revenue

<b>Group minimum benchmark limit :</b>
--

*This ratio expresses the operating surplus as a percentage of total operating revenue.*

*Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses).*

**2 Net Financial Liabilities Ratio**Net Financial Liabilities

(154%)	(283%)	(305%)	(308%)	(311%)	(304%)	(308%)	(311%)	(315%)	(308%)
--------	--------	--------	--------	--------	--------	--------	--------	--------	--------

Total Operating Revenue

<b>Group maximum benchmark limit :</b>
--

*Net financial liabilities are defined as total liabilities less financial assets. These are expressed as a % of total operating revenue*

**3 Asset Renewal Funding Ratio**Net Asset Renewals

0%	413%	0%	0%	0%	452%	0%	0%	0%	452%
----	------	----	----	----	------	----	----	----	------

AMP required expenditure

<b>Group minimum benchmark :</b>
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*Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.*

**Legatus Group****Uniform Presentation of Finances****Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan**

The following is a high level summary of both operating and capital investment activities of the Group prepared on a simplified Uniform Presentation Framework basis.

All Councils in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis.

The arrangements ensure that all Councils provide a common 'core' of financial information, which enables meaningful comparisons of each Council's finances

	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Income	557,824	302,267	291,577	299,014	306,639	314,457	322,010	330,221	338,641	347,273
less Expenses	510,303	280,459	266,971	273,474	280,140	286,973	294,686	301,864	309,222	316,764
<b>Operating Surplus / (Deficit)</b>	<b>\$47,522</b>	<b>\$21,808</b>	<b>\$24,606</b>	<b>\$25,540</b>	<b>\$26,499</b>	<b>\$27,485</b>	<b>\$27,324</b>	<b>\$28,357</b>	<b>\$29,418</b>	<b>\$30,509</b>

***less* Net Outlays on Existing Assets**

Capital Expenditure on renewal  
and replacement of Existing  
Assets

*less* Depreciation, Amortisation  
and Impairment

*less* Proceeds from Sale of  
Replaced Assets

-	34,187	-	-	-	37,736	-	-	-	41,653
6,671	6,671	6,837	6,837	6,837	6,837	7,547	7,547	7,547	7,547
-	6,670	-	-	-	6,837	-	-	-	7,547
(\$6,671)	\$20,846	(\$6,837)	(\$6,837)	(\$6,837)	\$24,061	(\$7,547)	(\$7,547)	(\$7,547)	\$26,559

**Net Lending / (Borrowing) for  
Financial Year**

\$54,192	\$961	\$31,443	\$32,377	\$33,337	\$3,424	\$34,871	\$35,904	\$36,965	\$3,950
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**Legatus Group****Statement of Financial Position****Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan****(in \$'000s)**

	Budget 30th June 2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
<b>1. Current Assets</b>										
1. Cash	\$ 863	\$ 864	\$ 895	\$ 928	\$ 961	\$ 965	\$ 999	\$ 1,035	\$ 1,072	\$ 1,076
2. Receivables	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9	\$ 9
<b>Current Assets</b>	<b>\$ 872</b>	<b>\$ 873</b>	<b>\$ 904</b>	<b>\$ 937</b>	<b>\$ 970</b>	<b>\$ 973</b>	<b>\$ 1,008</b>	<b>\$ 1,044</b>	<b>\$ 1,081</b>	<b>\$ 1,085</b>
<b>2. Non Current Assets</b>										
<b>Non Current Assets</b>	<b>\$ 13</b>	<b>\$ 34</b>	<b>\$ 27</b>	<b>\$ 21</b>	<b>\$ 14</b>	<b>\$ 38</b>	<b>\$ 30</b>	<b>\$ 23</b>	<b>\$ 15</b>	<b>\$ 42</b>
<b>TOTAL ASSETS</b>	<b>\$ 885</b>	<b>\$ 907</b>	<b>\$ 932</b>	<b>\$ 957</b>	<b>\$ 984</b>	<b>\$ 1,011</b>	<b>\$ 1,038</b>	<b>\$ 1,067</b>	<b>\$ 1,096</b>	<b>\$ 1,127</b>
<b>3. Current Liabilities</b>										
<b>Current Liabilities</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>
<b>4. Non Current Liabilities</b>										
<b>Non Current Liabilities</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL LIABILITIES</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>	<b>\$ 16</b>
<b>NET ASSETS</b>	<b>\$ 869</b>	<b>\$ 891</b>	<b>\$ 916</b>	<b>\$ 941</b>	<b>\$ 968</b>	<b>\$ 995</b>	<b>\$ 1,022</b>	<b>\$ 1,051</b>	<b>\$ 1,080</b>	<b>\$ 1,111</b>
<b>5. Equity</b>										
1. Accumulated Surplus	\$ 10	\$ 32	\$ 56	\$ 82	\$ 108	\$ 136	\$ 163	\$ 192	\$ 221	\$ 252
2. Reserves - Other	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859
<b>TOTAL EQUITY</b>	<b>\$ 869</b>	<b>\$ 891</b>	<b>\$ 915</b>	<b>\$ 941</b>	<b>\$ 967</b>	<b>\$ 995</b>	<b>\$ 1,022</b>	<b>\$ 1,051</b>	<b>\$ 1,080</b>	<b>\$ 1,111</b>

**Legatus Group****Statement of Changes in Equity****Annual Business Plan & Budget : 01 July 2018 to 30 June 2019 , incorp 10 Year Long Term Financial Plan****(in \$'000s)**

	<b>Budget 30th June 2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>
<b>1. Accumulated Surplus</b>										
Balance at end of previous reporting period	\$ 55	\$ 10	\$ 32	\$ 56	\$ 82	\$ 108	\$ 136	\$ 163	\$ 192	\$ 221
Net Result for the year	\$ 48	\$ 22	\$ 25	\$ 26	\$ 26	\$ 27	\$ 27	\$ 28	\$ 29	\$ 31
Transfers : Reserves	-\$ 93	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Balance at end of period	\$ 10	\$ 32	\$ 56	\$ 82	\$ 108	\$ 136	\$ 163	\$ 192	\$ 221	\$ 252
<b>2. Asset Revaluation Reserve</b>										
Balance at end of period	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>3. Other Reserves</b>										
Balance at end of previous reporting period	\$ 766	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859
Transfers : Reserves others	\$ 93	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Balance at end of period	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859	\$ 859
<b>TOTAL EQUITY at the end of the reporting period</b>	<b>\$ 869</b>	<b>\$ 891</b>	<b>\$ 915</b>	<b>\$ 941</b>	<b>\$ 967</b>	<b>\$ 995</b>	<b>\$ 1,022</b>	<b>\$ 1,051</b>	<b>\$ 1,080</b>	<b>\$ 1,111</b>

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## **Role of Legatus Group / Purpose of Plan**

### **Local Government Act 1999**

#### **Introduction and Context**

Schedule 2, part 2, clause 24 of the Local Government Act 1999 relates that in consultation with each of its Constituent Councils, a regional subsidiary must prepare and adopt a business plan and must set out:

- The performance targets the subsidiary is to pursue
- A statement of the financial and other resources as well as internal processes that will be required to achieve the subsidiary's performance targets
- The performance measures that are to be used to monitor and assess performance against targets

In a practical sense, in order to function effectively and efficiently and to meet the expectations of members and stakeholders, it is important that any organisation has a clear purpose a relevant and transparent structure and method of operation, meaningful and well communicated objectives and an agreed methodology for achieving and reviewing those objectives within the framework of operation and structure.

In order to maintain relevance, measure progress against its targets and meet the requirements of the *Local Government Act 1999*, this plan should be reviewed on an annual basis.

#### **Role: Central Local Government Region of South Australia (referred to as Legatus Group)**

The Central Region was established in 1998 under Section 200 of the Local Government Act 1934 as a controlling authority and continues in existence and as a regional subsidiary of its establishing councils under Part 2 of Schedule 2 of the Local Government Act 1999 ("the Act") by virtue of the provisions of Section 25 of the Local Government (Implementation) Act 1999. In 2016 the Central Local Government Region of South Australia adopted the name of Legatus Group to which it is now referred. The constituent councils (members) of Legatus Group are:

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

Consistent with the charter, the role of Legatus Group is to:

- undertake co-ordinating, advocacy and representational roles on behalf of the members at a regional level;
- facilitate and co-ordinate activities of local government at a regional level related to community and economic development with the object of achieving improvement for the benefit of the communities of the members;
- develop, encourage, promote, foster and maintain consultation and co-operation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;
- develop further co-operation between the members for the benefit of the communities of the region;
- develop and manage policies which guide the conduct of programs and projects in the region with the objective of securing the best outcomes for the communities of the region;
- undertake projects and activities that benefit the region and its communities;
- associate, collaborate and work in conjunction with other regional local government bodies for the advancement of matters of common interest;
- provide strong advocacy speaking with one voice on what matters most to the communities of the members;
- work together to make the best use of available resources;
- collaborate to deliver effective services;
- build partnerships with those who can contribute to stronger and sustainable communities; and
- develop and implement a robust Business Plan.

The Legatus Group provides an opportunity for members to have a:

- cohesive point of view;



- combined and collective voice;
- work collaboratively to achieve common goals;
- attract funding and resources;
- be proactive and responsive to regional matters of interest; and
- share experiences and information

## **Vision & Three-Year Targets**

### **VISION**

***‘The Central Local Government Region (Legatus Group) is recognised, respected and supported as a strong and successful region’***

**“Legatus – Regional Local Government ambassador and advocate”**

### **THREE-YEAR TARGETS (2019-2021)**

This Business Plan is to be read in conjunction with the report on Legatus Group Strategic Plan review April 2018 and is developed with the Legatus Group 3-year Action Plan.

This Business Plan considers the current formal alliance the Legatus Group has with Regional Development Australia (RDA) Yorke and Mid North and the Northern and Yorke Natural Resource Management boards and the informal alliances with RDA Barossa, Light, Gawler and Adelaide Plains and RDA Far North with regards other regional plans.

Noting that the changes to the Landscape Act has changes the boundaries for the newly formed Landscape Boards which come into effect in 2019/2020.

### **BOARD OPERATION AND GOVERNANCE**

Operation of Legatus Group is in accordance with legislative requirements and the boards policies and procedures.

### **LOCAL GOVERNMENT LEADERSHIP AND SUSTAINABILITY**

Legatus Group are well regarded by its members and stakeholders as a valid and relevant organisation that assists with regional collaboration and is supportive of actions on key identified regional priorities.

Support members to engage collaboratively to improve service delivery, resourcing and financial capacity including through identified procurement activities.

Increased awareness by key stakeholders and political decision makers of key regional issues.

### **REGIONAL & COMMUNITY SUSTAINABILITY**

The long-term regional economic, environmental and social sustainability is fostered through pro-active, innovative, efficient and collaborative approaches to priority issues.

## **Key Priorities and Actions for 2019/2020**

### **1. Board Governance and Operations**

- Target:**
- 1. Operation of Legatus Group is in accordance with legislative requirements and board policies and procedures.**
- Actions:**
- a) Ensure all operations are conducted under the charter in terms of legislation and current objectives of members.
  - b) Undertake a review and update of the policies and procedures.
  - c) Implement board governance and operations in accordance with legislative and policy provisions through the annual work plan.
  - d) Develop a system for allowing access to all reports, agendas and minutes electronically for all committees and board members via the Legatus Group website.

### **2. Local Government Leadership and Sustainability**

- Targets:**
- 1. Well regarded by members and stakeholders as valid and relevant through regional collaboration and undertaking or supporting actions on identified priorities.**
  - 2. Support members to collaboratively improve service delivery, resourcing and financial capacity.**
  - 3. Increased awareness by key stakeholders and political decision makers of the key regional issues.**
- Actions:**
- a) Implement and review the actions identified in the Legatus Group Strategic Plan and the 3-year Action Plan and foster regional priorities through collaboration with members and stakeholders and agreed actions and/or support in regional alliance plans.
  - b) Speak with a united voice on these identified regional priorities.
  - c) Support activities of the state and national Local Government Authorities and regularly present the views of Legatus Group to these organisations.
  - d) Review the current YMN Regional Alliance given the changes to the Landscape Board boundaries and continued partnerships RDA Barossa, Light, Gawler and Adelaide Plains and RDA Far North and develop further partnerships with those who can contribute to stronger and more sustainable communities.
  - e) Support and help implement solutions for members sustainability and assist with community capacity building programs including volunteering programs either regionally or sub-regionally.
  - f) Implement actions from the 2019 Digital Maturity report regrading communications to members and stakeholders via digital platforms of engagement.
  - g) Work with the LGA to advance the recommendations from the 2018 Rating Equity report.
  - h) Implement and lobby on the recommendations from the 2018 NDIS report.

- i) Assist with the progress for constituent councils with the SA Coastal Council Alliance and finalise the Yorke Mid North Coastal Management Action Plan.
- j) Support and work with Regional Emergency Management Officer/s to identify areas requiring support.
- k) Monitor and gather data on the impacts and support programs re the drought to constituent councils.

### **3. Regional and Community Sustainability**

#### **Target:**

- I. Economic, environmental and social sustainability is fostered through proactive, innovative, efficient and collaborative approaches to priority issues.**

#### **Actions:**

- a) Actively participate in initiatives to increase collaboration, service delivery and efficiencies between regional organisations.
- b) Be a proactive partner in the monitoring and implementation of the Yorke Mid North Regional Plan with Regional Development Australia (RDA) Yorke Mid North and Northern and Yorke Natural Resource Management (NRM).
- c) Be a proactive partner for monitoring and implementing of other regional plans with RDA Barossa and RDA Far North.
- d) Support initiatives to secure the future sustainability of regional communities, including infrastructure, service provision, population growth and leadership development.
- e) Be an active partner in regional leadership programs.
- f) Identify and provide support for regional funding programs.
- g) Support opportunities for greater partnerships through research organisations such as Universities to increase opportunities to build Social Infrastructure, Community Services and Sustainable Economic Development.
- h) Support to be provided to progressing regional health plans.
- i) Support the development of social capital through regional forums.
- j) Implement actions and review the Legatus Group 2030 Regional Transport Plan.
- k) Lead the Regional Climate Change strategies as outlined in the 3-year action plan and sector agreement.
- l) Finalise and review the 2-year Regional Community Waste Management support program.
- m) Identify regional and local opportunities for waste reduction.
- n) Progress actions with regional agencies on the development of a regional sustainability centre.
- o) Collaborate on regional water issues.
- p) Lead dialogue regarding Reconciliation Actions Plans.

## Regional Alliance

The Legatus Group is a member of the Mid North and Yorke Regional Alliance in partnership with Regional Development Australia Yorke and Mid North and the Northern and Yorke Natural Resources Management Board to work more collaboratively on strategic issues of importance to the region. The primary role is to provide a mechanism for regional partner organisations to work closely together, share information and resources and promote better coordination and collaboration on initiatives that may have a better long-term benefit for the community if addressed from a triple bottom line perspective. The membership to the Mid North and Yorke Alliance comprises the Chair and Executive Officer (or their proxy) of each organisation.

The Legatus Group also covers three member councils of RDA Barossa, Light, Adelaide Plains and Gawler and one-member council of RDA Far North.

The Port Pirie Council is also a member of the Legatus Group and the Upper Spencer Gulf Common Purpose Group (trading as 'Spencer Gulf Cities').

The proposed changes to the boundaries of the new Landscape Board will see the Adelaide Plains, Light and Barossa Councils joining with the 11 councils who are part of the Northern and Yorke NRM. This would see also the Flinders Ranges Council as the only Legatus Group council not in the new proposed Landscape region.

## Budget 2019/2020

It has been recognised that many of the carry over reserves have been long standing projects and programs that have been acquitted with some dating back several years. These amounts have been rolled into general reserves allowing them to be utilised over the coming years for allocations to specific projects. This can allow for leveraging in partnership with councils and or others for grants. The Rubble Royalties reserves in keeping with previous recommendations is being allocated towards regional road and transport initiatives.

### Key Assumptions

1. Membership fees have a 1% increase.
2. LGA regional capacity grant of \$40,000 continues with no other annual funds from LGA.
3. LGA R&D funding has yet to be applied for.
4. RDAYMN unlikely to provide and NYNRM have yet to confirm climate change contribution.
5. CWMS funding for 2<sup>nd</sup> year is confirmed.
6. Australian Government confirmed \$17,000 Youth into Volunteering Project.
7. State Government yet to confirm Brighter Futures funding.
8. Rubble Royalties will be approximately 50% of previous years and cease from 2020/2021.
9. There would be no contracts entered for project officer roles or commencement of projects until funding secured.
10. There will be a carry over for some funds from the NRM and confirmed funding of \$28,000 for the Coastal Management Action Plan.

Attached: 2019/2020 Budget Worksheet / Reference / Statements and Long-Term Financial Plan worksheet



2019-2020 Draft



2019-2020 Draft



2019-2020 Draft



2019-2020 Draft LTTP

Budget - Reference NBudget - SCI WorksheBudget - Statements.pdf - Statements.pdf

Budgeted Statement of Comprehensive Income  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
Council Contributions	162,734	162,750	165,191	165,225	165,225	167,025	
Grants, Subsidies and Contributions	329,477	345,526	362,000	459,232	509,232	243,800	
Investment Income	10,798	13,818	12,133	13,359	15,060	15,000	
Reimbursements	4,500	33,648	16,000	16,164	32,164	80,600	
Other Income	52,000	4,545	2,500	4,206	29,206	7,700	
<b>Total Income</b>	<b>559,509</b>	<b>560,287</b>	<b>557,824</b>	<b>658,186</b>	<b>750,887</b>	<b>514,125</b>	
<b>Expenses</b>							
Employee Costs	247,148	209,100	218,160	147,799	196,511	197,827	
Materials, Contracts & Other Expenses	315,640	239,453	285,472	239,394	355,461	503,200	
Depreciation, Amortisation & Impairment	4,760	6,311	6,671	-	6,671	8,000	
Finance Costs	-	-	-	-	-	-	
<b>Total Expenses</b>	<b>567,548</b>	<b>454,865</b>	<b>510,303</b>	<b>387,193</b>	<b>558,643</b>	<b>709,027</b>	
<b>Operating Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(194,902)</b>	
Asset Disposal & Fair Value Adjustments	-	-	-	-	-	(8,340)	
Amounts Rec. Specifically for New / Upgraded Assets	-	-	-	-	-	-	
Physical Resources Received Free of Charge	-	-	-	-	-	-	
Operating Result from Discontinued Operations	-	-	-	-	-	-	
<b>Net Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(203,242)</b>	
<b>Total Comprehensive Income</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(203,242)</b>	

Long Term Financial Plan									
2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
170,366	173,773	177,248	180,793	184,409	188,097	191,859	195,696	199,610	203,603
75,000	76,500	78,030	79,591	81,182	82,806	84,462	86,151	87,874	89,632
11,943	11,962	12,004	12,070	11,594	11,704	11,842	12,009	11,591	11,811
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
<b>257,309</b>	<b>262,234</b>	<b>267,282</b>	<b>272,454</b>	<b>277,185</b>	<b>282,607</b>	<b>288,163</b>	<b>293,857</b>	<b>299,076</b>	<b>305,046</b>
179,720	181,517	183,332	185,165	187,016	188,887	190,775	192,684	194,610	196,556
80,274	81,879	83,517	85,187	86,891	88,629	90,402	92,210	94,054	95,935
8,000	8,000	8,000	8,659	8,659	8,659	8,659	9,373	9,373	9,373
-	-	-	-	-	-	-	-	-	-
<b>267,994</b>	<b>271,396</b>	<b>274,849</b>	<b>279,012</b>	<b>282,567</b>	<b>286,175</b>	<b>289,836</b>	<b>294,266</b>	<b>298,037</b>	<b>301,864</b>
(10,685)	(9,162)	(7,567)	(6,558)	(5,382)	(3,568)	(1,673)	(409)	1,039	3,181
-	-	-	(2,588)	-	-	-	(2,801)	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
<b>(10,685)</b>	<b>(9,162)</b>	<b>(7,567)</b>	<b>(9,146)</b>	<b>(5,382)</b>	<b>(3,568)</b>	<b>(1,673)</b>	<b>(3,211)</b>	<b>1,039</b>	<b>3,181</b>
<b>(10,685)</b>	<b>(9,162)</b>	<b>(7,567)</b>	<b>(9,146)</b>	<b>(5,382)</b>	<b>(3,568)</b>	<b>(1,673)</b>	<b>(3,211)</b>	<b>1,039</b>	<b>3,181</b>

Budgeted Statement of Financial Position  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget		Long Term Financial Plan									
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
ASSETS																	
Current Assets																	
Cash and Cash Equivalents	716,580	808,877	863,069	1,021,685	973,800	796,217		797,446	800,237	804,662	772,911	780,261	789,466	800,607	772,759	787,409	804,244
Trade & Other Receivables	25,404	8,758	8,758	68,255	50,000	10,000		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Other Financial Assets																	
Inventories																	
Non-Current Assets Held for Sale																	
Total Current Assets	741,984	817,635	871,827	1,089,940	1,023,800	806,217		807,446	810,237	814,662	782,911	790,261	799,466	810,607	782,759	797,409	814,244
Non-Current Assets																	
Financial Assets																	
Equity Accounted Investments in Council Businesses																	
Investment Property																	
Property, Plant & Equipment	19,039	17,488	13,340	17,488	13,340	32,000	CE1, E26	24,000	16,000	8,000	34,638	25,978	17,319	8,659	37,493	28,120	18,747
Other Non-Current Assets																	
Total Non-Current Assets	19,039	17,488	13,340	17,488	13,340	32,000		24,000	16,000	8,000	34,638	25,978	17,319	8,659	37,493	28,120	18,747
Total Assets	761,023	835,123	885,167	1,107,428	1,037,140	838,217		831,446	826,237	822,662	817,549	816,240	816,785	819,267	820,252	825,529	832,991
LIABILITIES																	
Current Liabilities																	
Trade & Other Payables	46,649	6,277	6,277	7,589	10,000	10,000		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Borrowings																	
Provisions	5,214	7,037	7,397	7,037	5,266	5,266		5,266	5,266	5,266	5,266	5,266	5,266	5,266	5,266	5,266	5,266
Other Current Liabilities																	
Liabilities relating to Non-Current Assets Held for Sale																	
Total Current Liabilities	51,863	13,314	13,674	14,626	15,266	15,266		15,266	15,266	15,266	15,266	15,266	15,266	15,266	15,266	15,266	15,266
Non-Current Liabilities																	
Trade & Other Payables																	
Borrowings																	
Provisions	1,272	360	2,524	360	8,181	12,501		16,415	20,367	24,360	28,392	32,465	36,578	40,733	44,929	49,167	53,447
Liability - Equity Accounted Council Businesses																	
Other Non-Current Liabilities																	
Total Non-Current Liabilities	1,272	360	2,524	360	8,181	12,501		16,415	20,367	24,360	28,392	32,465	36,578	40,733	44,929	49,167	53,447
Total Liabilities	53,135	13,674	16,198	14,987	23,447	27,767		31,681	35,633	39,626	43,658	47,731	51,844	55,999	60,195	64,433	68,713
NET ASSETS	707,888	821,449	868,969	1,092,442	1,013,693	810,451		799,765	790,603	783,036	773,890	768,509	764,941	763,268	760,057	761,096	764,277
EQUITY																	
Accumulated Surplus	131,256	55,336	10,006	326,328	126,230	237,680		253,093	243,931	236,364	227,218	221,837	218,269	216,596	213,385	214,424	217,605
Asset Revaluation Reserves	-	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-
Other Reserves	576,632	766,113	858,963	766,113	887,463	572,770		546,672	546,672	546,672	546,672	546,672	546,672	546,672	546,672	546,672	546,672
Total Council Equity	707,888	821,449	868,969	1,092,442	1,013,693	810,451		799,765	790,603	783,036	773,890	768,509	764,941	763,268	760,057	761,096	764,277

Budgeted Statement of Changes in Equity  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget		Long Term Financial Plan									
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
ACCUMULATED SURPLUS																	
Balance at end of previous reporting period	121,595	121,694	55,335	55,336	55,336	126,230		237,680	253,093	243,931	236,364	227,218	221,837	218,269	216,596	213,385	214,424
Net Surplus / (Deficit) for year	(8,039)	105,422	47,521	270,993	192,244	(203,242)		(10,685)	(9,162)	(7,567)	(9,146)	(5,382)	(3,568)	(1,673)	(3,211)	1,039	3,181
Transfers to Reserves (from Acc Surplus)	(147,780)	(225,364)	(107,000)	-	(128,000)	(654,492)		-	-	-	-	-	-	-	-	-	-
Transfers from Reserves (to Acc Surplus)	165,480	53,583	14,150	-	6,650	969,185		26,098	-	-	-	-	-	-	-	-	-
Balance at End of Reporting Period	131,256	55,337	10,006	326,328	126,230	237,680		253,093	243,931	236,364	227,218	221,837	218,269	216,596	213,385	214,424	217,605
OTHER RESERVES																	
General Reserve																	
Opening Balance	31,093	31,093	31,093	31,093	31,093	119,093		133,015	133,015	133,015	133,015	133,015	133,015	133,015	133,015	133,015	133,015
Transfers from Acc Surplus (to Reserves)					88,000	276,922	R1, R2, P4										
Transfers to Acc Surplus (from Reserves)						(263,000)	R4, R5, R6, P4										
	31,093	31,093	31,093	31,093	119,093	133,015		133,015	133,015	133,015	133,015	133,015	133,015	133,015	133,015	133,015	133,015
P003 Regional Waste Management																	
Opening Balance	16,273	16,273	16,273	16,273	16,273	16,273		16,273	-	-	-	-	-	-	-	-	-
Transfers from Acc Surplus (to Reserves)																	
Transfers to Acc Surplus (from Reserves)	(16,273)							(16,273)									
	-	16,273	16,273	16,273	16,273	16,273		-	-	-	-	-	-	-	-	-	-
P022 Roads & Transport																	
Opening Balance	37,892	37,892	36,087	36,087	36,087	46,087		413,657	413,657	413,657	413,657	413,657	413,657	413,657	413,657	413,657	413,657
Transfers from Acc Surplus (to Reserves)					10,000	377,570	R3, P1										
Transfers to Acc Surplus (from Reserves)	(2,500)	(1,805)				(10,000)	P1										
	35,392	36,087	36,087	36,087	46,087	413,657		413,657	413,657	413,657	413,657	413,657	413,657	413,657	413,657	413,657	413,657
P009 LGA R&D Projects																	
Opening Balance	15,341	15,341	16,475	16,475	16,475	9,825		9,825	-	-	-	-	-	-	-	-	-
Transfers from Acc Surplus (to Reserves)		1,134															
Transfers to Acc Surplus (from Reserves)			(6,650)		(6,650)		P5	(9,825)									
	15,341	16,475	9,825	16,475	9,825	9,825		-	-	-	-	-	-	-	-	-	-
P024 Climate Change 2015-2017																	
Opening Balance	63,472	63,472	11,693	11,693	11,693	11,693		-	-	-	-	-	-	-	-	-	-
Transfers from Acc Surplus (to Reserves)																	
Transfers to Acc Surplus (from Reserves)	(63,472)	(51,779)	(7,500)			(11,693)	R7	-	-	-	-	-	-	-	-	-	-
	-	11,693	4,193	11,693	11,693	0		-	-	-	-	-	-	-	-	-	-
P027 Reform - Incentive Risk																	
Opening Balance	144,000	144,000	144,000	144,000	144,000	144,000		-	-	-	-	-	-	-	-	-	-
Transfers from Acc Surplus (to Reserves)																	
Transfers to Acc Surplus (from Reserves)						(144,000)	R1	-	-	-	-	-	-	-	-	-	-
	144,000	144,000	144,000	144,000	144,000	-		-	-	-	-	-	-	-	-	-	-
P025 Outreach Phase 2																	
Opening Balance	83,235	83,235	132,922	132,922	132,922	132,922		-	-	-	-	-	-	-	-	-	-
Transfers from Acc Surplus (to Reserves)		49,687															
Transfers to Acc Surplus (from Reserves)	(83,235)					(132,922)	R2	-	-	-	-	-	-	-	-	-	-
	-	132,922	132,922	132,922	132,922	-		-	-	-	-	-	-	-	-	-	-
P028 Regional Capacity Building																	
Opening Balance	203,026	203,026	377,570	377,570	377,570	407,570		-	-	-	-	-	-	-	-	-	-
Transfers from Acc Surplus (to Reserves)	147,780	174,543	107,000		30,000		P2										
Transfers to Acc Surplus (from Reserves)						(407,570)	R3, P2	-	-	-	-	-	-	-	-	-	-
	350,806	377,570	484,570	377,570	407,570	(0)		-	-	-	-	-	-	-	-	-	-
Balance at End of Reporting Period	576,632	766,113	858,963	766,113	887,463	572,770		546,672	546,672	546,672	546,672	546,672	546,672	546,672	546,672	546,672	546,672
TOTAL EQUITY	707,888	821,449	868,969	1,092,442	1,013,693	810,451		799,765	790,603	783,036	773,890	768,509	764,941	763,268	760,057	761,096	764,277



Budgeted Statement of Cash Flows  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Cash Flows from Operating Activities</b>							
<b>Receipts</b>							
Operating Receipts	548,711	563,115	545,691	585,330	694,585	539,125	
Investment Receipts	10,798	13,818	12,133	13,359	15,060	15,000	
<b>Payments</b>							
Operating Payments to Suppliers and Employees	(562,788)	(487,915)	(503,631)	(385,881)	(544,722)	(696,708)	
Finance Payments	-	-	-	-	-	-	
<b>Net Cash provided by (or used in) Operating Activities</b>	<b>(3,279)</b>	<b>89,017</b>	<b>54,193</b>	<b>212,808</b>	<b>164,924</b>	<b>(142,583)</b>	
<b>Cash Flows from Investing Activities</b>							
<b>Receipts</b>							
Amounts Received Specifically for New/Upgraded Assets						5,000	CE1
Sale of Replaced Assets							
Sale of Surplus Assets							
<b>Payments</b>							
Expenditure on Renewal/Replacement of Assets						(40,000)	CE1
Expenditure on New/Upgraded Assets							
<b>Net Cash provided by (or used in) Investing Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(35,000)</b>	
<b>Cash Flows from Financing Activities</b>							
<b>Receipts</b>							
Nil							
<b>Payments</b>							
Nil							
<b>Net Cash provided by (or used in) Financing Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Net Increase (Decrease) in Cash Held</b>	<b>(3,279)</b>	<b>89,017</b>	<b>54,193</b>	<b>212,808</b>	<b>164,924</b>	<b>(177,583)</b>	
plus: <b>Cash &amp; Cash Equivalents at beginning of period</b>	<b>719,859</b>	<b>719,859</b>	<b>808,876</b>	<b>808,876</b>	<b>808,876</b>	<b>973,800</b>	
<b>Cash &amp; Cash Equivalents at End of Reporting Period</b>	<b>716,580</b>	<b>808,876</b>	<b>863,069</b>	<b>1,021,685</b>	<b>973,800</b>	<b>796,217</b>	

Long Term Financial Plan									
2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
245,366	250,273	255,278	260,384	265,592	270,903	276,321	281,848	287,485	293,234
11,943	11,962	12,004	12,070	11,594	11,704	11,842	12,009	11,591	11,811
(256,080)	(259,443)	(262,856)	(266,320)	(269,835)	(273,402)	(277,022)	(280,697)	(284,426)	(288,210)
-	-	-	-	-	-	-	-	-	-
<b>1,229</b>	<b>2,791</b>	<b>4,426</b>	<b>6,134</b>	<b>7,350</b>	<b>9,205</b>	<b>11,141</b>	<b>13,160</b>	<b>14,650</b>	<b>16,835</b>
-	-	-	5,412	-	-	-	5,858	-	-
-	-	-	(43,297)	-	-	-	(46,866)	-	-
-	-	-	<b>(37,885)</b>	-	-	-	<b>(41,008)</b>	-	-
-	-	-	-	-	-	-	-	-	-
<b>1,229</b>	<b>2,791</b>	<b>4,426</b>	<b>(31,751)</b>	<b>7,350</b>	<b>9,205</b>	<b>11,141</b>	<b>(27,848)</b>	<b>14,650</b>	<b>16,835</b>
796,217	797,446	800,237	804,662	772,911	780,261	789,466	800,607	772,759	787,409
<b>797,446</b>	<b>800,237</b>	<b>804,662</b>	<b>772,911</b>	<b>780,261</b>	<b>789,466</b>	<b>800,607</b>	<b>772,759</b>	<b>787,409</b>	<b>804,244</b>

## Budgeted Uniform Presentation of Finances

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes

The following is a high level summary of both operating and capital investment activities of the organisation prepared on a simplified Uniform Presentation Framework basis.

Local Government in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis.

The arrangements ensure that all organisations provide a common 'core' of financial information, which enables meaningful comparisons of each organisation's finances.

Income	559,509	560,287	557,824	658,186	750,887	514,125
less Expenses	(567,548)	(454,865)	(510,303)	(387,193)	(558,643)	(709,027)
<b>Operating Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(194,902)</b>
<b>less Net Outlays on Existing Assets</b>						
Capital Expenditure on Renewal and Replacement of Existing Asse	-	-	-	-	-	40,000
less Depreciation, Amortisation and Impairment	(4,760)	(6,311)	(6,671)	-	(6,671)	(8,000)
less Proceeds from Sale of Replaced Assets	-	-	-	-	-	(5,000)
	<b>(4,760)</b>	<b>(6,311)</b>	<b>(6,671)</b>	<b>-</b>	<b>(6,671)</b>	<b>27,000</b>
<b>less Net Outlays on New &amp; Upgraded Assets</b>						
Capital Expenditure on New & Upgraded Assets	-	-	-	-	-	-
less Amounts Received Specifically for New & Upgraded Assets	-	-	-	-	-	-
less Proceeds from Sale of Surplus Assets	-	-	-	-	-	-
	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Lending / (Borrowing) for Financial Year</b>	<b>(3,279)</b>	<b>111,733</b>	<b>54,192</b>	<b>270,993</b>	<b>198,915</b>	<b>(221,902)</b>

Long Term Financial Plan									
2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
257,309	262,234	267,282	272,454	277,185	282,607	288,163	293,857	299,076	305,046
(267,994)	(271,396)	(274,849)	(279,012)	(282,567)	(286,175)	(289,836)	(294,266)	(298,037)	(301,864)
<b>(10,685)</b>	<b>(9,162)</b>	<b>(7,567)</b>	<b>(6,558)</b>	<b>(5,382)</b>	<b>(3,568)</b>	<b>(1,673)</b>	<b>(409)</b>	<b>1,039</b>	<b>3,181</b>
-	-	-	43,297	-	-	-	46,866	-	-
(8,000)	(8,000)	(8,000)	(8,659)	(8,659)	(8,659)	(8,659)	(9,373)	(9,373)	(9,373)
-	-	-	(5,412)	-	-	-	(5,858)	-	-
<b>(8,000)</b>	<b>(8,000)</b>	<b>(8,000)</b>	<b>29,226</b>	<b>(8,659)</b>	<b>(8,659)</b>	<b>(8,659)</b>	<b>31,635</b>	<b>(9,373)</b>	<b>(9,373)</b>
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-
<b>(2,685)</b>	<b>(1,162)</b>	<b>433</b>	<b>(35,784)</b>	<b>3,278</b>	<b>5,092</b>	<b>6,986</b>	<b>(32,044)</b>	<b>10,412</b>	<b>12,555</b>

Budgeted Financial Indicators  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes

These Financial Indicators have been calculated in accordance with Information Paper 9 - Local Government Financial Indicators prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia. Detailed methods of calculation are set out in the SA Model Financial Statements.

1. Operating Surplus Ratio	(1.4%)	18.8%	8.5%	41.2%	25.6%	(37.9%)
Operating Surplus	(8,039)	105,422	47,521	270,993	192,244	(194,902)
Total Operating Revenue	559,509	560,287	557,824	658,186	750,887	514,125

This ratio expresses the operating surplus as a percentage of total operating revenue.

2. Net Financial Liabilities Ratio	(123.1%)	(143.5%)	(153.4%)	(163.3%)	(133.2%)	(151.4%)
Net Financial Liabilities	(688,849)	(803,961)	(855,629)	(1,074,954)	(1,000,353)	(778,451)
Total Operating Revenue	559,509	560,287	557,824	658,186	750,887	514,125

Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses). These are expressed as a percentage of total operating revenue.

3. Asset Sustainability Ratio	0.0%	0.0%	0.0%	#DIV/0!	0.0%	437.5%
Net Asset Renewals	0	0	0	0	0	35,000
Infrastructure & Asset Management Plan required expenditure	4,760	6,311	6,671	0	6,671	8,000

Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.

Long Term Financial Plan									
2021	2022	2023	2024	2025	2026	2027	2028	2029	2030

(4.2%)	(3.5%)	(2.8%)	(2.4%)	(1.9%)	(1.3%)	(0.6%)	(0.1%)	0.3%	1.0%
(10,685)	(9,162)	(7,567)	(6,558)	(5,382)	(3,568)	(1,673)	(409)	1,039	3,181
257,309	262,234	267,282	272,454	277,185	282,607	288,163	293,857	299,076	305,046

(301.5%)	(295.4%)	(290.0%)	(271.3%)	(267.9%)	(264.5%)	(261.9%)	(245.9%)	(245.1%)	(244.4%)
(775,765)	(774,603)	(775,036)	(739,253)	(742,530)	(747,622)	(754,608)	(722,564)	(732,976)	(745,531)
257,309	262,234	267,282	272,454	277,185	282,607	288,163	293,857	299,076	305,046

0.0%	0.0%	0.0%	437.5%	0.0%	0.0%	0.0%	437.5%	0.0%	0.0%
0	0	0	37,885	0	0	0	41,008	0	0
8,000	8,000	8,000	8,659	8,659	8,659	8,659	9,373	9,373	9,373

## Budgeted Statement of Comprehensive Income

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
Council Contributions	162,734	162,750	165,191	165,225	165,225	167,025	
Grants, Subsidies and Contributions	329,477	345,526	362,000	459,232	509,232	243,800	
Investment Income	10,798	13,818	12,133	13,359	15,060	15,000	
Reimbursements	4,500	33,648	16,000	16,164	32,164	80,600	
Other Income	52,000	4,545	2,500	4,206	29,206	7,700	
<b>Total Income</b>	<b>559,509</b>	<b>560,287</b>	<b>557,824</b>	<b>658,186</b>	<b>750,887</b>	<b>514,125</b>	
<b>Expenses</b>							
Employee Costs	247,148	209,100	218,160	147,799	196,511	197,827	
Materials, Contracts & Other Expenses	315,640	239,453	285,472	239,394	355,461	503,200	
Depreciation, Amortisation & Impairment	4,760	6,311	6,671	-	6,671	8,000	
Finance Costs	-	-	-	-	-	-	
<b>Total Expenses</b>	<b>567,548</b>	<b>454,865</b>	<b>510,303</b>	<b>387,193</b>	<b>558,643</b>	<b>709,027</b>	
<b>Operating Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(194,902)</b>	
Asset Disposal & Fair Value Adjustments	-	-	-	-	-	(8,340)	
Amounts Rec. Specifically for New / Upgraded Assets	-	-	-	-	-	-	
Physical Resources Received Free of Charge	-	-	-	-	-	-	
Operating Result from Discontinued Operations	-	-	-	-	-	-	
<b>Net Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(203,242)</b>	
<b>Total Comprehensive Income</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(203,242)</b>	

Budgeted Statement of Financial Position  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>ASSETS</b>							
<b>Current Assets</b>							
Cash and Cash Equivalents	716,580	808,877	863,069	1,021,685	973,800	796,217	
Trade & Other Receivables	25,404	8,758	8,758	68,255	50,000	10,000	
Other Financial Assets							
Inventories							
Non-Current Assets Held for Sale							
<b>Total Current Assets</b>	<b>741,984</b>	<b>817,635</b>	<b>871,827</b>	<b>1,089,940</b>	<b>1,023,800</b>	<b>806,217</b>	
<b>Non-Current Assets</b>							
Financial Assets							
Equity Accounted Investments in Council Businesses							
Investment Property							
Property, Plant & Equipment	19,039	17,488	13,340	17,488	13,340	32,000	CE1, E26
Other Non-Current Assets							
<b>Total Non-Current Assets</b>	<b>19,039</b>	<b>17,488</b>	<b>13,340</b>	<b>17,488</b>	<b>13,340</b>	<b>32,000</b>	
<b>Total Assets</b>	<b>761,023</b>	<b>835,123</b>	<b>885,167</b>	<b>1,107,428</b>	<b>1,037,140</b>	<b>838,217</b>	
<b>LIABILITIES</b>							
<b>Current Liabilities</b>							
Trade & Other Payables	46,649	6,277	6,277	7,589	10,000	10,000	
Borrowings							
Provisions	5,214	7,037	7,397	7,037	5,266	5,266	
Other Current Liabilities							
Liabilities relating to Non-Current Assets Held for Sale							
<b>Total Current Liabilities</b>	<b>51,863</b>	<b>13,314</b>	<b>13,674</b>	<b>14,626</b>	<b>15,266</b>	<b>15,266</b>	
<b>Non-Current Liabilities</b>							
Trade & Other Payables							
Borrowings							
Provisions	1,272	360	2,524	360	8,181	12,501	
Liability - Equity Accounted Council Businesses							
Other Non-Current Liabilities							
<b>Total Non-Current Liabilities</b>	<b>1,272</b>	<b>360</b>	<b>2,524</b>	<b>360</b>	<b>8,181</b>	<b>12,501</b>	
<b>Total Liabilities</b>	<b>53,135</b>	<b>13,674</b>	<b>16,198</b>	<b>14,987</b>	<b>23,447</b>	<b>27,767</b>	
<b>NET ASSETS</b>	<b>707,888</b>	<b>821,449</b>	<b>868,969</b>	<b>1,092,442</b>	<b>1,013,693</b>	<b>810,451</b>	
<b>EQUITY</b>							
Accumulated Surplus	131,256	55,336	10,006	326,328	126,230	237,680	
Asset Revaluation Reserves	-	-	-	-	-	-	
Other Reserves	576,632	766,113	858,963	766,113	887,463	572,770	
<b>Total Council Equity</b>	<b>707,888</b>	<b>821,449</b>	<b>868,969</b>	<b>1,092,442</b>	<b>1,013,693</b>	<b>810,451</b>	

Budgeted Statement of Changes in Equity  
for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>ACCUMULATED SURPLUS</b>							
<b>Balance at end of previous reporting period</b>	121,595	121,694	55,335	55,336	55,336	126,230	
<b>Net Surplus / (Deficit) for year</b>	(8,039)	105,422	47,521	270,993	192,244	(203,242)	
Transfers to Reserves (from Acc Surplus)	(147,780)	(225,364)	(107,000)	-	(128,000)	(654,492)	
Transfers from Reserves (to Acc Surplus)	165,480	53,583	14,150	-	6,650	969,185	
<b>Balance at End of Reporting Period</b>	<b>131,256</b>	<b>55,337</b>	<b>10,006</b>	<b>326,328</b>	<b>126,230</b>	<b>237,680</b>	
<b>OTHER RESERVES</b>							
<b>General Reserve</b>							
Opening Balance	31,093	31,093	31,093	31,093	31,093	119,093	
Transfers from Acc Surplus (to Reserves)					88,000	276,922	R1, R2, P4
Transfers to Acc Surplus (from Reserves)						(263,000)	R4, R5, R6, P4
	<b>31,093</b>	<b>31,093</b>	<b>31,093</b>	<b>31,093</b>	<b>119,093</b>	<b>133,015</b>	
<b>P003 Regional Waste Management</b>							
Opening Balance	16,273	16,273	16,273	16,273	16,273	16,273	
Transfers from Acc Surplus (to Reserves)							
Transfers to Acc Surplus (from Reserves)	(16,273)						
	<b>-</b>	<b>16,273</b>	<b>16,273</b>	<b>16,273</b>	<b>16,273</b>	<b>16,273</b>	
<b>P022 Roads &amp; Transport</b>							
Opening Balance	37,892	37,892	36,087	36,087	36,087	46,087	
Transfers from Acc Surplus (to Reserves)					10,000	377,570	R3, P1
Transfers to Acc Surplus (from Reserves)	(2,500)	(1,805)				(10,000)	P1
	<b>35,392</b>	<b>36,087</b>	<b>36,087</b>	<b>36,087</b>	<b>46,087</b>	<b>413,657</b>	
<b>P009 LGA R&amp;D Projects</b>							
Opening Balance	15,341	15,341	16,475	16,475	16,475	9,825	
Transfers from Acc Surplus (to Reserves)		1,134					
Transfers to Acc Surplus (from Reserves)			(6,650)		(6,650)		P5
	<b>15,341</b>	<b>16,475</b>	<b>9,825</b>	<b>16,475</b>	<b>9,825</b>	<b>9,825</b>	
<b>P024 Climate Change 2015-2017</b>							
Opening Balance	63,472	63,472	11,693	11,693	11,693	11,693	
Transfers from Acc Surplus (to Reserves)							
Transfers to Acc Surplus (from Reserves)	(63,472)	(51,779)	(7,500)			(11,693)	R7
	<b>-</b>	<b>11,693</b>	<b>4,193</b>	<b>11,693</b>	<b>11,693</b>	<b>0</b>	
<b>P027 Reform - Incentive Risk</b>							
Opening Balance	144,000	144,000	144,000	144,000	144,000	144,000	
Transfers from Acc Surplus (to Reserves)							
Transfers to Acc Surplus (from Reserves)						(144,000)	R1
	<b>144,000</b>	<b>144,000</b>	<b>144,000</b>	<b>144,000</b>	<b>144,000</b>	<b>-</b>	
<b>P025 Outreach Phase 2</b>							
Opening Balance	83,235	83,235	132,922	132,922	132,922	132,922	
Transfers from Acc Surplus (to Reserves)		49,687					
Transfers to Acc Surplus (from Reserves)	(83,235)					(132,922)	R2
	<b>-</b>	<b>132,922</b>	<b>132,922</b>	<b>132,922</b>	<b>132,922</b>	<b>-</b>	
<b>P028 Regional Capacity Building</b>							
Opening Balance	203,026	203,026	377,570	377,570	377,570	407,570	
Transfers from Acc Surplus (to Reserves)	147,780	174,543	107,000		30,000		P2
Transfers to Acc Surplus (from Reserves)						(407,570)	R3, P2
	<b>350,806</b>	<b>377,570</b>	<b>484,570</b>	<b>377,570</b>	<b>407,570</b>	<b>(0)</b>	
<b>Balance at End of Reporting Period</b>	<b>576,632</b>	<b>766,113</b>	<b>858,963</b>	<b>766,113</b>	<b>887,463</b>	<b>572,770</b>	
<b>TOTAL EQUITY</b>	<b>707,888</b>	<b>821,449</b>	<b>868,969</b>	<b>1,092,442</b>	<b>1,013,693</b>	<b>810,451</b>	

## Budgeted Statement of Cash Flows

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Cash Flows from Operating Activities</b>							
<b>Receipts</b>							
Operating Receipts	548,711	563,115	545,691	585,330	694,585	539,125	
Investment Receipts	10,798	13,818	12,133	13,359	15,060	15,000	
<b>Payments</b>							
Operating Payments to Suppliers and Employees	(562,788)	(487,915)	(503,631)	(385,881)	(544,722)	(696,708)	
Finance Payments	-	-	-	-	-	-	
<b>Net Cash provided by (or used in) Operating Activities</b>	<b>(3,279)</b>	<b>89,017</b>	<b>54,193</b>	<b>212,808</b>	<b>164,924</b>	<b>(142,583)</b>	
<b>Cash Flows from Investing Activities</b>							
<b>Receipts</b>							
Amounts Received Specifically for New/Upgraded Assets							
Sale of Replaced Assets						5,000	CE1
Sale of Surplus Assets							
<b>Payments</b>							
Expenditure on Renewal/Replacement of Assets						(40,000)	CE1
Expenditure on New/Upgraded Assets							
<b>Net Cash provided by (or used in) Investing Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(35,000)</b>	
<b>Cash Flows from Financing Activities</b>							
<b>Receipts</b>							
Nil							
<b>Payments</b>							
Nil							
<b>Net Cash provided by (or used in) Financing Activities</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Net Increase (Decrease) in Cash Held</b>	<b>(3,279)</b>	<b>89,017</b>	<b>54,193</b>	<b>212,808</b>	<b>164,924</b>	<b>(177,583)</b>	
plus: <b>Cash &amp; Cash Equivalents at beginning of period</b>	<b>719,859</b>	<b>719,859</b>	<b>808,876</b>	<b>808,876</b>	<b>808,876</b>	<b>973,800</b>	
<b>Cash &amp; Cash Equivalents at End of Reporting Period</b>	<b>716,580</b>	<b>808,876</b>	<b>863,069</b>	<b>1,021,685</b>	<b>973,800</b>	<b>796,217</b>	

## Budgeted Uniform Presentation of Finances

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes

The following is a high level summary of both operating and capital investment activities of the organisation prepared on a simplified Uniform Presentation Framework basis.

Local Government in South Australia have agreed to summarise annual budgets and long-term financial plans on the same basis.

The arrangements ensure that all organisations provide a common 'core' of financial information, which enables meaningful comparisons of each organisation's finances.

Income	559,509	560,287	557,824	658,186	750,887	514,125
less Expenses	(567,548)	(454,865)	(510,303)	(387,193)	(558,643)	(709,027)
<b>Operating Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(194,902)</b>
<b>less Net Outlays on Existing Assets</b>						
Capital Expenditure on Renewal and Replacement of Existing Asset:	-	-	-	-	-	40,000
less Depreciation, Amortisation and Impairment	(4,760)	(6,311)	(6,671)	-	(6,671)	(8,000)
less Proceeds from Sale of Replaced Assets	-	-	-	-	-	(5,000)
	<b>(4,760)</b>	<b>(6,311)</b>	<b>(6,671)</b>	<b>-</b>	<b>(6,671)</b>	<b>27,000</b>
<b>less Net Outlays on New &amp; Upgraded Assets</b>						
Capital Expenditure on New & Upgraded Assets	-	-	-	-	-	-
less Amounts Received Specifically for New & Upgraded Assets	-	-	-	-	-	-
less Proceeds from Sale of Surplus Assets	-	-	-	-	-	-
	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Net Lending / (Borrowing) for Financial Year</b>	<b>(3,279)</b>	<b>111,733</b>	<b>54,192</b>	<b>270,993</b>	<b>198,915</b>	<b>(221,902)</b>



## Budgeted Financial Indicators

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes

These Financial Indicators have been calculated in accordance with Information Paper 9 - Local Government Financial Indicators prepared as part of the LGA Financial Sustainability Program for the Local Government Association of South Australia. Detailed methods of calculation are set out in the SA Model Financial Statements.

<b>1. Operating Surplus Ratio</b>	<b>(1.4%)</b>	<b>18.8%</b>	<b>8.5%</b>	<b>41.2%</b>	<b>25.6%</b>	<b>(37.9%)</b>
Operating Surplus	(8,039)	105,422	47,521	270,993	192,244	(194,902)
Total Operating Revenue	559,509	560,287	557,824	658,186	750,887	514,125

This ratio expresses the operating surplus as a percentage of total operating revenue.

<b>2. Net Financial Liabilities Ratio</b>	<b>(123.1%)</b>	<b>(143.5%)</b>	<b>(153.4%)</b>	<b>(163.3%)</b>	<b>(133.2%)</b>	<b>(151.4%)</b>
Net Financial Liabilities	(688,849)	(803,961)	(855,629)	(1,074,954)	(1,000,353)	(778,451)
Total Operating Revenue	559,509	560,287	557,824	658,186	750,887	514,125

Net Financial Liabilities are defined as total liabilities less financial assets (excluding equity accounted investments in Council businesses). These are expressed as a percentage of total operating revenue.

<b>3. Asset Sustainability Ratio</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>#DIV/0!</b>	<b>0.0%</b>	<b>437.5%</b>
Net Asset Renewals	0	0	0	0	0	35,000
Infrastructure & Asset Management Plan required expenditure	4,760	6,311	6,671	0	6,671	8,000

Net asset renewals expenditure is defined as net capital expenditure on the renewal and replacement of existing assets, and excludes new capital expenditure on the acquisition of additional assets.

## Budget Worksheets - Statement of Comprehensive Income

## Functions &amp; Projects Consolidated

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
41000 Council Contributions	162,734	162,750	165,191	165,225	165,225	167,025	
42000 Grants : Federal Government	-	-	-	-	-	15,000	
42001 Grants : State Government	-	-	-	-	-	-	
42002 Grants : LGA	329,477	345,526	347,000	394,232	394,232	185,800	
42003 Grants : NRM	-	-	15,000	65,000	115,000	43,000	
43000 Interest : Bank Account	-	77	-	41	60	-	
43001 Interest : LGFA	10,798	13,741	12,133	13,319	15,000	15,000	
44000 Reimbursement	4,500	33,648	16,000	16,164	32,164	80,600	
49000 Other Income	2,000	4,545	2,500	4,206	4,206	7,700	
49001 Project Management	50,000	-	-	-	25,000	-	
<b>Total Income</b>	<b>559,509</b>	<b>560,287</b>	<b>557,824</b>	<b>658,186</b>	<b>750,887</b>	<b>514,125</b>	
<b>Expenses</b>							
<b>Employment Costs</b>							
61001 Payroll : Gross	203,077	162,957	177,099	113,037	145,169	159,485	
61002 Annual Leave	16,923	16,592	15,383	17,046	20,540	13,290	
61003 Sick Leave	-	-	-	-	-	-	
61004 Long Service Leave	1,100	189	2,000	-	7,821	4,319	
61005 Public Holidays	-	-	-	3,722	5,773	-	
61006 Superannuation	20,900	16,331	18,999	12,661	15,875	16,414	
61007 Workers Comp Premium	5,148	2,262	4,680	1,333	1,333	4,319	
61008 Other	-	-	-	-	-	-	
61009 Professional Development	-	649	16,000	18,264	18,264	1,000	
61010 Employee Relocation	1,239	1,239	-	-	-	-	
61011 Pay in Lieu of Notice	-	5,385	-	-	-	-	
61012 Redundancy	-	5,385	-	-	-	-	
64001 FBT	7,537	7,464	7,537	5,119	7,500	7,700	
<b>Operational Expenses</b>							
62001 Accounting Services	4,000	-	4,000	7,017	7,500	5,000	
62002 Advertising & Promotion	-	316	-	1,650	1,850	1,000	
62003 Audit Fees	1,750	2,000	2,250	2,000	2,000	2,500	
62004 Bank Fees & Charges	200	-	200	-	-	200	
62005 Consultants	-	105,561	75,000	77,191	120,091	190,000	
62006 Contractors	178,665	56,811	100,000	86,517	121,000	188,000	
62007 Legal Fees	-	-	-	-	-	-	
62009 Rent/Hire of Premises/Equip	15,000	16,477	28,000	8,209	10,100	14,500	
62010 Project Management	50,000	-	-	-	25,000	20,000	
63001 Catering	1,000	6,209	2,500	504	900	4,500	
63006 Telephone & Internet	4,000	6,870	6,000	4,000	5,000	6,000	
63007 Postage & Stationery Supp	-	-	-	1,078	1,450	2,500	
63012 IT & Web	6,000	3,875	6,000	1,962	3,000	6,000	
69004 Insurance	8,335	7,749	8,335	7,735	7,750	7,800	
69005 Members Allowances	5,764	4,270	6,000	3,225	4,500	6,000	
69007 Conferences	9,000	5,318	10,000	6,027	7,500	25,000	
69009 Other Expenses	4,500	1,123	2,500	215	700	5,000	
<b>Motor Vehicle</b>							
63004 Registration	650	621	650	630	650	-	
63009 Fuel - Unleaded	5,500	5,576	5,500	4,134	5,000	6,000	
63011 Vehicle Maintenance	3,000	-	3,000	1,935	2,500	3,000	
63013 Vehicle Cleaning	-	-	-	47	50	-	
69901 Depn : Motor Vehciles	4,760	6,311	6,671	-	6,671	8,000	
<b>Travel &amp; Accomodation</b>							
63003 Meals (non FBT)	-	131	-	234	406	300	
63010 Meals (FBT)	-	-	-	49	50	-	
69001 Accommodation	-	3,994	-	768	1,150	1,200	
69002 Airfares	-	499	-	-	-	-	
69006 Travel : Reimbursement	9,500	2,445	2,000	425	1,000	-	
69008 Taxi	-	-	-	-	-	-	
69010 Parking	-	257	-	459	550	-	
<b>Total Expenses</b>	<b>567,548</b>	<b>454,865</b>	<b>510,303</b>	<b>387,193</b>	<b>558,643</b>	<b>709,027</b>	
<b>Operating Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(194,902)</b>	
92001 Asset Disposal & Fair Value Adjustments	-	-	-	-	-	(8,340)	
<b>Net Surplus / (Deficit)</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(203,242)</b>	
<b>Total Comprehensive Income</b>	<b>(8,039)</b>	<b>105,422</b>	<b>47,521</b>	<b>270,993</b>	<b>192,244</b>	<b>(203,242)</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Corporate Function

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
41000 Council Contributions	162,734	162,750	165,191	165,225	165,225	167,025	1
42002 Grants : LGA	39,777	39,777	40,000				
43000 Interest : Bank Account		77		41	60		
43001 Interest : LGFA	10,798	13,741	12,133	13,319	15,000	15,000	2
44000 Reimbursement		488		164	164	10,000	9
49000 Other Income		4,545					
49001 Project Management	50,000				25,000		
49002 Procurement Administration							
<b>Total Income</b>	<b>263,309</b>	<b>221,378</b>	<b>217,324</b>	<b>178,748</b>	<b>205,449</b>	<b>192,025</b>	
<b>Expenses</b>							
<b>Employment Costs</b>							
61001 Payroll : Gross	203,077	151,807	138,462	104,280	132,128	143,077	E19
61002 Annual Leave	16,923	16,592	11,538	16,590	19,524	11,923	E19
61003 Sick Leave							
61004 Long Service Leave	1,100	189	750		7,636	3,875	E21
61005 Public Holidays				3,555	5,333		
61006 Superannuation	20,900	15,299	14,250	12,071	14,885	14,725	E20
61007 Workers Comp Premium	5,148	2,262	3,510	1,333	1,333	3,875	E22
61009 Professional Development		649		664	664	1,000	E24
61010 Employee Relocation	1,239	1,239					
61011 Pay in Lieu of Notice		5,385					
61012 Redundancy		5,385					
64001 FBT	7,537	7,464	7,537	5,119	7,500	7,700	E23
<b>Operational Expenses</b>							
62001 Accounting Services	4,000		4,000	7,017	7,500	5,000	E29
62002 Advertising & Promotion		316		1,000	1,000	1,000	Adj 3
62003 Audit Fees	1,750	2,000	2,250	2,000	2,000	2,500	E30
62004 Bank Fees & Charges	200		200			200	E31
62005 Consultants		1,531					
62006 Contractors		8,262	5,000	517	1,000		
62007 Legal Fees							
62009 Rent/Hire of Premises/Equip	15,000	16,177	18,000	8,163	10,000	10,000	E13, Adj 2
63001 Catering	1,000	5,040	2,500	181	500	2,500	E11
63006 Telephone & Internet	4,000	6,870	6,000	4,000	5,000	6,000	E14
63007 Postage & Stationery Supp				919	1,250	2,500	E12
63012 IT & Web	6,000	3,875	6,000	1,962	3,000	6,000	E6
69004 Insurance	8,335	7,749	8,335	7,735	7,750	7,800	E15
69005 Members Allowances	5,764	4,270	6,000	3,225	4,500	6,000	E17, E18
69007 Conferences	9,000	5,318	10,000	2,815	4,000	20,000	E1, E16
69009 Other Expenses	2,500	1,123	2,500	73	500	5,000	E16
<b>Motor Vehicle</b>							
63004 Registration	650	621	650	630	650		
63009 Fuel - Unleaded	5,500	5,576	5,500	4,134	5,000	6,000	E28
63011 Vehicle Maintenance	3,000		3,000	1,935	2,500	3,000	E27
63013 Vehicle Cleaning				47	50		
69001 Depn : Motor Vehcles	4,760	6,311	6,671		6,671	8,000	E26
<b>Travel &amp; Accomodation</b>							
63003 Meals (non FBT)		131		128	300	300	E25
63010 Meals (FBT)				49	50		
69001 Accommodation		3,572		618	1,000	1,200	E25
69002 Airfares		499					
69006 Travel : Reimbursement	9,500	1,972					
69010 Parking		257		459	550		
<b>Total Expenses</b>	<b>336,883</b>	<b>287,737</b>	<b>262,652</b>	<b>191,218</b>	<b>253,773</b>	<b>279,175</b>	
<b>Operating Surplus / (Deficit)</b>	<b>(73,574)</b>	<b>(66,359)</b>	<b>(45,328)</b>	<b>(12,470)</b>	<b>(48,324)</b>	<b>(87,150)</b>	
92001 Asset Disposal & Fair Value Adjustments						(8,340)	CE1
<b>Net Surplus / (Deficit)</b>	<b>(73,574)</b>	<b>(66,359)</b>	<b>(45,328)</b>	<b>(12,470)</b>	<b>(48,324)</b>	<b>(95,490)</b>	
<b>Total Comprehensive Income</b>	<b>(73,574)</b>	<b>(66,359)</b>	<b>(45,328)</b>	<b>(12,470)</b>	<b>(48,324)</b>	<b>(95,490)</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P009 - CWMS &amp; Climate Change Co-ordinator

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42002 Grants : LGA			30,000	29,700	29,700	20,000	7
44000 Reimbursement						12,650	6
49000 Other Income			2,500	4,206	4,206	7,700	12
<b>Total Income</b>	<b>-</b>	<b>-</b>	<b>32,500</b>	<b>33,906</b>	<b>33,906</b>	<b>40,350</b>	
<b>Expenses</b>							
<b>Employment Costs</b>							
61001 Payroll : Gross			21,918	8,757	13,042	16,408	E3
61002 Annual Leave			1,827	456	1,016	1,367	E3
61003 Sick Leave							
61004 Long Service Leave			594		185	444	E3
61005 Public Holidays				167	441		
61006 Superannuation			2,256	590	990	1,689	E3
61007 Workers Comp Premium			556			444	E3
64001 FBT							
<b>Operational Expenses</b>							
62002 Advertising & Promotion				109	250		
62006 Contractors				23,000	25,000		
62009 Rent/Hire of Premises/Equip			10,000			4,500	E2
62010 Project Management							
63001 Catering						2,000	E2
63006 Telephone & Internet							
63007 Postage & Stationery Supp				159	200		
63012 IT & Web							
69007 Conferences				3,213	3,500		
69009 Other Expenses				142	200		
<b>Travel &amp; Accomodation</b>							
63003 Meals (non FBT)							
63010 Meals (FBT)							
69001 Accommodation				150	150		
69002 Airfares							
69006 Travel : Reimbursement			2,000	425	1,000		
69008 Taxi							
69010 Parking							
<b>Total Expenses</b>	<b>-</b>	<b>-</b>	<b>39,151</b>	<b>37,169</b>	<b>45,973</b>	<b>26,852</b>	
<b>Operating Surplus / (Deficit)</b>	<b>0</b>	<b>0</b>	<b>(6,651)</b>	<b>(3,263)</b>	<b>(12,067)</b>	<b>13,498</b>	
<b>Total Comprehensive Income</b>	<b>0</b>	<b>0</b>	<b>(6,651)</b>	<b>(3,263)</b>	<b>(12,067)</b>	<b>13,498</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P022 - Roads &amp; Transport

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42000	Grants : Federal Government						
42001	Grants : State Government						
42002	Grants : LGA						
44000	Reimbursement						
49000	Other Income						
	2,000						
<b>Total Income</b>	<b>2,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002	Advertising & Promotion						
62005	Consultants						
62006	2,500	1,136	75,000	45,100	65,000	85,000	E5, P1
62009	Rent/Hire of Premises/Equip						
62010	Project Management						
63001	Catering						
63007	Postage & Stationery Supp						
69009	2,000						
<b>Travel &amp; Accomodation</b>							
63003	Meals (non FBT)						
63010	Meals (FBT)						
69001	Accommodation						
69002	Airfares						
69006	Travel : Reimbursement						
69008	Taxi						
69010	Parking						
				106	106		
<b>Total Expenses</b>	<b>4,500</b>	<b>1,805</b>	<b>75,000</b>	<b>45,344</b>	<b>65,356</b>	<b>85,000</b>	
<b>Operating Surplus / (Deficit)</b>	<b>(2,500)</b>	<b>(1,805)</b>	<b>(75,000)</b>	<b>(45,344)</b>	<b>(65,356)</b>	<b>(85,000)</b>	
<b>Total Comprehensive Income</b>	<b>(2,500)</b>	<b>(1,805)</b>	<b>(75,000)</b>	<b>(45,344)</b>	<b>(65,356)</b>	<b>(85,000)</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P023 - Outreach Collaboration

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42002 Grants : LGA	50,000	50,000	20,000	25,000	25,000		
<b>Total Income</b>	<b>50,000</b>	<b>50,000</b>	<b>20,000</b>	<b>25,000</b>	<b>25,000</b>	<b>-</b>	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002 Advertising & Promotion							
62005 Consultants							
62006 Contractors		313	20,000				
62009 Rent/Hire of Premises/Equip							
62010 Project Management	50,000				25,000		
63001 Catering							
63007 Postage & Stationery Supp							
69009 Other Expenses							
<b>Total Expenses</b>	<b>50,000</b>	<b>313</b>	<b>20,000</b>	<b>-</b>	<b>25,000</b>	<b>-</b>	
<b>Operating Surplus / (Deficit)</b>	<b>0</b>	<b>49,688</b>	<b>0</b>	<b>25,000</b>	<b>0</b>	<b>0</b>	
<b>Total Comprehensive Income</b>	<b>0</b>	<b>49,688</b>	<b>0</b>	<b>25,000</b>	<b>0</b>	<b>0</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P024 - Climate Change 2015-2017

for the year ended 30 June 2020

\$		2017 / 2018		2018 / 2019			2019 / 2020 Budget	
		Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>								
42000	Grants : Federal Government						15,000	8
42003	Grants : NRM			15,000	15,000	15,000	15,000	8
44000	Reimbursement	4,500	27,660					
<b>Total Income</b>		<b>4,500</b>	<b>27,660</b>	<b>15,000</b>	<b>15,000</b>	<b>15,000</b>	<b>30,000</b>	
<b>Expenses</b>								
<b>Employment Costs</b>								
61001	Payroll : Gross		11,151	16,719				
61002	Annual Leave			2,018				
61003	Sick Leave							
61004	Long Service Leave			656				
61005	Public Holidays							
61006	Superannuation		1,032	2,493				
61007	Workers Comp Premium			614				
64001	FBT							
<b>Operational Expenses</b>								
62002	Advertising & Promotion				541	600		
62005	Consultants		18,555					
62006	Contractors	67,972	47,100				50,000	E4
62009	Rent/Hire of Premises/Equip		300					
62010	Project Management						20,000	E3
63001	Catering		827		231	250		
<b>Travel &amp; Accomodation</b>								
69006	Travel : Reimbursement		474					
<b>Total Expenses</b>		<b>67,972</b>	<b>79,439</b>	<b>22,500</b>	<b>772</b>	<b>850</b>	<b>70,000</b>	
<b>Operating Surplus / (Deficit)</b>		<b>(63,472)</b>	<b>(51,779)</b>	<b>(7,500)</b>	<b>14,228</b>	<b>14,150</b>	<b>(40,000)</b>	
<b>Total Comprehensive Income</b>		<b>(63,472)</b>	<b>(51,779)</b>	<b>(7,500)</b>	<b>14,228</b>	<b>14,150</b>	<b>(40,000)</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P028 - Regional Capacity Building

for the year ended 30 June 2020

		2017 / 2018		2018 / 2019			2019 / 2020 Budget	
\$		Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>								
42002	Grants : LGA	200,000	216,049	232,000	311,532	311,532	140,800	3, 4
44000	Reimbursement				16,000	16,000	17,000	10
<b>Total Income</b>		<b>200,000</b>	<b>216,049</b>	<b>232,000</b>	<b>327,532</b>	<b>327,532</b>	<b>157,800</b>	
<b>Expenses</b>								
<b>Operational Expenses</b>								
62005	Consultants		41,506		8,000	25,000	30,000	P2
62006	Contractors	52,220		50,000				
62009	Rent/Hire of Premises/Equip							
62010	Project Management							
63001	Catering							
69007	Conferences						5,000	E7
69009	Other Expenses							
<b>Total Expenses</b>		<b>52,220</b>	<b>41,506</b>	<b>50,000</b>	<b>8,000</b>	<b>25,000</b>	<b>35,000</b>	
<b>Operating Surplus / (Deficit)</b>		<b>147,780</b>	<b>174,543</b>	<b>182,000</b>	<b>319,532</b>	<b>302,532</b>	<b>122,800</b>	
<b>Total Comprehensive Income</b>		<b>147,780</b>	<b>174,543</b>	<b>182,000</b>	<b>319,532</b>	<b>302,532</b>	<b>122,800</b>	



## Budget Worksheets - Statement of Comprehensive Income

## Project - P029 - LGA R&amp;D

for the year ended 30 June 2020

\$		2017 / 2018		2018 / 2019			2019 / 2020 Budget	
		Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>								
42002	Grants : LGA	39,700	39,700	25,000	28,000	28,000	25,000	5
44000	Reimbursement		5,500				25,000	13, E9
<b>Total Income</b>		<b>39,700</b>	<b>45,200</b>	<b>25,000</b>	<b>28,000</b>	<b>28,000</b>	<b>50,000</b>	
<b>Expenses</b>								
<b>Operational Expenses</b>								
62005	Consultants		43,970				25,000	E10
62006	Contractors	39,700		25,000			50,000	E9, P3
62009	Rent/Hire of Premises/Equip							
62010	Project Management							
63001	Catering		96					
69009	Other Expenses							
<b>Total Expenses</b>		<b>39,700</b>	<b>44,066</b>	<b>25,000</b>	<b>-</b>	<b>-</b>	<b>75,000</b>	
<b>Operating Surplus / (Deficit)</b>		<b>0</b>	<b>1,134</b>	<b>0</b>	<b>28,000</b>	<b>28,000</b>	<b>(25,000)</b>	
<b>Total Comprehensive Income</b>		<b>0</b>	<b>1,134</b>	<b>0</b>	<b>28,000</b>	<b>28,000</b>	<b>(25,000)</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P030 - Emerging Leaders Program

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
44000 Reimbursement			16,000				
<b>Total Income</b>	-	-	<b>16,000</b>	-	-	-	
<b>Expenses</b>							
<b>Employment Costs</b>							
61009 Professional Development			16,000	17,600	17,600		
<b>Operational Expenses</b>							
62005 Consultants							
62006 Contractors							
62009 Rent/Hire of Premises/Equip							
62010 Project Management							
63001 Catering							
63007 Postage & Stationery Supp							
69009 Other Expenses							
<b>Total Expenses</b>	-	-	<b>16,000</b>	<b>17,600</b>	<b>17,600</b>	-	
<b>Operating Surplus / (Deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(17,600)</b>	<b>(17,600)</b>	<b>0</b>	
<b>Total Comprehensive Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(17,600)</b>	<b>(17,600)</b>	<b>0</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P031 - Digital Maturity Index

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42000	Grants : Federal Government						
42001	Grants : State Government						
42002	Grants : LGA						
42003	Grants : NRM						
44000	Reimbursement						
49000	Other Income						
<b>Total Income</b>	-	-	-	-	-	-	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002	Advertising & Promotion						
62005	Consultants						
62006	Contractors						
62009	Rent/Hire of Premises/Equip						
62010	Project Management						
63001	Catering						
69009	Other Expenses						
<b>Total Expenses</b>	-	-	-	24,091	30,091	-	
<b>Operating Surplus / (Deficit)</b>	0	0	0	(24,091)	(30,091)	0	
<b>Total Comprehensive Income</b>	0	0	0	(24,091)	(30,091)	0	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P032 - Sustainability Hub

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42000	Grants : Federal Government						
42001	Grants : State Government						
42002	Grants : LGA						
42003	Grants : NRM						
44000	Reimbursement					15,950	6
49000	Other Income						
<b>Total Income</b>	-	-	-	-	-	<b>15,950</b>	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002	Advertising & Promotion						
62005	Consultants						
62006	Contractors			29,000	29,000		
62009	Rent/Hire of Premises/Equip						
62010	Project Management						
63001	Catering						
69009	Other Expenses						
<b>Total Expenses</b>	-	-	-	<b>29,000</b>	<b>29,000</b>	-	
<b>Operating Surplus / (Deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(29,000)</b>	<b>(29,000)</b>	<b>15,950</b>	
<b>Total Comprehensive Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(29,000)</b>	<b>(29,000)</b>	<b>15,950</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P033 - Coastal Strategic Priorities

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
44000 Reimbursement					16,000		- 6, Adj1
49000 Other Income							
<b>Total Income</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>16,000</b>	<b>-</b>	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002 Advertising & Promotion							
62005 Consultants							
62006 Contractors				26,000	26,000		
62009 Rent/Hire of Premises/Equip							
62010 Project Management							
63001 Catering							
69009 Other Expenses							
<b>Total Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>26,000</b>	<b>26,000</b>	<b>-</b>	
<b>Operating Surplus / (Deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(26,000)</b>	<b>(10,000)</b>	<b>0</b>	
<b>Total Comprehensive Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(26,000)</b>	<b>(10,000)</b>	<b>0</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P034 - N&amp;Y Coastal Management Action Plan

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42003 Grants : NRM				50,000	100,000	28,000	11
44000 Reimbursement							
49000 Other Income							
<b>Total Income</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>50,000</b>	<b>100,000</b>	<b>28,000</b>	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002 Advertising & Promotion							
62005 Consultants							
62006 Contractors				8,000	40,000	88,000	P4
62009 Rent/Hire of Premises/Equip							
62010 Project Management							
63001 Catering							
69009 Other Expenses							
<b>Total Expenses</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8,000</b>	<b>40,000</b>	<b>88,000</b>	
<b>Operating Surplus / (Deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42,000</b>	<b>60,000</b>	<b>(60,000)</b>	
<b>Total Comprehensive Income</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>42,000</b>	<b>60,000</b>	<b>(60,000)</b>	

## Budget Worksheets - Statement of Comprehensive Income

## Project - P027 - Community Capacity Building

for the year ended 30 June 2020

\$	2017 / 2018		2018 / 2019			2019 / 2020 Budget	
	Budget	Actual	Budget	YTD Actual	FY Forecast	Draft 1	Notes
<b>Income</b>							
42002 Grants : LGA							
44000 Reimbursement							
49000 Other Income							
<b>Total Income</b>	-	-	-	-	-	-	
<b>Expenses</b>							
<b>Operational Expenses</b>							
62002 Advertising & Promotion							
62005 Consultants						50,000	E8
62006 Contractors							
62009 Rent/Hire of Premises/Equip							
62010 Project Management							
63001 Catering							
69009 Other Expenses							
<b>Total Expenses</b>	-	-	-	-	-	50,000	
<b>Operating Surplus / (Deficit)</b>	0	0	0	0	0	(50,000)	
<b>Total Comprehensive Income</b>	0	0	0	0	0	(50,000)	

## Budget Worksheets - Reference Notes

for the year ended 30 June 2020

Note	Particulars
<b>Income Notes</b>	
1	Member contributions 15 @ \$11,135 (1 per cent increase)
2	LGFA Interest - Based on Current Year forecast
3	LGA Capacity Building Grant
4	Rubble Royalties Grant - for the period Jan 2019 - Jun 2019 (last payment)
5	LGA R&D Project - Project to be applied for and is not yet confirmed
6	Intern Reimbursements for Projects P033, P032, P009 at 50 per cent (see also Adjustment 1)
7	LGA CWMS Grant - second year of \$50,000 (\$30,000 in 2018-2019) - is confirmed
8	RDA & NRM contribution of \$15,000 each towards Climate Change Officer
9	Regional Alliance Conference - Legatus Coordinating with \$5,000 from each of the other parties
10	Building Better Regions Fund - Youth into Volunteering - Reimbursement after project completed
11	Remaining payment of \$28,000 towards the N&Y Coastal Management Action Plan
12	CWMS Conference - 70 attendees @ \$110
<b>Expense Notes</b>	
E1	Regional Alliance Conference costs - \$5,000 from each party (Income shown at Note 9)
E2	CWMS Conference costs - venue hire and catering
E3	Project Officer - costs for remainder of contract (part in CWMS, part in Climate Change)
E4	P024 Climate Change includes Concept Plans for Sustainability Hub
E5	Regional Roads - \$75,000
E6	IT & Website - includes new computer
E7	P028 Regional Plan - Alliance Forum \$5,000 - RDAYMN, NRM and Legatus joint project
E8	P027 Community Capacity Building Projects - Youth into Volunteering and Brighter Futures projects
E9	P029 - Intern R&D Projects with Universities 2x4 month projects \$50,000 (with \$25,000 income offset)
E10	LGA R&D Project - to be confirmed
E11	Based on previous budgets & actuals
E12	Based on previous budgets & actuals
E13	Office Rental - Rent \$12,250, Fixed cost \$2,500 + percentage of services \$150 per month
E14	Based on previous budgets & actuals
E15	Mutual Liability \$6,200, Personal Accident \$800, Car \$800
E16	Includes workshops and forums to be held
E17	Presiding Member Allowance \$4,500
E18	Delegates Allowances \$1,500
E19	Assumes no increase for 2019-2020
E20	Superannuation contributions at 9.5 per cent
E21	No current entitlement, annual increase in provision
E22	LGA Workers Compensation Scheme - based on estimated wages
E23	Fringe Benefits tax on Motor Vehicle etc
E24	Provision for Professional Development activities
E25	Accommodation, Meals and Travel related costs
E26	Estimate based on changing over vehicle in 2019-2020
E27	Based on previous budgets & actuals
E28	Based on previous budgets & actuals
E29	Based on previous budgets & actuals
E30	Based on previous budgets & actuals
E31	Based on previous budgets & actuals
<b>Capital Expenditure Notes</b>	
CE1	Changeover of Vehicle - new price \$40,000, estimate trade in value \$5,000, WDV \$13,340, Loss on Disposal \$8,340
<b>Reserve Movement Notes</b>	
R1	Transfer \$144,000 from Incentive Risk Reserve to General Reserve
R2	Transfer \$132,922 from Outreach Reserve to General Reserve
R3	Transfer \$377,570 from Climate Change Reserve to Roads and Transport Reserve
R4	Reduce General Reserve by \$50,000 to be used for Project P024 Climate Change
R5	Reduce General Reserve by \$75,000 to be used for Project P022 Roads and Transport
R6	Reduce General Reserve by \$50,000 to be used for Project P027 Community Capacity Building
R7	Reduce Climate Change Reserve by \$11,693 as this is Legatus Contribution towards Project P032 Sustainability Hub
<b>Projection (End of Year) Notes</b>	
P1	Roads & Transport - Further \$20k expenditure this year, \$10k to reserve at year end and to be spent in 2019-2020
P2	Regional Capacity Building - VIC Project, further \$17k expenditure this year, \$30k to reserve at year end and to be spent in 2019-2020
P3	LGA R&D - Digital Maturity Project - further \$6k expenditure this year
P4	P034 N&Y Coastal management Action Plan - Project \$40k end of year expenditure, \$88k to general reserve at year end and to be spent in 2019-2020
P5	Budgeted Reserve Transfer in 2018-2019 not processed yet (other Budgeted Reserve Transfers built into 2019-2020 Budget)
<b>Adjustment Notes</b>	
Adj1	Change rebate for Intern John Watson (P033) from NFY to CFY and change amount from \$14,300 to \$16,000
Adj2	Change Office Rent (Corporate Function) from \$18,000 to \$10,000
Adj3	Include \$1,000 for Advertising & Promotion (Corporate Function)



### 3-year Action Plan July 2019 – June 2022

Goal	2019-2020	2020-2021	2021-2022
<b>1: Speak with united voice on matters of regional importance</b>			
3-year action plan	Q1 & 2 monitor Q3 – review Q4 – develop budget / business plan	Q1 & 2 monitor Q3 – review Q4 – develop budget / business plan	Q1 & 2 monitor / review strategic plan Q3 – finalise new strategic plan Q4 – develop budget / business plan
Marketing and Communications Plan	Q1 – Develop communications plan and e-newsletter Q4 – review the effectiveness of communications plan	Q1 – implement recommendations from review Q4 – review the effectiveness of communications plan	Q1 – implement recommendations from review Q4 – review the effectiveness of communications plan
Working relationship	Attendance at council meetings twice per year and proactive partner including attending or hosting forums / workshops	Attendance and proactive partner including attending or hosting forums / workshops  Q4 – survey of constituent councils and regional partners (use to develop updated strategic plan in 21/22)	Attendance and proactive partner including attending or hosting of forums / workshops
Profile of Legatus Group	Q1 – Review all alliance and partnerships with reference to new Landscape boundaries Q3 – Report to Board & implement recommendations	Q2 – Review all alliance and partnerships Q3 – Report to Board & implement recommendations	Q2 – Review all alliance and partnerships Q3 – Report to Board & implement recommendations
Regional Forums	Q1 – Review of the 2018 Yorke Mid North regional forum and Regional Development SA Conference Q2 – Planning for 2020 regional forums Q3-4 Legatus Group responsible for the delivery of 2019 Yorke Mid North (possibly include Barossa/Light/Adelaide Plains). Support RDSA Conference.	Q1 – Review of the 2020 regional forum Q2 – Planning for 2021 regional forum Q3-4 Staging of 2021 regional forums	Q1 – Review of the 2021 regional forum. Plan for Regional SA Conference in region Q2 – Planning for 2022 regional forum Q3-4 Staging of the regional 2022 forums.
<b>2: Support Social Infrastructure and Community Services</b>			
Regional Health	Q1 – Progress actions from 2018 NDIS report. Q2 - Identify support required based for LG Wellbeing Officer program being trialled in other regions.	Q3 – Analysis of regional health plans for the coming year and support where required	Q3 – Analysis of regional health plans for the coming year and support where required
Population growth	Q2 - Liaise through LGA and SAROC on the role of Local Government to impact policy on regional population growth.	Implement outcomes	Implement outcomes

Reconciliation	Q1 – Implement actions for workshop on Reconciliation Action Plans (RAP) Q2 – Develop support for individual councils and or LG re adoption of RAPs	Implement and monitor RAP	Implement, monitor and review RAP
Diversity	Q2 - Support the delivery of cultural programs and identify opportunities for friendship cities / regions.	Review programs and identify changes.	Review programs and identify changes.
Leadership	Q2 – Review the current outcomes of the regional leadership program Q3 – Provide report on opportunity for local government emerging leaders program.	Support monitor and review programs. Q1 – Develop and implement a regional scholarship program to support members of constituent councils in regional leadership. Q2 – Develop and implement a regional local government mentor / leadership program for the region.	Support, monitor and review programs. Q1 – Review and implement a regional scholarship program to support members of constituent councils in regional leadership. Q2 – Review and implement a regional local government mentor / leadership program for the region.
Community - Youth - Volunteering	Q1 – Delivery of Youth into Volunteering and Brighter Futures Projects Q3 – Review the Youth into Volunteering and Brighter Futures Projects Q4 – Identify a priority list and develop business cases where needed.  Regularly monitor and support applications for funding based on these topics.	Regularly monitor and support applications for funding based on these projects.	Q1 Review the projects  Regularly monitor and support applications for funding based on these projects.
Digitally mature	Q1 - Q2 - Support the implementation and monitoring of recommendations from the report.	Delivery a review of the Digital maturity report based on the actions from 2019/2020	Support the implementation and monitor and review programs.
Coastal	Q1 Finalise the Local council assessments / asset protection plans and settlement action plans and regional coastal management plans. Q2 Assist with finalising the SA Coastal Councils Alliance project. Finalise the Yorke Mid North Coastal Management Action Plan. Q3 Hold a LG Coastal workshop to identify key recommendations from reports and identify funding opportunities.	Support the implementation and monitor and review programs.	Support the implementation and monitor and review programs.

	Q4 Progress with recommendations.		
Rating Equity	Q1 Review the progress by LGA of the recommendations.		
Drought	Q1 Identify / research the impacts to LG councils from the drought conditions and partner with other regional organisations on support programs. Q2 Hold a LG workshop on the findings for the research and develop recommendations and programs. Q3 & 4 Implement and or assist with progress of any recommendations	Support the implementation and monitor and review programs.	
<b>3. Development and Infrastructure</b>			
Regional Planning	Monitor the regional approaches being considered for planning and support where required.	Deliver a stream on planning as part of the regional forum that focuses on support to economic development.	
Road Network	Q1 Update the LG Regional Transport Plan Q3 – Adopt the updates of the Regional Transport Plan Q4 – Applications for SLRP funding reviewed and submitted	Support the implementation and monitoring of actions from the Regional Transport Plan Q4 – Applications for SLRP funding reviewed and submitted	Support the implementation and monitoring of actions from the Regional Transport Plan Q4 – Applications for SLRP funding reviewed and submitted
Visitor Information Services	Q1 – Adopt recommendations of current digital visitor and volunteer base re information services being provided across the region. Q 2 & 3 Support the implementation and monitoring of actions from report.	Support the implementation and monitoring of actions from report.	Review the VIS recommendations.
Waste Management	Q1 & 2 Implement and monitor the actions / recommendation from the report on sludge plant and the outcomes from the wastewater conference. Q2 Hold regional waste forum and identify local and or regional programs for waste reduction. Q3 (I) Hold subregional workshop and review the progress of CWMS joint services arrangements	Implement and monitor the outcomes from the previous years.	Implement and monitor the outcomes from previous 2 years.

	(2) progress business cases for waste projects identified from the forum. Q4 Report on the way to progress with joint CWMS Service Arrangements. Develop the business case for extension of the Project Officer.		
<b>4. Sustainability within natural environment</b>			
Regional Climate Change	Refer to the 3-year action plan associated with the Sector Agreement – Subject to securing funding for Project Officer to assist with implementation.		
Partnerships	Maintain the partnerships with NRM through the regional alliance and partnering on regional and local forums.		
Protect areas of biodiversity	Q1 Continue the LG Coastal Council Alliance – linkage with State and National council coastal alliances. Q2 Develop a working / advisory group to investigate the alignment between Constituent Councils and NRM programs. Q3 Report on regional biodiversity projects and identify funding streams and partnerships.	Secure funding and implement and monitor the actions / recommendation from report.	Implement and monitor the actions / recommendation report.
Emergency Management Planning	Support the Regional Project Officer to be appointed for the Legatus Group region and be hosted at the Legatus Group office. Assist with the delivery of outcomes and deliverable for the regional project officer.	Assist with the delivery of outcomes for the regional project officer.	Assist with the delivery of outcomes for the regional project officer. Q1 Review the progress.
<b>5. Manage a robust and financially sustainable model.</b>			
Strong robust governance and sustainability models	Refer to the Legatus Group Audit and Risk Committee work plan which is designed to comply with the Legatus Group Charter.		
Skills training and support for Constituent Councils	Q1 – Undertake a survey of council administration and councillors on the types of training required and develop program. Q 3 & 4 Deliver the program	Q3 Undertake a survey of council administration on skills training requirements and assist with the development and implementation of the programs.	Q1 – Undertake a survey of councillors on skills training requirements and assist with the development and implementation of the programs.
Identify opportunities for resource sharing.	Q2 Workshop with Constituent Councils on the opportunities identified and develop an action plan.	Implement and monitor outcomes from action plan.	Implement and monitor outcomes from action plan.

**COUNCIL**  
**EXECUTIVE SERVICES**  
**CHIEF EXECUTIVE OFFICER REPORT**  
**18 JUNE 2019**

**4.2.1 CONSENSUS AGENDA – CHIEF EXECUTIVE OFFICER**

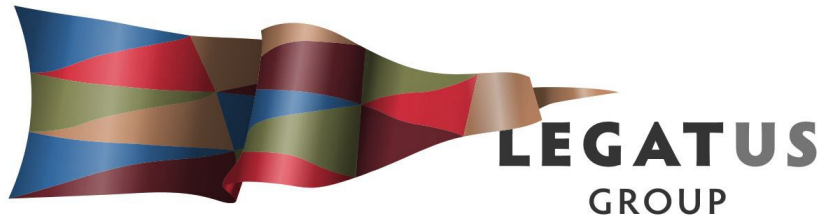
**4.2.1.2**

**LEGATUS GROUP – UNCONFIRMED MINUTES 31 MAY 2019**  
**B9103**

Unconfirmed minutes from the Legatus Group meeting held on Friday 31 May 2019 are attached for information.

**RECOMMENDATION:**

That the report item 4.2.1.2 be received.



## **Unconfirmed Minutes of the Legatus Group Ordinary Meeting**

**31 May 2019**

**Ralli Park Balaklava**

### **I Meeting Preliminaries**

#### **Present**

Board members: Mayor Peter Matthey – Chairman (Goyder), Mayor Ruth Whittle (Peterborough), Mayor Leon Stephens (Port Pirie), Mayor Wayne Thomas (Clare & Gilbert Valleys), Mayor Peter Slattery (Flinders Ranges), Mayor Denis Clark (Northern Areas), Mayor Rodney Reid (Wakefield), Mayor Roslyn Talbot (Copper Coast), Mayor Leonie Kerley (Barunga West), Mayor Bim Lange (Barossa), Mayor Phillip Heaslip (Mt Remarkable), Chairman Kathie Bowman (Orroroo/Carrieton), Mayor Darren Braund (Yorke Peninsula) and Mayor Mark Wasley (Adelaide Plains).

#### **In Attendance**

Cr Lynette Reichstein (Light), Mr Andrew Cole (CEO Barunga West), Mr Rob Veitch (A/CEO Adelaide Plains), Mr Peter Ackland (CEO Port Pirie), Mr Dylan Strong (CEO Orroroo/Carrieton), Mr Peter McGuinness (CEO Peterborough), Mr Dylan Strong (CEO Orroroo Carrieton), Mr Colin Byles (CEO Northern Areas), Mr Andrew MacDonald (CEO Wakefield), Mr Richard Michael General Manager Governance Light), MP Geoff Brock, Ms Kelly-Anne Saffin (CEO RDA YMN) Deirdre Albrighton (HR Manager LGA) and Mr Simon Millcock (CEO Legatus Group).

#### **Apologies**

Mayor Bill O'Brien (Light), Council CEO's Mr Brian Carr (Light), Mr David Stevenson (Goyder), Dr Helen Macdonald, (Clare & Gilbert Valleys), Mr Martin McCarthy (Barossa), Mr Colin Davies (Flinders Ranges), Mr Wayne Hart (Mt Remarkable), Mr James Miller (Adelaide Plains) and Mr Andrew Cameron (Yorke Peninsula).

The Chairman declared the meeting open at 10.30am and welcomed State Member of Parliament for the seat of Frome Hon Geoff Brock MP and MLC Hon John Dawkins.

### **2 Welcome to Wakefield Regional Council**

Mayor Rodney Reid welcomed everyone to Balaklava on behalf of the Wakefield Regional Council and introduced Mr Andrew MacDonald the Council's new CEO. Mayor Reid outlined a list of activities including:

- Onsite works commenced on the Port Wakefield dual carriageway project.
- 22 projects being undertaken using the \$1m federal drought assistance including a number of solar panel projects.
- Road network is the major cost to the council's budget.

- New works depot is being progressed.
- Upgrade to children community centre supporting needs for childcare.
- Tourism facility improvements at Lochiel.
- State awards to the Owen Primary “Event of the Year” raising funds for 2 B-doubles of hay to farmers.
- Derryn Stringer Citizen of the Year for his work on the Snowtown Sports facilities.

Mayor Reid noted the closure of one of the shifts at JBS abattoir at Port Wakefield in February 2019 and its impact on employment in the region.

### **3 Confirmation of Previous Minutes**

Minutes of the Legatus Group Meeting held on 15 February 2019 at Peterborough.

Motion: That the minutes of the Legatus Group Meeting held on the 15 February 2019 at The Peterborough Golf Club Park Street Peterborough be taken as read and confirmed.

Moved: Mayor Wayne Thomas Seconded: Mayor Rodney Reid

**CARRIED**

### **4 Presentations**

#### **4.1 Suicide Prevention**

Hon John Dawkins MLC and Karen McColl (The Office of The Premier’s Advocate for Suicide) outlined their roles with suicide prevention including the support to a series of local and regional suicide prevention networks. Discussion included the role of local government and opportunities for Mayors, councillors and staff along with the need for increased mental health support to regional communities. They provided a resource kit and discussions on the opportunity for Legatus Group and constituent councils to consider something similar. Legatus Group CEO to follow up with councils and The Office of The Premier’s Advocate for Suicide.

#### **4.2 Flinders Ranges World Heritage Nomination**

Jodie Gregg-Smith (SA Arid Lands) and Jason Irving (Protected Areas Unit) outlined the progress on World Heritage nomination and the work undertaken during the past 2 years to help identify the value of the Flinders Ranges. They are progressing with a number of sites as opposed to the entire Flinders Ranges. Working with the Australian Government and developing the tentative list with submissions by early 2020. They outlined the value of having world heritage listing and the extreme rare nature of the Flinders Ranges.

#### **4.3 Horrocks Highway**

Legatus Group CEO advised that Scott Cooper, Director Infrastructure and Investment DPTI was not able to attend but that he would attend the Legatus Group Road and Transport Forum on 12 July 2019. Update provided by Scott to Legatus Group CEO was that the State funding for both Horrocks Highway and Barrier Highway was to be decided in the upcoming SA Govt budget and information on the types of consultation and works were provided with a more detailed presentation on 12 July 2019.

#### **4.4 Local Government Reform**

Alex Hart Director Office of Local Government Planning and Land Use Services provided a presentation (to be distributed by Legatus Group CEO) which outlined the key areas and timelines. The discussion paper is due by the end of July 2019 and they had received 84 submissions and 170 to the YourSAy survey. Draft bill by the end of 2019.

#### 4.5 Regional Development YMN

CEO Kelly-Anne Saffin RDA Yorke and Mid North provided a snapshot of their current projects and will provided notes to be distributed. Key points were:

- Regional infrastructure review has commenced via a contract with Tomkins.
- Mobile blackspot funding – quick timeline and responses required with co-contributions.
- 5 shop local campaigns are underway.
- Prevocational training has commenced with trade schools.
- Partner with Flinders University for Entrepreneurial courses.
- Providing input to the SA Regional Development Strategy.

### 5 Business arising no otherwise on the agenda

#### 5.1 Little Corellas

Legatus Group CEO provided a report with the agenda and updated that Mt Remarkable CEO Wayne Hart is also a member of the Little Corella working group. Report noted.

#### 5.2 Drought

Legatus Group CEO provided a report with the agenda and the meeting noted that the Port Pirie Regional Council, Adelaide Plains Council and Cooper Coast Council had also been advised they were to receive a \$1m from the drought assistance from the Australian Government.

Motion: That the Legatus Group compile a list of the approved projects including the timing of their delivery and their benefits for the region following the drought funding made available by the Australian Government.

Moved: Mayor Rodney Reid      Seconded: Mayor Denis Clark

**CARRIED**

### 6 Chairman's Report

6.1 Chair Mayor Peter Matthey advised that he had attended all the required SAROC and LGA meetings on behalf of Legatus Group. He advised that SAROC are looking into drought preparedness and noted the current funding announcements.

6.2 CEO's Performance review held over till last item of the agenda.

### 7 Items referred by Councils

#### 7.1 Port Pirie Council – Small Business

Mayor Leon Stephens thanked the Legatus Group CEO for the report provided with the agenda and spoke to the issues raised.

Motion:

- i. That all councils consider participating in the Small Business Friendly Council Initiative by the Small Business Commissioner.
- ii. That the Legatus Group CEO identifies areas of support that can be provided to those member councils who are participating in the Small Business Friendly Council Initiative.
- iii. That the Legatus Group undertake with regional partners and the business sector a workshop to identify areas of support that could be considered for supporting small business.



Moved: Mayor Leon Stephens    Seconded: Mayor Peter Slattery

**CARRIED**

## **8        Business Plan**

### **8.1 2018/2019 Project updates.**

The Legatus Group CEO's report was provided with the agenda along with brief updates on Disability Access and Inclusion Plans, NDIS Socio-economic impact report, advised a copy of the letter from Minister re rating equity has been provided, regional partnerships including join event with RDAs for guest speaker Calandra Cruickshank and progress on Reconciliation Action Plans. The Chair invited questions.

Motion:

- i. That the Legatus Group notes the progress of the 2018/2019 projects.
- ii. That the Legatus Group seeks funding from the LGA Research and Development program to develop a report in partnership with other regional local government associations on the impacts to employment and regional growth by not implementing the recommendations contained in the June 2019 Legatus Group Rating Equity for commercial and or industrial land uses outside towns in South Australia.
- iii. That the Legatus Group supports the Legatus Group CEO establishing a Legatus IT working group to review and provide recommendations on progressing the recommendations from the Digital Maturity report.
- iv. That the Legatus Group distributes the final Sustainability Hub report along with a 2-page information sheet to constituent councils and that the Yorke Mid North Regional Alliance and Legatus Group CEO continues to provide assistance to councils who may wish to progress with its recommendations.

Moved: Mayor Rodney Reid    Seconded: Mayor Darren Braund

**CARRIED**

### **8.2 Communication with Constituent Councils**

The Legatus Group CEO's report was noted.

### **8.3 MoU with Universities**

The Legatus Group CEO's report was provided with the agenda and Mayor Rodney Reid spoke of the value the Wakefield Regional Council has had with their involvement with Universities.

Motion: That the Legatus Group supports the Legatus Group CEO in progressing draft Memorandums of Understanding with Universities for consideration by the Legatus Group.

Moved: Mayor Rodney Reid    Seconded: Mayor Bim Lange

**CARRIED**

### **8.4 Regional Live Music Coordinator**

The Legatus Group CEO's report was provided with the agenda and general discussion undertaken.

Motion: That the Legatus Group supports an allocation of funding of \$5,000 towards a regional or sub-regional expression of interest for a Regional Live Music Coordinator.

Moved: Mayor Darren Braund    Seconded: Mayor Leonie Kerley

**CARRIED**

The meeting adjourned for lunch at 12.35pm and reconvened at 1.10pm

## 8.5 2019/2020 Business Plan and Budget

The Legatus Group CEO's report was provided with the agenda and a hard copy of the budget was provided to all board members at the meeting. The meeting noted that the following councils have confirmed their endorsement Clare and Gilbert Valleys Council, Northern Areas Council, Regional Council of Goyder, District Council of Peterborough, District Council of Mount Remarkable, Adelaide Plains Council, Light Regional Council, District Council of Orroroo Carrieton, Wakefield Regional Council and the Port Pirie Regional Council.

The Legatus Group CEO advised that the original recommendation circulated with the agenda was amended and distributed via email. This was due to the charter and act not allowing the adoption of the business plan and budget until after 31 May. The confirmation letter from Port Pirie Council regarding an additional recommendation for an assessment during 2019/2020 of the degree of long-term financial coverage was read at the meeting.

Motion:

- i. That the Legatus Group agrees in principal to the draft business plan and budget for 2019/2020 subject to endorsement by all Constituent Councils.
- ii. That all Constituent Councils who have not responded regarding the draft 2019/2020 Business Plan and Budget and Strategic Plan and three-year Action Plan provide their response by 30 June 2019.
- iii. That the Legatus Group will hold a telephone conference on Friday 5 July 2019 to consider any comments from Constituent Councils and adopt the draft 2019/2020 Annual Business Plan and Budget.
- iv. That the Legatus Group undertake an assessment during 2019/2020 of the degree of long-term financial coverage required in order that a position can be put to the Board and constituent councils prior to the formation of the 2020/2021 financial documents.

Moved: Mayor Leon Stephens    Seconded: Mayor Mark Wasley

**CARRIED**

## 9     **Audit and Risk Management Committee**

Chairman Kathie Bowman provided a report with the agenda which contained the minutes of the Audit and Risk Management Committee meeting 30 April 2019.

Motion:

- i. That the Legatus Group appoints Chairman Kathie Bowman as the Chair of the Legatus Group Audit and Risk Management Committee.
- ii. That the Legatus Group appoints Colin Byles CEO Northern Areas Council to the Legatus Group Audit and Risk Management Committee.
- iii. That the Legatus Group notes:
  - a. That it is unable to seek and exemption from the Minister for having an audit committee.
  - b. That the Legatus Group Audit and Risk Management Committee approved the report on its work plan for 2018/2019.

Moved: Mayor Denis Clark    Seconded: Mayor Wayne Thomas

**CARRIED**

Motion: That the Legatus Group CEO is authorised to enter a contract with the SA Government through their Department of Human Services for the delivery of a Brighter Futures program/s in 2019/2020 and that an allocation of \$5,000 is approved from the Legatus Group budget for this contract.

Moved: Mayor Darren Braun    Seconded: Mayor Rodney Reid

**CARRIED**

## **10 Financial Report**

The Legatus Group CEO provided a report with the agenda containing the: (1) Profit and Loss (2) Balance Sheet (3) Movements in Equity (4) Statement of Cash Flow and (5) Budget Variance for the period 1 July 2018 till 30 April 2019.

Motion:

1. That the Legatus Group notes the budget update and the Legatus Group CEO's reimbursement for February, March and April 2019.
2. That Legatus Group notes the Legatus Group CEO efforts to reduce the costs for leasing of office space and telecommunications.

Moved: Mayor Ruth Whittle      Seconded: Mayor Leon Stephens

**CARRIED**

## **11 Legatus Group Regional Management Group**

Northern Areas Council CEO Colin Byles provided a report with the agenda which contained the notes of the Legatus Group Regional Management Group meeting held Friday 10 May 2019 at the Clare and Gilbert Valleys Council Chambers.

Welcomed new CEOs Russell Peate Copper Coast and Andrew MacDonald Wakefield. The meeting noted the report and that Legatus Group CEO is progressing with regional training opportunities for Risk Services.

## **12 Legatus Road and Transport Infrastructure Advisory Committee**

### **12.1 Minutes**

The Legatus Group CEO Simon Millcock provided a report with the agenda which contained the minutes of the Legatus Group Road and Transport Infrastructure Advisory Committee held 10 April 2019. The meeting noted the minutes.

### **12.2 SLRP 2019**

The Legatus Group CEO Simon Millcock provided a report with the agenda which included the 2019 Regional Priorities.

Motion: That the assessment and prioritising for Legatus Group region SLRP roads funding for 2019/2020 is endorsed.

Moved: Mayor Darren Braun      Seconded: Mayor Peter Slattery

**CARRIED**

### **12.3 Legatus Group 2019 Roads Forum**

The Legatus Group CEO Simon Millcock provided a report with the agenda and advised that Scott Cooper Director Infrastructure and Investment DPTI will now also attend the forum.

Motion: That the Legatus Group Councils promote the Legatus Group Roads Forum 12 July 2019 within their councils.

Moved: Mayor Denis Clark      Seconded: Mayor Peter Slattery

**CARRIED**

## **13 Legatus Group CWMS Advisory Committee**

CEO Andrew Cole Chair of the committee provided a report with the agenda which included the minutes of their meeting held 15 March 2019.

Motion: That the Group Councils promote the SA CWMS Conference 23 August 2019 within their councils.

Moved: Mayor Leon Stephens    Seconded: Mayor Leonie Kerley

**CARRIED**

#### **14     LGA and SAROC**

Deirdre Albrighton addressed the meeting and provided background on her role HR Manager at LGA and assistance that can be provided to councils. This included CEO recruitment programs and performance review, culture survey for smaller councils. Deidre outlined the SAROC / GAROC annual planning process and that LGA keen to hear back on the following:

- Local Govt Reform
- Regional Planning Code
- Heritage and Landscape Act
- Heavy Vehicle reform
- Little Corellas
- Road Safety
- State-wide Jetties Strategy

The new project officers for the Council ready program have completed their induction. General discussion was held on the LGA 2019/2020 draft budget.

#### **15     Other Business**

15.1 Office for Recreation, Sport and Racing regional workshops.

The meeting noted the report provided by the Legatus Group CEO.

15.2 Murray Darling Association

Mayor Denis Clark provided a report and that the MDA Board meets during the ALGA Conference in June and he encouraged any Legatus Group Council who was at ALGA to attend. Mayor Clark advised he was stepping down as Chair for Region 8 and that a meeting was being planned for 12 July 2019 for Region 8 to follow on from the Legatus Group Road Forum in Clare.

15.2 LGA and SAROC Regional SA meetings 2019

The meeting noted the Legatus Group CEO's report.

15.3 Legatus Group CEO's annual leave and disclosed outside interest.

The meeting noted the Legatus Group CEO's report.

15.4 Planning Reform

Mayor Roslyn Talbot raised the topic of Planning Reform and general discussions with consensus that invite be extended to have presentation at next Legatus Group that is provided layman's terms and to include Stephen Smith from LGA.

Item 6.2 CEO's performance review

A report was provided in the agenda of the meeting held between Mayor's Matthey and O'Brien, Chairman Kathie Bowman and Legatus CEO regarding the CEO's performance on 29 April 2019.

Motion: That the Board Members discuss the CEO's performance review in confidence.

Moved: Mayor Leon Stephens    Seconded: Mayor Leonie Kerley

**CARRIED**

All non-board members left the room and there was general discussion.

Motion:

- i. That the Legatus Group supports extending the CEO's contract for a further two years commencing from the 6 June 2020.
- ii. That the Legatus Group supports an allocation of 25 days annual leave to be approved for the coming year and the new contract of the Legatus Group CEO in lieu of any pay increase for the year 2019/2020.

Moved: Mayor Rodney Reid    Seconded: Mayor Leon Stephens

**CARRIED**

## **16            Close of Meeting**

The dates for the remaining 2019 Legatus Group meetings are: Special meeting Friday 5 July – teleconference, Friday 30 August – Port Pirie Regional Council and Friday 29 November – Barunga West Council.

Meeting closed by the Chair at 1.58pm

Signed as a true and correct record by:

Chairman Mayor Peter Matthey

Date

**COUNCIL**

**DEVELOPMENT AND ENVIRONMENTAL SERVICES**

**ENVIRONMENTAL SERVICES REPORT**

**18 JUNE 2019**

**4.5.2            CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT**

**4.5.2.1        WILLIAMSTOWN, LYNDOKH LANDCARE GROUP INC.  
**B2791****

The following Minutes of the Williamstown, Lyndoch Landcare Group Inc. are attached for information:

- 28 November 2018
- 27 February 2019
- 27 March 2019
- 22 May 2019

**RECOMMENDATION:**

That report items 4.5.2.1 be received.



	<p><b>ACTION:</b> Create 2019 Calendar and include dates for Saturday Working Bees (to be presented at next General Meeting).</p> <ul style="list-style-type: none"> <li><b>Actions remaining:</b></li> </ul> <p><b>ACTION:</b> Update Membership Form to include Emergency Contact phone numbers.</p>	Angus Atkinson	26-Feb-19
5	<p><b>Correspondence:</b></p> <p><b>In:</b></p> <ul style="list-style-type: none"> <li><b>Letter from Liz Ninnies, National Resources Management Board (NRM)</b> dated 10 October, offering funding for members to undertake First Aid Training. Both Angus Atkinson and Tracy Sinclair have undertaken this training.</li> <li><b>Bird Survey</b> received from Birds SA following recent bird survey undertaken on 16 August 2018.</li> <li><b>Email from Margaret Feibig, Barossa Council Volunteering Coordinator</b> dated 29 October with updates to the WLLG contacts (from Brian Green)</li> <li><b>Letter from Molly Hughes</b> (Life Member) dated 24 August 2018 – enclosing a \$50 donation</li> <li><b>Letter from John Seymour</b> not dated – enclosing \$10 fees</li> <li><b>Email from Glenn Gale, Executive Officer, Landcare Association of SA (LASA)</b>– providing an update on the Association activities.</li> <li><b>Reporting/Monitoring Sheet from Amanda Pearce, Environmental Weed Control &amp; Revegetation.</b> Reporting/Monitoring Sheet providing approximate area and weed species treated, method of treatment and site assessment and recommendations. Summary of the recommendations are as follows:             <ul style="list-style-type: none"> <li>On-going follow-up of all weed species due to high re-invasion from adjoining properties</li> <li>Control Opuntia during Winter/Spring</li> <li>New germination of several Cullen australasicum (Tall Scurf-pea) rated as rare regionally observed</li> </ul> </li> </ul> <p><b>Out:</b></p> <p><b>Thank you letter to Molly Hughes</b> sent 29 August 2018.</p>	Tina Woods	26-Feb-19
6	<p><b>Chair Report</b> – presented by Angus Atkinson:</p> <ul style="list-style-type: none"> <li><b>Northern Foothills Land Care Group “Environment and Land Care Expo” evening</b> – This Landcare group was represented by Angus Atkinson, Tracy Sinclair and Tina Woods. The Expo was very well attended with good opportunity for cross-fertilization.</li> </ul> <p><b>ACTION:</b> Follow up with Friends of Para Wirra Conservation Park for possible joint Working Bee.</p>	Angus Atkinson	26-Feb-19



- **Open Day 16 September** – Well attended with 52 visitors who signed in. The Open Day provided good exposure for the group so it is hoped new members will join up. Thanks to all who attended and helped in the organisation for the day.  
During general discussion suggested that the Saturday Working Bees could be used as mini Open Days to encourage new members.  
**ACTION:** Consider mini Open Days as part to Saturday Working Bees when planning 2019 calendar.
- **Closure of the Mount Lofty Ranges Grant**– As noted in section 4 above.  
Glen Gale advised meeting that NRM are now calling for grants applications for values between \$5-\$10k, the closing date being mid December.  
**ACTION:** Review the NRM Website to see if anything of note for Williamstown & Lyndoch Landcare Group to apply for.
- **Fire Ban Key** – there are three keys held with members, namely Angus Atkinson, Tracy Sinclair and Brian Green. The three will communicate with each other during fire ban days to ensure that Reserve is padlocked to restrict access.

Angus Atkinson

26-Feb-19

Brian Green

30-Nov-18

## 7 Treasurers Report – as presented by Joerg Wiese:

- **Monthly Income & Expenditure** – for months since last General Meeting

	AUG	SEPT	OCT
Balance Brought Forward	\$13,024.01	\$13,156.77	\$13,469.58
Income	\$132.76	\$312.81	\$12.86
Expenses	Nil	Nil	\$2,838.00
<b>End Month Balance</b>	<b>\$13,156.77</b>	<b>\$13,469.58</b>	<b>\$10,644.44</b>

- **Account Balances** – for months since last General Meeting

	AUG	SEPT	OCT
Administration	\$2,763.07	\$3,075.88	\$3,088.74
Credit Union Share	\$2.00	\$2.00	\$2.00
Project No.2 (Altona)	\$10,391.70	\$10,391.70	\$7,553.70
<b>Total End Month Balance</b>	<b>\$13,156.77</b>	<b>\$13,469.58</b>	<b>\$10,644.44</b>

	<ul style="list-style-type: none"> <li>• <b>Commitments</b> – since last General Meeting: <ul style="list-style-type: none"> <li>◦ <b>\$7,000</b> awarded to Amanda Pearce, Environmental Weed Control &amp; Revegetation.</li> </ul> </li> <li>• <b>Expenditure</b> – since last General Meeting: <ul style="list-style-type: none"> <li>◦ Invoice of <b>\$3,680</b>, dated 27-Jun-18 now received (and paid) from Environmental Weed Control &amp; Revegetation with Reporting/Monitoring Sheet.</li> <li>◦ Miscellaneous expenses of <b>\$34.80</b> from Margaret Teskey for secretary duties.</li> <li>◦ Tax Invoice of <b>\$155</b> presented by Don Wegener for purchase of a spray pump</li> <li>◦ Petty cash of <b>\$100</b> also provided to Don Wegener to complete purchase of ancillary items associated with new spray pump</li> </ul> </li> <li>• <b>Treasurers Report</b> – be accepted, Moved by Joerg Wiese, Seconded by Brian Green – Carried.</li> </ul>		
8	<p><b>Publicity:</b></p> <ul style="list-style-type: none"> <li>• <b>Facebook page</b> – Angus Atkinson advised that Tracy Sinclair is now also an Administrator on the Williamstown &amp; Lyndoch Landcare Group Facebook page.</li> <li>• <b>Certificate of Appreciation</b> - There was an article in The Bunyip regarding the Certificate of Appreciation recognising Joerg and Elke's 30 years of Volunteer services to the conservation and restoration of the Altona Reserve which was presented at the Open Day.</li> </ul>		
9	<p><b>Guest Report - Glenn Gale, Executive Officer, Landcare Association of SA (LASA)</b></p> <ul style="list-style-type: none"> <li>• Glen explained that LASA is a peak advocacy body representing Landcare bodies in SA being an independent, non-government, not for profit community organisation.</li> <li>• LASA promotes, supports and strengthens community Landcare in SA.</li> <li>• Glen provided a snapshot of some of the activities which LASA had been involved in, in the last 12 months.</li> <li>• Glen reminded the group that the South East Region Conference would be held in October 2019.</li> </ul> <p>For more information refer to their website <a href="http://www.landcaresa.asn.au">www.landcaresa.asn.au</a></p>		
10	<p><b>General Business:</b></p> <ul style="list-style-type: none"> <li>• <b>Secretary</b> – Angus Atkinson advised meeting that Tina Woods had volunteered to become the group's secretary and Tracy Sinclair to be Assistant Secretary and Committee Member. A big thank you was given to Margaret Teskey as outgoing Secretary.</li> </ul>		

<p>Appointments be accepted, Moved by Angus Atkinson, Seconded by Joerg Wiese – Carried.</p> <ul style="list-style-type: none"> <li>• <b>Fire Extinguisher</b> - Don Wegener advised that a 9L Fire Extinguisher had been kindly donated by the CFS. This will be fitted into the maintenance vehicle.</li> <li>• <b>Mistletoe Removal</b> – General discussion of merits of Mistletoe removal and NRM Guidelines. It was agreed that a survey would be undertaken following which the appropriate action would be determined. The planting of new trees and understory was raised as part of this discussion due to the similar age of trees within the revegetation areas. General consensus was that this should be considered.</li> </ul> <p><b>ACTION:</b> Undertake Mistletoe Survey in the Reserve.</p> <p><b>ACTION:</b> Explore tree and understory planting in revegetation areas for inclusion in future 5 Year Plan.</p> <ul style="list-style-type: none"> <li>• <b>Photographic Records</b> <ul style="list-style-type: none"> <li>○ <b>Photo Point #7</b> – Diana Dancer advised meeting that Photo Point #7 was rusted out and now laying on the ground. Don Wegener also advised there was another post that needed to be fixed, as this was accidentally knocked down by a maintenance vehicle.</li> <li>○ <b>Photo Albums</b> - Diana Dancer returned two photo albums to the Williamstown &amp; Lyndoch Landcare Group Library, however the 2014-2017 Album was missing. It was thought that Anthony Randell still had this Album.</li> </ul> </li> </ul> <p><b>ACTION:</b> Add the reinstatement of these Photo Points to the Working List.</p> <p><b>ACTION:</b> Speak to Anthony Randell to retrieve the 2014-2017 Photo Album to the Library.</p> <ul style="list-style-type: none"> <li>• <b>New Years Party</b> – Agreed that the New Years Party would be held on Friday 15 February at the Lord Lyndoch Restaurant.</li> </ul> <p><b>ACTION:</b> Book the Courtyard at the Lord Lyndoch Restaurant on the Friday 15 February for the New Years Party (approx. 15-20 persons).</p> <ul style="list-style-type: none"> <li>• <b>General Meeting Dates</b> – Agreed that there would be no meeting in December that general meetings in 2019 should revert back to being held monthly. Meetings will still be held on the 4<sup>th</sup> Wednesday of the month with the first meeting to be 27 February 2019.</li> </ul> <p><b>ACTION:</b> Book Council Rooms for 2019 General Meetings</p> <ul style="list-style-type: none"> <li>• <b>Tree Planting/Seed Collecting/Fund Raising</b> – General discussion raised by Brian Green regarding possible seed collection and plant propagation as potential fund raiser. It was agreed that seed collection would be a good idea and that it was okay for Brian Green to commence collection over Summer, others happy to assist just contact Brian Green.</li> </ul> <p><b>ACTION:</b> Commence seed collection from Reserve.</p>	<p>Rod Baker Angus Atkinson</p> <p>Angus Atkinson Margaret Teskey</p> <p>Tina Woods</p> <p>Tina Woods</p> <p>Brian Green</p>	<p>26-Feb-19 26-Feb-19</p> <p>26-Feb-19 26-Feb-19</p> <p>15-Dec-18 15-Dec-18</p> <p>End Summer</p>
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## Meeting Minutes

	<b>ACTION:</b> Discuss with Pam Payne, Nursery Manager Barossa Bushgardens regarding offering advise to Group re seed collection and plant propagation.	Angus Atkinson/Tracy Sinclair	26-Feb-19
11	<b>Next Meeting</b> – Wednesday 27 February 2019, 7.30pm Council Rooms, Lyndoch.		
12	<b>Meeting Closed</b> 9.05pm.		

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

### Acronyms:

LASA - Landcare Association of SA

NRM - National Resources Management Board



## Meeting Minutes

PO Box 694  
Lyndoch, SA 5351

**Purpose** General Meeting

**Prepared by** Tina Woods **Phone No.** 0421 616 444

**Location** Council Rooms,  
29 Barossa Valley Way, Lyndoch,  
SA 5351 **Date/Time** 27 February 2019, 19.30 – 20.40

**Invitees** Elke Wiese (Chair) Don Wegener  
Joerg Wiese Shirley Wegener  
Tina Woods Diana Dancer  
Tracy Sinclair Eric Walton  
Noreen Walton

**Distribution** All current & life members **File** 20190227\_GeneralMeetingMinutes.docx

Item	Action by	Date Due
1 <b>Meeting Opened</b> 7.30pm		
2 <b>Apologies</b> – Angus Atkinson, Margaret Teskey and Brian Teskey.		
3 <b>Minutes of previous Meeting</b> held 28 November, 2018 - Accepted. Moved by Tracy Sinclair, seconded by Eric Walton – Carried.		
4 <b>Business Arising last meeting:</b> <b>Actions now closed:</b> <b>ACTION:</b> Close out Mount Lofty Ranges Grant. Angus Atkinson advised AMLRCA2017/18-1/0001 Final report and financial acquittal completed 5 December, 2018. Verified by Sheralee Cox (DEW) as complete.  <b>ACTION:</b> Follow up Level of Risk report and funding for track maintenance. Angus Atkinson advised that Kim Thompson reports the Risk Assessment has been completed. Final score was not enough for immediate action by The Barossa Council, however, details have been forwarded to the Works Staff and may be actioned at short notice during 2019 as resources are available from other projects as a "Maintenance task".  <b>ACTION:</b> Book the Courtyard at the Lord Lyndoch Restaurant on the Friday 15 February for the New Year's Party (approx. 15-20 persons) – Completed.  <b>ACTION:</b> Book Council Rooms for 2019 General Meetings – Completed.  <b>ACTION:</b> Speak to Anthony Randell to retrieve the 2014-2017 Photo Album to the Library. – Not required, Diana Dancer advised missing album had been located.		

<p><b>ACTION:</b> Create 2019 Calendar and include dates for Saturday Working Bees (to be presented at next General Meeting).</p> <p><b>ACTION:</b> Consider mini Open Days as part of Saturday Working Bees when planning 2019 calendar.</p> <p>Angus Atkinson advised general calendar re-established for Monthly meetings in the Lyndoch Council Chambers. Ads in the Grapevine and Willy Wagtail have been updated and the Hall booking confirmed with The Barossa Council.</p> <p>First Saturday Working bee for 2019- suggested the 2nd Saturday in May to also include the unveiling of the new signage.</p> <p>Moved that following 11 May, Saturday working bees would be re-instated on the 4th Saturday of the month (i.e. in the same week as the general meetings). Moved by Diana Dancer, seconded by Tracy Sinclair – Carried.</p> <p><b>ACTION:</b> Discuss with Pam Payne, Nursery Manager Barossa Bush gardens regarding offering advice to Group re seed collection and plant propagation.</p> <p><b>ACTION:</b> Explore tree and understory planting in revegetation areas for inclusion in future 5 Year Plan.</p> <p>Angus Atkinson advised response to both Actions - Reviewed with Pam Payne (Barossa Bush gardens Nursery Manager). If we have seed on-hand, we can include propagation in the 2019 season. If more seed is required Pam is willing to assist with collection if the seed can also be used for Bush gardens sales.</p> <p><b>ACTION:</b> Review the NRM Website to see if anything of note for Williamstown &amp; Lyndoch Landcare Group to apply for</p> <p>No response from Brian Green however timeframe now passed.</p> <p><b>Actions still open:</b></p> <p><b>ACTION:</b> Update Membership Form to include Emergency Contact phone numbers.</p> <p><b>ACTION:</b> Follow up with Friends of Para Wirra Conservation Park for possible joint Working Bee.</p> <p><b>ACTION:</b> Add the reinstatement of the damaged Photo Points to the Working List.</p> <p><b>ACTION:</b> Commence seed collection from Reserve.</p> <p><b>ACTION:</b> Undertake Mistletoe Survey in the Reserve.</p> <p>Angus Atkinson advised refer notes under "Correspondence", he will follow up after 2019 Vintage commitment.</p>	<p>Tina Woods</p> <p>Angus Atkinson</p> <p>Joerg Wiese</p> <p>Brian Green</p> <p>Angus Atkinson</p>	<p>28/03/19</p> <p>30/04/19</p> <p>28/03/19</p> <p>28/03/19</p> <p>30/04/19</p>
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	<p><b>New business:</b></p> <p>Saturday Working bee to be 11 May to include the unveiling of the new signage.</p> <p><b>ACTION:</b> Organise and publicise 11 May 2019 Working bee – Tasks to be discussed in next general meeting.</p>		
5	<p><b>Correspondence:</b></p> <p><b>In:</b></p> <ul style="list-style-type: none"> <li>• <b>Landcare Association Newsletter</b> - Dec 2018 and Jan 2019.</li> <li>• <b>Jodie Loveridge</b> (The Barossa Council) - Supplied the Hi Definition Aerial Photo to be used on the new signage for the Orlando Lookout updates.</li> <li>• <b>Rod and Di Baker</b> - Supplied the photos for the proposed Mistletoe control study.</li> <li>• <b>Heidi Helbig</b> (The Barossa Council) - Verified and authorised the use of The Barossa Council Logo on the new signage for both the Container Shelter and Orlando Lookout signs.</li> <li>• <b>Adam Schutz</b> - Provided information on the application to the Native Vegetation Council "Regulation for Ecological restoration and management of vegetation" management plan for the proposed Mistletoe Control Project. Formal approval will also be required from The Barossa Council.</li> <li>• <b>Glenn Gale</b> - The Landcare Association of South Australia is currently seeking applications for an Executive Officer position (Glen is retiring).</li> <li>• <b>Lyndoch PO Box</b> (PO Box 694). Renewal notice received, forwarded to Joerg.</li> <li>• <b>Judy &amp; Kym Knight</b> - Christmas Card with message of well wishes and \$30 donation.</li> </ul> <p><b>Out:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul> <p><b>ACTION:</b> Send a thank you letter to Kym &amp; Judy Knight.</p>	Tina Woods	28/03/19
6	<p><b>Chair Report</b> – presented by Angus Atkinson (via email):</p> <ul style="list-style-type: none"> <li>• <b>New Signage</b> - Gawler Art &amp; Signs advise delivery (and payment) late Feb 2019. Suggested installation and unveiling during a Saturday Working Bee in May 2019.</li> <li>• <b>An 'ETSA' compatible lock</b> has been added to the access gate to allow contractors access for inspection and control along the power line to the Peninsula termination.</li> </ul> <p><b>ACTION:</b> Write a letter to ETSA requesting Landcare member and arborist present whilst Contractor on Reserve as federally funded heritage area.</p>	Tina Woods	15/03/19

**7 Treasurers Report** – as presented by Joerg Wiese:

- Monthly Income & Expenditure** – for months since last General Meeting

	NOV	DEC	JAN
Balance Brought Forward	\$10,644.44	\$10,367.08	\$10,399.29
Income	\$12.44	\$32.21	\$2.20
Expenses	\$289.80	nil	nil
<b>End Month Balance</b>	<b>\$10,367.08</b>	<b>\$10,399.29</b>	<b>\$10,401.49</b>

- **Account Balances** – for months since last General Meeting

	NOV	DEC	JAN
Administration	\$2,811.38	\$2,843.59	\$2,845.79
Credit Union Share	\$2.00	\$2.00	\$2.00
Project No.2 (Altona)	\$7,553.70	\$7,553.70	\$7,553.70
<b>Total End Month Balance</b>	<b>\$10,367.08</b>	<b>\$10,399.29</b>	<b>\$10,401.49</b>

- **New Commitments:**

- **New member** – \$10 from Lyn Knowles
- **Donation** – \$30 Judy and Kym Knight

- **Expenditure:**

- o **Australia Post** - \$35 for renewal of post box
- o **New Year Dinner** - \$257
- o **New Signs** - \$1,320.55
- o Diana Dancer submitted petty cash for photographs

**Treasurers Report** – be accepted, moved by Diana Dancer, seconded by Shirley Wegener – Carried.

**ACTIONS:**

- Send receipt to Lyn Knowles acknowledging new member.
- Pay Australia post for post box renewal.

Tracy Sinclair

15/03/19

8	<b>Publicity:</b>
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- **Facebook page** – Tracy Sinclair advised that she has been posting intermittently when fire ban in place as a reminder that Reserve is closed on days when Fire bans are in place.
- **Lyndoch Hotel** – Now has a pamphlet holder so Reserve pamphlets in can be displayed hotel for publicity.

Tracy Sinclair

15/03/19

**ACTION:** Place pamphlets in holder at the Lyndoch Hotel (and at Container as none left)



9	<p><b>General Business:</b></p> <ul style="list-style-type: none"> <li>• <b>New Year's Party</b> – New Year's Party held on Friday 15 February at the Lord Lyndoch Restaurant – well attended with 20 people enjoying a meal and socialising.</li> <li>• <b>Handover of Secretary Items</b> – Brian Green has handed over the Printer, Laminator etc to Tina Woods. Several old pamphlets were also provided with out of date contact information.</li> </ul> <p><b>ACTION:</b> Price for stickers to cover over out of date information on pamphlets.</p> <ul style="list-style-type: none"> <li>• <b>Environmental Weed Control &amp; Revegetation</b> – Evidence was seen that Amanda had been working by the river banks.</li> <li>• <b>Photo Albums</b> – Diana Dancer asked group if okay to use an Album if the cover didn't match others. Meeting happy for this to be used if Album was clearly labeled with months and years.</li> <li>• <b>Lyndoch Community Markets</b> – Tracy suggested the Landcare group have a stall some months to promote the group. This suggestion considered a good idea, and Tracy is to investigate further.</li> </ul> <p><b>ACTION:</b> Investigate requirements to hold a stall at the Lyndoch Community Markets.</p> <ul style="list-style-type: none"> <li>• <b>Native fauna Drinking Water at the Container</b> – Don suggested erecting some form of drinking vessel by the Water Tank at the Container. This suggestion was considered a good idea as long as in the shade and a means of escape was provided for animals to get out if needed.</li> </ul> <p><b>ACTION:</b> Investigate appropriate vessel.</p>	Tina Woods	15/03/19
10	Next Meeting – Wednesday 27 March 2019, 7.30pm Council Rooms, Lyndoch.	Tracy Sinclair	28/03/19
11	Meeting Closed 8.40pm.	Don Wegener	28/03/19

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_



## Meeting Minutes

PO Box 694  
Lyndoch, SA 5351

<b>Purpose</b>	<b>General Meeting</b>		
<b>Prepared by</b>	Tina Woods	<b>Phone No.</b>	0421 616 444
<b>Location</b>	Council Rooms, 29 Barossa Valley Way, Lyndoch, SA 5351	<b>Date/Time</b>	27 March 2019, 19.40 – 20.25
<b>Invitees</b>	Elke Wiese (Chair) Joerg Wiese Tina Woods Tracy Sinclair Noreen Walton		Don Wegener Shirley Wegener Brian Green Eric Walton
<b>Distribution</b>	All current & life members	<b>File</b>	20190327_GeneralMeetingMinutes.docx

Item		Action by	Date Due
1	<b>Meeting Opened 7.40pm</b>		
2	<b>Apologies</b> – Angus Atkinson, Carol Green, Diana Dancer, Margaret Teskey and Brian Teskey.		
3	<b>Minutes of previous Meeting</b> held 27 February 2019 - Accepted. Moved by Brian Green, seconded by Tracy Sinclair – Carried.		
4	<b>Business Arising last meeting:</b> <b>Actions now closed:</b> <ul style="list-style-type: none"> <li>Update Membership Form to include Emergency Contact phone numbers. Email address also added to form.</li> <li>Reinstate the damaged Photo Points – No 7 reinstated, no other damaged points could be found.</li> <li>Commence seed collection from Reserve. – Now on-going. Brian Green advised that he had collected a small amount of grass seeds over Summer but access was restricted due to the high number of Fire Bans. He is not sure of the quality of seeds collected.</li> <li>Undertake Mistletoe Survey in the Reserve</li> <li>Send a thank you letter to Kym &amp; Judy Knight.</li> <li>Write a letter to ETSA requesting Landcare member and arborist present whilst Contractor on Reserve as federally funded heritage area.</li> <li>Send receipt to Lyn Knowles acknowledging new member – Lyn advised she is okay receiving at next meeting to save postage.</li> <li>Pay Australia post for post box renewal.</li> </ul>		

	<ul style="list-style-type: none"> <li>• Price for stickers to cover over out of date information on pamphlets – No longer required see new Action.</li> <li>• Investigate requirements to hold a stall at the Lyndoch Community Market – Tracy Sinclair advised that Altona Landcare may have a stand for free if outside, however copy of Insurance needs to be provided.</li> <li>• Investigate appropriate vessel for native fauna drinking water at the Container – Don advised a pond has now been created.</li> </ul> <p><b>Actions still open:</b></p> <p><b>ACTION:</b> Follow up with Friends of Para Wirra Conservation Park for possible joint Working Bee.</p> <p><b>ACTION:</b> Place pamphlets in holder at the Lyndoch Hotel (and at Container as none left)</p> <p><b>New Actions from Business Arising last meeting:</b></p> <p><b>ACTION: Seed Collection</b> - Brian Green to prepare a list of target plants for seed collection and the appropriate time of year for collection so this can be incorporated into the relevant working bees. Brian also offered to run an Information Session at the first Saturday working bee on 11 May.</p> <p><b>ACTION: Stickers for Pamphlets</b> – Brian to ask NRM if willing to print out stickers free of charge.</p> <p><b>ACTION: Stall at the Lyndoch Community Markets</b> – Contact Heidi Helbig of Barossa Council to obtain copy of Insurance.</p>	<p>Angus Atkinson</p> <p>Tracy Sinclair</p> <p>Brian Green</p> <p>Brian Green</p> <p>Tracy Sinclair</p>	<p>22/05/19</p> <p>22/05/19</p> <p>11/05/19</p> <p>11/05/19</p> <p>11/05/19</p>
5	<p><b>Correspondence:</b></p> <p><b>In:</b></p> <ul style="list-style-type: none"> <li>• <b>Landcare Association Newsletter</b> - Dec 2018 and Jan 2019 received by J Joerg Wiese.</li> </ul> <p><b>ACTION:</b> Advise Landcare of preferred email address to receive future Newsletters i.e. the Altona Landcare email address.</p> <p><b>Out:</b></p> <ul style="list-style-type: none"> <li>• None</li> </ul>	<p>Joerg Wiese</p>	<p>22/04/19</p>
6	<p><b>Chair Report</b> – presented by Angus Atkinson (via email):</p> <ul style="list-style-type: none"> <li>• <b>The Leader</b> – Angus had been contacted by The Leader to advertise in the Lyndoch special edition. Advertisement cost was high so declined to take up the option.</li> </ul>		

7

Treasurers Report – as presented by Joerg Wiese:

Monthly Income & Expenditure – for months since last General Meeting

	JAN	FEB
Balance Brought Forward	\$10,399.29	\$10,401.49
Income	\$2.20	\$1.97
Expenses	nil	\$1,612.55
End Month Balance	\$10,401.49	\$8,790.91

Account Balances – for months since last General Meeting

	JAN	FEB
Administration	\$2,845.79	\$1,235.21
Credit Union Share	\$2.00	\$2.00
Project No.2 (Altona)	\$7,553.70	\$7,553.70
Total End Month Balance	\$10,401.49	\$8,790.91

New Commitments:

None

Expenditure (non-petty cash):

Progress Claim from Environmental Weed Control & Revegetation

Treasurers Report – be accepted, moved by Don Wegener, seconded by Eric Walton – Carried.

8

Publicity:

Nothing to report

9

General Business:

Gravel for Maintenance – Don suggested speaking to Barossa Council to get a load of gravel/blue metal delivered to the Reserve

ACTION:

Request a load of gravel/blue metal to be delivered to the Reserve on Thursday morning.

Rubbish – Joerg advised that neighbour Chris Selly had been dumping rubbish on his block again, he had lodged a complaint with Barossa Council.

Angus Atkinson

22/04/19

10

Next Meeting – Wednesday 22 May 2019, 7.30pm Council Rooms, Lyndoch.

No meeting in April due to Easter Monday and ANZAC day.

11

Meeting Closed 8.25pm.



## Meeting Minutes

PO Box 694  
Lyndoch, SA 5351

**Purpose** General Meeting

**Prepared by** Tina Woods **Phone No.** 0421 616 444

**Location** Council Rooms,  
29 Barossa Valley Way, Lyndoch,  
SA 5351 **Date/Time** 22 May 2019, 19.35 – 20.15

**Invitees** Angus Atkinson (Chair) Brian Teskey  
Elke Weise Margaret Teskey  
Joerg Weise Eric Walton  
Tina Woods Noreen Walton  
Tracy Sinclair

**Distribution** All current & life members and Chris Kruger, Executive Assistant, Development and Environmental Services, The Barossa Council

**File** 20190522\_GeneralMeetingMinutes.docx

Item		Action by	Date Due
1	<b>Meeting Opened 7.35pm</b>		
2	<b>Apologies</b> – Brian & Carol Green, Diana Dancer, Don & Shirley Wegener and Rod & Di Baker.		
3	<b>Minutes of previous Meeting</b> held 27 March 2019 - Accepted. Moved by Elke Weise, seconded by Brian Teskey – Carried.		
4	<b>Business Arising last meeting:</b> <b>Actions now closed:</b> <ul style="list-style-type: none"> <li><b>Stickers for Pamphlets</b> – Brian to ask NRM if willing to print out stickers free of charge. – 200 stickers provided for current pamphlets</li> <li><b>Stall at the Lyndoch Community Markets</b> – Contact Heidi Helbig of Barossa Council to obtain copy of Insurance. – Obtained so free to attend the markets (see action below)</li> <li>Advise <b>Landcare Association SA</b> of preferred email address to receive future Newsletters i.e. the Altona Landcare email address – No action required as Newsletter is sent to the Altona Landcare email address</li> <li><b>Gravel for Maintenance</b> – Load of road base now delivered to the Reserve.</li> </ul>		

	<p><b>Actions still open:</b></p> <p><b>ACTION:</b> Follow up with Friends of Para Wirra Conservation Park for possible joint Working Bee.</p> <p><b>ACTION:</b> Place pamphlets in holder at the Lyndoch Hotel (and at Container as none left)</p> <p><b>ACTION: Seed Collection</b> - Brian Green to prepare a list of target plants for seed collection and the appropriate time of year for collection so this can be incorporated into the relevant working bees. Brian also offered to run an Information Session at a working bee.</p> <p><b>New Actions from Business Arising last meeting:</b></p> <p><b>ACTION: Mistletoe</b> – Mistletoe Action Plan being drafted as per guidelines from Native Vegetation Council. Approval of the plan will be required from the NVC and the landowner (The Barossa Council) prior to any action being taken.</p> <p><b>ACTION: Seed Collection</b> – Pam Payne (Barossa Bushgardens) is drafting a sampling plan for seed collection from the Reserve, which will require approval by The Barossa Council and the Williamstown &amp; Lyndoch Landcare Group Inc. prior to collection.</p>	<p>A Atkinson</p> <p>T Sinclair</p> <p>B Green</p> <p>A Atkinson</p> <p>Pam Payne</p>	<p>26/06/19</p> <p>26/06/19</p> <p>26/06/19</p> <p>26/06/19 (for the Plan)</p> <p>When ready</p>
5	<p><b>Correspondence:</b></p> <p><b>In:</b></p> <ul style="list-style-type: none"> <li>• <b>Landcare Association Newsletter</b> – March and May 2019.</li> <li>• <b>John Seymour</b> – Notice of two Boneseed sites just outside the Reserve for follow up weeding.</li> <li>• <b>DEW Insurance</b> – Renewal received 15 March 19. Online form for approval and requires written permission from the Landholder (TBC)</li> <li>• <b>Chris Kluger, The Barossa Council</b> – Request for copies of minutes.</li> </ul> <p><b>Out:</b></p> <ul style="list-style-type: none"> <li>• Copies of Williamstown &amp; Lyndoch Landcare Group Inc General Meeting minutes since 28 November 18 sent to Chris Kluger, The Barossa Council</li> </ul>		
6	<p><b>Chair Report:</b></p> <ul style="list-style-type: none"> <li>• <b>New Signage</b> – now installed and a notice has been posted to Facebook. Improved information at the container shelter has already received comments from walkers.</li> <li>• <b>'ETSA'</b> – The powerline inspection and minor trim has now been completed. The supplied extra lock has been bypassed to ensure security now the need has passed.</li> </ul>		

7

Treasurers Report – as presented by Joerg Wiese:

Monthly Income & Expenditure – for months since last General Meeting

	MAR	APR
Balance Brought Forward	\$8,790.91	\$8,812.78
Income	\$21.67	\$1.81
Expenses	nil	\$4,862.00
End Month Balance	\$8,812.78	\$3,952.59

Account Balances – for months since last General Meeting

	MAR	APR
Administration	\$1,257.08	\$1,258.89
Credit Union Share	\$2.00	\$2.00
Project No.2 (Altona)	\$7,553.70	\$2,691.70
Total End Month Balance	\$8,812.78	\$3,952.59

New Commitments:

Cheque for \$200 to purchase paint for the container

Expenditure (non-petty cash):

Progress Claim from Environmental Weed Control & Revegetation

Treasurers Report – Accepted, moved by Brian Teskey, seconded by Eric Walton – Carried.

8

Publicity:

ACTION: Stall at the Lyndoch Community Markets – Now that a copy of Insurance has been provided, attendance at the markets can occur. Aim for the July Markets closer to the Open Day. Date to be finalised and logistics to be organised. Once date decided post to Facebook page.

All

26/06/19  
(at next GM)

9

General Business:

None discussed

10

Next Meeting – Wednesday 26 June 2019, 7.30pm Council Rooms, Lyndoch.

11

Meeting Closed 8.15pm.

## **COUNCIL**

### **DEVELOPMENT AND ENVIRONMENTAL SERVICES**

#### **ENVIRONMENTAL SERVICES REPORT**

**18 JUNE 2019**

#### **4.5.2      CONSENSUS AGENDA – ENVIRONMENTAL SERVICES REPORT**

##### **4.5.2.2    PROGRESS REPORT B8570**

- Tender process to Review and Update Council's Roadside Vegetation Management Plan (RVMP) has been finalised with the staff of preferred Contractor (EBS Group) signing the Contract on Monday 31 May, 2019. The updated document will be completed by 30 November, 2019 and will encompass:
  - Revision of The Barossa Council's RVMP in line with the recently updated Guidelines from the Native Vegetation Council's latest template, with endorsement by Native Vegetation Council and Council
  - Audit of Council's Roadside Marker Sites (RMS); including the provision of a digital layer to enable more efficient management of RMS's, updated species information and the identification of additional sites where deemed necessary.

The original specification was for the Contractor to provide training to Works staff, however due to budget restraints, this will now be delivered internally.

- Site visits to a further two Council Bush for Life sites, Trees for Life (Gottwald Road, Williamstown and Mount Road, Mount Crawford) to meet with volunteers.
- Co-ordination and facilitation of Corporate Volunteering Days with Treasury Wine Estates (TWE). Rifle Range Conservation Day and Gomersal Road Kiwanis site (Tuesday, 14 May) and Business Clean Up Day Barossa (Friday, 17 May). There were approximately 45 TWE staff working the three sites during their Global Volunteering Week. This is a worldwide activity whereby all TWE staff contribute/volunteer within the community. A Media release has been forwarded to the local newspapers.
- Meeting with Team Leaders and Coordinator, Operations, Works and Engineering Services team to brief them the role of Team Leader, Environmental Services within Council and offer input for any queries regarding native vegetation and legislative requirements for Council regarding roadside management. A follow up meeting is being arranged to discuss RVMP training needs.



- Adaptation Practitioners Network meeting with staff from other councils and LGA, communicating around Climate Change Adaptation Plans, recent Climate Emergency Declarations and the development of a Summary Report for review.
- Attended meeting at Department for Environment and Water (as proxy for Director, Development and Environmental Services) as part of their Community Consultation regarding the new Proposed Kangaroo Harvest Sub-Regions.
  - Numbers are very high and have been increasing unsustainably since 2009.
  - Requirement of Federal Government to survey prior to commercial harvest to determine threshold for each Sub-Region.
  - A Management Plan will be developed for each Sub-Region
  - Commencing January 2021, our Council within the Hills and Fleurieu Sub-Region will support commercial harvesting.
  - Targeted species will include: Western Grey Kangaroos, Eastern Grey Kangaroos, Tammar Wallabies and Red-Necked Wallabies.
  - The Environment Minister will issue a Media Release and letters will be sent to all stakeholders advising of the timeline.

**RECOMMENDATION:**

That report items 4.5.2.2 be received.

**COUNCIL**

**DEVELOPMENT AND ENVIRONMENTAL SERVICES**

**HEALTH SERVICES REPORT**

**18 JUNE 2019**

**4.5.3            CONSENSUS AGENDA – HEALTH SERVICES REPORT**

**4.5.3.1        FOOD RECALLS  
**B9106****

Consumer Level recalls were monitored for:

- Inghams Turkey Breast Roast 1Kg
- Mountain Mist Eclairs Chocolate mini 365g, Mountain Mist Profiteroles Tropical Fruit 645g & Mountain Mist Profiteroles Classic with Chantilly Cream 325g

**RECOMMENDATION:**

That the report item 4.5.3.1 be received.

## **COUNCIL**

### **DEVELOPMENT AND ENVIRONMENTAL SERVICES**

#### **HEALTH SERVICES REPORT**

**18 JUNE 2019**

#### **4.5.3        CONSENSUS AGENDA – HEALTH SERVICES REPORT**

##### **4.5.3.2       FOOD PREMISES INSPECTIONS**

###### **B4573**

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

- Saskia Beer Farm Produce – Routine inspection
- Hive Barossa – Routine inspection
- Eleni Barossa Hand-made – Routine inspection
- Artisans of Barossa – Routine inspection
- Happy Haven OSHC – Routine inspection
- Barossa Valley Traditional Dill Cucumbers – Routine inspection
- Jay's Chilli Bar – Follow up inspection
- Barossa Gateway Motel – Routine inspection
- Doecke Home Made Goods – Routine inspection
- Barossa Valley Chocolate Company – Routine inspection
- Barossa Distilling Company – Routine inspection
- Sweet As Barossa Diner – Routine inspection

##### **FOOD SAFETY AUDITS**

- Wirraminna Care
- Southern Barossa Community Child Care Centre

##### **RECOMMENDATION:**

That the report items 4.5.3.2 be received.

**COUNCIL**

**EXECUTIVE SERVICES**

**CHIEF EXECUTIVE OFFICER REPORT**

**18 JUNE 2018**

**7.2.1 EXECUTIVE SERVICES - CHIEF EXECUTIVE OFFICER - DEBATE**

**7.2.1.1**

**REQUEST TO SUPPORT COMMUNITY WATER SUMMIT/MEETING**

**B1132**

**PURPOSE**

To resolve to support a community led water summit and meeting with in-kind and financial support.

**RECOMMENDATION**

That Council officers and the Mayor continue to support the initiative of Mrs Evans to bring together experts, community and other representatives to review and consider long term water management issues for the Barossa region and:

- (1) Allocate \$3,000 from the Elected Members Donations – Sundry fund to support the costs of hosting the summit / meeting and pay those funds to RDA Barossa who will assist with hosting and managing the event.
- (2) Indicate that Council will consider further support of up to \$2,000 from the 2019/20 budget should it be necessary and authorise the Chief Executive Officer to allocate those funds on evidence of need.

**REPORT**

There has been extensive activity around water management in the wider region for some time. RDA Barossa (RDA Barossa Gawler Light and Adelaide Plains) has undertaken and coordinated studies, policies and assisted with projects in this space for some years as a significant regional economic and community development matter.

The current RDA Barossa policy position is encased in Revision 2045. A water summit was held in Roseworthy in June 2015.

Recent localised issues, drought and growing impacts on our ecology from numerous pressures highlights the opportunity to revisit water policy for the area and also share knowledge and understanding.

Through an approach from a local passionate community member (Mrs Evans) the water summit/meeting idea has been discussed with Council and also the RDA Barossa Chief Executive Officer. RDA Barossa will assist hosting and be a conduit to support the initiative as has the Mayor, Chief Executive Officer and their shared Executive Assistants and Director of Development and Environmental Services to date researching locations, providing input into the outline and providing background documentation of policy and legislative matters that Council has already considered at various times.

The initiative outline and request for assistance is provided at the Attachments. It is anticipated that the location would be low cost, utilising community catering and limited to approximately 200 people.

The initiative would not meet other funding grant programs, but annually Council allocates \$3,000 for good initiatives that arise which are outside of grant programs to provide assistance where it deems it important and relevant to the community and the community plan. The 2018/19 allocation remains unspent.

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

Emailed Request  
Current Initiative Outline

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

##### Community Plan



Natural Environment and Built Heritage



Community and Culture



Business and Employment

- 1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
- 1.2 Support native eco systems through a planned management approach.
- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.
- 2.3 Contribute to creating strong and sustainable community networks.
- 2.4 Encourage and support volunteering in the community.
- 2.8 Provide opportunities for the community to participate in local decision-making.
- 2.11 Encourage a learning community.
- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.7 Collaborate with industry leaders to ensure informed decision making and Council representation in relation to economic growth, planning and development.

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Outlined in body of report.

#### **COMMUNITY CONSULTATION**

Initiative is about community engagement and exchange of knowledge and ideas for future policy and program priorities.

**From:** Janie Evans [REDACTED]  
**Sent:** Wednesday, 22 May 2019 12:56 PM  
**To:** Martin McCarthy <[mmccarthy@barossa.sa.gov.au](mailto:mmccarthy@barossa.sa.gov.au)>  
**Subject:** Re: Request for Barossa Council funding for the Community Water Forum.

Dear Martin,

I am emailing you with a request to seek financial support from the Barossa Council to assist with funding a project for the Barossa Community, with the following objective:

"To create a positive, wholistic, collaborative platform for our Barossa community who practice in all areas of agriculture, viticulture, horticulture, permaculture, tourism, and any other business, by providing access to industry experts, adversarial leaders, and executive leadership in businesses in a one day forum. The purpose of this event, is so that our community can engage in a positive, learning collaborative environment, and explore what options are available to help bring more water into the Barossa Valley. The focus of the forum will be the Barossa Valley, industry growth, pressures on our water ways, how to prepare for our escalating needs with water security, best practice, new innovations, and explorative discussion about new access to water. This innovation is going to assist with contributing to a more sustainable future and footprint with water security for the Barossa Valley."

The forum will be held during October, 2019, pending venue availability. I am hoping for at least two or three hundred members of the Barossa Community to attend, if not more. My objective is to welcome all those who have concerns or who wish to learn more from the experts and our elected leaders. I will invite three or four expert speakers, and then have a panel of experts for question time with our Barossa Community. Venue hire and catering will be the main expense for this project. Some experts have already asked me for funding for their attendance on the day, to which I have declined. Financial assistance of \$5,000 or a sum that the Barossa Council considers appropriate, would be extremely appreciated.

I thank you for your consideration. If you have any further questions, please don't hesitate to contact me.

I look forward to hearing from you at your convenience.

Regards,

Jane Evans.  
[REDACTED]

## BAROSSA WATER SECURITY – WORKSHOP – JANE EVANS

### AGENDA:

- 1) Barossa Valley – Climate ready?
  - Dr Kane Aldridge – Goyder Institute of Water Research.
    - Climate change,
    - Recycled water,
    - Urban water options,
    - Managed aquifer recharge,
    - Small scale desalination,
    - Recycled water, salinity management,
    - Groundwater.
- 2) Professor Craig Simmons – Groundwater research – resource management
  - a. A water management plan.
- 3) Other experts – options for increased water access and regulation within the Barossa Valley.
  - BIL
  - SA Water
  - Mike Fuller – Manager of Water licensing allocation
  - James March - Barossa Grape Wine Growers Association, sustainability component with their members practice.
  - Livestock producers (PIRSA/Natural resource management? Livestock SA)
- 4) DEWNR – Mr James Peters – New WAP provisions, how they will need to be progressive to address our changing environment and water challenges.  
Community consultation opportunities.
- 5) Panel questions – Experts, & Barossa Council - engagement with community  
Community consultation

INSPIRE THE AUDIENCE BY EXPLAINING ‘WHY’ THEY DO WHAT THEY DO. This should be able to be done with one sentence with each expert.

## BAROSSA WATER SECURITY – WORKSHOP – JANE EVANS

### Questions:

- A) Population growth, improvement in transport infrastructure, tourism growth, how do we implement a water management strategy/plan to facilitate our growing pressures upon our water supply?
- B) What does water security mean in terms of growth of Barossa's productivity and for our future generations sustainability?
- C) Can we implement a water management plan?
- D) Can we be leaders with water management for our Barossa region. This is a local, state and federal issue.

THANK KEY SPEAKERS AND PANEL.



## **COUNCIL**

### **EXECUTIVE SERVICES**

#### **CHIEF EXECUTIVE OFFICER REPORT**

**18 JUNE 2018**

#### **7.2.1 EXECUTIVE SERVICES – CHIEF EXECUTIVE OFFICER - DEBATE**

##### **7.2.1.2**

##### **REQUEST TO CONSIDER CHANGE IN SCOPE OF DOG PARK AREAS**

**B9263**

#### **PURPOSE**

To provide direction if Council wishes to increase the scope of the Nuriootpa Dog Park construction and undertake investigation to relocate the Williamstown Dog Park.

#### **RECOMMENDATION**

That Council:

- (1) Allocate an additional \$7,000 to extend the Nuriootpa Dog Park to its maximum capacity taking account of the various limitations but not exceeding 3,000 square metres.
- (2) Defer any investment in the Williamstown Dog Park until it has investigated the ability to relocate the Williamstown Dog Park to Doug Lane Reserve with the Minister in the first instance and officers bring a report back once a response is received.

#### **REPORT**

##### **Background and Introduction**

This matter has been debated by Council on various occasions and it recently approved the progression of the Nuriootpa and Williamstown Dog Parks. The report is provided at the Attachments.

The scope of the final proposals included locations in Nuriootpa, in the linear park to the northern end adjacent to Penrice Road and Williamstown Queen Victoria Jubilee Park, adjacent and incorporating parts of the existing playground.

Among other things these locations were chosen due to:

1. Relative separation from residential land uses;
2. Car parking nearby;
3. Access to water nearby at the Nuriootpa site;
4. Proximity to the Nuriootpa main street;
5. Open spaces and complementary infrastructure, especially at Williamstown and regularly utilised by the community.

Recently, due to final stages of implementation and final walk through assessment, stakeholders, through Cr Wiese-Smith have lobbied that the dog parks be larger. As a result Cr Wiese-Smith made enquiry with the Mayor and foreshadowed a notice of motion. In assessment of the request to me by the Mayor I considered that regardless

of it being a motion or an officer report the level of work required to address the concerns was equivalent and I elected to submit an officer report.

The current scope is directly related to the available budget from the grant of \$100,000 from the Minister, and areas of the locations including an additional amount of \$10,940 by Council for construction and an estimated \$5,000 in maintenance costs per annum.

The estimate scope and final design of the two parks is provided at Attachment 2 and are approximately 1,750 square metres for the Nuriootpa dog park and Williamstown is 1,300 square metres.

Whilst there are many learnings in this project for us all, the Council approved the inherent scope at its December 2018 meeting after consulting with the wider community. In February 2019, Council reviewed the location of the Nuriootpa park after receiving a deputation from concerned residents. Council then reaffirmed the Nuriootpa location in March 2019. Since then officers have undertaken final procurement and are ready to implement what was the approved scope, the budget being the first determining factor of how large the parks are.

### Discussion

As a result of the requests made of me further work has been done and the following findings are presented for review and direction of the Council.

1. As per the sketches at the Attachments there is varied ability to increase the size of the parks in either location; certainly the Nuriootpa location might be able to be sized up a little by taking in more area to the west (although there are limitations due to the location of a rising main in that location) and north and incorporating trees and taking it over the earth mound, therefore it will become significantly more visible. The estimates provided are exactly that, broad estimates at this time, and depending on Council's decision further more accurate information would be finalised. At best with Nuriootpa, depending on final location of pipes and trees in and around the area, a dog park of between 2,587.5 – 2,700 square metres might be able to be achieved. Interestingly trying to change the shape a little accords with the principles of the Dog and Cat Management Board – Dog Park Guidelines (the guidelines) and making it irregular is preferred. If this was achievable the extra fencing is estimated at \$2,000, subject to conditions outlined below. To be clear the Nuriootpa dog park if extended cannot move south, it would then be in the high risk flood flow in the river, as it is the southern boundary in a significant flood will have water in it and will have to be closed due to the risks.
2. It is not possible to scale up Williamstown without further encroaching onto the playground area unless the scope incorporates the whole playground which is not suggested as some people don't want to be around dogs and will limit access of the playground to the general community.

According to the Guidelines, parks range from 17,000 square metres to 100 square metres - most in the document seem to be around the 2,000 to 2,500 square metres in size.

The approximate cost of additional fencing, assuming direct line (or practically direct line) and no more gates is \$80 per linear metre. Hypothetically if we push the dog parks to 3,000 square metres for each park we need to fund (and this will be variable depending on actual final shape) in the order of \$6,400 for Nuriootpa and \$14,880 for

Williamstown. Allowing for contingency an estimate of a further \$25,000 plus additional annual operating costs which would be determined as part of further investigation if Council instructs me to do this work.

I reiterate the above analysis is a desktop and general site analysis only, not a detailed and surveyed design, and thus would need to be confirmed accurately depending on Council's direction.

Subsequent to the work undertaken above a recent walk around with regard to the Williamstown proposal with stakeholders has resulted in the suggestion that it be moved to Doug Lane Reserve. This option has not been explored in any detail as the original scope of the project was to locate the parks on Council land, this reserve is not Council land rather it is a road reserve under the control of the Minister for Planning, Transport and Infrastructure. Initial views are three key points need to be considered by Council before diverting resources:

1. We would need to seek the views of the Minister before proceeding and if he is amenable what legal mechanism is required and at what cost;
2. This is one of the main southern entrances to the town of Williamstown and dog parks ultimately are constructed of 1.8M high chain mesh fencing; and
3. As per the dog park guidelines there is no formalised car park and unlikely to be a water location available - these would need to be installed as part of a final project and potentially of additional cost not quantified at this point.

If Council does proceed to investigate this site, officers will write to the Minister to seek his views before proceeding any further, if that is supported it is recommended that Council undertake consultation with the community as this is a shift from the current position. If this is not successful I am informed stakeholders are satisfied with the current location, with a view to future expansion if possible. A future expansion cannot be accommodated unless Council determines to incorporate the playground, or relocate that playground (which is envisaged at some point in the masterplan for the Williamstown park) or, indeed the dog park in the future.

The current grant funding agreement does not require any Council contribution and the parks are required to be installed by 31 May 2020. As a result of this request, current budgeted funds will now be carried over into the 2019/20 financial year.

Should Council ultimately determine to relocate either park a rescission motion of Council would be required.

#### Summary

Council has been asked to reconsider the scope of the current dog parks and officers now seek direction.

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

18 December 2018 Council Report and Minutes

Sketches of Dog Park Areas

Typical Dog Park Fencing

Dog and Cat Management Board – Dog Park Guidelines link

<http://gooddogsa.com/media/W1siZiIsIjIwMTUvMDMvMDMvOWM2bGhqZG8yZ19VbmxlYXNoZWREb2dQYXJrcy5wZGYiXV0/UnleashedDogParks.pdf>

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

Community Plan



Community and Culture

### Legislation

Local Government Act 1999

Dog and Cat Management Act

## **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Other than that outlined in the body of the report, should Williamstown be relocated and as outlined off-street car parking would be necessary to allow safe access. Based on a recent analysis of a car parking proposal in Nuriootpa which would have yielded 13 car parks according to the standard at a cost of \$50,000, but that was an established car park which would have needed resealing not establishment, which would require earthworks, rubble and base preparation estimated to be a further \$25,000. It is estimated therefore that a car park development of say 10 car parks would be in the order of \$57,000. This would also need more accurate calculations if Council proceed this far.

## **COMMUNITY CONSULTATION**

Initial community consultation has included two rounds to seek input as to need and secondly options for location of dog parks. Dependent on the direction of Council, further consultation in relation to the Williamstown park location may be necessary.

**7.3.2.2**

**DOG PARKS – NORTHERN AND SOUTHERN LOCATIONS**

**B7915**

**PURPOSE**

To provide updated suggestions for locations identified for northern and southern dog parks and cost estimates.

**RECOMMENDATION**

That Council:

- (1) Approve the Northern Dog Park location of Penrice Road, Nuriootpa, opposite the Nuriootpa High School oval.
- (2) Approve the Southern Dog Park location of Williamstown Queen Victoria Jubilee Park, adjacent but separate to the existing playground.
- (3) Require officers to accept the funding agreement from the Department of Planning, Transport and Infrastructure for \$100,000 (ex GST).
- (4) Require officers to complete a second quarter budget adjustment of \$10,940 (ex GST) for additional funds to complete the project.
- (5) Require officers to write to neighbouring properties to inform them of the approved dog park locations and invite feedback.
- (6) Require officers to implement the dog parks by the end of the 2018/19 financial year should no negative feedback from nearby residences be received. If negative feedback is received, bring a further report to a future Council meeting.

**REPORT**

**Background**

At its meeting on the 21 August 2018, Council resolved that:

**MOVED** Cr Lange that Council:

- (1) Receives and notes report 7.3.2.2 containing the outcome of community consultation on the benefits of Dog Parks in the Barossa Region.
- (2) Based on the level of responses received in support of a Dog Park in comparison to those not in support, requires officers to further engage with the key community stakeholders to determine preferred location, size, design and associated infrastructure (including costings) and return a report to a future Council meeting.
- (3) Requires Offices to develop a media release and email response to respondents where email addresses are provided outlining the outcome of the Dog Park Survey.

**Seconded** Cr Hurn

**CARRIED** 2014-18/1507

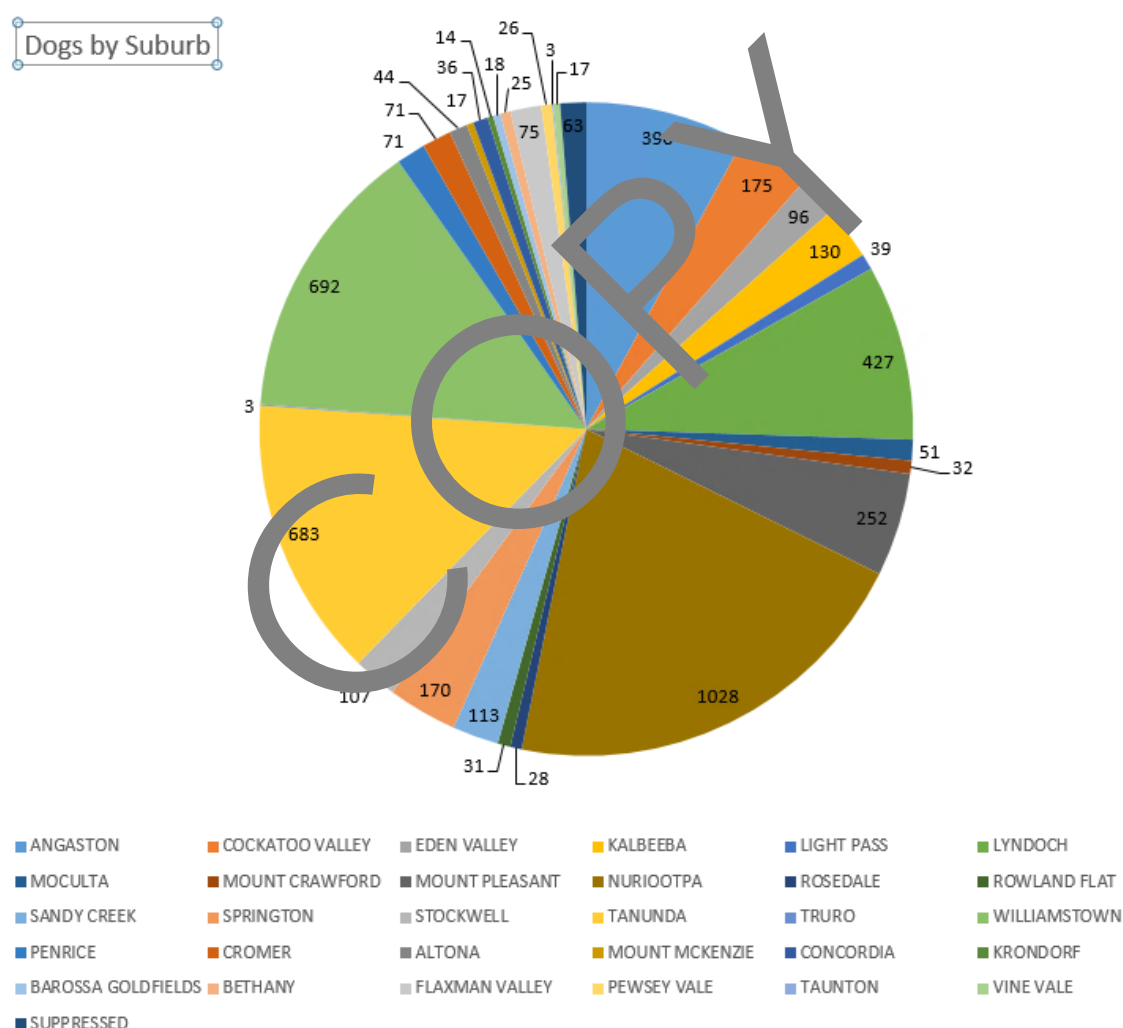
Officers have continued to work with interested community members to determine location preferences and design options and costs. Ideally the suitable location characteristics include proximity to water, some natural shade and not too close to residences. Community members, through the survey and involved in the working group, have indicated that they will be satisfied with a simple implementation including a fenced area, bins, gates and access to water. The size of the fenced area

Officers have continued to work with interested community members to determine location preferences and design options and costs. Ideally the suitable location characteristics include proximity to water, some natural shade and not too close to residences. Community members, through the survey and involved in the working group, have indicated that they will be satisfied with a simple implementation including a fenced area, bins, gates and access to water. The size of the fenced area has been determined by the available budget and can be adjusted by modifying the linear meterage of the fence installed.

The Dog and Cat Management Board – *Unleashed, A Guide to Successful Dog Parks* has been used to inform the process, design and minimum requirements.

### Discussion

Locations for dog parks have been developed with interested community members, using number of dog registrations in townships and by visiting the sites. Dog registration numbers for each township are:



### Northern Dog Park

Officers have met with interested northern community members to discuss various options of locations. The preference is for an installation on Penrice Road, Nuriootpa, opposite the Barossa Tourist Park and Nuriootpa High School (approximately 3,000m<sup>2</sup>). The Map at [Attachment 1](#) provides an aerial view of the location and the components of the installation requested.

### Southern Dog Park

Officers have had email correspondence with interested southern community members to discuss various options of locations. The locations identified include Victoria Terrace and South Terrace corner, Williamstown, also known as Doug Lane Reserve (approximately 3,000m<sup>2</sup>) or along Yettie Road at Grigg Reserve (approximately 1,400m<sup>2</sup>).

The Grigg Reserve site is not large enough for an appropriate sized dog park and is not a recommended location.

With regard to the Doug Lane Reserve, officers are aware that there has been community discussion regarding the bridge crossing along Victoria Terrace and the request for safe footpath access. There is a potential that as this bridge is close to the proposed dog park location, the two items could be linked and additional requests to improve the pedestrian bridge crossing increase. There is no formal parking available at this site. The land on this corner at South Terrace is also both Council controlled and Department of Planning, Transport and Infrastructure controlled road reserve which may add complexity to gaining approval for this use.

Internal discussions have also resulted in a further location at the Williamstown Queen Victoria Jubilee Park being identified. The benefits of this location are the proximity to toilets, water and other recreational infrastructure. Due to the location not being close to any residences, this is the preferred location. The fenced dog park area would be kept separate to the playground also at this location.

The Map at [Attachment 2](#) provides an aerial view of the locations and the components of the installation requested.

Indicative costs are as follows:

Item	Indicative Cost (inc GST) per dog park
Fencing (indicative 3.0m x 1.8m high black chainmesh with top and bottom rails)	\$29,920
Water Meter	\$3,000
Water Run	\$2,200
Drinking Fountain + installation	\$3,500
Double Gates x 2 (self-closing child proof locks)	\$2,750
Concrete pad to protect entranceways	\$5,500
Vehicle access gate (for mowing contractor access)	\$1,100
Bin + installation	\$3,000
Signage	\$2,000
Contingency	\$2,500
<b>Indicative total cost per Dog Park</b>	<b>\$55,470</b>

The ongoing maintenance, waste collection, mowing and weed control, servicing of water fountain, renewal and replacement, inspections, potential fence repair and potential for increased complaint handling and compliance matters is not currently budgeted and is estimated at \$5,000 per annum for both dog parks. Should Council approve the locations and accept the funding and costs, this amount will be added to the Parks and Gardens annual budget.

A draft funding agreement ([Attachment 3](#)) has been received from the Department of Planning, Transport and Infrastructure for \$100,000 (ex GST), specifically for two dog parks, one in the north and one in the south of the Barossa. An additional amount of \$10,940 (ex GST) will be required to complete the installation of the two dog parks.

### **Conclusion**

Officers and community members that have been involved in the project recommend that Penrice Road, Nuriootpa and Williamstown Queen Victoria Jubilee Park are the two best locations. Initial quotes to install two dog parks with modest inclusions totals \$110,940. The Department of Planning, Transport and Infrastructure has provided a grant of \$100,000 for the two parks. An additional amount of \$10,940 is required to complete the installation and \$5,000 per annum applied to the base Parks and Gardens budget to fund ongoing maintenance and officer time.

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

Attachment 1 – Indicative Site Map, Nuriootpa Dog Park 18/85834

Attachment 2 – Indicative Site Maps, South Terrace, Williamstown 18/85837; Yettie Road, Williamstown 18/85836 and Williamstown Queen Victoria Jubilee Park Dog Park 18/86999

Attachment 3 – Draft Funding Agreement 18/85484

Attachment 4 – Risk Assessment 18/85776

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

#### Community Plan



Community and Culture



Infrastructure



Health and Wellbeing



How We Work – Good Governance

#### Legislative Requirements

Local Government Act 1999

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

#### **Financial**

The Department of Planning, Transport and Infrastructure has provided funding of \$100,000 to establish a northern and southern dog park. The indicative costs for the design and inclusions required by the community is likely to total more and therefore should the project continue with current location and design, a budget adjustment of \$10,940 will be required. Also, it is noted that the cost of current service levels in respect of Council's Dog and Cat Management legislated activities is not fully funded from registration revenue and provision and maintenance of additional services will necessitate ongoing operational expenditure of an additional \$5,000 per annum. This will be included in the base Parks and Gardens budget for 2019/20.

#### **Resource**

Officer resources required will include, Manager Community Projects, Manager Regulatory Services, Coordinator Facilities Management, Coordinator Operations, Customer Support Staff and Depot Staff.

#### **Risk Management**

A risk assessment (*Attachment 4*) has been completed as part of the project.

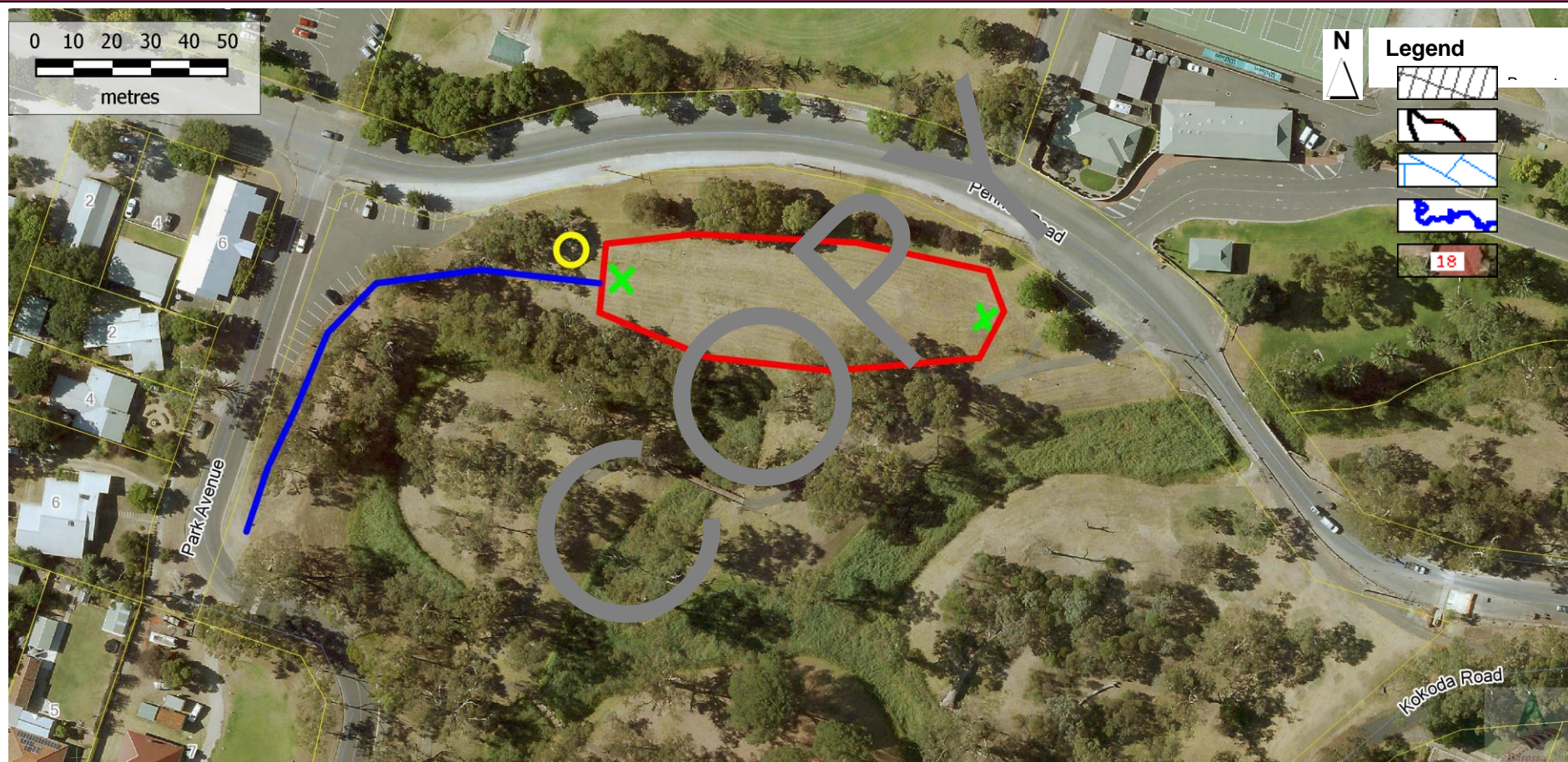
### **COMMUNITY CONSULTATION**



Officers implemented in full the Community Consultation Plan as previously reported to Council at the 21 August 2018 meeting. This matter does not require Development Approval or formal public notification; however now that locations have been recommended, it is intended that officers write to neighbouring property owners to notify and invite feedback.

COPY

## Potential Northern Dog Park location



### Notes

Penrice Road, Nuriootpa

### 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.



## Potential Southern Dog Park Location



### Notes

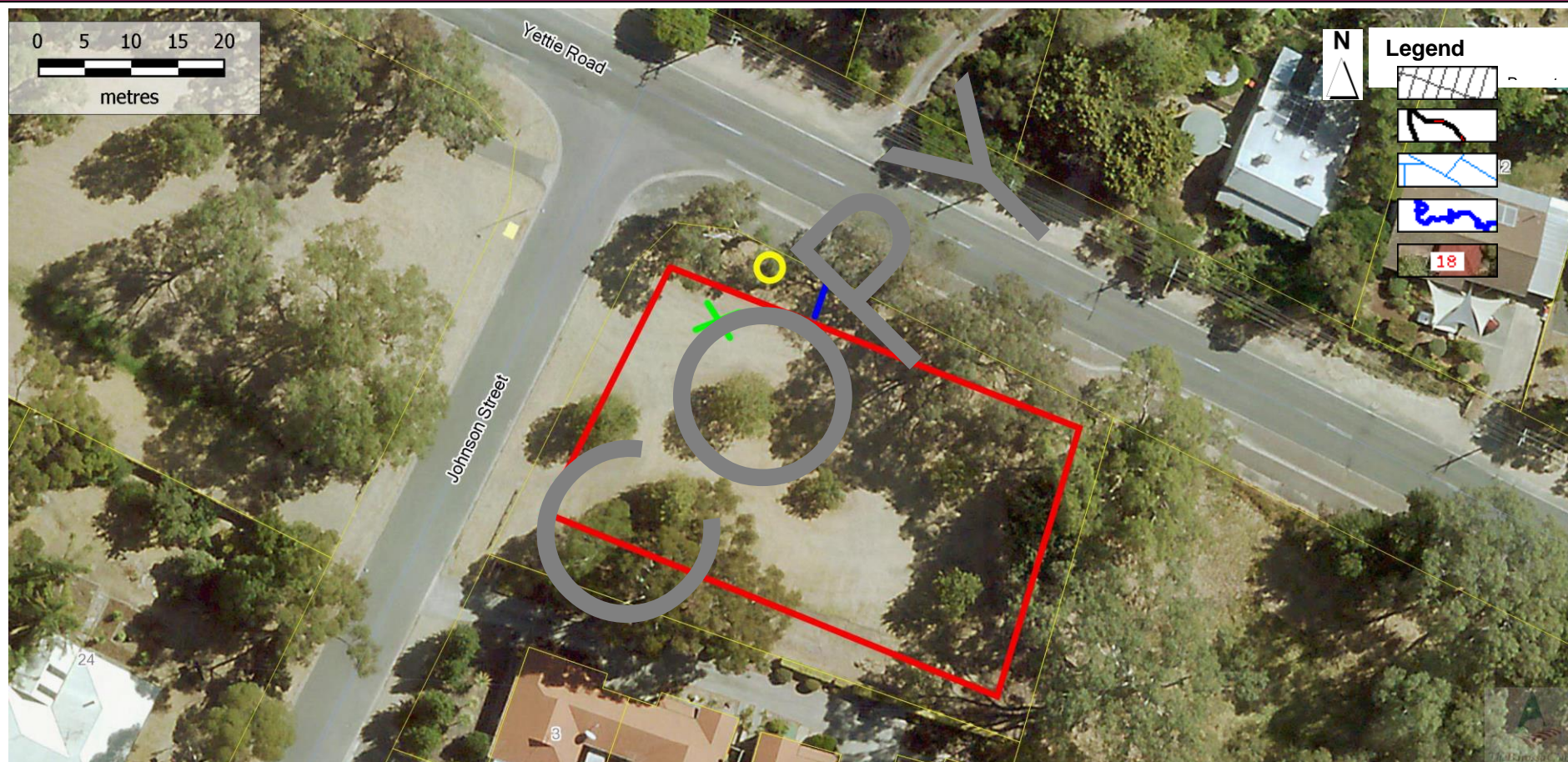
Victoria and South Terrace, Williamstown

### 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.



## Potential Southern Dog Park Location



### Notes

Yettie Road, Williamstown

### 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.



## Potential Southern Dog Park Location



### Notes

Williamstown Queen Victoria Jubilee Park

### 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.

**DATED                      DAY OF                      2018**

**GRANT FUNDING AGREEMENT**

**BETWEEN**

**MINISTER FOR PLANNING**

**("Minister")**

**-AND-**

**The Council named and described in Item 1 of the Schedule**

**("Council")**

*Barossa Council – North and South Dog Parks*

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### SCHEDULE

ANNEXURE A - PROJECT TARGET TABLE

ANNEXURE B - MANNER OF PAYMENT

ANNEXURE C – FINAL REPORT

**THIS AGREEMENT** is made the \_\_\_\_\_ day of \_\_\_\_\_ 2018

**BETWEEN:**

**MINISTER FOR PLANNING** a body corporate under the *Administrative Arrangements Act 1994* of Level 11, 45 Pirie Street, Adelaide, South Australia 5000 (“**Minister**”)

**AND**

The Council named and described in Item 1 of the Schedule (the “**Council**”).

**BACKGROUND**

- A. The Minister through the Department of Planning, Transport and Infrastructure has agreed to pay to the Council the Grant for the purpose of the Project on the following terms and conditions set out in this Agreement.
- B. The purpose of the Project is for the Council to establish two dog parks in the north and south of the Barossa.

**1. DEFINITIONS AND INTERPRETATION**

**1.1 Definitions**

In this Agreement unless the contrary intention appears:

- 1.1.1 “**ANTS GST Act**” means the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;
- 1.1.2 “**Business Day**” means any day that is not a Saturday, Sunday or public holiday in South Australia;
- 1.1.3 “**Commencement Date**” means the date specified in Item 2 of the Schedule;
- 1.1.4 “**Completion Date**” means the date specified in Item 3 of the Schedule;
- 1.1.5 “**Council’s Representative**” means the representative of the Council specified in Item 7 of the Schedule;
- 1.1.6 “**Agreement**” means this Funding Agreement between the parties and includes the Schedule;
- 1.1.7 “**Fund**” means the Council’s open space trust fund established under section 50 subsection 10 of the *Development Act 1993*



- 1.1.8 **“Grant”** means the amount specified in Item 5 of the Schedule, which is exclusive of GST;
- 1.1.9 **“Grant Account”** means the Fund or other interest bearing account in the name of the Council;
- 1.1.10 **“GST”** means the tax imposed by the GST Law;
- 1.1.11 **“GST Law”** has the meaning attributed in the ANTS GST Act;
- 1.1.12 **“Intellectual Property Rights”** means any patent, copyright, trademark, tradename, design, trade secret, know how or other form of confidential information, or any right to registration of such rights and any other form of intellectual property right whether arising before or after the execution of this Agreement;
- 1.1.13 **“Minister”** means the Minister for Planning;
- 1.1.14 **“The Department of Planning, Transport and Infrastructure’s Representative”** means the representative of the Department of Planning, Transport and Infrastructure specified in Item 7 of the Schedule;
- 1.1.15 **“Project”** means the project described briefly in Item 4 of the Schedule and in detail in Annexure A;
- 1.1.16 **“Repayment Amount”** means:
- (a) all unspent amounts paid by the Minister to the Council under this Agreement up to the Repayment Date; and
  - (b) interest on each of those amounts (or so much of it as remains unpaid for the time being) calculated at the common Public Sector Interest Rate applicable over the relevant period, from the date or dates on which the Minister pays the Grant to the Council, to the date on which the amount is paid in full;
- 1.1.17 **“Repayment Date”** means the date upon which the Minister demands payment of the Repayment Amount from the Council;
- 1.1.18 **“Repayment Events”**
- The occurrence of any of the following events are Repayment Events:
- (a) if the Council breaches any of its warranties or undertakings under this Agreement; or
  - (b) any of its obligations under this Agreement and has not rectified such breach within the time frame specified in a

notice given in writing by the Minister to the Council requiring rectification of the breach;

- (c) if the Council breaches its undertaking to commit its own funds to the Project in the amount specified in Item 5 of the Schedule.

1.1.19 “**State**” means the State of South Australia;

1.1.20 “**Tax Invoice**” has the meaning attributed in the GST Law;

1.1.21 “**Taxable Supply**” has the meaning attributed to that expression in the GST Law;

1.1.22 “**Term**” means the period commencing on the Commencement Date and expiring on the Completion Date; and

1.1.23 “**Termination Date**” means the earlier of the following:

- (a) the Completion Date; or
- (b) if the Minister terminates the Agreement pursuant to clause 6.1, the date on which notice of such termination is given to the Council

## **1.2 Interpretation**

In this Agreement unless the contrary intention appears:

1.2.1 any word importing the plural includes the singular and vice versa;

1.2.2 any word importing a gender includes all other genders;

1.2.3 a reference to a person includes a corporation;

1.2.4 headings do not affect the interpretation or construction; and

1.2.5 a reference to a clause, Schedule or Item in a Schedule is a reference to a clause, Schedule or Item in a Schedule of this Agreement.

## **1.3 Background Information**

The parties acknowledge and agree that the Background is true and correct in every particular, and shall be read with and form part of this Agreement.

## **2. GRANT**

2.1 The Minister will make the Grant to the Council and the Council must apply the Grant for the purposes of the Project.

2.2 The Minister's obligation to make the Grant is subject to the provisions of this Agreement.

- 2.3 The Minister shall not be obliged to make the Grant unless and until all authorisations, approvals, consents, licenses, exemptions, registrations and other requirements which are necessary for the undertaking of the Project have been obtained by or satisfied by the Council.
- 2.4 The Minister shall provide the Grant in the manner specified in Annexure B.

### **3. GST**

- 3.1 The parties acknowledge that compliance with obligations or the grant of rights under this Agreement by the Council is a Taxable Supply and the Council is liable to pay GST on this Taxable Supply.
- 3.2 The Minister will pay in addition to the Grant an amount ("GST payment") calculated by multiplying the Grant by the rate at which GST is levied at the time of this Agreement.
- 3.3 The Minister is not liable to pay the GST payment or any instalment of the GST payment unless the Council has delivered to the Minister a valid Tax Invoice under the GST Law, referable to the Grant and associated GST payment.

### **4. STEERING COMMITTEE**

The Council shall invite a representative of the Department of Planning, Transport and Infrastructure to participate in the steering (or other agreed project control mechanism) committee which shall be formed by the Council to control and manage the Project.

### **5. VARIATION TO SCOPE OF PROJECT**

- 5.1 The Council may at any time during the Term propose in writing to the Minister a variation in the scope of the Project and give details of any associated change in funding (i.e. budgetary) requirements.
- 5.2 The Minister may in his/her absolute discretion accept or reject the proposed variation and agree or refuse to increase the amount of the Grant to cover any related increase in funding requirements.
- 5.3 If the Minister accepts the Council's proposal to vary the scope of the Project and any associated request for additional funding:

- 5.3.1 the Council will carry out the Project as varied;
- 5.3.2 the Minister will provide the additional funding requested; and
- 5.3.3 the terms and conditions of this Agreement will apply to the Project as varied.

## **6. REPAYMENT**

- 6.1 If a Repayment Event occurs, the Minister may immediately terminate this Agreement by notice in writing given to the Council then any obligation of the Minister to make any further payment to the Council shall cease and the Council may, in the Minister's absolute discretion, be required to pay the Repayment Amount to the Minister.
- 6.2 The Council enters into the obligation to pay the Repayment Amount pursuant to this clause 6 with the intention that it is a legally binding, valid and enforceable contractual provision against the Council.
- 6.3 The parties intend to exclude, to the extent permissible, the application and operation of any legal rule or norm, whether statutory or common law, relating to:
  - 6.3.1 the characterisation as penalties of liquidated amounts payable under a contract on a breach occurring; or
  - 6.3.2 the enforceability or revocability of such liquidated amounts.
- 6.4 Nothing in this clause prevents the Minister from recovering from the Council any other amount to which the Minister is or becomes entitled under this Agreement.
- 6.5 If at the Completion Date, or the date of any earlier termination of this Agreement, any part of the Grant or interest earned thereon remains in the Council's Grant Account pursuant to this Agreement the Council must immediately repay this amount to the Minister.

## **7. COUNCIL'S WARRANTIES AND UNDERTAKINGS**

- 7.1 The Council undertakes to the Minister:-
  - 7.1.1 that except with the prior consent in writing of the Minister, it will not use the Grant for purposes other than the Project;
  - 7.1.2 that at the Commencement Date no Repayment Event has occurred or is occurring;

- 7.1.3 that it will inform him/her in writing immediately on the Council becoming aware of or when the Council ought reasonably to have become aware of the happening of a Repayment Event;
- 7.1.4 that it will comply with Treasurer's Instruction 15 which can be accessed online at:  
[http://www.treasury.sa.gov.au/data/assets/pdf\\_file/0014/322/7/TI-15-Grant-Funding-Jan-2015.pdf](http://www.treasury.sa.gov.au/data/assets/pdf_file/0014/322/7/TI-15-Grant-Funding-Jan-2015.pdf)
- 7.1.5 that it will keep separate accounts and financial records in relation to the Grant to which this Agreement relates;
- 7.1.6 that it will provide the Minister with those reports specified in Item 6 of the Schedule and such other information as the Minister may reasonably require to enable him/her to monitor the Council's performance of its undertakings and obligations under this Agreement;
- 7.1.7 that all records and other documentation required to be kept by the Council under this Agreement and under any other legislation or statutory instrument will upon the giving of fourteen (14) days notice be available to the Minister for inspection at Adelaide at all times during normal business hours;
- 7.2 The Council must commence undertaking the Project within thirty (30) Business Days of the Commencement Date and must complete the Project by not later than the Completion Date.
- 7.3 The Council acknowledges that the warranties and undertakings made in this clause 7 have induced the Minister to agree to make the Grant to which this Agreement relates.
- 7.4 The Council must disclose to the Minister the source and amount of any funding or financial assistance apart from the Grant that it has or does receive for the purpose of the Project.

## **8. INSURANCE**

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme ("Scheme") and is bound by the rules of the Scheme pursuant to section 34(a) of the *Local Government Act* and in the event that the Council ceases to be a member of the Scheme it will forthwith

pursuant to section 166(a) of the *Local Government Act*, effect public liability insurance to a minimum level of cover of \$50,000,000.00.

**9. INTELLECTUAL PROPERTY RIGHTS**

- 9.1 The Council warrants that in undertaking the Project the Council is not infringing the Intellectual Property Rights of any person.
- 9.2 The Council shall indemnify and shall keep the Minister and the Crown in right of the State indemnified from and against all costs, expenses and liabilities whatsoever arising out of or in connection with any claim that in undertaking the Project the Council infringes the Intellectual Property Rights of any person.

**10. AUTHORISATION AND APPROVALS**

- 10.1 The Minister may authorise any person whom he/she selects to exercise any of his/her powers or rights under this Agreement and may vary or revoke an authorisation at will.
- 10.2 The Minister may conditionally or unconditionally give or withhold his/her approval or consent in his/her absolute discretion unless this Agreement expressly provides otherwise.

**11. PUBLICITY**

- 11.1 The Council must ensure that any media release or publicity material issued by the Council in relation to the Project or the Grant acknowledges the contribution made by the Minister.
- 11.2 The Council shall consult the Department of Planning, Transport and Infrastructure before initiating any publicity, such as an official opening or similar ceremony and the content of any signage or other written publication must acknowledge the contribution of the Department of Planning, Transport and Infrastructure in the manner specified by the Minister.

**12. GENERAL**

**12.1 No Assignment by the Council**

The Council's rights and obligations under this Agreement are not assignable.

12.2 **Entire Agreement**

This Agreement contains the entire agreement between the parties with respect to its subject matter and it supersedes any prior agreement or understanding of the parties on the subject matter.

12.3 **Governing Law**

12.3.1 This Agreement is governed by the laws in the State.

12.3.2 The courts of the State have exclusive jurisdiction in connection with this Agreement.

12.4 **No Waivers by the Minister**

The Minister waives a right under this Agreement only by written notice to that effect. Nothing else done or omitted to be done by the Minister in relation to the Minister's rights under this Agreement will have the effect of a waiver.

12.5 **Modification**

12.5.1 It is acknowledged by the parties that the terms and conditions of this Agreement may by agreement of the parties be modified.

12.5.2 Any modification of this Agreement must be in writing and signed by each party.

12.6 **Severability**

If any part of this Agreement is or becomes void or unenforceable or if this Agreement would, if any part were not omitted, be or become void or unenforceable then: –

12.6.1 that part will be severable without affecting the remainder of this Agreement and this Agreement will then be read as if that part were not contained in it; and

12.6.2 the parties will attempt to renegotiate that part in good faith.

12.7 **Costs**

Each party will bear its own costs of and incidental to the negotiation, preparation and execution of this Agreement.

12.8 **No Mutual Liability**

Nothing in this Agreement constitutes a partnership, joint venture or association of any kind between the Council and the Minister or renders them liable for the debts or liabilities incurred by each other.

12.9 **Notice**

12.9.1 Notice must be in writing and signed either by the party or by the agent of that party.

12.9.2 Notice can be given to a party: –

- (a) personally;
- (b) by pre-paid post to the recipient's address set out in this Agreement, in which case the notice is deemed to be received at the time at which it would be delivered in the ordinary course of the post;
- (c) as permitted by the Corporations Law or any other statute or regulation.

12.9.3 The addresses and numbers for service are: –

**The Minister**

(The Department of Planning, Transport and Infrastructure)  
50 Flinders Street  
Adelaide SA 5000

**The Council**

To the Council at the address or number specified in Item 1 of the Schedule.

12.9.4 A party may from time to time change its address or number for service by notice to the other party.

**12.10 Rectification of Defects in the Agreement**

If any provision of this Agreement is, or becomes defective, and the Minister subsequently is unable to enforce any of the Council's obligations under this Agreement, and the defect is capable of remedy, the Council must do all things and sign all documents which the Minister may reasonably require the Council to do or sign to remedy the defect.

**12.11 Comply with Laws**

12.11.1 When carrying out any activity in connection with the Project, the Council must comply with all applicable laws relating to that activity, including (but not limited to) laws requiring the obtaining of approvals, consents, licences and registrations.

12.11.2 Where the Council becomes aware of any breach by it of any law or laws in force in the State which breach arises out of or occurs or in respect of any activity carried out by the Council



in connection with its use of the Grant, the Council must forthwith notify The Department of Planning, Transport and Infrastructure's Representative in writing of the occurrence of that breach and as to the particulars of that breach.

12.12 **Auditor-General**

Nothing in this Agreement derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987 (South Australia)*.

12.13 **Time is of the Essence**

Time is of the essence in respect of any time, date or period specified either in this Agreement or in any notice served under this Agreement.

COPY

**EXECUTED AS AN AGREEMENT**

**SIGNED** by ..... )  
for and on behalf of the **MINISTER FOR** ..... )  
**PLANNING** ..... )  
as its duly authorised delegate in the presence of: ..... )

.....  
Witness

(Print Name: ..... )

**SIGNED** by ..... )  
for and on behalf of ..... )

..... )  
being a person duly authorised in that regard ..... )  
in the presence of: ..... )

.....  
Witness

(Print Name: ..... )

## **SCHEDULE**

### **Item 1**

#### **Council**

Barossa Council

PO Box 867

NURIOOTPA SA 5355

PH: (08) 8563 8444

### **Item 2**

#### **Commencement Date**

Upon execution of this Agreement or such other date as is mutually agreed in writing by the parties

### **Item 3**

#### **Completion Date**

31 May 2020

### **Item 4**

#### **Project**

North and South Dog Parks

### **Item 5**

#### **Total Amount of Grant**

The total amount of the Grant will not exceed 100% of the total cost of the Project listed in Annexure A, and in no circumstances will the total amount of the Grant exceed \$100,000.

The Minister has made this funding commitment in granting approval for the Project based on Council's undertaking that:

- the Council will pay \$0, being 0% of the total cost of the Project listed in Annexure A;

**Item 6****Reports**

1. The Council must provide the Department of Planning, Transport and Infrastructure's Representative with the following reports:
  - a. such reports as the Minister may by notification in writing require from time to time;
  - b. a report no later than 30 Business Days following the Completion Date.
2. The reports must contain:
  - a. in relation to the report referred to in 1(a), such material or information as the Minister may specify in the written notice given to the Council requiring provision of that report; and
  - b. in relation to the report referred to in 1(b), a signed Final Report as specified in Annexure C.
3. At the request of the Department of Planning, Transport and Infrastructure's representative, Council may be required to provide a report on the expenditure of the Grant including evidence of actual expenses incurred in relation to the project. At the Minister's option that report may be referred to an independent external auditor.

**Item 7****The Department of Planning, Transport and Infrastructure's Representative**

Matthew Lang

**Council's Representative**

.....

**ANNEXURE A****PROJECT TARGET TABLE**

<b>ACTIVITY</b>	<b>TARGET OUTCOMES</b>	<b>COST P&amp;D FUND</b>	<b>COST COUNCIL</b>	<b>COST TOTAL</b>
Two dog parks	Establish two dog parks in the north and south of the L. Ssa	\$100,000	\$0	\$100,000
<b>TOTAL</b>		<b>\$100,000</b>	<b>\$0</b>	<b>\$100,000</b>

## **ANNEXURE B**

### **MANNER OF PAYMENT**

#### **Manner of Payment of Grant**

##### ***Upfront Payment***

The Grant shall be paid on receipt of:

- A signed Funding Agreement, which is to the satisfaction of the Department of Planning, Transport and Infrastructure; and
- A tax invoice in accordance with the GST Act for the amount of the Grant.

Following receipt of the Grant, the Council must:

- pay the Grant into the Grant Account;
- apply the grant solely towards the Project specified in Annexure A;
- retain in the Grant Account all interest earned on the Grant and apply this money solely towards the Project specified in Annexure A;
- provide a Final Report on completion of the Project as specified in Item 6 of the Schedule.

**ANNEXURE C – FINAL REPORT**

**PLANNING AND DEVELOPMENT FUND 2018**

**Council:** Barossa Council

**Project:** North and South Dog Parks

TOTAL PLANNING AND DEVELOPMENT FUND CONTRIBUTION	\$100,000
Council contribution	\$
Contributions from other sources* (please specify)	\$
<b>TOTAL PROJECT FUNDING</b>	<b>\$</b>
<b>TOTAL PROJECT EXPENDITURE</b>	<b>\$</b>

\* Including interest accrued (see Annexure B).

**Certification**

I hereby certify in accordance with the conditions under which this Grant was accepted that:

- The expenditure shown in this report and any attachments have been incurred.
- The expenditure relates solely to the work covered by the Grant.
- The rates, computations and costs shown in this Report are correct.
- None of the payments or any part thereof has been included on any previous Report.
- None of the payments or any part thereof has been sought from, or paid by any funding source other than those listed on this Report or attached table.

**Project Manager**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

**Chief Executive Officer**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

# THE BAROSSA COUNCIL

## CORPORATE RISK ASSESSMENT FORM



Policy Link:	<a href="#">Risk Management Policy</a>		
Form Owner:	Manager OD/Risk	Previous Approval Date(s):	
Document Control Officer:	Risk Advisor	Current Approval Date:	17/11/2015
HPE Content Manager Reference:		Next Review Date:	17/11/2019

### 1. Details

Name Task/Project/Function being assessed	DOG PARKS
---	-----------

### 2. Risk Assessment Development/Review Team

Name	Position	Signature	Date
Rebecca Tappert	Manager Community Projects		
Jamie Turley	Manager Regulatory Services		
Donna Gray	Coordinator Operations		

Next Review Date for this Corporate Risk Assessment (4 years)	
---	--

### 3. Assessment Grid

In accordance with The Barossa Council's Risk Management Policy																
Ref	Risk	Risk Identification (Describe the issue in detail)	What existing controls are in place now	Level of Consequence	Level of Likelihood	Level of Risk	Target -  This measure relates to the appetite for risk	Treatment Option(s) –  Describe additional control(s) required to reduce the risk	Person(s) Responsible	Date the control(s) to be implemented	When will the control(s) be reviewed –  To determine Residual Risk	Residual Level of Consequence	Residual Level of Likelihood	Residual Level of Risk	The Risk - Accept? Reduce? Substitute? Eliminate?	Risk Owner –  Ultimate person who is accountable for risk
1.	Insufficient funding to implement desired infrastructure	Quotes and agreed scope not matching community desire for level of service	Working group has agreed on inclusions and location.  Report to Council for endorsement  Request for additional \$6,940 to implement community requested inclusions.	C1	L4	L	L								Accept	Council



In accordance with  
The Barossa  
Council's Risk  
Management Policy

Ref	Risk	Risk Identification (Describe the issue in detail)	What existing controls are in place now	Level of Consequence	Level of Likelihood	Level of Risk	Target - This measure relates to the appetite for risk	Treatment Option(s) - Describe additional control(s) required to reduce the risk	Person(s) Responsible	Date the control(s) to be implemented	When will the control(s) be reviewed - To determine Residual Risk	Residual Level of Consequence	Residual Level of Likelihood	Residual Level of Risk	The Risk - Accept? Reduce? Substitute? Eliminate?	Risk Owner - Ultimate person who is accountable for risk
2.	Increased requirement to respond to regulatory and compliance dog matters and potential complaint handling	Dog behaviour Dog attack														
3.	Increased maintenance requirements	Ongoing maintenance, waste collection, mowing and weed control, servicing of water fountain, renewal and replacement, inspections, potential fence repair/replacement	Clear understanding of what will be increased and communication to all project stakeholders	C1	L1	M	L	Increased budget to resources to maintain increased maintenance	Depot	At implementation	Annual budget review	C1	L3	L	Reduce	Council
4.	Irresponsible owners that do not pick up and dispose of dog faeces appropriately	Public complaints – possible odour and aesthetics of the public space	Not Applicable	C3	L3	M	L	Signage, notification to park users	Refer Item 1.	During establishment/construction		C1	L3	L		
5.																
6.																
7.																
8.																

In accordance with  
The Barossa  
Council's Risk  
Management Policy

Ref	Risk	Risk Identification (Describe the issue in detail)	What existing controls are in place now	Level of Consequence	Level of Likelihood	Level of Risk	Target - This measure relates to the appetite for risk	Treatment Option(s) - Describe additional control(s) required to reduce the risk	Person(s) Responsible	Date the control(s) to be implemented	When will the control(s) be reviewed - To determine Residual Risk	Residual Level of Consequence	Residual Level of Likelihood	Residual Level of Risk	The Risk - Accept? Reduce? Substitute? Eliminate?	Risk Owner - Ultimate person who is accountable for risk
9.																
10.																
11.																
12.																
13.																
14.																
15.																

<b>4.</b>	<b>Business Continuity Management Consequences</b>
-----------	--

Do these risks have Business Continuity Management consequences?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – If Yes, description of BCM consequences
--	--

<b>6.</b>	<b>Consequence or impact Table / Risk Matrix</b>
-----------	--

[Risk Matrix, Likelihood and Consequence Descriptors - 18/42058\\*](#)

<b>7.</b>	<b>Target – Council's Risk Appetite and Tolerance Statements</b>
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[CLICK HERE for Risk Management Policy - TBCPOC3100 - 13/47307\[v1\]](#)

Financial	There is a low tolerance for decisions that have a significant negative impact on Council's financial operations. Residual levels must be rated low or if the residual Risk is rated higher than 'low' then there must be ample monitored controls in place to reduce the Risk to a level where it is an "accepted" Risk.
Legal and Regulatory	There is no tolerance for non-compliance with legal, professional and regulatory requirements. Residual levels must be rated low or if the residual Risk is rated higher than "low" then there must be ample monitored controls in place to reduce the Risk to a level where it is an "accepted" Risk.
Human Resources	There is no tolerance for compromising staff safety and welfare. Residual levels must be rated low or if the residual Risk is rated higher than "low" then there must be ample monitored controls in place to reduce the Risk to a level where it is an "accepted" Risk. We have a low tolerance for Risks arising from inadequately trained staff or failed internal processes. Residual levels must be rated moderate or lower.
Operational	We have a low tolerance for system failures or information and data Security breaches. Residual levels must be rated moderate or lower. We have a medium tolerance in terms of the operational Risk associated with the implementation of change and key strategic plans. Residual levels can be rated moderate or high. We have no tolerance for internal fraud, collusion, theft and associated reputational Risk. Residual levels must be rated low. We have a low tolerance for operational Risks arising from failure to meet customer commitments and/or suitability of advice. Residual levels must be rated moderate or lower. We have a low tolerance for third party partner (contractors) failure. Residual levels must be rated moderate or lower. There is considerable Appetite for improvements to service delivery residual levels can be rated high. There is considerable Appetite for improved efficiency of Council operations. Residual levels can be rated high.
Environmental	There is considerable Appetite for decisions that promote ecologically sustainable development. Residual levels can be rated high. We have a moderate tolerance for decisions that will cause minor consequence or environmental nuisance. We have a low tolerance for decisions that will cause material or serious environmental harm. We have no tolerance for decisions that will cause high level serious environmental harm.
Public Relations	There is no tolerance for compromising public relations. Residual levels must be rated low. We have a low tolerance for Risks arising from public incidents. Residual levels must be rated moderate or lower.

<b>8.</b>	<b>Internal Office Use</b>
-----------	----------------------------

Has all identified risks been entered into/updated in Organisational Risk Register?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Risk Register ID(s):
Has this Corporate Risk Assessment been entered into Incident Register?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Incident Register ID:
Has all identified treatment option(s) been entered into CAPA Register?	<input type="checkbox"/> Yes <input type="checkbox"/> No	CAPA Register ID(s):

Extract of the Minutes of Council Meeting of 18 December 2018

**7.3.2.2**

**DOG PARKS – NORTHERN AND SOUTHERN LOCATIONS**

**B7915**

**MOVED** Cr Wiese-Smith that Council:

- (1) Approve the Northern Dog Park location of Penrice Road, Nuriootpa, opposite the Nuriootpa High School oval.
- (2) Approve the Southern Dog Park location of Williamstown Queen Victoria Jubilee Park, adjacent but separate to the existing playground.
- (3) Require officers to accept the funding agreement from the Department of Planning, Transport and Infrastructure for \$100,000 (ex GST).
- (4) Require officers to complete a second quarter budget adjustment of \$10,940 (ex GST) for additional funds to complete the project.
- (5) Require officers to write to neighbouring properties to inform them of the approved dog park locations and invite feedback.
- (6) Require officers to implement the dog parks by the end of the 2018/19 financial year should no negative feedback from nearby residences be received. If negative feedback is received, bring a further report to a future Council meeting.

**Seconded** Cr Boothby

**CARRIED 2018-22/69**

## Penrice Road, Nuriootpa

Notes – fence line to be on top of ridge of mound and no closer to creek (flood) line





## Warren Road, Williamstown

Notes – playground to be replaced over time within the Rec Park as per masterplan, water location unknown. Potential to install fencing around all playground equipment for 2,400m<sup>2</sup> dog park. Gate elements to be determined on site







## **COUNCIL**

### **EXECUTIVE SERVICES**

#### **CHIEF EXECUTIVE OFFICER REPORT**

**18 JUNE 2019**

##### **7.2.1.3**

#### **CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND ASSOCIATED DOCUMENTS**

**B1485**

Author: Governance Advisor

#### **PURPOSE**

Council is asked to consider and endorse the draft Code of Practice for Access to Council and Committee Meeting and Associated Documents (the "Code of Practice") for public consultation in accordance with section 92(5) of the *Local Government Act 1999*.

#### **RECOMMENDATION**

- (1) That pursuant to Section 92(5) of the Local Government Act 1999, before Council adopts, alters or substitutes this proposed Code of Practice for Access to Council and Committee Meetings and Associated Documents ("Code of Practice"), it makes copies of the proposed draft Code of Practice (at Attachment 1) available for inspection or purchase at its principal office and inspection on its website and invites submissions from the public, pursuant to its Public Consultation Policy by placing a Notice in The Herald and The Leader newspapers for a period of at least 21 days.
- (2) At the conclusion of the public consultation period and at the subsequent Council meeting, Council receives and considers all feedback on the proposed Code but in the absence of any feedback at the conclusion of the public consultation period that the Code of Practice be immediately adopted without further reference to Council.

#### **REPORT**

##### Background

Council's current Code of Practice was adopted on 10 June 2016, following amendments to the *Local Government Act 1999* (the "Act"). Following the election of the new Council Body in November 2019, Council is required, pursuant to section 92(2) of the Act, to review the operation of its Code of Practice.

##### Introduction

Section 92(5) of the Act requires that prior to Council adopting, altering or substituting the Code of Practice, Council refer the revised draft to public consultation in accordance with its Public Consultation Policy.

##### Discussion

The amendments made to the Code of Practice and are set out by way of track changes to the draft Code of Practice at Attachment 1. Notable amendments include:



- Update of the Code of Practice to the new Policy template;
- Inclusion of the abbreviated 'CEO' throughout the Code, with a reference included in the Definitions;
- Addition of a definition for 'Agenda'
- Meeting – Committee definition amended to exclude the Barossa Assessment Panel;
- Removal of the text in italics at clause 4.1.1;
- Council and Committee dates and times – clause 4.2.3
- Clause 4.6.6 deleted as it is adequately covered by clauses 4.4.3 and 4.6.5
- Clause 4.7 amended for clarity
- Amendment to delegation of annual review of confidentiality orders – addition of 'or other officer' for matters where CEO has a conflict of interest – clauses 4.8.4 and 4.8.7
- Clause 4.8.6 clarified
- Reference to the *Internal Review of Council Decisions Process* at clause 4.10.2 and at Item 6;
- Tender Committee deleted from Appendix 1 as it no longer exists
- Various changes for clarity and consistency (see track changes)

As part of the public consultation process, it is recommended that public notices be published on The Leader and The Herald newspapers, and on Council's website and Facebook page for a period of 21 days. In addition, copies of the Code of Practice will be made available at Council's principal office for inspection and purchase, and on Council's website for inspection. At the conclusion of the public consultation, any community feedback will be referred to Council for consideration. In the event that there is no community feedback, the Code of Practice will be adopted by Council without requiring referral back to Council.

#### Summary and Conclusion

Council is asked to consider and endorse the draft Code of Practice for public consultation.

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

**Attachment 1:** draft Code of Practice for Access to Council and Committee Meetings and Associated Documents

### **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

Local Government Act 1999, Section 92

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

#### **Financial**

Costs to advertise in The Herald and Leader newspapers will be approximately \$1,000 and can be sourced from existing budgets.

## **Resource**

Nil

## **Risk Management**

In order to be legally compliant, Council must establish a Code of Practice for Access to Council and Committee Meetings and Associated Documents and review this document involving public consultation within the first 12 months of a periodic election. The Code actually reduces the risk of an Ombudsman's investigation as there is an improved transparency for the community in understanding the Council decision making process and accessing as much information as is appropriate under relevant legislation.

## **COMMUNITY CONSULTATION**

As per Council's Public Consultation Policy, the appropriate method of consultation in this situation is that Council publishes a notice on its website, and in the two local newspapers circulating in the Council region describing the matter for which public consultation was required and inviting interested persons to make submissions to the Council within a period being at least twenty-one (21) days from the date of the Notice (Section 50(4a) of the Local Government Act 1999).

# THE BAROSSA COUNCIL

## CODE OF PRACTICE FOR ACCESS TO COUNCIL AND COMMITTEE MEETINGS AND ASSOCIATED DOCUMENTS



<b><u>Corporate Plan Link:</u></b>	<u>6.2 Ensure that Council's policy and process frameworks are based on principles of sound governance and meet legislative requirements.</u>		
<b><u>Policy Owner:</u></b>	<u>Chief Executive Officer</u>	<b><u>Previous Approval Date(s):</u></b>	<u>20/08/2013</u> <u>21/07/2015</u> <u>10/06/2015</u>
<b><u>Document Control Officer:</u></b>	<u>Governance Advisor</u>	<b><u>Current Approval Date:</u></b>	<u>DD/MM/2019</u>
<b><u>HPE Content Manager Ref:</u></b>	<u>13/3403*</u>	<b><u>Next Review Date:</u></b>	<u>Within 12 months of periodic election</u>

### 1. Purpose

- 1.1 The Barossa Council ("Council") supports the principle that the processes to be observed at a meeting of Council or a Council Committee should contribute to open, transparent and informed decision-making and encourage appropriate community participation in the affairs of Council.
- 1.2 This Code is prepared pursuant to Section 92 of the *Local Government Act 1999* which ~~—~~requires Council to prepare a Code of Practice relating to the principles, policies and ~~—~~processes for public access to ~~meetings~~ Council and Committee meetings, and associated documents and minutes ~~of Council~~ and Committee meetings.

### 2. Scope

- 2.1. This Code sets out Council's position for access to meetings and documents and includes information relating to:
  - access to the agenda for meetings ~~(page 2)~~;
  - public access to meetings ~~(page 3)~~;
  - the process to exclude the public from meetings ~~(page 4)~~;
  - matters for which the Council, or Council Committee, can order the public be excluded ~~(page 4-5)~~;
  - how the Council will approach the use of the confidentiality provisions in the Act ~~(page 6)~~;

Code of Practice for Access to Council and Committee Meetings and Associated Documents  
approved by Council on XX XX 2019 (Minute Reference: 2016/111)

Page 1 of 11

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- public access to documents, including minutes ~~(pages 7-8)~~;
- review of confidentiality orders ~~(page 8)~~;
- accountability and reporting to the community ~~(page 9)~~;
- complaints about the use of the Code by Council ~~(page 9)~~; and
- the availability of the Code ~~(page 10)~~.

2.2 This Code does not bind Council's subsidiary as it is bound by its own Charter.

3. Definitions	
<u>Agenda</u>	<u>The Agenda is a list of items of business to be considered at a meeting, it does not include, or require the inclusion of reports and attachments, only that they be described with reasonable particularity and accuracy. However, copies of any documents or reports that are to be considered at the meeting (so far as reasonably practicable) shall <del>be required to be</del> provided to the members of the Council or Council Committee meeting.</u>
The Act	Local Government Act 1999.
<u>CEO</u>	<u>Chief Executive Officer</u>
Clear days	The time between the giving of the notice and the day of the meeting, but excluding both the day on which the notice was given and the day of the meeting, eg notice is given on a <del>Thursday</del> <u>Friday</u> for a following <del>Monday</del> <u>Tuesday</u> meeting, the clear days are <del>Friday</del> <u>Saturday, Sunday and Monday</u> , <del>Saturday and Sunday</del> .
Council Committee	As defined by Section 41 of the Act.
Council's Principal Office	Located at 43 – 51 Tanunda Road Nuriootpa.
Council Branches / Libraries	Located at: 29 Barossa Valley Way Lyndoch; 130-132 Melrose Street Mt Pleasant; 79-81 Murray Street Tanunda; Town Hall Annex, Sturt Street Angaston.
Council Website	<a href="http://www.barossa.sa.gov.au">www.barossa.sa.gov.au</a>
Informal gatherings	Including but not limited to and in accordance with Section 90(8) of the Act: - planning sessions associated with the development of policies and strategies; - briefing or training sessions; - workshops; or - social gatherings to encourage informal communication between Elected Members or between Elected Members and staff. Refer to Council's Information Gatherings Policy.
LGA Handbook	Local Government Association of South Australia – 'Meeting Procedures – Handbook for Council Members'.
Meeting – Council	Any meeting as defined in Sections 81 and 82 of the Act.
Meeting – Committee	Any meeting as defined in Section 87 of the Act <u>but excluding the Barossa Assessment Panel established under the Planning Development and Infrastructure Act 2016.</u>
Personal Affairs	Including but not limited to a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position, or other personnel matters relating to the person, but does not include the personal affairs of a body corporate.

Code of Practice for Access to Council and Committee Meetings and Associated Documents  
approved by Council on **XX XX 2019** (Minute Reference: 2016/111)

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Regulatory activity	An activity which involves the making or enforcement of by-laws, orders, standards or other controls under <del>this the Act</del> or another act.
The Regulations	Local Government (Procedures at Meetings) Regulations 2013 (the Regulations).

#### 4. Policy Statement

##### 4.1 Public Access to the Agenda ~~UBLIC ACCESS TO THE AGENDAS (WITH ATTACHED REPORTS) FOR MEETINGS~~

4.1.1 This clause 4.1 applies to meetings of Council and those Council Committees which serve a Regulatory function and any other Committee to which Council has determined it should apply (Appendix One lists those Council Committees to which this clause will apply).

~~Where a committee is not performing a regulatory function the processes may be varied in accordance with Part 3 of the Regulations which are procedurally less onerous eg notice may be given in a form decided by the committee and need not be given for each meeting separately. Public notice may be given at a place determined by the Chief Executive Officer (CEO) taking into account the nature and purpose of the committee.~~

4.1.2 The community can gain information about the decision making governance of Council through the business matters listed on an agenda for Council and Council Committee meetings and the reports related to those matters, with the exception of any matters listed on an agenda by the CEO or authorised delegate seeking consideration in confidence.

4.1.3 At least three (3) clear days before the Council or Council Committee meeting (unless it is a special meeting) the CEO must give written notice of the meeting to all Council or ~~Committee~~ members setting out the date, time and place of the meeting. The notice must contain or be accompanied by the agenda for the meeting.

4.1.4 The notice and agenda will be placed on public display at the Principal Office of the Council and on Council's website. Copies and ~~for~~ internet access will also be available in the Council Principal Office ~~foyer~~ at Nuriootpa, ~~and in the Council Branches. Hard copies will be available in the Council Chamber during the Council meeting. Hard copies will be provided at Council Branches, however the notice provided at the Council Principal Office is that which is deemed to satisfy the Act.~~

4.1.5 Items listed on the agenda will be described accurately and in reasonable detail, except for those items listed which are ~~to be recommended to~~ be considered in confidence, and will be kept on public display and continued to be published on Council's website until the completion of the relevant Council or Council Committee meeting.

4.1.6 Members of the public may attend at Council's Principal Office or branches and obtain a copy of the agenda and any particular reports for a fee to cover the costs of photocopying, in accordance with Council's *Fees and Charges Register*. Alternatively, they may download these documents privately without charge, from Council's website at [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au).

4.1.7 Where the CEO or an authorised delegate believes that a document or report on a particular matter should be considered in confidence with the public to be excluded, the basis under which the order could be made in accordance with the confidentiality provisions in Section 90(3) of the Act will be specified.

## **4.2 Public Access to Meetings**~~UBLIC ACCESS TO MEETINGS~~

4.2.1 Council and Council Committee meetings are open to the public and attendance is encouraged, except where the Council or the Council Committee believes it is necessary in the broader community interest to exclude the public from the discussion (and, if necessary, the decision) of a particular matter.

4.2.2 The public will only be excluded when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the principle of open decision-making.

~~4.2.3 Council meeting dates and times, and the schedule or frequency of Council Committee meetings are available on Council's website.~~

~~4.2.3 Council posts details of Council meeting dates and times on the public notice board at the foyer of the Principal Office and Branches, and on its website and its Committee meeting calendar on its website.~~

4.2.4 Elected Members, a Committee and staff members may participate in Informal Gatherings or discussion provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Committee. Council's Informal Gatherings Policy governs Elected Member and Staff behaviour and process in these situations.

## **4.3 Process to Exclude the Public from a Meeting**~~ROCESS TO EXCLUDE THE PUBLIC FROM A MEETING~~

4.3.1 For the convenience of the public present at a Council or Council Committee meeting, where it is resolved to consider a matter in confidence, this matter may be deferred until all other business has been considered. This avoids asking the public to leave the room and having them wait until the matter is concluded and then allowing them to return with the possibility of the same process being repeated for a subsequent matter.

4.3.2 Before the Mayor, or the Chairperson as the case may be, of a meeting orders that the public be excluded to enable the receipt, discussion and consideration of a particular matter, the meeting must, in public, formally determine if this is necessary and appropriate, and then pass a resolution to exclude the public while dealing with that particular matter. If this occurs then the public must leave the room. This means that all members of the public (including staff), unless exempted by being named in the resolution as entitled to remain, are required to leave the room. In this section clause, a member of the public does not include an Elected Member.

4.3.3 Once Council or a Council Committee has made the order, it is an offence for a person, who knows that an order is in force, to enter or remain in a room in which such a meeting is being held. It is lawful for an employee of Council or a member of the Police to use

reasonable force to remove the person from the room if he or she fails to leave on request, however if any form of force is required, it is recommended that Council waits until Police attend to remove the person.

- 4.3.4 Once the discussion surrounding the matter has concluded, the public are permitted to re-enter the meeting. If there is a further matter that needs to be considered in confidence it is necessary to again undertake the formal determination process and to resolve to exclude the public as above.

#### **4.4 Matters from which the Public can be Excluded**~~ATTERS FROM WHICH THE PUBLIC CAN BE EXCLUDED~~ [Section 90(3) of the Act]

- 4.4.1 Council or a Council Committee may order that the public be excluded in the following circumstances:

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the Personal Affairs of any person (living or dead) (as defined in clause 3 above);
- (b) information the disclosure of which—
  - (i) could reasonably be expected to confer a commercial advantage on a person with whom Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of Council; and
  - (ii) would, on balance, be contrary to the public interest;
- (c) information the disclosure of which would reveal a trade secret;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
  - (ii) would, on balance, be contrary to the public interest;
- (e) matters affecting the security of Council, Elected Members or employees of Council, or Council property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice;



- (i) information relating to actual litigation, or litigation that Council or a Council Committee believes on reasonable grounds will take place, involving Council or an employee of Council;
- (j) 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 Council, or a person engaged by Council); and
  - (ii) would, on balance, be contrary to the public interest;
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;
- (m) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan amendment proposal relating to the amendment is released for public consultation under that Act;
- (n) information relevant to the review of a determination of Council under the *Freedom of Information Act 1991*.

4.4.2 When considering whether a confidential order should be made, it is irrelevant that discussion of a matter in public may:

- (a) cause embarrassment to the Council or Committee concerned, or to Elected Members or Employees of the Council; or
- (b) cause a loss of confidence in the Council or Committee; or
- (c) involve discussion of a matter that is controversial within the Council area; or
- (d) make the Council susceptible to adverse criticism.

4.4.3 If a decision to exclude the public is made, the Council or Council Committee is required to make a note in the minutes of the making of the order and specifying:

- (a) the grounds on which the order was made; and
- (b) the basis on which the information or matter to which the order relates falls within the ambit of each ground on which the order was made; and
- (c) if relevant, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest.

## **4.5 Public Access to Minutes**

4.5.1 Minutes of a meeting of Council or a Council Committee will be available at Council's Principal Office and on its website within five (5) days after the meeting.



#### **4.6 Use of the Confidentiality Provisions**

- 4.6.1 Any consideration of the use of the confidentiality provisions to exclude the public from the discussion of an agenda item-particular matter at a meeting will require the identification of all relevant one or more of the grounds listed within Section 90(3) of the Act (sub-clause 4.4.1 of this Code) and the factual reasons for the application of the ground(s) weighted against the principles of open decision making.
- 4.6.2 Information on the grounds on which an order to exclude the public is made will be conveyed to the public at the time of them being ordered to leave the meeting - the public will not be excluded until after a confidentiality motion has been debated and passed and sufficient reasons for the need to exclude the public given.
- 4.6.3 The meeting will not consider a number of agenda items *in confidence* together. It will determine each item separately and consider the exemptions relevant to each item. Thus the public can be present for the debate on whether any subsequent item should be considered *in confidence*.
- 4.6.4 Once the confidential discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that a document, report, attachment, minute or other associated information in connection with the agenda item shall remain confidential. In determining this, the meeting will have regard to the provisions of Section 91 and in particular Section 91(8) of the Act which details when a Council must not order that a document remain confidential [see sub-clause 4.7.3 below].
- ~~4.6.5 If the meeting determines that it is proper and necessary to keep a document, report, attachment, minute or other associated information, confidential, then a resolution for an order to this effect is required to be resolved by the meeting in accordance with Section 91(7) of the Act.~~
- ~~4.6.6 Once the resolution has been made and the public have returned, the decision of the meeting in relation to this matter will be made publicly known through the minutes unless there has been an order that some information remain confidential. Details relating to any order to keep information or a document confidential in accordance with Section 91(7) of the Act are also to be made known.~~
- 4.6.7 When making an order, the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. If the Section 91(7) order is to apply for a period exceeding twelve (12) months, then this order must be reviewed every twelve (12) months from the date it was made and consideration given to delegating to the ~~Chief Executive Officer~~ CEO or another relevant delegate the authority to review the order. This along with the making of the order pursuant to Section 90(2) and the grounds pursuant to Section 90(3) of the Act on which it was made are also to be recorded in the minutes.
- 4.6.8 In the case of an order of specified duration, the duration of the order cannot be extended after the order has ceased to apply and the power to do so cannot be delegated.
- 4.6.9 No formal resolution is required to come *out of confidence* and go back into public session.

- 4.6.10 Elected Members, former Members, Council Employees and former Council Employees are all prohibited from disclosing information or a document over which there is a Council or Committee confidentiality order under Section 90 of the Act. To breach such an order can result in pecuniary or imprisonment penalties.
- 4.6.11 In all cases the objective is that the information be made publicly available at the earliest possible opportunity once the confidential order ceases to exist and that the community is informed of any Council order and the associated implications.
- 4.6.12 Where a person provides information to the Council or Committee and requests that it be kept confidential, the Council or Committee is not able to even consider this request unless the matter is one that falls within sub-clause 4.4.1 above.
- 4.6.13 The use of all confidentiality provisions will be recorded in the Confidential Items Register and maintained by the CEO.

#### **4.7 Public Access to Documents**

- 4.7.1 Various documents required to be made publicly accessible pursuant to the Act can be viewed electronically at Council's Principal Office and, where available, all Council branches, during ordinary business hours, and copies can be. ~~A copy of these documents can be~~ obtained at those venues upon payment of a fixed fee in accordance with Council's Fees and Charges Register. ~~Various~~ Many of these documents are also available for inspection on Council's ~~website~~.
- 4.7.2 The Council or the Council Committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered necessary in the broader community interest outlined in sub-clause 4.4 above.
- 4.7.3 Council or the Council Committee must not make an order to prevent:
- (a) the disclosure of the remuneration or conditions of service of a Council employee after the remuneration or conditions have been set or determined; or
  - (b) the disclosure of the identity of a successful tenderer for the supply of goods or the provision of services (including the carrying out of works), or of any reasons adopted by Council as to why a successful tenderer has been selected; or
  - (c) the disclosure of the amount or amounts payable by Council under a contract for the supply of goods or the provision of services (including the carrying out of works) to, or for the benefit of, Council after the contract has been entered into by all parties to the contract; or
  - (d) the disclosure of the identity of land that has been acquired or disposed of by Council, or of any reasons adopted by Council as to why land has been acquired or disposed of by Council.
- 4.7.4 Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*. Enquiries in relation to the process for seeking access to documents held by Council should be directed to Council's Accredited Freedom of

#### **4.8 Review of Confidentiality Orders**~~VIEW OF CONFIDENTIALITY ORDERS~~

- 4.8.1 A confidentiality order made under Section 91(7) of the Act ~~should must~~ specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed.
- 4.8.2 Any order that operates for a period exceeding twelve (12) months must be reviewed at least once ~~—~~in every year to ascertain whether the grounds for non-disclosure are still relevant and, if so, ~~—~~provide the relevant grounds and reasons for the minutes and/or documents remaining ~~——~~confidential.
- 4.8.3 If there are any items that require a revised or extended ~~fresh~~ confidentiality order because the original order is ~~——~~about to expire or circumstances have changed, then the reviewing officer (usually the CEO or Director) will prepare a report ~~—~~to Council prior to the expiry date or event trigger about to be reached, making recommendations with respect to each item to ~~——~~be retained in confidence. Each item must then be addressed separately and assessed ~~——~~against Section 90(3) and Section 91(7) of the Act.
- 4.8.4 Council may delegate the power to undertake an annual review to the ~~Chief Executive Officer~~ CEO or other officer (for matters where the CEO has a conflict of interest), but it cannot delegate the power to apply those matters in which the public can ~~——~~be excluded (Section 90(3) and 91(7) of the Act).
- 4.8.5 An order will lapse if the time or event specified has been reached or carried out. In that case, Council does not need to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public. Council will make such information publicly available on its website within a reasonable timeframe after it is available for inspection at the Principal Office of Council, and not being more than ninety (90) days after an order has lapsed.
- 4.8.6 Council may resolve to exclude the public from a meeting to discuss and undertake ~~——~~consideration of each of the recommendations arising from the review in confidence, ~~—~~subject to the application of the relevant ground under Section 90(3) of the Act, if those recommendations consider or refer to information or documents that are confidential, pursuant to a confidentiality order. This section ~~——~~must be applied separately to each item and not altogether.
- 4.8.7 If there is no longer any need for the confidentiality order then Council may delegate to the ~~Chief Executive Officer~~ CEO or another officer (for matters where the CEO has a conflict of interest) the power to revoke an order made in accordance with Section 91(7) of the Act. Council or the Council Committee may also include in the resolution whether any delegation is given to the ~~Chief Executive Officer~~ CEO or another officer to revoke the order and if relevant, any conditions associated with the delegation.

#### **4.9. Accountability and Reporting to the Community**~~CCOUNTABILITY AND REPORTING TO THE COMMUNITY~~

- 4.9.1 A report on the use of the confidentiality provisions in Sections 90(2) and 91(7) of the Act by Council and Council Committees will be included in Council's Annual Report as required by Schedule 4 of the Act.
- 4.9.2 The report will include the following information, separately identified for both Council ~~and Committees:~~
- (a) Number of occasions each of the confidentiality provisions of Sections 90(2) and 90(3) were used;
  - (b) Number of occasions each of the confidentiality provisions of Sections 90(2) and 90(3) and Section 91(7) were used, expressed as a percentage of total agenda items considered;
  - (c) An indication of any particular issues that contributed to the use of confidentiality provisions on more than one occasion;
  - (d) Number of occasions that information originally declared confidential has subsequently been made publicly available; and
  - (e) Number of occasions that information declared confidential has not been made publicly available and the reason for this in each case.

#### **4.10. Complaints**~~OMPLAINTS~~

- 4.10.1 Should a person be aggrieved about public access to either a meeting or associated document then they should ~~firstly~~ raise their question or complaint in writing to the Chief Executive Officer - PO Box 867, Nuriootpa SA 5355 - who (in conjunction with the relevant officer~~Director~~ who was responsible for the confidential report to Council) will provide an ~~full~~ explanation of the application of the confidentiality provisions. ~~It is anticipated that most, if not all, questions or complaints will be resolved through this manner.~~
- 4.10.2 ~~However,~~ Should this not resolve the matter then the aggrieved person may lodge an application for review of that decision under the *Internal Review of Council Decisions Policy* (see also Internal Review of Council Decisions Process). ~~—~~ This Policy is available on Council's website or from the Principal Office.
- ~~4.10.3~~ Additionally, any aggrieved person may also lodge a complaint with the Office of Public Integrity or the Ombudsman or any other relevant oversight body, who may carry out an investigation if it appears to the ~~—~~ Ombudsman that Council or a Council Committee may have acted unreasonably to ~~exclude~~ members of the public from a meeting or prevented access to associated documents.

### **5. Supporting Process**

Code of Practice for Access to Council and Committee Meetings and Associated Documents  
approved by Council on **XX XX 2019** (Minute Reference: 2016/111)

Page 10 of 11

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## 6. Related Policies and Codes

Internal Review of Council Decisions Policy [and Process](#)  
Public Consultation Policy  
Fees and Charges Register  
Informal Gatherings Policy

## 7. Legislation and References

Freedom of Information Act 1991  
Local Government Act 1999  
Local Government (Meeting Procedures) Regulations 2013  
Local Government (Accountability and Governance) Amendment Act 2015  
Local Government Association's Model Code of Practice for Access to Council and Committee Meeting Documents  
Local Government Association's Confidentiality Guidelines  
Meeting Procedures – Handbook for Council Members

## 8. Review

This Code shall be reviewed by Council, in consultation with the relevant stakeholders, within 12 months after the conclusion of each periodic election, and as required by legislation or Council need, to ensure that the principle of open government is being applied in a proper manner.

Prior to any alteration or substitution of this Code, Council must make copies available for inspection or purchase at its Principal Office and on its website and follow the relevant process set out in its *Public Consultation Policy* which is also available on Council's website or from the Principal Office.

## 9. Further Information

This Policy is available on Council's website at [www.barossa.sa.gov.au](http://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 complaint in relation to this Policy or its application should be forwarded in writing addressed to the Chief Executive Officer, PO Box 867, Nuriootpa SA 5355 or [barossa@barossa.sa.gov.au](mailto:barossa@barossa.sa.gov.au).

Signed: .....  
Mayor [Michael Lange](#)

Dated:.....

## 10. Policy Version History

Code of Practice for Access to Council and Committee Meetings and Associated Documents  
approved by Council on **XX XX 2019** (Minute Reference: 2016/111)

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<u>Version No:</u>	<u>Approval Date:</u>	<u>Description of Change:</u>
<u>1.0</u>	<u>20/08/2013</u>	<u>New Policy</u>
<u>1.1</u>	<u>21/07/2015</u>	<u>Terminology changes to reflect 2012 WHS act and Regulations.</u>
<u>1.2</u>	<u>13/06/2016</u>	<u>Changes from the Local Government (Accountability and Governance) Amendment Act 2015 to: Clause 3 definition: Informal Gatherings, clause 4.2.4 Public Access to Meetings; Matters from which Public can be excluded: clause 4.4.2 (c) and (d); clause 4.4.3 (a) (b) and (c); Use of Confidentiality Provisions: clause 4.6.8; 4.6.10; Review of Confidentiality Orders: clause 4.8.4 and 4.8.5.</u>
<u>1.3</u>	<u>XX/XX/2019</u>	<u>Policy reviewed and adopted, in accordance with section 92(2) of the Local Government Act 1999 – ie. within 12 months of the conclusion of the periodic election.</u>

#### **Appendix One     Regulatory Committees of Council**

The following Committees provide a regulatory function of Council or it is appropriate in all the circumstances that they be bound and so are therefore bound under clause 4.1 of this Code:

- Audit Committee
- ~~Tender Committee~~
- Strategic Planning and Development Policy Committee

Code of Practice for Access to Council and Committee Meetings and Associated Documents  
approved by Council on **XX XX 2019** (Minute Reference: 2016/111)

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<b>10.</b>	<b>Policy Version History</b>
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Version No:	Approval Date:	Description of Change:
1.0	20/08/2013	New Policy
1.1	21/07/2015	Terminology changes to reflect 2012 WHS act and Regulations.
1.2	13/06/2016	Changes from the Local Government (Accountability and Governance) Amendment Act 2015 to: Clause 3 definition: Informal Gatherings, clause 4.2.4 Public Access to Meetings; Matters from which Public can be excluded: clause 4.4.2 (c) and (d); clause 4.4.3 (a) (b) and (c); Use of Confidentiality Provisions: clause 4.6.8; 4.6.10; Review of Confidentiality Orders: clause 4.8.4 and 4.8.5.

Code of Practice for Access to Council and Committee Meetings and Associated Documents  
approved by Council on **XX XX 2019** (Minute Reference: 2016/111)

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**COUNCIL**  
**EXECUTIVE SERVICES**

**FINANCE**

**18 JUNE 2019**

**7.2.2 DEBATE AGENDA – FINANCE**

**7.2.2.1**

**MONTHLY FINANCE REPORT (AS AT 31 MAY 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 May 2019 be received and noted.

**REPORT**

Discussion

The Monthly Finance Report (as at 31 May 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 May 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 MAY 2019

FOR YEAR ENDING 30 JUNE 2019

	Notes	% Actual Expenditure to Original Budget	Original Budget (Full-Year) \$'000	Revised Budget (Q3) (Full-Year) \$'000	Actual Result (Year-to-Date) \$'000
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## Uniform Presentation of Finances

### OPERATING ACTIVITIES:

		<i>Operating</i>			
Operating Income	1)		37,188	37,732	36,894
Less Operating Expenses		85.58%	(37,106)	(37,703)	(31,754)
<b>Operating Surplus / (Deficit)</b>			<b>82</b>	<b>29</b>	<b>5,140</b>

### CAPITAL ACTIVITIES:

#### Net Outlays on Existing Assets

		<i>Capital</i>			
Capital Expenditure on Renewal and Replacement of Existing Assets	2)	76.49%	(4,472)	(4,874)	(3,421)
Add back Depreciation, Amortisation & Impairment			7,362	7,362	6,745
Add back Proceeds from Sale of Replaced Assets			346	383	174
<b>Subtotal</b>			<b>3,236</b>	<b>2,871</b>	<b>3,498</b>

#### Net Outlays on New and Upgraded Assets

Capital Expenditure on New and Upgraded Assets	2)	50.64%	(14,977)	(15,598)	(7,584)
Add back Amounts Received Specifically for New and Upgraded Assets			3,345	536	2,478
Add back Proceeds from Sale of Surplus Assets			389	494	152
<b>Subtotal</b>			<b>(11,243)</b>	<b>(14,568)</b>	<b>(4,954)</b>

<b>Net Lending/(Borrowing) for the Financial Year</b>			<b>(7,925)</b>	<b>(11,668)</b>	<b>3,684</b>
<b>Total % Capital Budget Spent</b>		<b>56.58%</b>			

<b>Reconciliation for the movement in Net Lending / (Borrowing)</b>					
<b>Original 2018/19 Full Year Budget Net Lending / (Borrowing)</b>				<b>(7,925)</b>	
<b>Carried Forward Budget Adjustments:</b> Report on Financial Results. Funds were held for these projects in cash and investments at 30 June 2018.				(3,079)	
<b>September 2018 Budget Review:</b> 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)	
<b>December 2018 Budget Review:</b> Funds required for these items will increase Council's cash and investments.				809	
<b>March 2019 Budget Review:</b> Funds required for these items will increase Council's cash and investments.				(550)	
Carried Forward Budget Adjustments to 2019-20				526	
<b>Full Year Revised Budget - Net Lending / (Borrowing)</b>				<b>(11,668)</b>	

### NOTES

1) The fourth quarter Grants Commission payment \$152k was received in May

2) 2018/19 Capital Expenditure spent to end of May includes:

Angaston Hall Chairs \$6k  
 Bridges \$2k  
 Budgeting Software \$3k  
 Curdnatta Recreation Park - Oval Irrigation Tank \$27k  
 CWMS \$77k  
 Depot Plant Shed \$39k, Truck \$99k, Sprayers \$17k, Roller \$98k  
 Drainage \$1,070k  
 Footpaths \$1,915k  
 Mt Pleasant Main Street \$167k  
 Nuriootpa Centennial Park Authority Electric Cart and Cleaners Van \$33k, Coulthard Reserve Bore \$1k  
 Nuriootpa Land Purchase \$714k  
 Nuriootpa Office Airconditioning \$16k  
 Nuriootpa Soldiers Memorial Hall Car Park Sealing \$95k  
 Playground Equipment \$36k  
 Road Resheeting \$879k  
 Sealed Roads \$3,709k  
 Talunga Recreation Park Internal Road \$17k  
 The Big Project - Angas Recreation Park \$40k  
 The Big Project - Angaston Railway Precinct \$278k  
 The Big Project - Barossa Culture Hub \$105k  
 The Big Project - Barossa Rugby Park \$29k  
 The Big Project - Buildings Implementation \$6k  
 The Big Project - Lyndoch Recreation Park \$4k  
 The Big Project - Nuriootpa Centennial Park \$47k  
 The Big Project - Talunga Recreation Park \$53k  
 The Big Project - Tanunda Recreation Park \$122k, Show Hall Upgrade \$11k  
 The Big Project - Williamstown QVJP \$31k  
 The Rex Pool Heaters \$15k  
 Williamstown Hall Airconditioning \$22k  
 Williamstown QVJP Bridge Entrance \$485k, Retaining Wall \$61k, Netball warmup area \$18k  
 Williamstown Skate Park \$13k

**COUNCIL**  
**EXECUTIVE SERVICES**

**FINANCE**

**18 JUNE 2019**

**7.2.2 DEBATE AGENDA – FINANCE**

**7.2.2.2**

**PUBLIC SUBMISSIONS ON THE DRAFT ANNUAL BUDGET & BUSINESS PLAN 2019/20  
INCORPORATING THE LONG TERM FINANCIAL PLAN 2019/20 TO 2028/29**

**B8923**

Author: Manager, Financial Services

**PURPOSE**

To review public submissions on the Draft Annual Budget & Business Plan 2019/20, incorporating the Long Term Financial Plan 2019/20 to 2028/29.

**RECOMMENDATION**

That Council, having considered the submissions received during the public consultation period in relation to the draft Annual Budget and Business Plan 2019/20 incorporating the Long Term Financial Plan 2019/20 to 2028/29, endorses amendments to the draft document as recommended by Officers in the summary report.

**REPORT**

*Discussion*

**Public Submissions**

Council must consider any submissions made during the public consultation period before adopting its Annual Budget/Business Plan (AB&BP) (with or without amendment) as required in Section 123 of the Act.

The consultation process:

- public notices were placed in the Leader and Bunyip newspapers on 22 May 2019 asking for public submissions on the draft AB&BP;
- a media release to highlight the Council Budget focus – the Mayor provided additional information as and when requested by the media;
- the draft AB&BP incorporating LTFP was available at Council's Principal Office, Branch Offices/Libraries and on Council's website;
- at the 5 June 2019 Special Council Meeting:  
at 6.00pm, for a period of 1 hour, any interested person was invited to address Council in support of their submission.

As consultation closes at 5pm on 12 June 2019, a summary and the actual submissions received during consultation will be emailed to Elected Members prior to the June Council meeting.

Council are to provide direction as to which items are to be included in the final draft of the AB&BP.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1: 2019/2020 Annual Budget Public Consultation Submissions (to be emailed after Public Consultation closes and will also be added to the website)

### 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 Act 1999

## **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

### Financial

All submissions must be assessed by Council to consider the affect, if approved, on the long term financial sustainability of Council and any risk management issues.

## **COMMUNITY CONSULTATION**

Detailed within this report and included as part of the draft Annual Budget and Business Plan 2019/2020 consultation and adoption process, and in accordance with the Act.

**COUNCIL**

**EXECUTIVE SERVICES**

**FINANCE**

**18 JUNE 2019**

**7.2.2 DEBATE AGENDA – FINANCE**

**7.2.2.3**

**DISCRETIONARY RATE REBATES – 2019/2020**

**B8200**

Author: Senior Rates Officer

**PURPOSE**

To consider the application of Discretionary Rate Rebates for the 2019/2020 rating year.

**RECOMMENDATION**

That the proposed Discretionary Rate Rebates be adopted for the 2019/2020 rating year.

**REPORT**

**Discussion**

The report in Attachment 1 outlines proposed Discretionary Rate Rebates to be applied for the 2019/2020 rating year. A summary of estimated Mandatory Rebates for the same period is also included for information purposes (Attachment 2). Under legislation mandatory rebates must be rebated, as a result a Council resolution is not required.

The Discretionary Rebates have increased from last year, due to the following;

1. Anticipated additions to the existing independent living units within the four local retirement villages. The Discretionary Rebates will again be reviewed in 2019/2020 to confirm suitability and equality.
2. Allowance of \$18,000 for the proposed Primary Production rate rebate. This will effectively cover the anticipated level of applications for the new rebate.

The Mandatory Rebate amount is expected to increase from last year, particularly in the area of Community Services, as Housing SA continues to transfer ownership of their properties to Housing Associations who are entitled to the Mandatory Rebate of 75% of total rates. We currently have 47 properties that are eligible for the rebate and it is expected approximately 3-5 more will be added in 2019/2020.

Pursuant to the Local Government Act sections noted below, Council needs to review the application of Discretionary Rate Rebates applied, on an annual basis.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: Proposed Discretionary Rebates 2019/2020

Attachment 2: Estimated Mandatory Rebates 2019/2020

Policy

Budget & Business Plan and Review Policy

Draft Rate Rebate 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.
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### Legislative Requirements

Local Government Act 1999 – Sections 160-165

Local Government Act 1999 – Section 166

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### Financial

The Budget 2019/2020 consultation document includes estimated Mandatory Rate Rebates of \$492k and Discretionary Rate Rebates of \$151k (includes the proposed Primary Production rate rebate \$18k), based on last year's actuals and the 2.5% indexation and relevant growth.

The Discretionary Rebate amount has been re-calculated applying an indexation on last year rate charge. As the majority of the Discretionary Rebate assessments are assigned to the rate type "Other", we have used rating information for this rate type from the draft budget for consultation document to provide more accurate indexation calculations. The rate type "Other" valuation increase (including growth) multiplied by the proposed rates in dollar results in a net increase in general rate charges of 2.75%. As listed in Attachment 1 a Discretionary Rebate amount of \$149K is now required and if approved by Council with this report the budget 2019/20 will be adjusted.

Any rebate approved by Council will apply to both General - Rates and Community Wastewater Management Systems - Service Rates as required by Local Government Act 1999 Section 159 (9).

<b>COMMUNITY CONSULTATION</b>
-------------------------------

The annual budget process includes public consultation on the 2019/2020 Budget, which closed on 12 June 2019.

**PROPOSED DISCRETIONARY RATE REBATES 2019/2020**

Owner / Ratepayer	Address (No. of assessments)	Land Use	Rebate Type	Actual Rebate 2018/19	Budgeted Rebate 2019/20
<b>50% - Fixed Charge Rebate - Independent Living Units</b>					
Barossa Village Inc	Various locations	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)	29,925.00	30,746
Barossa Village Inc (New Units)	New units under construction expected to be included for 2019-20 (12)	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)		2,108
Tanunda Lutheran Home Inc	Tanunda	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)	13,680.00	14,055
Tanunda Lutheran Home Inc (New Units)	New units under construction expected to be included for 2019-20 (12)	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)		2,108
Abbeyfield Society District Of Barossa Inc	Williamstown (13)	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)	2,223.00	2,284
	New units under construction expected to be included for 2019-20 (6)				1,054
The Vines Retirement Estate	18 Schaedel St NURIOTPA	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)	15,219.00	15,637
The Vines Retirement Estate ( New Units)	New units under construction expected to be included for 2019-20 (10)	Aged Accom	Sec 166 (1) (h) - Aged Accom (50% of fixed charge)		2,108
<b>Total Independent Living Units</b>				<b>61,047.00</b>	<b>70,101</b>
<b>25% to 100% - Rebate</b>					
Barossa Valley Pony Club	Dallwitz Reserve Angaston Rd Nuriootpa	Public recreation area	S166(1)(j) - Community Benefit / service 100%	1,500.25	1,542
Nuriootpa RSL Hall	7 Memorial Avenue, Nuriootpa	RSL Hall	S166(1)(j) - Community Benefit / service 100%	1,628.10	1,673
Nuriootpa Futures Assoc	66 Murray St Nuriootpa	Coulthard House	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	3,973.40	4,083
Nuriootpa Town Band	2 Old Kapunda Rd, Nuriootpa	Public Toilets	S166(1)(j) - Community Benefit / service 100%	1,591.75	1,636
Nuriootpa Community Children's Centre	14 Park Avenue Nuriootpa	Kindergarten	S166(1)g - Facilities for children - 100% rebate	667.30	686
Nuriootpa Futures Assoc	2 Penrice Rd NURIOTPA	Car Park	S166(1)(j) - Community Benefit / service 100%	849.10	872
Community Helpers Inc.	35 Railway Terrace, NURIOTPA SA 5355	Warehouse	S166(1)(j) - Community Benefit / service 100%	1,197.45	1,230
Boy Scouts Association of SA	23 Schilling St Angaston	Scout Hall	S166(1)g - Facilities for children - 100% rebate	1,645.10	1,690
SA Ambulance	27 Schilling St ANGASTON	St John Ambulance	S166(1)(j) - Community Benefit / service 25%	677.50	696
H H Shannon & Others (Shannon Mausoleum)	Shannon Rd, Moculta	Prim Prod	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	360.05	370
Girl guides Assoc (SA)	Light Pass Rd Light Pass	Girl Guides	S166(1)g - Facilities for children - 100% rebate	828.90	852
Mt McKenzie Hall Inc	Mt McKenzie	Public Hall	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	1,086.55	1,116
Luhrs Cottage Preservation Society	Light Pass	Residential	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	827.20	850



**PROPOSED DISCRETIONARY RATE REBATES 2019/2020**

Owner / Ratepayer	Address (No. of assessments)	Land Use	Rebate Type	Actual Rebate 2018/19	Budgeted Rebate 2019/20
Evangelical Lutheran Cong Langmeil Inc	5 Maria St, TANUNDA SA 5352	Public Hall	S166(1)(j) - Community Benefit / service 100%	2,298.20	2,361
Bethany Lutheran Church	Bethany	Pioneer cemetery	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	421.75	433
Robert Cecil Baird	224 Research Road, TANUNDA SA 5352		S166(1)e - Misc Section 166 rebates	100.00	103
Tanunda Kindergarten Association Inc	41 MacDonnell St Tanunda	Toy Library	S166(1)g - Facilities for children - 100% rebate	2,578.65	2,650
Tanunda Kindergarten Association Inc	41 MacDonnell St Tanunda	Toy Library	S166(1)g - Facilities for children - 100% rebate	871.15	895
Murray Dawson Polo Club	Allot 329 Cowell Road, MOUNT CRAWFORD SA 5351	Public recreation area	S166(1)(j) - Community Benefit / service 100%	2,034.50	2,090
Lyndoch Pre-School	8 William Street, LYNDOK SA 5351	Kindergarten	S166(1)g - Facilities for children - 100% rebate	2,814.85	2,892
Mount Pleasant & District Kindergarten	9-11 Saleyard Rd Mt Pleasant	Kindergarten	S166(1)g - Facilities for children - 100% rebate	2,510.90	2,580
St Johns Lutheran Church, Springton	Springton	Friedensberg Museum	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	1,087.90	1,118
Springton Progress Association	20-26 Miller St & 28 Miller St Springton	Institute & Vacant Land	S166(1)(j) - Community Benefit / service 100%	3,629.25	3,729
Springton Progress Association	20-26 Miller St & 28 Miller St Springton	Institute & Vacant Land	S166(1)(j) - Community Benefit / service 100%	1,267.85	1,303
Eden Valley Institute	14-16 Murray St Eden Valley	Institute	S166(1)(j) - Community Benefit / service 100%	1,736.75	1,785
D O Herbig & Others	Springton	Herbig Tree	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate	369.70	380
Angaston & Penrice Historical Society	Doddridge Blacksmith, 19 Murray Street, ANGASTON SA 5353	Heritage Blacksmith	S166(1)(j) - Community Benefit / service 100%	1,059.35	1,088
Lionize	Basedow Rd Tanunda	Triple BFM radio station	S166(1)(j) - Community Benefit / service 100%	1,801.40	1,851
Barossa Valley Senior Citizens Homes Inc	24A Murray St Nuriootpa	Senior Citizens Rooms	S166(1)(j) - Community Benefit / service 50%	1,436.20	1,476
Community Helpers Inc.	161 Murray St Nuriootpa		S166(1)(j) - Community Benefit / service 100%	1,808.70	1,858
Mount Pleasant Men's Shed Inc	22 Talunga Park Road, MOUNT PLEASANT SA 5235	Community Group	S166(1)(j) - Community Benefit / service 100%	886.50	911
				<b>45,546.25</b>	<b>46,799</b>
<b>Other General Rates - Rebate</b>					
Various	Various small land parcels (23)	Various	Historic and/or deceased estates - 100% rebate as unable to trace owner	12,558.20	12,904
Residential Rate capping - General Rate Rebate 15% & Primary Production - Rate Rebate	On application properties in 2018-19 @ ; approx 2 properties @ \$1000 for 2019-20 due to little movement of valuations.		General Rate Rebate - increased rates capped at 15% & 7.5% for Pensioners	418.55	1,000
SA Ambulance Service Inc			General Rate Rebate - increased rates capped at 15%		18,000
			Health Services Rebate (S160)	1,643.17	
Nuriootpa Futures Assoc	66 Murray St Nuriootpa	Coulthard House	S166(1)c - Preservation of Bldgs and / or historic significance - 100% rebate previous years	7,707.30	
<b>Total Other General Rates - Rebate</b>				<b>67,873.47</b>	<b>78,702</b>
<b>Total Rebates</b>		<b>173</b>		<b>128,920.47</b>	<b>148,804</b>

**SUMMARY : PROPOSED MANDATORY REBATES 2019/2020**

Financial Year	Rebate Type					
	Total	Religious	Cemetery	Community Service	Education	Health Services
2017/2018	\$466,843	\$112,026	\$9,611	\$158,361	\$145,424	\$41,421
2018/2019	\$483,182	\$115,946	\$9,947	\$163,904	\$150,513	\$42,871
2019/2020	\$489,088	\$118,154	\$10,079	\$165,789	\$151,382	\$43,683

		\$489,088
Estimated transfers from Housing SA	3	\$1,500
Transfer from Disctionary Rebates	1	\$1,500
Budget Amount		\$492,088

## COUNCIL

### CORPORATE AND COMMUNITY SERVICES

#### MANAGER'S REPORT

18 JUNE 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 26 March 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 26 March 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 26 March 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 135

held at the Barossa Regional Gallery, 3 Basedow Road, Tanunda  
Tuesday 26th March 2019, commencing at 7.00pm

#### 1.0 **Welcome by Chairman:**

Steve welcomed all present to the meeting.

#### 1.1 **Present:**

Steve Kaesler, Kirsty Hage, Sally Goers Fox, David Proeve, Raelene Falland, Elizabeth Henderson, and Marie Rothe

#### 1.2 **Apologies:**

Peter Heuzenroeder, Robert Bader

#### 2.0 **Previous Minutes:**

The Minutes of the meeting held 22nd January 2019 were circulated and were confirmed as a true and correct record of the proceedings of that meeting after amendment: "Kirsty tabled a letter from Kellie Grattidge for Gypsy File" re application to use stage/hall - was added.

*Moved Sally, seconded Raelene, All agreed*

#### 2.1 **Business arising from the Minutes:**

Nil

#### 3.0 **Correspondence:**

Kirsty tabled a letter received from Barossa Valley Branch of Embroiderer's Guild SA asking the Gallery to permanently hang an artwork produced by their members and originally presented to Mr John Angas in memory of his mother, who was a founding member of the Branch. Kirsty will attend to the matter.

#### 4.0 **Reports:**

##### 4.1 **Programming/Exhibitions:**

- Good progress has been made for the Vintage Festival Exhibition - 'Petrichor' . Prize money of \$2000 plus invitation for a solo exhibition at SALA next year. At least 75 -85 Applications have come in. Extra volunteers will be needed to hang this Exhibition.
- No changes in next year's exhibition schedule.
- Good progress is being made with a Hermannsburg Sub-committee now formed. Still looking at a choir of ladies from Hermannsburg Mission - air fares, accommodation, meals and perhaps a mini bus will be required -will need to look at raising funds for this.
- Some more volunteers (setting up of exhibitions) have responded to recent requests.

##### 4.2 **Strategic Planning & Actions:**

- Kirsty reported that we were not successful in the Government Grant for 'Building Community/ Cultural Hub, although high on the final list. Although there are no Funding Grants available, Jo is looking for any Funding opportunities.

##### 4.3 **Kirsty's Corner:**

- Kirsty has prepared a new Initiative Document to fund a fulltime staff member for the next 2 financial years.
- This Committee is a Section 41 Committee of the Council and due to Legislative changes to the Terms of Reference, this committee may need to change to an Advisory Committee. This decision will need to be made within the next 6 months. Our Reserve Funds (from Cookbook) and Artistic Influence and governing the use of building will be taken in to account. Kirsty will look into further.

## MINUTES

### THE MEETING OF THE BAROSSA REGIONAL GALLERY COMMITTEE NO 135

held at the Barossa Regional Gallery, 3 Basedow Road, Tanunda  
Tuesday 26th March 2019, commencing at 7.00pm

#### 4.4 Liedertafel:

David reported that the letter complaining of some members' conduct was discussed and the members duly chastised at the AGM in February.

#### • 4.5.1 Finance:

- No report

#### • 4.5.2 Cookbooks: No report

The members discussed the lack of reports recently and lack of funds being deposited and expressed their concern for the matter. It was decided to obtain advice from the Council to resolve this matter.

#### 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 - Steve will be in charge. 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 Mr Leon Andretzke, the upstairs seating has been repaired and is now functional. It now brings the overall seating in the Auditorium to about 400.
- All lights as they fail are being replaced with LEDs.
- The lights in Gallery 2 need to be replaced with LEDs also as the failure rate of the present globes is high and expensive. Steve will discuss the matter with Rob Nies, Council Co-ordinator.
- Moveable Art Stands are dangerous - tip easily - castor wheels not spaced properly and rubbers off one of the stands - this one to be put away in storage. All need to be replaced as soon as possible.

#### 4.8 Organ:

- Concerts:  
Sunday 28th April at 2.30pm - Barossa Vintage Festival Concert.  
Sunday May 26th at 2.30pm - SA History Month Celebration.  
Thursday 29th August at 7pm - Thomas Trotter in Concert.

#### 5.0 Other Business:

- Signage of Gallery: Action had been delayed until Cultural Hub Grant was in place. Need to ask Architects that the signage in the Concept Plan could be done separately, but still in keeping with overall Plan. It was suggested that all committee members look into signage possibilities and report back at next meeting with suggestions. We must deliver proper direction for signage and request it to be included in upcoming Budget.
- Climate Control: Money for air conditioner sitting in Capital Fund, but the electrical system will need to be upgraded. Meeting agreed that we pursue the delivery of the Climate Control Project. Steve will attend to it.

**5.1 Meeting Closed:** 8.30pm  
**Date:** 26th March 2019  
**Chairperson:** Steve Kaesler  
**Minute Secretary:** Marie Rothe

**Next Committee Meeting:** Tuesday 28th May 2019

## COUNCIL

### WORKS AND ENGINEERING SERVICES

#### DIRECTOR'S REPORT

18 JUNE 2019

#### 7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES

##### 7.4.1.1

##### SPRINGTON QUARRY EXTRACTIVE MINERALS LEASE 6230 - SURRENDER B2792

#### **PURPOSE**

To proceed with the surrender of Extractive Minerals Lease 6230 as moved at the Council meeting of 21 June 2016, Minute 2014-18/670.

#### **RECOMMENDATION**

That:

- (1) Council surrender the Extractive Mineral Lease 6230 over the area known as the Springton Quarry, and
- (2) The Mayor and Chief Executive Officer be authorised to Sign all associated surrender documents under Common Seal.

#### **REPORT**

##### Background

Since 11 September 2006 Council has held an Extractive Minerals Lease (EML) over the land known as the Springton Quarry. The materials from this quarry are solely utilised for Council's personal use, primarily for constructing and maintaining road, footpath and other infrastructure requiring crushed rubble product.

Report 7.2.1.9 dated 21 June 2016 (*attached*) summarised 18 months of corresponding and discussion with the Department of State Development concerning royalty returns and the position of Council and it was carried at that meeting;

*"That Council agrees to surrender the Extractive Mineral License 6230 over the area known as the Springton Quarry on condition that the Department of State Development accept the offer in good faith and not pursue the matter further."*

It has been confirmed that there is no need to have the area licensed as the product is not utilised for commercial purposes. The issue that has been long standing is payment of historical rubble royalties. January 2015 Council ceased paying rubble royalties while the matter was being disputed.

Following a confidential resolution of Council the CEO resolved this long standing matter with the Department for Energy and Mining (DEM) and the Treasurer with all parties settling on a reduced liability for the historical rubble royalties.

Surrendering the EML relinquishes other obligations that fall under the Mining Act such as the requirement to have an onerous Program for Environmental Protection and Rehabilitation (PEPR).

Moving forward, Council will need to continue to pay rubble royalties of 52c a tonne until such time as the EML surrender takes effect and our obligations under the Mining Act are relinquished. However, relinquishing obligations under the Mining Act results in Council being caught by the provisions of the Local Government Act and normally would be required to pay royalties of 55c per tonne on rubble used from Springton Quarry. This provision has been in place since June 2015 but moving forward Council won't need to pay royalties under this arrangement as rubble royalties have been abolished as announced as part of the 2018-19 State Budget.

### **Summary and Conclusion**

Report 7.2.1.9 dated 21 June 2016 (*attached*) summarised 18 months of corresponding and discussion with the Department of State Development concerning royalty returns and the position of Council and it was carried at that meeting;

*That Council agrees to surrender the Extractive Mineral License 6230 over the area known as the Springton Quarry on condition that the Department of State Development accept the offer in good faith and not pursue the matter further.*

All outstanding royalty payments have now been finalised with the DEM and the surrender can proceed.

Council continues to progressively rehabilitate the site in-line with our draft environmental and rehabilitation plan.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment – Report 7.2.1.9 Springton Quarry Mining License

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

### Community Plan



Natural Environment and Built Heritage



Infrastructure

1.11 Ensure the unique character of the rural landscape is appropriately managed.

3.1 Develop and implement sound asset management which delivers sustainable services.

### Corporate Plan

6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

### Legislative Requirements

Local Government Act 1999  
Mining Act 1971  
Native Vegetation Act 1991

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The proposal will have no financial, risk or resource concerns as addressed in the original report 7.2.1.9 21 June 2016.

#### **COMMUNITY CONSULTATION**

Community consultation is not required under the Act or Council's Public Consultation Policy.



## **COUNCIL**

### **EXECUTIVE SERVICES**

#### **CHIEF EXECUTIVE OFFICER REPORT**

**21 JUNE 2016**

#### **7.2.1. DEBATE AGENDA - CHIEF EXECUTIVE OFFICER**

##### **7.2.1.9 SPRINGTON QUARRY MINING LICENSE**

#### **INTRODUCTION**

Council for some two decades has had a commercial mining license over the land known as the Springton Quarry. The materials from this quarry and solely utilised for Council's personal use primarily for constructing and maintaining road, footpath and other infrastructure requiring crushed rubble product. The extractive mineral license is EML 6230. A license is required should Council wish to sell product into the market or utilise product in the materials of a commercial product, it does neither at this time.

#### **RECOMMENDATION**

That Council agrees to surrender the Extractive Mineral License 6230 over the area known as the Springton Quarry on condition that the Department of State Development accept the offer in good faith and not pursue the matter further.

#### **COMMENT**

After some 18 months corresponding and discussing with the Department of State Development concerning royalty returns and more broadly the status of the license and its need given the powers a definitive position has been reached concerning the license.

In brief the stated position of Council is:

- it may extract those minerals under section 75(2) of the *Mining Act 1971* (**Act**) for 'personal use';
- no claim may be established or lease granted in respect of those extractive minerals except with the written consent of Council under section 75(1) of the Act;
- if minerals are to be recovered from the land under EML 6230, royalty is payable where the minerals are sold / intended for sale, or utilised / to be utilised for any commercial or industrial purpose;
- Council does not sell the minerals so extracted, or use them for commercial or industrial purposes;
- Council's operations are exempted from the *Native Vegetation Act 1991*, as they are carried out under regulation 5(1)(ZDA) under that Act. Council's operations were authorized before 25 August 2003 and the clearance was reasonably expected to be required under the *Mining Act 1971*.

Further it has been established through advice that Council does not carry out operations under the EML. Rather, Council's operations are carried out pursuant to its personal use. Council also does not sell the product or utilise it for a commercial use based on its significant public value in constructing and maintaining infrastructure.

It has therefore been reasonably established that no royalties are payable. However, with an EML comes the requirement for a formal Program for Environmental Protection and Rehabilitation. Whilst Council has a management plan for the site it is not an authorised PEPR and that would need to be developed should Council wish to retain the license. Without a license Council will continue to follow its management plan undertaking progressive rehabilitation of the site as required.

On balance and based on legal advice and knowledge there seems to be little need to have the area licensed as the product is not utilised for commercial purposes and Council retains the rights in law to utilise the material for its personal use, clarification as to the exemptions to Native Vegetation Act clearance have also ascertained that Council will enjoy these rights without a license.

The product overall is too valuable a community resource as it becomes harder overtime to access quality materials and therefore officers cannot see that it would be utilised in future for commercial purposes. If a venture opportunity arose to do so a new license for an area could be pursued. Therefore taking into account all factors related to the need to have a license it has been determined there is little reasons to retain it, thus removing the trigger for concern about royalties and formal environmental plans.

#### **LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN**

##### Legislation

Local Government Act 1999

Mining Act 1971

Native Vegetation Act 1991

##### Strategic Plan

2.2 Economic Wellbeing - Business and Industry – Transport Infrastructure

4.1 Governance and Organisation – Responsibility – Risk Management

#### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The proposal will have no financial or resource concerns and outlined within the body of the report outlines the risk issues of royalties and native vegetation clearance. On the advice provided these risk will not materialise, unless of course government changes the legislation which in any case under a license or changed legislative environment Council cannot mitigate.

#### **COMMUNITY CONSULTATION**

Community consultation is not required under the Act or Council's Public Consultation Policy.

## **COUNCIL**

### **WORKS AND ENGINEERING SERVICES**

#### **DIRECTOR'S REPORT**

**18 JUNE 2019**

#### **7.4.1 DEBATE AGENDA – DIRECTOR WORKS AND ENGINEERING SERVICES**

##### **7.4.1.2**

##### **THE HEYSEN TRAIL – REQUEST FOR SUPPORT TO USE UNMADE PUBLIC ROAD B7970**

###### **PURPOSE**

To consider a request from The Department for Environment and Water – Parks and Regions seeking approval and support to use an unmade public road for realigning the Heysen Trail.

###### **RECOMMENDATION**

That Council endorses in principle the relocation of The Heysen Trail within the unmade public road that bisects parcels D54092, Q327 and Q325 linking Forestry SA land with the Ross Fire Track, subject to notification by the Department for Environment and Water - Parks and Regions to the key stakeholders, groups and adjoining landholders regarding the proposed trail route relocation process.

###### **REPORT**

###### **Background**

The first section of the Heysen Trail was opened in 1976 and the Trail reached final completion in 1993. The development of the trail by the then Department of Recreation and Sport was made possible by the cooperation and support of state government departments, many district and local councils, numerous volunteers and most importantly, some five hundred individual landowners. The 1200km hiking Heysen Trail runs from Cape Jervis on the Fleurieu Peninsula to Parachilna Gorge in the Flinders Ranges traversing through the Barossa region. The Heysen Trail is recognised internationally as one of the world's great long distance walks.

###### **Introduction**

Council has received a request from the Parks and Regions Section of the Department for Environment and Water (DEW) seeking Council's support and approval to align the Heysen Trail along a safer route (*attached*) of unmade public road reserve to take walkers off Wirra Wirra Road, the current alignment.

###### **Discussion**

DEW advise that wherever possible when planning the Heysen Trail route, DEW and walkers seek to avoid sharing narrow rural roads with vehicle traffic for public safety reasons. Unmade roads provide quiet, scenic corridors for walkers that show the area at its best, rather than a hard surfaced road. This is a key reason why walking groups strenuously argue against the closure and sale of some unmade public roads in rural areas.

In many cases to minimise impact on farming activities, DEW has negotiated alternative routes for the trail within private land in lieu of using an unmade public road when a landowner is sympathetic. Unfortunately DEW advise in this situation both recent landowners have declined this option.

The requested unmade public road is currently under Permit to the adjoining property owner, however, the Permit states that "No unmade public road can be rented unless the Permit Holder allows free and unrestricted access by others over the land". This statement allows for Council to approve a Permit to the adjoining property owner and the realignment of the Heysen Trail for recreational use.

### **Summary and Conclusion**

DEW is seeking the support and approval of Council to align the Heysen Trail along the safer route of the unmade public road reserve that bisects parcels D54092, Q327 and Q325 linking Forestry SA land with the Ross Fire Track and take walkers off Wirra Wirra Road. If approved by Council, DEW will organise for the portion of unmade public road identified in the map to be surveyed and pegged to ensure the Heysen Trail does not encroach onto neighbouring land.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment – Map of Heysen Trail near Wirra Wirra Peaks

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

### **Community Plan**



#### **Natural Environment and Built Heritage**

- 1.6 Support tourism development that is sensitive to the natural environment and sustainable.
- 1.11 Ensure the unique character of the rural landscape is appropriately managed.



#### **Community and Culture**

- 2.1 Initiate and support activities which encourage participation and pride in the Barossa Council area. '



#### **Health and Wellbeing**

- 4.2 Create opportunities for people of all ages and abilities to participate in the community.



#### **Business and Employment**

- 5.1 Work closely with State Government, Federal Government and stakeholders to support economic growth, development and job creation.
- 5.3 Help build the capacity of the tourism sector and encourage the development of tourist services, including eco and recreational tourism infrastructure.

## Corporate Plan

- 6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

## Legislative Requirements

Local Government Act 1999

### **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

The following issues were raised by staff during a telephone conversation with DEW:-

- How will the trail be marked – letter refers to “pegging”?
- What are the expectations/conditions for walkers using the trail – in regard to staying on the track and rubbish etc?
- Who is responsible for walker safety if they venture off track?
- Who is responsible for the maintenance of the designated trail?
- What measures are in place in regard to biosecurity?
- Who monitors the compliance of walkers staying to the track, especially in this case where the track physically dissects a property?
- What options are available to a property owner if they believe/witness walkers accessing private property?

Staff were directed to the Friends of the Heysen Trail website

<https://heysentrail.asn.au/heysen-trail/> and maps associated with the Heysen Trail which clearly provide information regarding the following:-

- Practical Information
- The Walkers Code
- Walk Planning
- Bushwalking Safety Information, and
- Walkers Advisory Note

Following a review of this information, staff are satisfied that anyone using the track will require an official map detailing their responsibility regarding the use of trail and the care to be taken.

If the requested realignment is approved, DEW advise that the trail will be clearly marked within the unmade public road along the centreline using the standard trail maker as is currently in use along the existing trail route spaced at approximately 300m distances and closer if the terrain requires.

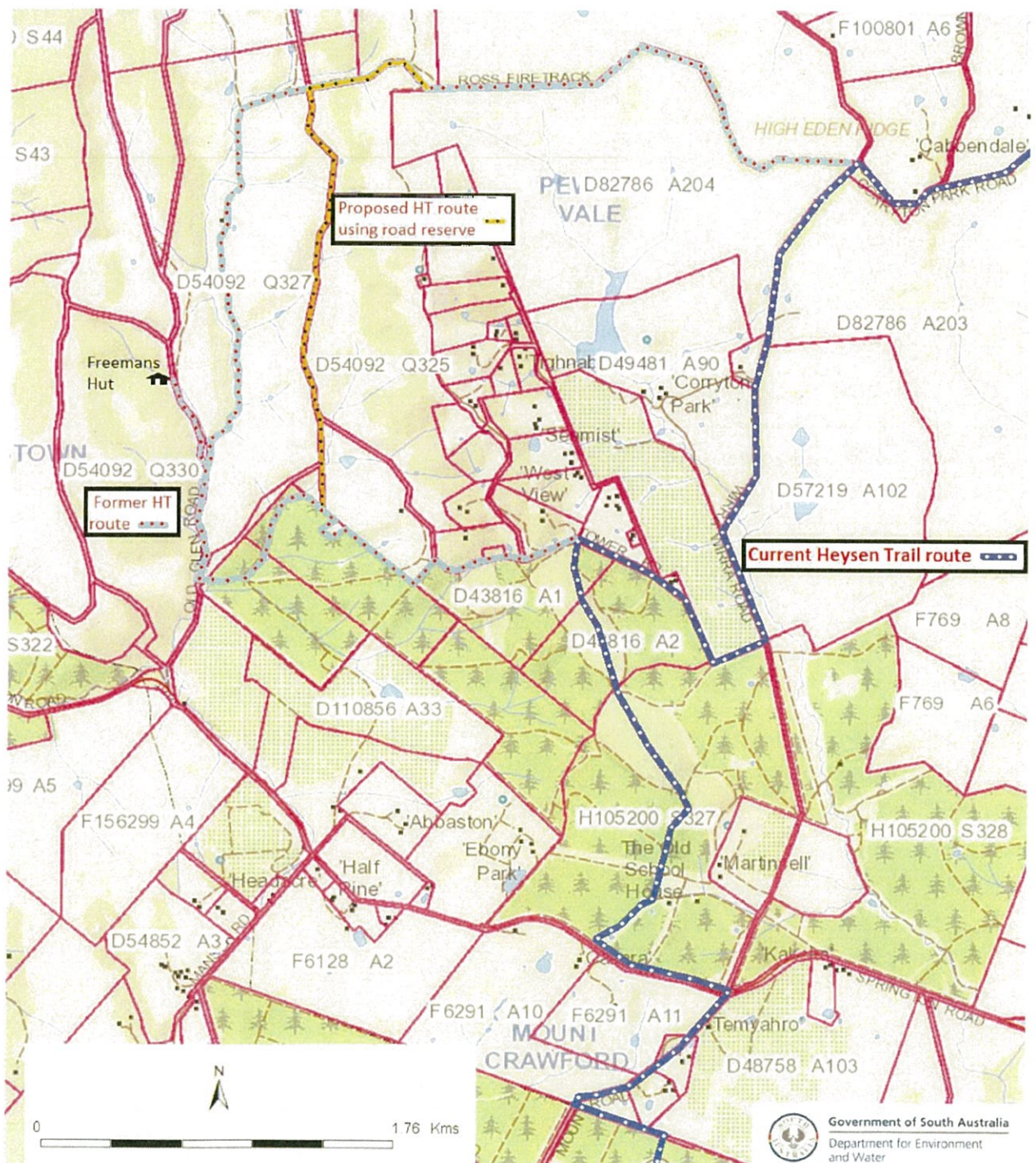
It is also advised that the trail is generally open during autumn, winter and spring (April to October) and closed during Fire Danger Season. All trail infrastructure is inspected annually to identify any required maintenance or missing markers.

### **COMMUNITY CONSULTATION**

The Friends of the Heysen Trail, on behalf of DEW had been negotiating with the adjoining property owner to resume access through their property, however, this has not been successful. DEW are now seeking approval and support from Council to use the unmade public road.

Council together with DEW and The Friends of the Heysen Trail will need to engage with the adjoining property owner to finalise the logistics of the proposed works associated with the realignment.





Map of Heysen Trail near Wirra Wirra Peaks

**COUNCIL**  
**DEVELOPMENT AND ENVIRONMENTAL SERVICES**

**DEVELOPMENT SERVICES REPORT**

**18 JUNE 2019**

**7.5.1 DEBATE AGENDA – DEVELOPMENT SERVICES REPORT**

**7.5.1.1**

**HERITAGE AND CHARACTER IN THE NEW PLANNING SYSTEM**  
**B3624**

Author: Principal Planner, Development Services

**PURPOSE**

To receive information on the approach to be followed by the State Government regarding heritage and character in the forthcoming Planning and Design Code and its potential impact on our community, and to endorse a response to the proposals.

**RECOMMENDATION**

That Council:

- (1) Receives and notes the report;
- (2) Expresses its concerns to the Minister for Planning and the State Planning Commission regarding the proposed approach to heritage places in the Planning and Design Code as attached; and
- (2) Does not initiate a Development Plan Amendment to designate existing contributory items as Local Heritage Places in the event the State Planning Commission maintains its proposal to not carry over contributory items into the Planning and Design Code.

**REPORT**

**Background**

At its meeting on 21 May 2019 Council received a report advising that the Environment, Resources and Development Committee of Parliament (ERDC) had completed its inquiry into the current state and potential for reform of local, state and national heritage in South Australia, and advice that it had released its findings and recommendations (refer Consensus Agenda Item 4.5.1.1).

The ERDC recognised the value and importance of heritage conservation and recommended various short and long term actions to address identified issues with the existing heritage system, with the recommended actions put forward in the context of the current planning reforms being implemented.



The ERDC's report was released on 29 April 2019. The following week the State Planning Commission released a suite of documents that outline its policy position on the preservation of heritage and character in neighbourhoods and the design quality of the built environment. The documents are contained in Attachment 1. The Minister for Planning has also written to Council about the Commission's approach – refer Attachment 2.

Given its timing it is evident the Commission's approach to heritage management does not incorporate or reflect the ERDC's findings and recommendations, and as reported below several fundamental aspects are contrary to the ERDC's findings and recommendations with associated detrimental policy outcomes for our community.

The Commission is not inviting comments on its approach but has instead published the documents to give the community insight into how these key matters are to be addressed in the new planning system. The Commission advises that the opportunity to comment on these policy positions will be through the statutory consultation period for the next phases of the Code (mid-2019 for regional council areas and late 2019 for metropolitan council areas).

#### ERDC recommended actions and Commission approach

The key ERDC recommendations are:

- Develop a staged Statewide, collaborative and strategic approach to heritage reform commencing in 2019; reporting to the Houses of Parliament with a plan on how a staged approach might work in early 2020
- Until any heritage reforms are adopted, initially transfer all items on existing heritage places and databases to the Code
- Undertake an audit or review of local and state heritage places and contributory items (to commence in 2020)

In general terms the Commission's position is:

- State Heritage Places to be carried over into the new planning system
- Local Heritage Places to be carried over
- Historic Conservation Areas to be carried over as a *Local Heritage Area Overlay*
- Contributory Items to not be carried over.
- Councils can seek to 'elevate' contributory items to local heritage place status through a Development Plan Amendment under the current planning system
- Historic Character Areas to be carried over as a *Character Overlay*
- Demolition of State or local heritage places to be performance-assessed development

In brief, it appears the Commission will implement its own reforms to heritage management in the absence of and prior to a Statewide review as recommended by the ERDC. Significantly it will not carry over contributory items contrary to the ERDC's findings and recommendation.

#### Existing approach to heritage in the Development Plan

The Development Plan currently includes:

- 77 State Heritage Places

- 321 Local Heritage Places
- 10 Historic Conservation Areas
- 202 contributory places
- 2 Historic Character Policy Areas one of which contains 5 individual precincts
- 3 character-type precincts
- General Section policies for Heritage Places and Historic Conservation Area
- Historic Conservation Guidelines which apply to development within a Historic Conservation Area
- Demolition or part demolition of a State heritage place is non-complying in the majority of zones
- Land division to create an additional allotment containing an existing State or local heritage place of no greater than 1 ha is merit within the Primary Production Zone, Primary Production (Barossa Valley Region) Zone and the Rural Landscape Protection Zone (creation of additional allotments is normally non-complying in those zones).

#### How the Commission approach affects The Barossa Council

The following scenario would result based on the information contained in the Commission's documents:

<b>Existing</b>	<b>Planning and Design Code</b>
Table Baro/6 - State Heritage Places	Places to be mapped and identified in a <b>State Heritage Places Overlay</b>
Table Baro/5 - Local Heritage Places	Places to be mapped and identified in a <b>Local Heritage Places Overlay</b>
Historic Conservation Area	<b>Local Heritage Area Overlay</b>
Angaston Centre Area 1	Each of these areas have unique tailored desired character statements. The Commission documents indicate that a "single set of consistent policies will apply across the state" implying that these local policies will be lost. This would be an issue as the current local policies play an important role in the assessment process.
Angaston Residential Area 2	
Bethany Area 3	
Goat Square Area 4	
Krondorf Area 5	
Moculta Area 6	
Mount Pleasant Area 7	
Murray Street Tanunda Area 8	
Stockwell Area 9	
Williamstown Area 10	
Table Baro/4 - Contributory Items	Not carried over. Commission indicates that the <b>Local Heritage Area Overlay</b> policies "will address them", but no detail is provided on how this will be achieved
Tanunda Historic Character Policy Area 2	<b>Character Overlay</b>
Precinct 11 Basedow Road	Each of these areas have unique tailored desired character statements. The Commission documents indicate that a "single set of consistent policies will apply across the state" implying that these local policies will be lost. This would be an issue as the current local policies play an important role in the assessment process.
Precinct 12 Crayford	
Precinct 13 MacDonnell Street	
Precinct 14 Tanunda West	
Precinct 15 Tanunda North	
Lyndoch Residential Historic Character Policy Area 5	<b>Character Overlay</b> Refer above regarding local policy
Precinct 38 Eden Valley Character	<b>Character Overlay</b> Refer above regarding local policy
Precinct 39 Springton Character	<b>Character Overlay</b> Refer above regarding local policy

<b>Existing</b>	<b>Planning and Design Code</b>
Table Baro/2 - Historic Conservation Guidelines	The Commission documents give no direction on these. Removal of these policies would be an issue
Demolition or part demolition of a State heritage place = non-complying	Demolition to be performance-assessed development. Associated legislative provisions will give the applicant appeal rights but no third party appeal rights, a reverse of the current approach.
Land division to create an additional allotment containing an existing State or local heritage place	Anticipated to be maintained as performance-assessed development

### Review of heritage places

The current General Section policies were introduced via the *Better Development Plan and General Development Plan Amendment (DPA)* on 18 August 2011. The existing lists of local heritage places and contributory places, the historic conservation areas, the policy areas, and zone provisions are derived from the Development Plans of the former Councils or from a *Heritage Plan Amendment Report (PAR)*. That PAR followed a detailed heritage survey in 2000, with interim effect given to the PAR on 27 March 2003. The PAR was approved on 24 March 2004.

There has been no subsequent review of any of the listed places, areas, or policy intent although in August 2016 two local heritage items were removed from list following their demolition.

Council's last *Strategic Directions Report* in 2013 included a project to review the current heritage policies including:

- ensure 'accuracy' of existing listed places (e.g. property addresses and description)
- explore potential to designate additional places (either voluntary listing, as a result of a further heritage survey, or revisiting of proposed heritage places removed from the Heritage PAR)
- review historic conservation area boundaries and contributory places taking into account development which has taken place since introduction (e.g. review role of contributory places, review if subsequent alterations or development have modified original values or significance of an area or a place)
- explore potential to designate additional historic conservation areas
- explore potential to incorporate incentives to protect and enhance heritage places (e.g. potential for heritage places to be used for activities that are normally non-complying developments)

When approving the *Strategic Directions Report* work program the previous Minister for Planning placed a low priority on the heritage review project. The need for review remains and in this context the ERDC's recommendation that existing places be audited and their purpose and role reconsidered in the context of a comprehensive rework of the whole heritage system is appropriate. In contrast the Commission's intent to remove contributory items from the system at this point is inappropriate.

Despite the anticipated Statewide audit and review proposed by the ERDC, Council staff will seek to address known issues with existing heritage place descriptions, boundaries and addresses through the Code transition process over the next months.

### Contributory items options

The Commission's intent to remove contributory items will affect all councils with Historic Conservation Areas and contributory items. The Commission argues that these items have no legislative 'legitimacy' and therefore should be removed; however it is considered that the overlay provisions provide the necessary scope to identify these places within the proposed Local Heritage Area Overlay.

Experience shows that it is problematic to propose to remove policies from a Development Plan and to then reverse that decision and re-introduce them following consultation, especially if the change affects individual land owners. The same challenge is expected with amendments to the Code in that if contributory items are not in the exhibited Code for regional (Phase 2) and Greater Adelaide (Phase 3) it is most unlikely they would be inserted following consultation. In this regard the proposal that Councils and the community can only comment on this significant change through the statutory consultation process is unreasonable and seemingly at odds with principles within the Commission's own Community Engagement Chart – i.e. the Commission appears to be *consulting* on their changes rather than *engaging* with councils and the community about the matter and to collaboratively develop an agreed approach.

It is suggested a more reasonable approach would be to initially transition them across into the Code (as recommended by the ERDC), undertake the Statewide audit and review, and then, depending on the audit and review outcomes, prepare a subsequent amendment to the Code to introduce any future heritage reforms.

As indicated above, it is proposed that Councils can seek to 'elevate' contributory items to local heritage place status through a "Heritage" Development Plan Amendment (DPA) under the current planning system after which those places would be identified in the Local Heritage Area Overlay within the Code. The process being offered for this option is explained in the letter from the Minister for Planning contained in Attachment 2. This option is considered problematic for the following reasons:

- Need for all proposed listings to be sufficiently justified to demonstrate that they meet the heritage criteria as stipulated under section 23(4) of the Development Act 1993 and associated impacts on Council's budget
- Inability to receive interim operation effect which increases the risk of development such as demolition being undertaken on proposed places which could undermine their significance
- Diversion of personnel resources from current projects

The requirement to justify any proposed listing is understood; however this process will essentially involve a two stage review process to firstly identify which of the existing 202 items warrants detailed review, and secondly to undertake a detailed heritage assessment for each place proposed to be listed. Each stage would require engagement of a suitably qualified and experienced heritage consultant, with a ballpark cost of \$200-500 per item and an overall cost of approx. \$40,000 - \$100,000.

While it is hoped that the Commission will rethink its approach and will transition all contributory items into the Code, in the event that this does not change, undertaking a DPA at this point in time would be beyond our capacity and it is proposed that we do not take up that option.

## Demolition in Character Areas

The papers released by the Commission indicate that approval for demolition is not currently required in 'character areas'. This is incorrect as development plan consent is required for demolition in Council's Tanunda Historic Character Policy Area and Lyndoch Residential Historic Character Policy Area. It is considered this statutory position should be maintained either through the new regulations or the Code.

## Feedback to the Commission

As indicated, the Commission is not inviting comments on its approach with input only being sought through the statutory consultation period for the next phases of the Code later this year. However it is known that other affected Councils and the LGA have or propose to provide comments to the Commission and the Minister on the proposed approach. It is recommended that our Council adds to those voices as per the recommended resolution above.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Papers released by the State Planning Commission

Attachment 2 – Letter received from Minister for Planning

Attachment 3 – Draft comments to Minister for Planning and State Planning Commission

## **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.
- 1.4 Facilitate innovative and sustainable preservation and use of built heritage.

### Legislative Requirements

- *Development Act 1993*
- *Planning, Development and Infrastructure Act 2016*
- *Development Regulations 2008*
- *Character Preservation (Barossa Valley) Act 2012*
- The Barossa Council Development Plan
- South Australian Planning Strategy: The 30-year Plan for Greater Adelaide chapter, 2017 Update
- Addendum to two volumes of the South Australian Planning Strategy: the 30-Year Plan for Greater Adelaide and Murray Mallee Region Plan: Barossa Valley and McLaren Vale Character Preservation

## **FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS**

There are no financial, resource or risk aspects if the Commission proceeds with its changes. If Council decides to undertake a DPA process to elevate contributory items to Local Heritage Place status it will have significant budgetary and resource impacts.

## **COMMUNITY CONSULTATION**

Consultation on the draft Planning and Design Code is anticipated to take place in late 2019. If Council undertakes a DPA process regarding contributory items, additional consultation will take place in accordance with legislative requirements which include direct consultation with affected land owners.



Rundle Street in Adelaide features many Local Heritage Places

MAY 2019



## COMMUNITY GUIDE TO HERITAGE & CHARACTER IN THE NEW PLANNING SYSTEM

### EQUAL PROTECTION, MORE CONSISTENT DECISION-MAKING

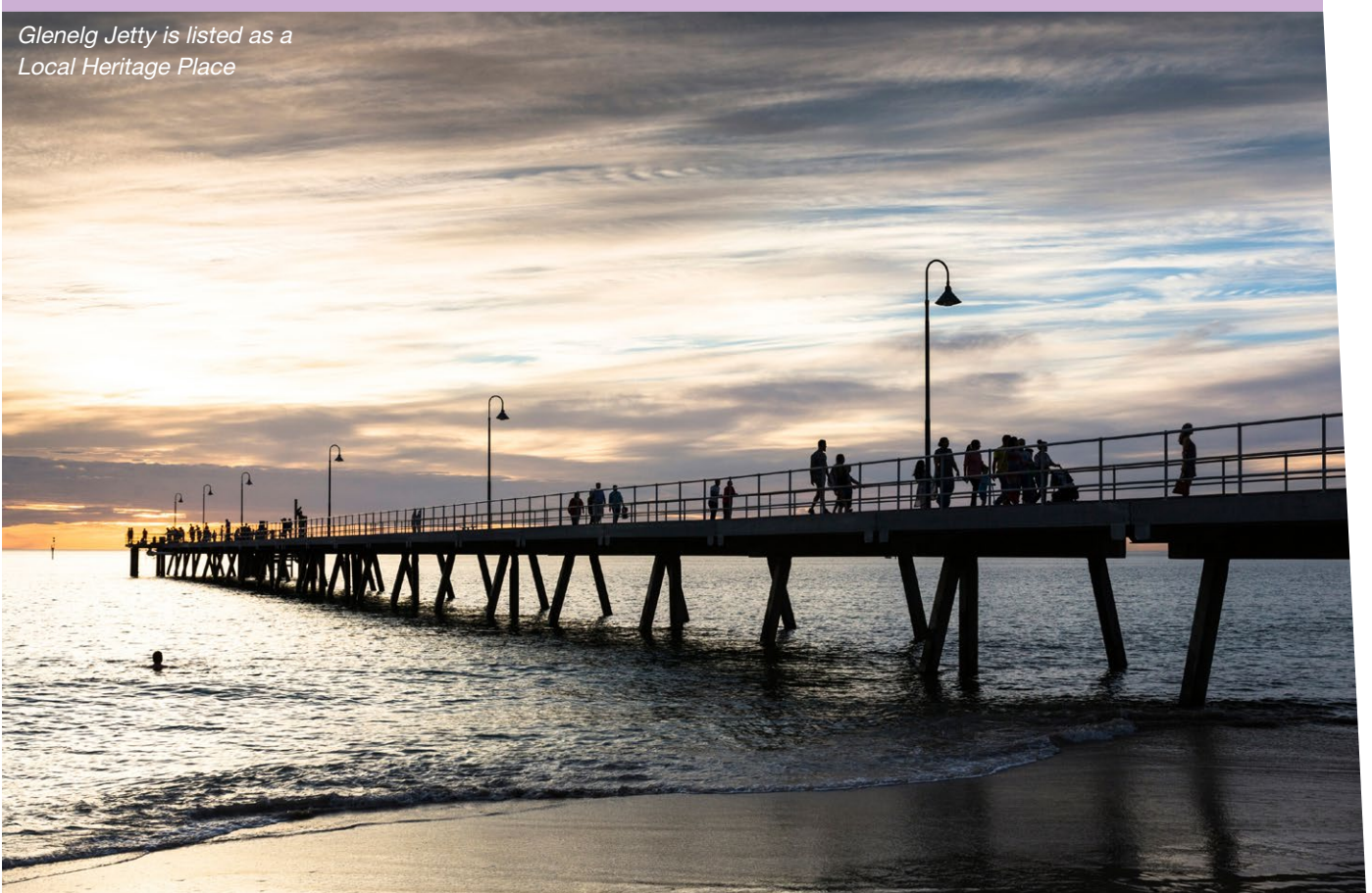
Heritage and character is important to the social and cultural fabric of our community. It is a big part of what makes Adelaide and some of our regional towns unique.

We have 17 State Heritage Areas and 2,295 State Heritage Places identified under specific legislation. There are another 7,000 Local Heritage Places.

There are also a number of historic, streetscape and character 'areas' across council regions that have similar sounding names and that aim to conserve community character. In addition to this, there are approximately 12,000 sites that have been identified as 'contributing' to this character.

Currently the way all these items are treated varies across the state, and the results are similarly inconsistent. Some heritage and character policy works well, other heritage and character policy does not. This has also been identified in the State Parliament's recent heritage inquiry.

*Glenelg Jetty is listed as a  
Local Heritage Place*



***The State Government believes it is crucially important to ensure heritage and character places and spaces receive the protections they deserve, and that there is better and more consistent guidance as to how these places are conserved, maintained and enhanced over time.***

With the introduction of South Australia's new planning system, we have a chance to identify the best approach to heritage and character preservation and embed this in future planning policy.

For the first time we will be able to map all of our heritage and character places accurately and thoroughly and treat the same types of places consistently – while still allowing for unique local differences.

How this will be achieved is identified in this Community Guide.

### **Heritage and character in the Planning and Design Code**

The Planning and Design Code (the Code) is the cornerstone of South Australia's new planning system, and will offer a single set of planning policies ('rules') for

assessing development applications across the state. The Code will replace all of the individual planning policies held by councils (called Development Plans) by mid-2020.

The Code is being progressively introduced across South Australia in three phases, commencing in land outside of council boundaries (outback and coastal waters) in mid-2019 before moving to regional council areas in late 2019 and concluding in metropolitan Adelaide in mid-2020.

**The community will have multiple opportunities to preview and comment on proposed planning policy that relates to heritage and character in the new Code throughout 2019, prior to each implementation phase (outlined above).**

### **Further information**

For more information on the Planning and Design Code or upcoming opportunities to have your say, please see the SA Planning Portal at [www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au).



Main Street, Hahndorf



## STATE HERITAGE AREAS

### WHAT HAPPENS NOW

State Heritage Areas are clearly defined regions with extensive natural or cultural elements significant to South Australia's identity.

Examples of State Heritage Areas include the township of Hahndorf, Belair National Park and Moonta Mines. There are currently 17 State Heritage Areas listed in the South Australian Heritage Register.

Although State Heritage Areas are protected under the *Heritage Places Act 1993*, places within these Areas may be altered or developed as long as the work is sympathetic to the heritage of the area. Currently most councils maintain a record of their own State Heritage Areas in their Development Plans.

Any proposal to undertake development within a State Heritage Area must be referred to the Heritage Minister. Exemptions to this include certain types of simple development that have no bearing on the heritage value of the Area. However the Heritage Minister is only empowered to provide advice on such development proposals, not a final direction. This means that the ultimate decision regarding new development within a State Heritage Area rests with the council.

At the moment, councils have their own individual policies and assessment processes to guide development within a State Heritage Area, as there is not currently a single, state-wide policy for the treatment of such Areas.

### WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, our current State Heritage Areas will continue to be protected under the *Heritage Places Act 1993*. They will also continue to be listed in the South Australian Heritage Register.

However, instead of councils maintaining a record of their own State Heritage Areas, these will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for State Heritage Areas that will apply across South Australia. Such a policy does not currently exist. This will bring consistency to the way that State Heritage Areas are addressed by councils.

Further, although any proposal to undertake development within a State Heritage Area will continue to be referred to the Heritage Minister, the Minister will now have greater authority to direct decision-making (i.e. if the Minister recommends that an application be refused, the application cannot progress).

Port Pirie Museum



## STATE HERITAGE PLACES

### WHAT HAPPENS NOW

State Heritage Places are places that embody important aspects of the state's history and/or are of significant cultural value.

Examples of State Heritage Places include the Port Pirie Museum, the Old Gum Tree at Glenelg and the Adelaide Festival Theatre. There are currently 2,295 State Heritage Places listed in the South Australian Heritage Register.

For a site to be recognised as a State Heritage Place, it has to meet certain criteria in the *Heritage Places Act 1993*. Currently most councils maintain a record of their own State Heritage Places in their Development Plans.

Any proposal to alter or demolish a State Heritage Place must be referred to the Heritage Minister, however the Heritage Minister is only empowered to provide advice, not a final direction. This means that the ultimate decision regarding the alteration or demolition of a State Heritage Place rests with the council (or sometimes the **State Commission Assessment Panel**).

These planning authorities may use different assessment processes to determine what kind of development can take place within a State Heritage Place, as there is not currently a single, state-wide policy for the treatment of such Places.

### WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, the criteria for State Heritage Places will not change. They will also continue to be listed in the South Australian Heritage Register.

However, instead of councils maintaining a record of their own State Heritage Places, these will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for State Heritage Places that will apply across South Australia. Such a policy does not currently exist. This will bring consistency to the way that State Heritage Places are addressed by planning authorities such as councils and the State Commission Assessment Panel.

Further, although any proposal to alter or demolish a State Heritage Place will continue to be referred to the Heritage Minister, the Minister will now have greater authority to direct decision-making (i.e. if the Minister recommends that an application be refused, the application cannot progress).



The Elder Smith Wool Store in Port Adelaide



## LOCAL HERITAGE PLACES

### WHAT HAPPENS NOW

Local Heritage Places are structures or buildings that demonstrate important local historical attributes or contribute to the historical themes of a local area.

Examples of Local Heritage Places include the Elder Smith Wool Store in Port Adelaide, the Angaston District Cemetery in the Barossa, and the Post Office in Dry Creek. There are currently more than 7,000 Local Heritage Places listed in the South Australian Heritage Register.

For a site to be recognised as a Local Heritage Place, it has to meet certain criteria in the *Development Act 1993*. Currently most councils maintain a record of their own Local Heritage Places.

Any proposal to alter or demolish a Local Heritage Place is assessed by the local council (or sometimes the **State Commission Assessment Panel**), who makes the final decision about whether or not a proposal can go ahead.

Different councils use different policies and assessment processes to determine what kind of development can occur within a Local Heritage Place, as there is not currently a single, state-wide approach to the treatment of such Places.

### WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, all current Local Heritage Places will continue to be protected under the new *Planning, Development and Infrastructure Act 2016*. They will also continue to be listed in the South Australian Heritage Register.

However, instead of councils maintaining a record of their own Local Heritage Places, these will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for Local Heritage Places that will apply across South Australia. Such a policy does not currently exist. This will bring consistency to the way that Local Heritage Places are assessed.

Demolition of a Local Heritage Place will only be considered if the place in question has little heritage value, is structurally unsound or is economically unviable. Before demolition can take place, an assessment of heritage value will be undertaken.

The new planning system will also make it easier for Local Heritage Places to be adapted for modern uses, with a view to retaining them in the community and giving them new purpose.

Rose Park in Burnside



## HISTORIC CONSERVATION ZONES

### WHAT HAPPENS NOW

Historic Conservation Zones are local areas that exhibit discernible historic character that is worthy of retention for present and future generations.

Historic Conservation Zones are split up into areas or streets that have their own Desired Character Statement, such as Rose Park in Burnside, Fitzroy Terrace in Prospect and Livingston Street in Naracoorte. There are currently 140 Historic Conservation Zones in South Australia.

While there is no legislative criteria for the creation of an Historic Conservation Zone, the State Government has developed guidelines to help establish them. Each council maintains a list of its own Historic Conservation Zones.

Any proposal to alter or demolish a building within an Historic Conservation Zone is assessed by the local council, who makes the final decision on whether or not such a proposal can go ahead.

Different councils use different policies and assessment processes to determine what kind of development can occur within an Historic Conservation Zone, as there is not currently a single, state-wide approach to the treatment of such Zones.

### WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, all current Historic Conservation Zones will continue to be protected under the new *Planning, Development and Infrastructure Act 2016*.

Historic Conservation Zones will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for Historic Conservation Zones that will apply across South Australia. Historic Conservation Zones will become known as Local Heritage Areas. Such a policy for these Areas does not currently exist. This new policy will bring consistency to the way that Historic Conservation Zones are currently treated.

Any proposal to alter or demolish a building within an Historic Conservation Zone (which will become known as a Local Heritage Area) will be assessed by the planning authority alongside a single set of criteria which will consider the building's existing heritage values, the extent to which these values are mirrored in other neighbourhoods, and the nature of the replacement building.



Elston Street in Brooklyn Park



## CONTRIBUTORY ITEMS

### WHAT HAPPENS NOW

Contributory Items are specific examples of built form that represent a particular historical period and/or architectural character.

Contributory Items typically exist within Historic Conservation Zones, but they themselves have no set criteria and are not recognised in the *Development Act 1993*. As such, no new Contributory Items have been recorded by councils or added to the South Australian Heritage Register since 2012.

Currently there are 12,000 Contributory Items listed by councils across South Australia. Examples of Contributory Items include homes on Elston Street in Brooklyn Park, the War Memorial Garden in Echunga and the Clarendon Bakery.

Any proposal to alter or demolish a Contributory Item is currently assessed by the local council. As Contributory Items are not recognised under law, their conservation is entirely at the discretion of the local council.

### WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, Contributory Items will no longer exist. This is because there is no legislative criteria for them.

However, the vast majority of Contributory Items will be afforded a level of protection under the new state-wide policy for Local Heritage Areas. This means they will no longer be recorded as individual items but will instead be considered within the context of an entire Local Heritage Area.

Prior to the new planning system being introduced, some Contributory Items may be eligible to become Local Heritage Places, however they will have to undergo a rigorous heritage assessment and meet the criteria for a Local Heritage Place, as outlined in the *Development Act 1993*.

In the future state, any proposal to alter or demolish a former Contributory Item will be assessed by the local council according to the new Local Heritage Areas policy. As part of this assessment, the council will consider the item's existing heritage values, the extent to which these values are mirrored in other neighbourhoods, and the nature of any replacement development.



## WHAT HAPPENS NOW

Character Areas are local areas that exhibit desirable character attributes that give a community its identity. Not to be confused with heritage areas, Character Areas do not necessarily represent a specific cultural legacy or history, but rather capture a desired visual appearance. Unlike heritage, character can be enhanced by new development that strengthens desirable character traits.

Character Areas may be called different things by different councils, but are typically split into 'precincts' that have their own unique development guidelines in order to retain a specific streetscape "look." An example of such an area is Ballara Street in Mile End.

Currently there is no legislated criteria for the creation of a Character Area and councils determine their own Character Areas and accompanying policy.

Council approval for demolition within a Character Area is not required. This is because the general emphasis of council policy is on maintaining the 'look and feel' of character through replacement dwellings, and not by preserving existing dwellings.

Different councils use different assessment processes to determine what kind of new development can occur within a Character Area, as there is not currently a single, state-wide approach to the treatment of such Areas.

## WHAT WILL HAPPEN IN THE NEW SYSTEM?

In the new planning system, all current Character Areas will continue to be protected under the new *Planning, Development and Infrastructure Act 2016*.

Character Areas will now be accurately mapped in the state-wide **Planning and Design Code** (the Code) and the **State Atlas**.

The Code will contain a single, universal policy for Character Areas that will apply across South Australia. Such a policy for these Areas does not currently exist. This new policy will bring consistency to the way that Character Areas are currently treated by councils. However, the special individual characteristics of these Areas will still be reflected in **zone** and **subzone** policies.

As in the former planning system, demolition within a Character Area will not require planning approval. However, proposals for replacement dwellings within a Character Area will undergo rigorous assessment according to the new Character Areas policy. This will help ensure that such development maintains or enhances the existing character of the area.

## GLOSSARY

### **Planning and Design Code**

*The Planning and Design Code will be the single source of planning policy for the state, and will consolidate and replace the individual planning policies held by councils (and out-of-council areas) across South Australia.*

### **State Atlas**

*The State Atlas is an interactive mapping tool that shows the zones and policies that apply to land across South Australia and the types of development that the Department of Planning, Transport and Infrastructure is currently assessing or has approved.*

### **State Commission Assessment Panel**

*The State Commission Assessment Panel is an advisory committee set up to assess specific development applications that are particularly complex, irregular or large in scale and impact across the state.*

### **Zones**

*Zones identify envisaged land uses within specified land boundaries, in effect outlining 'what' can happen in an area.*

### **Subzones**

*Subzones exist within zones and may include more specific policy to guide development at the neighbourhood level, to ensure that it reflects important local characteristics. The prevailing purpose of the overarching zone must still be achieved.*



### WHAT HAPPENS NOW → WHAT WILL HAPPEN IN THE NEW PLANNING SYSTEM

Port Pirie Museum is one of 2,295 State Heritage Places



#### STATE HERITAGE AREAS & PLACES

- The *Heritage Places Act 1993* refers to the creation of State Heritage Areas but no criteria is identified.
- The criteria for State Heritage Places is outlined under the *Heritage Places Act 1993*.
- Development Plans provide a list of State Heritage Areas and State Heritage Places.
- Development Plans usually spatially map and provide policy to guide development within State Heritage Areas and Places.
- The assessment process for the demolition of State Heritage Areas and Places varies between Development Plans but is usually 'non-complying'.
- Development applications are referred to the Heritage Minister for 'advice' only.

#### STATE HERITAGE AREAS OVERLAY & STATE HERITAGE PLACES OVERLAY

- Existing State Heritage Areas and State Heritage Places will be equally protected in the new planning system via the Planning and Design Code.
- A new **State Heritage Areas Overlay** and a new **State Heritage Places Overlay** will more accurately map and identify these areas and places.
- Alterations, additions and demolition control will be '**performance-assessed**'. However, development applications will continue to be referred to the Heritage Minister who will have **increased power 'to direct'** decision-making.
- A single set of consistent policies will apply across the state.
- Heritage impact statements will be retained as an assessment tool.
- There may be an opportunity for Design Review.

The Exeter Hotel on Rundle Street is one of 7,000 Local Heritage Places



#### LOCAL HERITAGE PLACES

- The *Development Act 1993* includes specific criteria for Local Heritage Places.
- Relevant Development Plans provide a list of Local Heritage Places and provide maps and policy to guide development.
- The assessment process for the **demolition** of Local Heritage Places varies between Development Plans but is usually '**on merit**'.
- It is the responsibility of a local council or the State Commission Assessment Panel to assess applications.

#### LOCAL HERITAGE PLACES OVERLAY

- Existing Local Heritage Places will transition to the Planning and Design Code.
- A new **Local Heritage Places Overlay** will more accurately map and identify Local Heritage Places and related policy.
- A single set of consistent policies will apply across the state.
- Alterations, additions and demolition control will be assessed against criteria ('**performance-assessed**').
- Demolition will only be considered if a building:
  - » has little heritage value
  - » is structurally unsound or has public safety issues
  - » is economically unviable.
 A heritage impact assessment will be required.
- Adaptive reuse policies will be strengthened.
- Deemed-to-satisfy policies will be available for development that does not affect heritage values e.g. demolition of a modern 'lean-to'.
- There may be an opportunity for Design Review.

Grant Avenue, Rose Park is one of many Historic Conservation Zones in South Australia



#### HISTORIC CONSERVATION ZONES

- There is currently no legislative criteria for the creation of Historic Conservation Zones/policy areas (including Contributory Items).
- Relevant Development Plans map Historic Conservation Zones/policy areas and contain policy to guide development.
- The *Development Act 1993* lists development activity that is exempt from development approval within Historic Conservation Zones/policy areas.
- The assessment process for the demolition of buildings within Historic Conservation Zones/policy areas is '**on merit**'.
- Many Historic Conservation Zones/policy areas include Contributory Items (however no new Contributory Items have been added since 2012).

#### LOCAL HERITAGE AREA OVERLAY

- Historic Conservation Zones/policy areas and related policy areas will be mapped under a new **Local Heritage Area Overlay** in the Planning and Design Code.
- A single set of consistent policies will apply across the state.
- Alterations, additions and demolition control will be assessed against criteria ('**performance-assessed**').
- The criteria for demolition approval will include consideration of:
  - » heritage values of the existing building and contribution to the heritage values of the area
  - » proposed replacement dwelling
  - » contextual analysis outcomes
  - » how well the theme is represented.
- **Contributory Items** will not be individually identified in the new planning system but the policies within this new Local Heritage Area Overlay will address them.
- Eligible **Contributory Items** may be elevated to Local Heritage Places through the Development Plan Amendment process prior to the new planning system being implemented.
- There may be an opportunity for Design Review.

Cuming Street, Cowandilla is one of many Character Areas in South Australia



#### CHARACTER AREAS

- There is currently no legislative criteria for the creation of residential character/streetscape zones/policy areas.
- Relevant Development Plans map residential character/streetscape zones/policy areas and contain policy to guide development.
- Planning consent for demolition is not required in the majority of residential character/streetscape zones/policy areas as the policy focus is on the form and character of the replacement building/s.

#### CHARACTER OVERLAY

- Residential character/streetscape zones/policy areas will be mapped under a new **Character Overlay** in the Planning and Design Code.
- A single set of consistent policies will apply across the state.
- Alterations and additions may be '**performance-assessed**'.
- Certain types of simple development that does not impact on character will be exempt from development approval.
- Demolition will be classified as **accepted development** and therefore will not need planning consent.
- The development assessment process for **replacement dwellings** will require a contextual analysis to ensure that existing character is maintained/enhanced.
- There may be an opportunity for Design Review.

THESE OVERLAYS WILL APPLY OVER THE RELEVANT RESIDENTIAL OR NON-RESIDENTIAL ZONE



*Elder Hall at the University of Adelaide is listed as a State Heritage Place*

MAY 2019



## PRACTITIONER OVERVIEW OF HERITAGE & CHARACTER IN THE NEW PLANNING SYSTEM

This overview document outlines the proposed framework, timelines and high-level processes for transitioning heritage and character policies from Development Plans into the Planning and Design Code (Code).

Across South Australia there are currently 17 State Heritage Areas and around 2,300 State Heritage Places identified under specific legislation. There are another 7,000-plus Local Heritage Places. There are also hundreds more different zones and policy areas with similar names and the intent to conserve and protect character - plus about 12,000 items identified as 'contributing' to this character.

The way all these items are treated varies across the state, and the results are similarly inconsistent. Some things work well, others don't. This has also been identified in the State Parliament's recent heritage inquiry.

With the introduction of the new Code there is an immediate chance to ensure best practice regarding heritage and character and embed it across the state using new tools. For the first time we will be able to map all these different places accurately and thoroughly within the planning system and treat the same types of places consistently, while still allowing for unique local differences via consideration of local context.

The key tool in the Code to address heritage and character will be **overlays**.

## OVERLAYS

### THE NEW TOOL FOR HERITAGE AND CHARACTER

Heritage and character considerations appear in many different zones. The new way to deal with this and avoid duplication and inconsistency will be to use specific **overlays**.

An overlay can apply to many zones, or part of a zone, or even only a particular property in a zone. The policy in overlays will override policy in zones. Where there is no overlay only the zone rules will apply.

There will be a number of different overlays addressing different sorts of heritage and character types. Each overlay will have a different level of protection and set of development controls or requirements, as appropriate – for example, any applicable demolition controls, certain aspects regarding the design of replacement buildings, and rules relating to alterations/additions, conservation works and land division. Overall though, the overlays will largely be procedural in nature, with the relevant zone/subzone reflecting the different neighbourhood types and desired character.

DEVELOPMENT PLANS (VARIOUS)	TRANSITION PROPOSAL →	PLANNING AND DESIGN CODE
Existing 2,300 State Heritage Places	<i>will transition to be included under</i>	State Heritage Place Overlay
Existing 17 State Heritage Areas	<i>will transition to be included under</i>	State Heritage Area Overlay
Existing 7,000+ Local Heritage Places	<i>will transition to be included under</i>	Local Heritage Place Overlay
Existing 'Historic Conservation Zones' and similar zone policy areas	<i>will be addressed via</i>	Local Heritage Area Overlay
Existing 12,000+ 'Contributory Items'	<i>will not be identified individually but will be addressed via</i>	Local Heritage Area Overlay
Other character and streetscape type zones and policy areas	<i>will be addressed via</i>	Character Overlay

*\*Prior to the introduction of the Code there will also be an opportunity for councils to undertake Development Plan Amendments to obtain Local Heritage Place status for Contributory Items they believe meet the legislative criteria.*

Drafts of the **State Heritage Area Overlay** and **State Heritage Place Overlay** were released with the draft Phase 1 Code for consultation in January 2019, with feedback now being considered.

	DRAFT CODE INCLUDES THE FOLLOWING OVERLAYS	DRAFT CODE RELEASED FOR FORMAL CONSULTATION	CODE 'GOES LIVE' BY	CODE WILL APPLY TO
<b>Phase 1</b>	State Heritage Area Overlay State Heritage Place Overlay	Jan 2019 – March 2019	July 2019	Outback areas only (outside of any council)
<b>Phase 2</b>	As above, plus: Local Heritage Place Overlay Local Heritage Area Overlay Character Overlay	Mid-2019	End 2019	As above, plus: most regional council areas
<b>Phase 3</b>	All of the above, plus: any 'metropolitan specific' content not included in Phase 2	End 2019	July 2020	As above, plus: Greater Metropolitan Adelaide council areas

Further detail on the proposed treatment of each type of heritage and character appears in the following pages and a glossary appears at the back.

## STATE HERITAGE PLACES

### EXISTING PLANNING SYSTEM

To conserve our cultural heritage, the *Heritage Places Act 1993* includes specific criteria for the identification of **State Heritage Places**. The State Heritage Branch of the Department of Environment and Water manages the register of State Heritage Places, which currently includes almost 2,300 listings.

Most existing Development Plans provide a list and, in some instances, a map identifying the State Heritage Places in the relevant Council Area (note: this is not currently a statutory requirement). These Development Plans also typically include provisions that guide the assessment of development applications (DAs) relating to State Heritage Places.

The assessment process for the demolition of State Heritage Places varies between Development Plans. For example, the demolition of State Heritage Places is subject to the 'on-merit' assessment process in the City of Burnside, and the 'non-complying' assessment process in the Cities of Adelaide, West Torrens and Port Adelaide Enfield.

Currently DAs that "directly affect a State Heritage Place" are referred to the Minister for the Heritage Places Act, who comments but does not have powers of direction (noting that the assessing authority requires the concurrence of the State Commission Assessment Authority if it wants to vary from the advice of the Heritage Minister).

DAs that "in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated" can be referred to the Heritage Minister. The decision to undertake such a referral is subjective and typically left to the assessing planner at council. Again, the Heritage Minister can comment, but does not have powers of direction.

### PROPOSAL FOR THE NEW CODE

It is proposed that all existing State Heritage Places will transition to the Code via inclusion in a **State Heritage Place Overlay** (see table below).

A draft of the State Heritage Place Overlay was released for consultation within the Phase 1 'Outback Areas' (land not within a council area) Code, from January-March 2019. The draft can be viewed here: [www.saplanningportal.sa.gov.au/planning\\_reforms/new\\_planning\\_tools/planning\\_and\\_design\\_code](http://www.saplanningportal.sa.gov.au/planning_reforms/new_planning_tools/planning_and_design_code)

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
<b>Legislative criteria</b>	The <i>Heritage Places Act 1993</i> outlines the criteria for State Heritage Places	No change
<b>Listing and mapping</b>	Currently in State Heritage Register and some Development Plans	Overlay to list and map all State Heritage Places across South Australia
<b>Demolition controls</b>	Currently non-complying within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Exemptions from requiring approval</b>	Currently none	Certain simple development listed in Code, not impacting heritage value
<b>Referral to Heritage Minister</b>	Currently referred to Heritage Minister for comment	Increased power for Heritage Minister to direct decision making

In addition:

- Heritage impact statements will be retained as an assessment tool
- There may be an opportunity for Design Review.

## STATE HERITAGE AREAS

### EXISTING PLANNING SYSTEM

State Heritage Areas are established under the *Heritage Places Act 1993*. The *Development Act 1993*, which provides for the establishment of Development Plans, does not define a State Heritage Area.

Some Development Plans identify 'State Heritage Areas' and structure them similarly to Zones and/or Policy Areas, with maps and development assessment policy within each Development Plan.

Development applications (DAs) that "directly affect a State Heritage Place" (which includes a State Heritage Area) are referred to the Heritage Minister, who has no powers of direction (noting that the assessing authority requires the concurrence of the State Commission Assessment Authority if it wants to vary from the advice of the Heritage Minister).

DAs that "in the opinion of the relevant authority materially affects the context within which the State Heritage Place is situated" can be referred to the Heritage Minister.

The decision to undertake such a referral is highly subjective and typically left to a planner at local council, with the Heritage Minister able to comment, with no powers of direction. It is also important to note that the Heritage Minister is not bound by the provisions of Development Plans when commenting on DAs that relate to State Heritage Areas.

The *Development Regulations 2008* include specific exemptions from approval for certain types of simple, non-heritage-impacting development in the Colonel Light Gardens State Heritage Area.

### PROPOSAL FOR THE NEW CODE

State Heritage Areas will transition to the Code via inclusion in a **State Heritage Area Overlay**. A draft of the State Heritage Place Overlay was released for consultation within the Phase 1 'Outback Areas' (land not within a council area) Code, from January-March 2019.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
<b>Legislative criteria</b>	The <i>Heritage Places Act 1993</i> determines State Heritage Areas	No change
<b>Listing and mapping</b>	Currently not all State Heritage Areas are mapped in Development Plans	Overlay to list and map all State Heritage Areas across South Australia
<b>Demolition controls</b>	Currently non-complying within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed)
<b>Exemptions from requiring approval</b>	Currently some within Development Regulations (e.g. Colonel Light Gardens)	Certain simple development listed in Code, not impacting heritage value
<b>Referral to Heritage Minister</b>	Currently referred to Heritage Minister for comment	Increased power for Heritage Minister to direct decision making

In addition:

- Heritage impact statements will be retained as an assessment tool
- There may be an opportunity for Design Review.



## LOCAL HERITAGE PLACES

### EXISTING PLANNING SYSTEM

The *Development Act 1993* includes specific criteria for the identification of Local Heritage Places. There are currently in excess of 7,000 across South Australia.

Most existing Development Plans provide a list of Local Heritage Places in a table and, in many instances, a map identifying them. These Development Plans also include provisions that guide the assessment of DAs relating to Local Heritage Places.

The assessment process for demolition of Local Heritage Places varies between Development Plans, however the vast majority are on merit, with a handful using 'non-complying'.

There is currently no statutory referral of Development Applications relating to Local Heritage Places to the Heritage Minister. It is the responsibility of the local council or State Commission Assessment Panel to determine such applications.

These bodies are required to make a balanced decision regarding such Development Applications against all relevant provisions of the Development Plan, heritage being one aspect of such decisions.

### PROPOSAL FOR THE NEW CODE

It is proposed that all existing Local Heritage Places will transition to the Code via inclusion in a **Local Heritage Place Overlay**, which will bring a consistent set of policies for how Local Heritage Places are treated across the state.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
<b>Legislative criteria</b>	Definition from <i>Development Act 1993</i>	Definition replicated in <i>PDI Act 2016</i>
<b>Listing and mapping</b>	Currently Local Heritage Places are listed in Development Plans but not always mapped	Overlay to map all Local Heritage Places across South Australia
<b>Demolition controls</b>	Vast majority assessed on merit within Development Plans, handful of non-complying	Demolition approval in the Code will be Code Assessed (Performance Assessed) and will only be considered if a building: <ul style="list-style-type: none"> <li>• has little heritage value<sup>1</sup></li> <li>• is structurally unsound or has public safety issues<sup>2</sup></li> <li>• is economically unviable to repair<sup>3</sup></li> </ul> A heritage impact assessment will also be required In addition, adaptive reuse policies will be strengthened to make adaptive reuse easier
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect heritage values e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code, not impacting heritage value
<b>Referral to Heritage Minister</b>	No referrals	No referrals

<sup>1</sup> It would be a rare occurrence where a local heritage place was inaccurately identified. Specialist heritage advice would be required to demonstrate this.

<sup>2</sup> A report from a suitably qualified person would be required to demonstrate this.

<sup>3</sup> This will require further definition about what is unviable for repair and would likely consider the repair cost in comparison to the capital value of the property.

## HISTORIC (CONSERVATION) ZONES / POLICY AREAS

### EXISTING PLANNING SYSTEM

The *Development Act 1993* provided the opportunity for the establishment of 'Historic (Conservation) Zones' (HCZs) or 'Historic (Conservation) Policy Areas' (HCPAs) within Development Plans.

There are no legislative criteria for the establishment of Historic (Conservation) Zones (HCZs) or Historic (Conservation) Policy Areas (HCPAs). However, the State Government issued guidelines for the identification of HCZs or HCPAs in The Planning Bulletin – Heritage, Planning SA, October 2001.

Many existing Development Plans map HCZs and HCPAs and include specific policies (including desired character statements).

The South Australian Planning Policy Library (SAPPL) includes 'Historic Conservation Areas' with related provisions being located in the General Section of the Development Plan, rather than HCZs or HCPAs. Such Historic Conservation Areas have similar statutory planning effect to Zones or Policy Areas.

This means that the approval of council is required to demolish a building located within a HCZ or HCPA regardless of whether it is listed as a local heritage place. This assessment process is considered 'on-merit'.

### PROPOSAL FOR THE NEW CODE

It is proposed that all existing Historic (Conservation) Zones and Policy Areas will transition to the Code via inclusion in a Local Heritage Area Overlay, which will bring a consistent set of policies for how these zones and areas are treated across the state.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
<b>Legislative criteria</b>	There are no current legislative criteria for the establishment of Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs), but they have been based on the outcomes of heritage surveys	No change
<b>Listing and mapping</b>	Currently mapped within many Development Plans through a range of zones and policy areas. No consistent approach.	Overlay to list and map all Local Heritage Areas across South Australia
<b>Demolition controls</b>	Currently on merit within Development Plans	Demolition approval will be Code Assessed (Performance Assessed) and include consideration of: <ul style="list-style-type: none"> <li>• heritage values of the existing building and contribution to the heritage values of the area</li> <li>• proposed replacement building</li> <li>• contextual analysis outcomes</li> <li>• how well the theme is represented</li> </ul>
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect historic/period values e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code
<b>Referral to Heritage Minister</b>	No referrals	No referrals

# CONTRIBUTORY ITEMS

## EXISTING PLANNING SYSTEM

As part of the identification of Historic (Conservation) Zones and Policy Areas, the State Government has previously accepted the identification of 'Contributory Items' (CIs) by local Councils. There are almost 12,000 contributory items across South Australia, however no new items have been added since 2012.

Unlike State and Local Heritage Places, there is no legislative criteria for the identification of Contributory Items. It is typical for CIs to sit within Historic (Conservation) Zones and Policy Areas. In fact, it is common for them to constitute the bulk of listed properties in a Historic Conservation Area, with some rare exceptions. The demolition of CIs is typically subject to the on-merit assessment process in all Development Plans.

Given the structure of some Development Plans and current statutory tools, it is understood that some Councils with CIs typically anticipated they would be retained rather than demolished and replaced. That is, councils considered the identification of CIs to have a similar statutory force to Local Heritage Place listing because of their location within historic conservation areas. In other words, CIs currently perform much like de-facto Local Heritage Places, but without having being through a rigorous assessment. This presents equity issues for property owners. For example, owners of Local Heritage Places get directly notified and have a right of appeal under the new PDI Act.

## PROPOSAL FOR THE NEW CODE

It is proposed that CIs not be carried across to the Code because, unlike Local Heritage Places, there is no clear definition, nor are there any statutory criteria against which they should be assessed and justified.

However, given the undoubted contribution these places make to the broader character values of our neighbourhoods, it is proposed that existing CIs are captured by the proposed Local Heritage Area Overlay. It is intended that appropriate demolition controls/replacement controls will be established at the overlay level, eliminating the need for building-specific controls. It is also proposed that, converse to the current system, places that do not contribute to existing heritage and/or character values will be exempted from the more vigorous protections to enable their replacement/improvement over time.

It is also acknowledged that there may be some instances where existing CIs may be worthy of elevation to the status of a Local Heritage Place. Prior to the introduction of the Code there will be an opportunity for councils to undertake Development Plan Amendment processes (with extended timeframes) to obtain Local Heritage Place status for contributory items they believe meet the legislative criteria.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
<b>Legislative criteria</b>	There are no current legislative criteria for the establishment of Contributory Items	Contributory Items will not be individually identified but will be addressed within the new Local Heritage Areas overlay
<b>Listing and mapping</b>	Currently mapped within some Development Plans	Overlay to list and map all Local Heritage Areas across South Australia
<b>Demolition controls</b>	Currently on merit within Development Plans	Demolition approval will be Code Assessed (Performance Assessed) and include consideration of: <ul style="list-style-type: none"> <li>• value of the existing building to the streetscape</li> <li>• proposed replacement building</li> <li>• contextual analysis outcomes</li> <li>• how well the theme is represented</li> </ul>
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect historic/period values e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code
<b>Referral to Minister</b>	No referrals	No referrals



# RESIDENTIAL CHARACTER / STREETSCAPE ZONES / POLICY AREAS

## EXISTING PLANNING SYSTEM

Character is the presence of, or desire for, particular defined physical attributes, or visual appearance. It may or may not be related to history or historical appearance. In a character area, it is generally anticipated that the existing buildings that make a positive contribution to the character value of the area may be demolished, but the tests will be stringent as to the desired character of new buildings.

The SAPPL includes a Residential Character Zone; which does not require Development Plan Consent (in accordance with Schedule 1A of the Development Regulations 2008) so the focus of the provisions in this Zone are on the form and character of *replacement development* rather than demolition control. A number of development plans also include streetscape zones/policy areas.

The development assessment provisions relevant to such areas focus on the key design elements of any new buildings (including alterations and additions) that will make them complementary to the established desirable character, as well as adaptive re-use of existing buildings, and replacement of any buildings undesirable/no character value.

## PROPOSAL FOR THE NEW CODE

It is proposed that existing Residential Character and Streetscape Zones and Policy Areas will transition to the Code via inclusion in a **Character Area Overlay**.

The Character Area Overlay will sit over a relevant zone/subzone which will reflect different neighbourhood types and desired character. Developing the suite of Code zones and subzones will involve identifying common character themes within neighbourhoods. For example row cottages with no setback from the boundary vs areas with large sites and detached houses with large setbacks.

FEATURE	CURRENT SYSTEM	NEW SYSTEM (PHASED INTRODUCTION FOR REGIONAL AND METROPOLITAN COUNCIL AREAS)
<b>Legislative criteria</b>	There is currently no legislative criteria for the creation of Residential Character and Streetscape Zones/Policy Areas	No change
<b>Listing and mapping</b>	A range of zones and policy areas have been used to define areas of character value in relevant Development Plans	Overlay to list and map all Character Areas across South Australia
<b>Demolition controls</b>	Development consent for demolition is not required in the majority of Character Areas as the policy focus is on the form and character of the replacement building/s.	Development consent for demolition will not be required as it will be classified as accepted development The development assessment process for the replacement dwelling will require a contextual analysis to ensure that the existing character is maintained/enhanced
<b>Alterations and additions</b>	Currently on merit within Development Plans	Will be Code Assessed (Performance Assessed) Deemed-to-satisfy policies will be available for development that does not affect character value e.g. demolition of a modern lean-to
<b>Exemptions from requiring approval</b>	Currently some within Development Act and Regulations	Certain development listed in Code, not impacting character value
<b>Referral to Minister</b>	No referrals	No referrals

## GLOSSARY

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### **Adaptive Reuse**

Adaptive reuse is the process of repurposing buildings for viable new uses and modern functions, other than those originally intended, to address present-day needs, action and sustainable investment.

### **Character**

All areas have character that can be analysed and described. Character is a value-neutral concept that captures the distinctive interrelationship between built form, vegetation and topography in the public and private domain that distinguishes one place from another. The concept of character is broader than just architectural style or the era of development. It is about buildings and spaces and the features around them, and how they relate to each other.

### **Code Assessed (Performance Assessed)**

Development categorised as 'performance assessed' must be assessed on its merits against the Planning and Design Code. This applies for developments which require more intensive assessment of their potential impacts, design, and how they fit within their neighbourhood.

### **Context**

The 'context' refers to the environment in which a development is located. It is the specific and immediate setting in which the development sits and with which it engages. It could be as small as a row of houses, or as large as a village centre.

### **Contextual analysis**

Planning applications within Character or Local Heritage Overlay Areas will be required to include 'contextual analysis' information with their development application. This will include a site analysis and descriptive statement explaining how a proposal responds to its site and its context.

### **Deemed-to-satisfy requirements**

These will be measurable criteria that are considered to be acceptable solutions to achieve a performance outcome. The inclusion of deemed-to-satisfy policy provides a mechanism to readily approve low risk and minor development expected for an area thereby ensuring the system provides certainty for lower scale development, while qualitative performance outcomes allow design flexibility to achieve the desired outcomes for more intense and larger scale development.

### **Design Standards**

Design standards will be a new planning tool that will outline design principles, standards and specifications for infrastructure and the public realm. They will be useful in establishing desirable characteristics for an area through streetscape features such as trees, public seating, street lighting and vehicle cross overs.

### **Design review**

Design Review is currently a free, independent advisory service offered to developers in certain geographical areas and for certain types of development (e.g. 5 storey in the Urban Corridor Zone). As part of the Design Review, a panel of built environment experts review the design quality of development proposals. Design review might be expanded to be available to a wider variety of projects e.g. development affecting a local heritage place or certain kinds of development within character areas.

### **Desired Outcomes**

Zones, subzones and overlays in the Planning and Design Code will all share a common structure, including a high level description of the 'Desired Outcome'. Desired Outcomes will outline the broad objectives, purpose and envisaged form of development in the zone, subzone or overlay, guiding land use and built form intensity and essential desired future character.

### **Heritage**

Heritage has an established international frame of reference (COMOS/Burra Charter) and is about how a place represents history and evolution of an area and its people or activities that have taken place. Heritage and cultural significance is embodied in the fabric and setting of the place.

### **Heritage impact assessment**

An assessment undertaken by a heritage expert which identifies the impact of the proposed development on heritage values.

### **Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs)**

There are no legislative criteria for the establishment of Historic Conservation Zones (HCZs) or Historic Conservation Policy Areas (HCPAs). However, the State Government issued guidelines for the identification of HCZs or HCPAs in *The Planning Bulletin – Heritage*, Planning SA, October 2001. These guidelines indicated that HCZs or HCPAs should comprise and demonstrate:

- significant built form composed of historic elements that contribute to the character of the streetscape;
- physical character including natural and cultural landscapes and land division patterns which relate to historic development of the local area; and
- unified, consistent physical form in the public realm with an identifiable historic, economic or social theme associated with an earlier era of development.

### **Local Heritage Place criteria**

Local heritage places are structures or buildings that demonstrate important local historical attributes or contribute to the historical themes of a local area. To be listed as a Local Heritage Place, a property must meet one or more of the following criteria (outlined in Section 23(4) of the *Development Act 1993*):

- it displays historical, economic or social themes that are of importance to the local area
- it represents customs or ways of life that are characteristic of the local area
- it has played an important part in the lives of local residents
- it displays aesthetic merit, design characteristics or construction techniques of significance to the local area
- it is associated with a notable local personality or event
- it is a notable landmark in the area
- in the case of a tree (without limiting a preceding paragraph) – it is of special historical or social significance or importance within the local area.

## Overlays

Overlays contain policies and maps that show the location and extent of special land features or sensitivities, such as **heritage places**. 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. There are **examples** of the use of overlays in the current system e.g. Affordable Housing Overlay and Air and Noise Emissions Overlay.

## Performance Outcomes

The Code will include performance-based policy that clearly describes the outcome sought for a particular issue. Performance Outcomes should align with the Desired Outcomes.

## Referrals

There will no longer be referrals for 'advice'. Referrals will, in future, be confined only to matters for 'direction'. Referral bodies will be statutorily required to confine their comments to matters relevant to the purpose of the referral and within their field of expertise.

The Heritage Minister will be the referral body for State Heritage Places and Areas (same as the current system) but will have increased decision-making powers.

## Regional Plans

Regional Plans provide a long-term vision for the integration of land-use, transport, infrastructure and public realm within specific regions or areas. South Australia's existing Planning Strategies are currently operating as interim Regional Plans until new ones are developed (including *The 30-Year Plan for Greater Adelaide*). For example, the *The 30-Year Plan for Greater Adelaide*, includes a policy to 'recognise the value that communities place on heritage and ensure that new development is implemented sensitively and respectfully'.

## Restricted development

Development may be classified as '**restricted**' by the Planning and Development Code. Restricted development may not be assessed unless the State Planning Commission determines otherwise. This will enable the Commission to provide an applicant with an 'early no' on a similar basis.

## State Heritage Areas

State Heritage Areas differ in size, location and historic elements. A State Heritage Area is notable for its distinct character or 'sense of place', formed by:

- buildings and structures
- spaces and allotments
- patterns of streets
- natural features or the developed landscape.

Although State Heritage Areas are protected under legislation, places within the area can be altered or developed as long as the work is sympathetic to the character of the area.

## State Heritage Place criteria

A place is eligible for entry on the State Heritage Register if it meets one or more of the criteria in Section 16 of the *Heritage Places Act 1993*. It would need to meet one or more of the following criteria:

1. It demonstrates important aspects of the evolution or pattern of the state's history
2. It has rare, uncommon or endangered qualities that are of cultural significance
3. It may yield information that will contribute to an understanding of the state's history, including its natural history
4. It is an outstanding representative of a particular class of places of cultural significance
5. It demonstrates a high degree of creative, aesthetic or technical accomplishment or is an outstanding representative of a particular constructive technique or design characteristics
6. It has strong cultural or spiritual associations for the community or a group within it
7. It has a special association with the life or work of a person or organization or an event of historical importance.

Refer to [www.environment.sa.gov.au/topics/heritage/sa-heritage-register](http://www.environment.sa.gov.au/topics/heritage/sa-heritage-register) for further information.

## State Planning Policies

State Planning Policies are a new policy instrument that set out the state's overarching goals and requirements for the new planning system. For example, State Planning Policy #2 (Design Quality) aims to elevate the design quality of South Australia's built environment and public realm and State Planning Policy #7 (Cultural Heritage) aims to protect and conserve heritage places and areas for the benefit of our present and future generations.

## Thematic analysis

Assessing buildings for their heritage value involves assessing how a building is important historically. Historians refer to important historical themes. When assessing a building for its heritage value, an assessment can be made regarding its importance in representing historical themes.





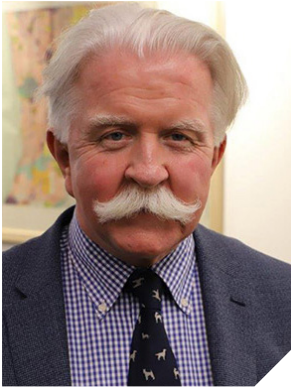
# STATE PLANNING COMMISSION OVERVIEW OF NEIGHBOURHOOD GROWTH & CHANGE

## INTRODUCTION

In preparing for the release of phase 2 of the Planning and Design Code (the Code), the State Planning Commission is looking to address significant community concerns around heritage and character, residential development and design in the planning system. As such, the Commission is publishing a suite of materials, ahead of a People and Neighbourhood discussion paper, which not only articulate the issues but propose some solutions for transition into the Code.

By addressing these topics now, we want to provide you with a broad understanding of these key transitional concepts before the draft Code for regional South Australia is made available in mid-2019. Your input into these matters via two statutory consultation periods for phase 2 and 3 of the Code will assist the Commission in building better planning policy and delivering better outcomes for communities in the new planning system.

The Commission is cognisant of the inquiry into heritage by the Environment Resources and Development Committee of State Parliament and will consider the report's recommendations and any implications for the Code in transitioning national, state and local heritage items over the coming months.



**MICHAEL LENNON**  
**CHAIR, STATE PLANNING COMMISSION**

We have come to understand that the world is not static at any one point of time. It changes, grows, adapts, circumstances emerge and adapts again. In this sense cities are also organisms. They rarely stand still.

In planning, our job together is to create the future that we want and not to be predetermined by other factors.

In South Australia and in metropolitan Adelaide we face several key challenges that will affect our living environments. This is not just the economy and the big questions of climate change or jobs. This is about our streets and neighbourhoods, and the way that we live.

One of these challenges is our demography.

It is a triumph of medical science that life expectancy has now added a significant number of years to the lives we all lead. What this means however is that the population of South Australia is aging. In fact we have the highest proportion of single person households and the highest proportion of people aged over 65 years of any mainland state.<sup>1</sup>

This has serious implications for how many people we will have to house and what their living circumstances will be. We want people to be able to choose to spend the last years of their life in their own homes, or in suitable accommodation within their neighbourhood, close to established social networks.

We also know that our fertility rates are at all-time lows. Nationally, the average number of babies per woman is 1.76, and falling. In South Australia the average is 1.68 - the lowest rate in the country.<sup>2</sup>

These circumstances, together with a relatively low proportion of international (11,600) and interstate (-5,100) net migration for Adelaide<sup>3</sup>, is contributing to our relatively modest population growth rate.

Whilst this may vary because of international migration and immigration targets, in general we understand that these factors will lead to an aging population and a smaller number of people in each of our houses.

In addition, where we are choosing to live is changing very quickly. This is not driven by policy but by the

individual choices we, our friends and our children are making.

Until recently, the growth in Adelaide was largely driven by the outward expansion of the city, the so called 'fringe growth'. This has contributed to a linear metropolitan plain of almost 90kms for a population of just over a million people.

What has changed is an individual preference and market demand to live closer to the city with approximately 76 per cent of new housing growth occurring in our established suburbs<sup>4</sup>. This is a positive thing as it refreshes, changes and revitalises our streets and neighbourhoods, whilst giving us the chance to replenish and upgrade what we have.

Importantly however it also challenges the way that we live because smaller household sizes tend to have more diverse living options. The traditional house with a separate piece of land is progressively, as in almost every other western city, being replaced by more diverse housing forms – units, apartments, townhouses and the like.

This in turn raises other questions for us to deal with especially around the **quality of infill**.

It is very clear from all of our conversations there are significant community concerns around at least four areas:

- traffic on local streets,
- loss of vegetation and tree canopy,
- site coverage when existing buildings are replaced with more dense building forms, and
- overshadowing and the loss of privacy.

The Commission has also identified a number of challenges within the current SA Residential Code that has led to a dominance of double garages, a lack of landscaping, and low streetscape amenity across our suburbs.

We are proposing a range of solutions in the Code to improve residential infill such as a reduction in driveway set-backs and widths, deep soil provisions and the inclusion of design features in street-facing building facades.

1. Australian Bureau Statistics, 2016 Census

2. InDaily 'SA birth rate lowest in Australia' 17 December 2018

3. Australian Bureau Statistics, Drivers of Capital City Population Growth, 2017-2018

4. The 30-Year Plan for Greater Adelaide, 2017 Update





Underneath all of this however is an emerging concern around the preservation of **heritage and character**.

In the new planning system we want to give every assurance that areas and places of state and local heritage significance will be preserved and will immediately be transferred into the new Code. As part of this transfer, historic conservation zones will move to local heritage areas, enabling groups of properties which together have heritage value to be afforded a level of protection.

In addition, we need to resolve what we mean by 'character' of an area – the associations which create distinct identities and allow us to forge personal relationships with an area.

In the past 20 years we have created a vast confusion over the status of 'Contributory Items' in the planning system - what it means for property owners, what it means for neighbours, and what it means for communities.

The Commission wants to clear this up and provide transparent, certain and widely understood ways in which these properties can be utilised in the future.

Two proposals are central to this. Firstly, we are going to open a process through which local authorities can nominate a Contributory Item for local heritage listing

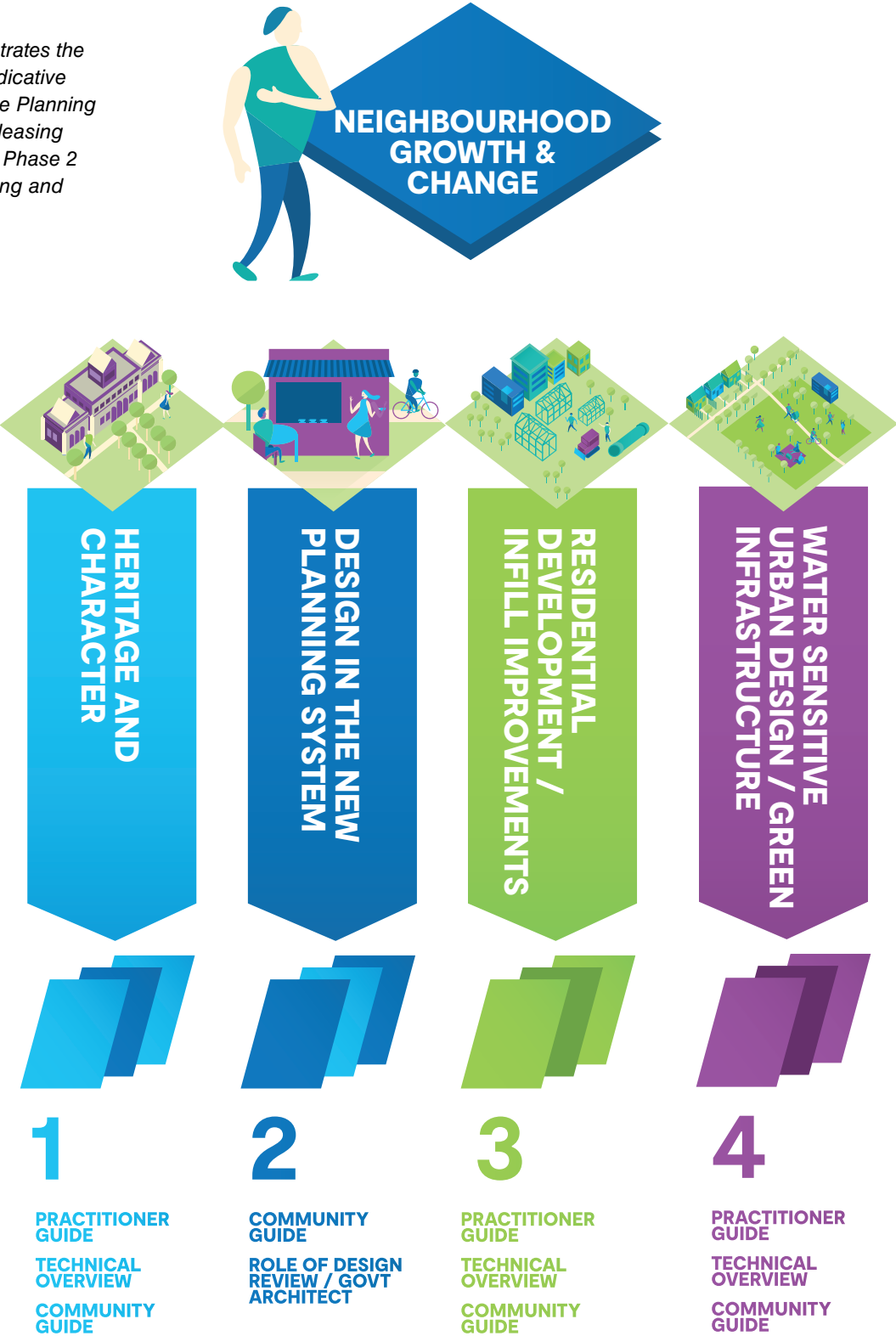
if they meet established criteria. Development Plan Amendments will be able to be progressed allowing those items to get local heritage protection.

Secondly, for items which are not about local heritage but are part of the broader character of a neighbourhood we need to better understand what it is that we are seeking to preserve or enhance. Is it about the materials used, is it about the built form, is it about heights and setbacks, or is it about the rhythm of the street?

Whatever it is, we must be clear that we are changing and adapting, and understand what we want to retain and where we can evolve and improve. But we need to be specific about what that is. It is not enough to choose on the basis of personal taste what should or should not be retained. By articulating this, we can then codify what we value and express it through policy in the Code.

In addition, the Commission wants to assert the importance of good design in replacement dwellings where this occurs. It causes me and the Commission deep concern where a view is expressed that an existing character cannot be improved upon by a new building. That implies a level of confidence in ourselves which is not acceptable. We can do better as a community and a society and we continually do.

*This diagram illustrates the key topics and indicative materials the State Planning Commission is releasing in preparation for Phase 2 of the new Planning and Design Code.*





**Good design** improves the way our buildings, streets and places work making them more sustainable, more accessible, safer and healthier. How people feel about their neighbourhood is directly related to the interface between private and public space. The inclusion of natural light and ventilation, building orientation to reduce heat, and access to open walkable spaces are essential in creating places in which communities can grow and prosper and are further outlined in the *Community Guide to Design in the Planning System*.

In this age of climate change, the Commission is also committed to the development and delivery of a contemporary suite of **water-sensitive urban design (WSUD)** and **green infrastructure (GI)** policies that can deliver better water conservation, improved storm-water management and increased tree canopy cover. We acknowledge the need for further discussion and research in this area and the need to codify these policies in the new planning system.

#### SO IN SUMMARY:

- Infill issues and streetscape impacts from challenges in the current residential code and zones will be identified and addressed in the new Code
- State and Local Heritage Areas and Places will be unquestionably preserved, with Historic Conservation Zones moved to Local Heritage Areas
- If a Contributory Item should be local heritage it will go through a Development Plan Amendment process
- For areas identifying character in our streets and neighbourhoods we will codify this and create overlays
- We will assert the importance of design into our thinking to a greater extent than previously possible
- Further research and consideration on WSUD and GI will occur as we transition to the new planning system.

In terms of opportunity for input, there are two remaining statutory consultation stages leading to the finalisation of the Code. People should be assured there is no threat of any change before those formal timeframes for the new Code are put in place.

Councils will be asked to review Contributory Items, to look at codification and the expression of character and how design can be elevated in the new system. Through these methods we are confident that South Australia's unique character through its streets, suburbs and neighbourhoods is not only preserved but built upon for future generations.

This is an opportunity to show how great not only our suburbs are but how they are going to be in the future.

**Michael Lennon**

Chair, State Planning Commission





**Government  
of South Australia**

**The Hon Stephan Knoll MP  
Member for Schubert**

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

Email: [mlange@barossa.sa.gov.au](mailto:mlange@barossa.sa.gov.au)

Dear Mayor

## **IMPLEMENTATION OF THE PLANNING AND DESIGN CODE AND TRANSITION OF HERITAGE AND CHARACTER**

As you would be aware the State Planning Commission (the Commission) and Department of Planning, Transport and Infrastructure (the Department) are preparing a new Planning and Design Code (Code), which will progressively replace Development Plans.

The Code is scheduled to commence operation in most regional council areas from November 2019 ('Phase 2') and metropolitan council areas from July 2020 ('Phase 3').

The Department will soon contact your Council planning staff about transitioning your existing Development Plan content into the Code. I write to you ahead of that to explain what this will mean for existing places and areas of heritage and character value, as well as the potential to undertake a Development Plan Amendment regarding local heritage listing.

The Government of South Australia recognises the importance of heritage and character to local communities, and is committed to ensuring ongoing protection or enhancement and greater consistency under the new Code.

### **Transition to the Code**

The Government of South Australia and the Commission's intention is that all State Heritage Places, State Heritage Areas and Local Heritage Places currently identified in Development Plans will transition directly to the Code.

It is also our intention that existing historic conservation type zones and policy areas and character type zones and policy areas will be transitioned in various ways (e.g. via new overlays and/or zone policies) into the draft Code in direct collaboration with councils, ahead of formal community consultation.

More detail about the proposed approach is outlined in documents which will soon be available on the SA Planning Portal ([www.saplanningportal.sa.gov.au](http://www.saplanningportal.sa.gov.au)).

**Minister for Transport, Infrastructure and Local Government  
Minister for Planning**

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As you may also be aware, there have been concerns about sections 67(4) and (5) of the *Planning, Development and Infrastructure Act 2016* (PDI Act). These sections require that 51 percent of owners of properties within an existing 'heritage character or preservation zone or subzone' must approve the transition of these to the Code.

I would like to confirm the Government's intention to hold off the Proclamation of this requirement to allow for the transition to the Code. This will ensure a smooth transition of all State and Local Heritage Places, as well as existing historic conservation and character areas.

### **Contributory Items**

Contributory Items (CIs) as such will not form part of the Code as there is no definition or statutory criteria (under the *Development Act 1993*) against which they are assessed and justified, which has led to much inconsistency and lack of clarity around these items.

However, the importance of these places in contributing to the broader character values of various areas is recognised and, as such, the Commission is proposing the use of specific overlays and/or zone policies to ensure the ongoing protection of the character of valued places and neighbourhoods. The Commission is proposing:

- *Local Heritage Area Overlays*: In transitioning Development Plans to the Code, it is intended to apply this Overlay to existing Historic Conservation Zones/Areas. The Local Heritage Area Overlay will contain policies which seek to protect local heritage values through demolition control (performance assessed), heritage assessment and promotion of adaptive reuse.
- *Character Overlays*: It is intended to apply Character Overlays to existing character zones and areas. This overlay will provide strengthened policies around design outcomes, including contextual analysis to ensure any new development either maintains or improves existing character.

Consideration is also being given to the use of new tools such as optional Design Review in both Local Heritage Area Overlays and Character Overlays.

The Commission will lead a conversation with councils on these matters over the coming months, which will continue when the Code is released for statutory community consultation in regional areas from mid-2019 and toward the end of 2019 in metropolitan areas. Overall, this provides a significant consultative timeframe for settling how these matters will transition.

The Government of South Australia also acknowledges that there may be existing CIs that are worthy of Local Heritage Place status and we will prioritise council Development Plan Amendments (DPAs) that seek to undertake this process, however:

- all proposed listings will need to be sufficiently justified to demonstrate that they meet the heritage criteria as stipulated under section 23(4) of the Act;
- consideration will only be given to existing CIs and no additional places will be considered at this time; and
- interim operation will not be available.

It is imperative that should council resolve to initiate a new DPA, it is transparent with its community about the process and the implications the proposed listings would have on development rights.

### **DPA timelines – Heritage DPAs**

Any new Heritage DPAs must be lodged as soon as possible.

Noting the significant amount of investigation and consultation required in preparing Heritage DPAs, transitional Regulations are currently being put in place to allow DPAs to be finalised within a 6-month period post-implementation of the Phase 3 Code (effectively December 2020) without the need to initiate a Code Amendment.

This timeframe applies to *all* Councils seeking to undertake a Heritage DPA, regardless of what Phase they fall into.

Heritage DPAs not finalised by December 2020 will cease to operate, as the Act provisions will cease, and a new Code Amendment process will need to be commenced.

However, as outlined in previous correspondence, it is important that outside of the new process outlined above, councils focus on undertaking targeted DPAs that unlock development or address critical community issues.

### **DPA timelines – non-Heritage DPAs**

In practical terms, for a Development Plan to be transitioned it must be settled at least two months prior to the date of Code implementation. This requirement in turn sets a timeline for when DPAs must be completed.

Therefore, for DPAs to be completed prior to the introduction of the Code, the following timelines should be met.

	<b>Statement of Intent</b> (proposal to commence a DPA)	<b>Consultation Complete</b> (councils will need to complete consultation)	<b>Lodged for Approval</b> (councils will need to lodge for final approval)
Phase 2 councils	May 2019	August 2019	October 2019
Phase 3 councils	July 2019	February 2020	March 2020

Transitional Regulations have been put in place to allow DPAs to be finalised within a 3-month period post-implementation of the Code in the relevant council area without the need to initiate a Code Amendment. DPAs not finalised by then will cease to operate, as the Act provisions will cease, and a new Code Amendment process will need to be commenced.

## **Parliamentary Inquiry into Heritage**

As you may be aware, the Environment Resources and Development Committee of State Parliament has this week released the report of its inquiry into heritage, which has examined longer term changes to the future listing of national, state and local heritage items separate to the transition to the Code.

The Government of South Australia will consider the recommendations of the inquiry with the Commission over the coming months.

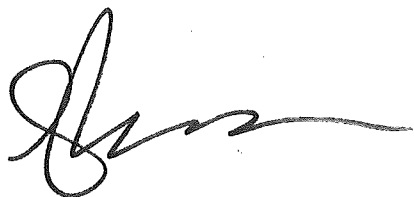
### **Next steps**

As mentioned, the Commission will undertake an engagement process with you over the next months to investigate how local heritage and character will be considered in the Code, and to improve the way they are identified and managed in the new system.

There will then be lengthy periods of statutory consultation on different draft iterations of the Code prior to its introduction.

We look forward to the development of the Code being a constructive process and will welcome your input over the coming months as we work to improve the planning system.

Yours sincerely



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

02 / 05 / 2019

## DRAFT

### Letter to Minister and SPC:

At its last meeting Council discussed the approach to heritage places in the new planning system proposed by the State Planning Commission, and as explained in your letter to Council on --- May 2019. This discussion also took into account the recently released findings and recommendations of the Environment, Resources and Development Committee of Parliament's inquiry into heritage in South Australia.

Unfortunately it seems the Commission is seeking to implement its own reforms to the heritage system via the Planning and Design Code, contrary to the Committee's recommendation that all existing heritage items be transitioned into the Code and that a Statewide audit and review be undertaken. Council considers that implementing ad-hoc reforms in the absence of and prior to a Statewide review will result in a weakening of the current system with any later reversal of changes most unlikely to be achieved.

The main areas of concern relate to the decision to not carry over contributory items which is in direct contrast to the Committee's findings and recommendation; the impracticality of the proposition that a 'Heritage' Development Plan Amendment could be undertaken by Councils; and the approach to demolition control over places within the proposed Character Areas.

#### Contributory items

Experience shows that it is problematic to propose to remove certain policies from a Development Plan but to then reverse that decision and re-introduce them following consultation, especially if the change affects individual land owners. Council anticipates this challenge with contributory items, in that if the Commission does not include them in the exhibited Phase 2 and Phase 3 versions of the Code later in 2019 it is inconceivable they would be then be inserted following consultation. In this regard the proposal that Councils and the community can only comment on this significant change through the statutory consultation process is considered most unreasonable and at odds with principles within the Commission's own Community Engagement Chart. In brief it appears the Commission would be *consulting* on its decided position rather than *engaging* with affected Councils and the community about the matter and to collaboratively develop an agreed approach.

Council respectfully suggests a more reasonable approach to contributory items would be to initially transition these across into the Code (as recommended by the Committee), undertake the Statewide audit and review, and then, depending on the audit and review outcomes, prepare a subsequent amendment to the Code to introduce any future heritage reforms.

#### Potential for a 'Heritage' DPA

Council believes the DPA approach to be impractical and problematic from a resourcing and timing perspective. While the requirement to justify any proposed



listing is understood, that process would involve a two stage review process to firstly identify which of the existing items warrant a detailed review, and secondly to undertake a detailed heritage assessment for each place proposed to be listed. These tasks would need to be undertaken by a suitably qualified and experienced heritage consultant with a preliminary estimate of \$200-500 per item and an overall cost of approx. \$40,000 - \$100,000 to assess and document all 202 existing contributory items.

Council is also concerned that it would be unable to receive interim operation effect which would increase the risk of inappropriate development such as demolition being undertaken on proposed places which could undermine their significance, and the diversion of personnel resources from current projects including the current Code transition work.

#### Demolition in Character Areas

The papers released by the Commission indicate that approval for demolition is not currently required in 'character areas'. This is incorrect as development plan consent is required for demolition in Council's Tanunda Historic Character Policy Area and Lyndoch Residential Historic Character Policy Area. Further detail on this can be provided on request; however Council requests that this statutory position be maintained either through the new regulations or the Code.

## **COUNCIL**

### **DEVELOPMENT AND ENVIRONMENTAL SERVICES**

#### **DEVELOPMENT SERVICES REPORT**

**18 JUNE 2019**

#### **7.5.1. DEBATE AGENDA – DEVELOPMENT SERVICES REPORT**

##### **7.5.1.2**

#### **JOINT PLANNING ARRANGEMENTS – BUSINESS CASE**

B6622

Author: Director, Development and Environmental Services

#### **PURPOSE**

To seek Council direction on where to proceed in the development of the Business Case for the establishment of a Joint Planning Board pursuant to Section 36 of the *Planning, Development and Infrastructure Act 2016*.

#### **RECOMMENDATION**

That Council:

- (1) Agree to proceed with the preparation of the Joint Planning Arrangement Business Case in collaboration with the partner councils, with the intent to formally consider the Business Case at a future Council meeting to determine whether to proceed or not in the establishment of a Joint Planning Board for the region.
- (2) Authorise the Chief Executive Officer and/or his delegate to continue to liaise with the State Planning Commission and the Department of Planning, Development and Infrastructure on key issues that may influence the decision to proceed with a Joint Planning Arrangement, and provide regular updates.

#### **REPORT**

##### **Background**

Under the *Development Act 1993*, the Planning Strategy (a combination of documents, plans, policy statements, proposals and other material designed to facilitate strategic planning and co-ordinated action on a State-wide, regional or local level) is maintained by the State Government.

In the new planning system, the Planning Strategy is replaced with Regional Plans that are required to reflect State Planning Policies which will be prepared by the State Planning Commission on behalf of the Minister for Planning (the Minister) to collectively set out the State's overarching goals or requirements for the planning system.

The new system presents an opportunity for councils to have involvement in the preparation of the Regional Plan as members of a Joint Planning Board.

Where there is no Joint Planning Board, the Regional Plan is prepared by the State Planning Commission.

Maintaining an involvement in strategic planning is a key driver for many councils exploring Joint Planning Arrangements.

### Introduction

A Joint Planning Board is established through a Planning Agreement with the Minister.

A Joint Planning Board may include:

- a council or group of councils (whether affecting the entirety or a part of the respective council area),
- any other Minister who requests to be involved, and
- if the Minister thinks fit, any other entity (whether or not an agency or instrumentality of the Crown) that has requested or agreed to be a party to the agreement.

A Planning Agreement is required to include an outline of the Joint Planning Board's purpose and outcomes it is intended to achieve and may provide for:

- (a) the setting of objectives, priorities and targets for the area covered by the Agreement;
- (b) governance arrangements, such as the constitution of the Joint Planning Board including:
  - (i) the membership of the Board, to be between 3 and 7 members (inclusive);
  - (ii) the criteria for membership (ensuring that its members have qualifications, knowledge, expertise and experience necessary to enable the Board to carry out its functions effectively);
  - (iii) the procedures to be followed with respect to the appointment of members; and
  - (iv) the terms of office of members; and
  - (v) conditions of appointment of members (or otherwise how those conditions will be determined) and the grounds on which, and the procedures by which, a member may be removed from office;
  - (vi) the appointment of deputy members; and
  - (vii) the procedures of the board.
- (c) the delegation of functions and powers to the Joint Planning Board (including, if appropriate, functions or powers under another Act); and

- (d) the staffing and other support issues associated with the operations of the Joint Planning Board; and
- (e) financial and resource issues associated with the operations of the Joint Planning Board, including—
  - (i) the formulation and implementation of budgets; and
  - (ii) the proportions in which the parties to the agreement will be responsible for costs and other liabilities associated with the activities of the board; and
- (f) any other matters that the parties to the agreement think fit.

A Planning Agreement expires after 10 years and may be replaced at that time. Otherwise a Planning Agreement may be varied by agreement between the parties or ended either by mutual agreement between the parties or otherwise by the Minister.

### Discussion

In March 2017, the Department of Planning, Transport and Infrastructure (DPTI) invited councils to submit joint Expressions of Interest to participate in a Joint Planning Agreements Pilot Scheme.

A key outcome of the Pilot has been the development of a Business Case template to be populated by councils proposing a Joint Planning Board structure.

The template is a comprehensive document that requires exploration of all aspects that require consideration as part of evaluating a new administrative structure of this nature. A section encourages councils to explore precisely what they are looking to achieve (objectives) through collaboration with their partner councils and other entities. A section is included to consider and determine the proposed regional boundaries.

The document also applies consideration to the collaboration objectives through a lens of 'Banding' (Figure 1). This starts with a simple structure that can be added to for greater delegations of responsibility/complexity if this proves to be desirable and functional amongst the Joint Planning Board proponents.

### PLANNING AGREEMENTS

#### PLANNING AGREEMENTS BETWEEN COUNCILS AND THE MINISTER FOR PLANNING

##### **BAND 1**

Planning, Development and Infrastructure Act functions

- Preparing a Regional Plan (mandatory)
- Regional Assessment Panel and Manager
- Code Amendments
- Infrastructure Agreements
- Planning and Building Compliance.

##### **BAND 2\***

Other Local Government functions

Local Government functions beyond the Planning, Development and Infrastructure Act 2016 that could be delegated to the Joint Planning Board by the Councils.

#### PLANNING AGREEMENTS THAT MAY INVOLVE OTHER MINISTER(S) OR BODIES

##### **BAND 3\***

Agreed delegation of non-traditional Local Government functions from State Agencies

Functions that are not currently Local Government functions but may be able to be delegated to a Joint Planning Board by another agency subject to agreement and legislative change.

Figure 1 – Band options

One of the key reasons for preparing the Business Case was to enable councils to determine if their region is ready to collaborate, with councils needing to consider, amongst other things, the following:

- Does each council have a commitment and passion to a regional approach?
- Is there political and community will to pursue a regional approach?
- Is there equity across each council?
- Do you have a robust business case including a clear value proposition?
- Do you have the right governance model?
- Is the infrastructure in place to support the governance model?
- Is there an alignment of culture and common purpose between parties?

There is no specific timeframe in which a Joint Planning Board is to be established. However, there is still significant amount of work to be undertaken by the partner councils to complete the Business Case.

Throughout the Pilot, in agreement with the management of the partner councils, senior management have populated as much of the Business Case template as a first-step (*Attachment 1*).

As shown in Figure 2, the partner councils are still within the investigative phase. A key step in the preparation of the Business Case is to conduct a Workshop with each of the partner councils to determine the individual council objectives that are sought from the joint planning arrangements. While the flowchart mentions a Regional Workshop to agree on the objectives, it had been agreed that this would be undertaken by the individual partner councils.

Following the completion of the Business Case, each Council will need to formally resolve whether to proceed or not proceed in the establishment of a Joint Planning Board.

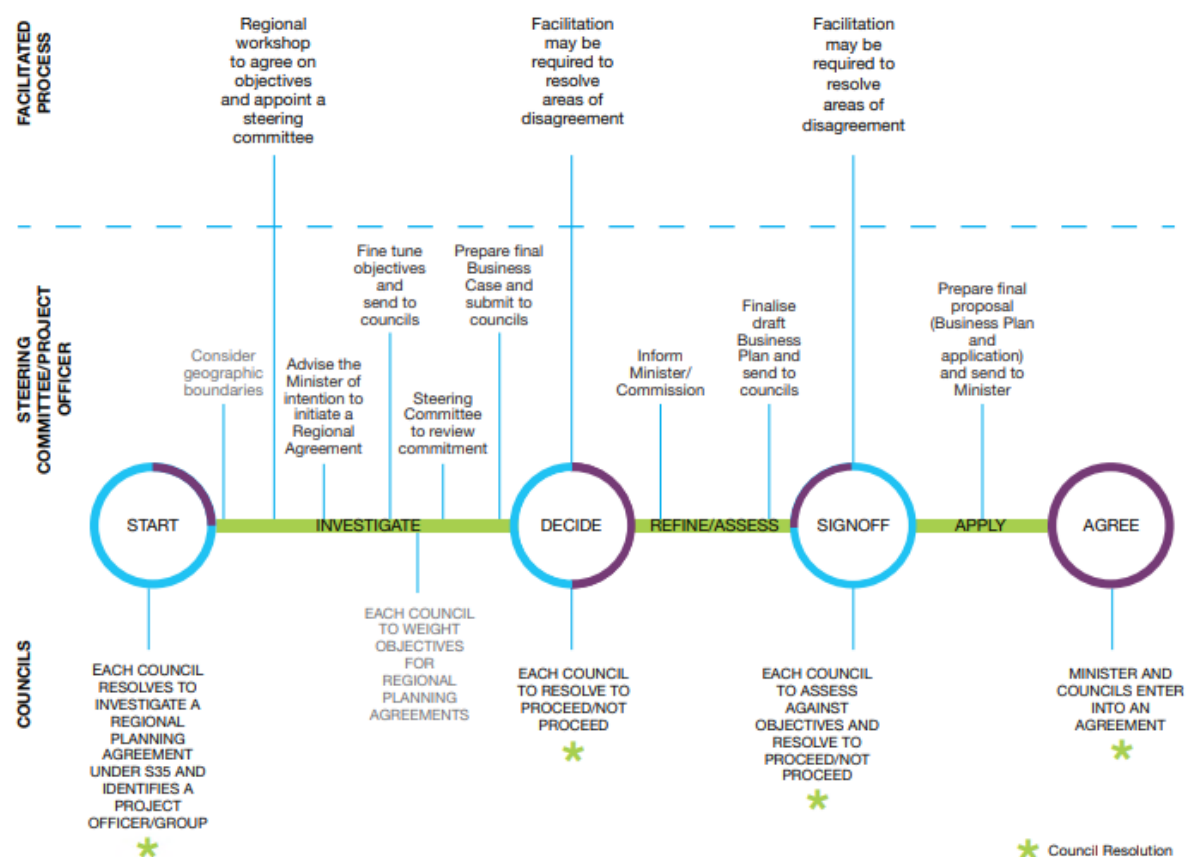


Figure 2 – Regional Planning Arrangements - Model Process

Following a briefing of the Mayors and Chief Executive Officers on 24 April 2019, it was agreed that each Council would be presented with an update and seek direction on whether each Council wished to proceed with the development of the Business Case, with the partner councils.

As presented at the June workshop, three options were presented:

- Option A** – pursue the establishment of a Joint Planning Board, and seek clarification from the Minister on key issues that may influence the decision to proceed.
- Option B** – look at a collaborative model for the Council to formulate a regional position.
- Option C** – Allow the State Planning Commission to plan for the region/council area.

A key consideration in which option to pursue, is whether each partner council wishes to have any direct control for the preparation of the Regional Plan, subject to Practice Directions issued by the State Planning Commission.

As stated, the default position in the absence of a Planning Board is that the Regional Plan will be prepared by the State Planning Commission. Councils will have input as part of the community engagement process outlined by the Community Engagement Charter.

Both Options B and C only provide capacity for councils to influence the outcomes of the Regional Plan via submissions (consistent with the current practice for reviewing/updating the Planning Strategy).

### Summary and Conclusion

The partner councils participated in the Planning Arrangement Pilot Scheme to explore how Planning Agreements and Joint Planning Boards will work, and to prepare guidelines to assist councils that are seeking to form a Joint Planning Board.

As part of the process, the partner councils had populated the Business Case template to commence the process.

A decision is now required by each of the partner councils whether they wish to proceed further in the joint planning arrangement process.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – draft Business Case

Initiating and Establishing a Planning Agreement and Joint Planning Board Guidelines  
[https://www.saplanningportal.sa.gov.au/\\_data/assets/pdf\\_file/0005/529736/Initiating\\_and\\_Establishing\\_a\\_Planning\\_Agreement\\_and\\_Joint\\_Planning\\_Board\\_Guidelines.pdf](https://www.saplanningportal.sa.gov.au/_data/assets/pdf_file/0005/529736/Initiating_and_Establishing_a_Planning_Agreement_and_Joint_Planning_Board_Guidelines.pdf)



## 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

Identify Theme/s (no need to identify if already identified in Community Plan above)

Identify Action/s

### Legislative Requirements

Planning, Development and Infrastructure Act 2016

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### *Financial Management*

Section 13 of the Business Case template requires the partner councils to consider board funding and financial management. This includes consideration of start-up costs, plant and equipment, statement of expected income and expenditure.

If councils agree to proceed in establishing a Joint Planning Board, there will be a need for each Council to set aside future funds for the establishment and ongoing operations of the Board.

A full evaluation of the cost for establishing and maintaining a Board is yet to be undertaken. The draft Business Case has only indicative costs at this point in time. Wherever possible, costs will be kept to a minimum (i.e. no office premise is proposed – utilising council facilities for meetings etc.)

### *Risk Management*

The Business Case template requires the partner councils to consider the risks and opportunities associated with each activity to be undertaken by the Planning Board. In addition, the process enables the partner councils to assess each of the Objectives set, and the respective weighting and rating.

Overall the Business Case template seeks to evaluate the merits of establishing a Joint Planning Board to assist each council in determining whether to proceed or not proceed with the regional collaboration.

## COMMUNITY CONSULTATION

Nil



## **BUSINESS CASE REPORT: PLANNING AGREEMENT**

**FOR:**

**Adelaide Plains Council**

**The Barossa Council**

**Town of Gawler**

**Light Regional Council**

**Post workshop held 9 March 2018**

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## PART A – EXECUTIVE SUMMARY AND RECOMMENDATIONS

### 1. EXECUTIVE SUMMARY

#### 1.1. Introduction

The *Planning, Development and Infrastructure Act 2016* (the PDI Act) provides Councils with a mechanism to deliver local government and/or state functions (subject to agreement by the relevant Minister) on a regional basis. This process begins with a Planning Agreement, which is an agreement between the relevant Councils and the Minister for Planning, and the formation of a Joint Planning Board (JPB).

#### 1.2. This business case

This Business Case has been developed through a structured, rigorous process to investigate options to address regional planning issues and provide clarity about the chosen path forward for the following councils:

- Adelaide Plains Council
- The Barossa Council
- Town of Gawler
- Light Regional Council

The Business Case has been developed in five sections:

PART A – EXECUTIVE SUMMARY AND RECOMMENDATIONS

PART B – REGIONAL COLLABORATION IN LOCAL GOVERNMENT

PART C – SITUATIONAL ANALYSIS

PART D – PLANNING AGREEMENT DESIGN

PART E – ASSESSMENT

This Business Case template has been designed to allow Part D to easily translate into a Business Plan.

#### 1.3. Bands of activity

Expressions of interest lodged by groups of Councils for the Joint Planning Arrangements Pilot Project identified several potential activities of a Joint Planning Board formed under a Planning Agreement in accordance with section 35 of the Planning, Development and Infrastructure Act 2016. Those potential activities were used as a basis to develop three bands to allow for separate analysis of different categories of issues. The bands do not have a legislative status but are highlighted in the following figure and include:

- Band 1 – Functions under the Planning, Development and Infrastructure Act 2016 including development of a Regional Plan, assessment panels, regional assessment, code amendments, infrastructure agreements, and planning and building compliance
- Band 2 – Other Local Government functions – planning and/or delivery such as open space and heritage planning, environmental and community planning, local road network planning, economic development, shared waste management, community services, public and environmental health and local infrastructure delivery
- Band 3 – Functions delegated by state government agencies – planning and/or delivery including integrated planning across agencies, state infrastructure planning, arterial



transport planning, natural resource management, environmental protection and licensing, education and health services, and delivery of integrated projects.

The focus for the Joint Planning Arrangements Pilot Project is on Stage 1 incorporating Bands 1 and 2. Band 3 will be considered at a later stage.

## INTRODUCING JOINT PLANNING BOARDS

The introduction of Joint Planning Boards will start with the basics and can grow to meet the needs of its constituent Councils moving towards delivery and adding wider other functions if and as needed. Options that include functions other than the mandatory components of a Joint Planning Board may be better suited to other governance arrangements – all governance options should be considered when planning shared services.



\* Stage 2 involves functions that are not currently the role of local government and is therefore subject to legislative and/or regulatory change.

### 1.4. Business Case findings

Provide a short explanation of what was investigated and the directions proposed.

A review of the different functions that could be undertaken by a JPB, assessing the opportunities, advantages and disadvantages. Determining the functions to be factored into the Planning Agreement – namely Regional Plan, Code Amendment and Infrastructure Scheme.

The four councils reviewed a variety of collaboration models as shown in Section # and determining the various opportunities, advantages and disadvantages for the region. From the investigations, the four council representatives propose that the four Councils enter into a Planning Agreement with the Minister for Planning and the Joint Planning Board formed under the Agreement have functions of preparing the Regional Plan, preparing Code Amendments and Infrastructure Schemes.

## 2. RECOMMENDATIONS

As part of this business case, a number of options have been considered and an assessment has been made. The following recommendations are made:

1. That the business case is adopted
2. That a Planning Agreement be entered into in accordance with this business case incorporating the following activities:
  - a. Preparation of a Regional Plan
  - b. Code Amendment
  - c. Infrastructure Scheme.

Post workshop held 9 March 2018

## PART B – REGIONAL COLLABORATION IN LOCAL GOVERNMENT

### 3. DEFINITIONS

This Business Case recognises a hierarchy of Councils working together, whereby:

- regional collaboration refers to arrangements between two or more Councils to work together on specific matters with or without a formal structure in place;
- resource sharing is a form of collaboration where the Councils commit resources to pursue a particular outcome (an example might be planning together for recreation facilities); and
- a shared service is a form of resource sharing usually underpinned by a contract or written agreement of some kind where resources are committed to the provision of a particular service either within the organisations (for example, payroll) or to the communities of the Council areas (for example, waste management).

### 4. LEARNING FROM THE EXPERIENCES OF OTHER COUNCILS

A 2015 report<sup>1</sup> by Jeff Tate Consulting for the Local Government Association of South Australia reviewed several previous reports on collaboration between Councils (whether provided through recognised regional structures or otherwise). It identified common drivers for collaboration along with challenges faced and lessons learned from other experiences. Those common drivers and lessons have been confirmed and added to through other 'collaboration' projects undertaken by Jeff Tate Consulting since.

#### 4.1. Drivers

In summary, the drivers for considering collaboration included:

- Improved ability to respond to regional strategic planning issues, promote economic development and achieve a regional strategic direction and infrastructure
- Stronger advocacy capacity, improved relationships with other levels of government and greater ability to leverage funds
- Better planning and consistency of approach across the region in relation to decision making and strategic direction
- Cost savings, efficiencies in service delivery, economies of scale, reduced duplication of effort and resources
- Increased organisational capacity
- Better risk management
- Meeting skill shortages and a means for attracting locally based resources in regional areas.

#### 4.2. Lessons

A number of challenges and lessons have been identified. The key lessons are requirements for:

- Commitment and passion to a regional approach
- Political and community will to pursue a regional approach
- Equity across each council
- Robust business case including a clear value proposition
- The right governance model
- The infrastructure in place to support the governance model
- Alignment of culture and common purpose between parties.

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<sup>1</sup> Jeff Tate Consulting, Report: Governance Models for Regional Collaboration and Partnerships projects for the Local Government Association of South Australia, 2015, p5

These challenges and lessons are very important considerations for Councils contemplating collaborative projects or arrangements, including potential shared services. They are the basis of a preparedness assessment of the proposed shared service collaboration at section 18 of this report.

## 5. TYPES AND FORMS OF COLLABORATION

It is important that a proper analysis of potential collaboration is undertaken to give it the best chance of success. The type of collaboration and the form it should take are key considerations in the analysis. The adage *form follows function* most certainly holds true with collaboration.

The various types and forms of regional collaboration are shown in the following table.

Type		Description	Suitable forms
1	Information Sharing	Information about activities or services is shared between Councils. This information may be in relation to service levels, costs, delivery methods or it may involve sharing of service/contract specifications.	Ad-hoc or ongoing arrangements, often with low level of formality.
2	Common specifications	Common specifications are used by multiple Councils for a service. The specifications may apply to a service provided in-house but are more likely to relate to services provided by external parties under contract or other agreement.	May be ad-hoc or ongoing arrangements with low or medium level of formality such as exchange of letters or written agreement. <a href="#">ie Waste Contract</a> <a href="#">Could be used to develop specification for the engagement of a consultant</a>
3	Resource sharing	Sharing of resources (staff, consulting advice, equipment, offices, plant etc).	May be ad-hoc or ongoing arrangements with low or medium level of formality such as exchange of letters or written agreement. <a href="#">ie Group of officer working together to develop Infrastructure Agreement</a>
4	Joint tendering	A form of resource sharing. Similar to type 2 with an additional step of combining resources to jointly seek tenders for works and services.	May be ad-hoc or ongoing arrangements with medium level of formality such as exchange of letters or written agreement.
5	Joint provision	Combining resources to establish a new service often with one Council acting as host employer or party to a contract with an external provider.	Formal arrangements such as a written agreement or contract.
6	Regional subsidiary (Local Government Act 1999) or Incorporated Body under the Associations Incorporation Act 1985	An activity or service is fully managed by a separate authority of which the participating Councils are members.	Formal arrangement involving membership of the authority.
7	Planning Agreement/Joint Planning Board (PDI Act)	A Regional Plan must be developed, and other functions may also be undertaken.	Formal agreement with Minister for Planning as a party to the agreement.

## PART C – SITUATIONAL ANALYSIS

Part C of the Business Case provides an analysis of the current situation as a basis for consideration of a joint planning agreement.

### 6. CURRENT SITUATION

#### 6.1. Band 1 – Functions under the Planning, Development and Infrastructure Act 2016

##### 6.1.1. Potential functions

The potential Joint Planning Board functions envisaged as part of Band 1 incorporate both mandatory and discretionary functions under the Planning Development and Infrastructure Act 2016 and are:

- Development of a Regional Plan (mandatory)
- ~~Assessment panel and manager~~
- Code Amendments
- Infrastructure Agreements
- ~~Planning and building compliance.~~

##### 6.1.2. Current issues and drivers for change

The *Planning, Development and Infrastructure Act 2016* provides Councils with a mechanism to develop a Regional Plan and deliver local government and/or state planning and functions on a regional basis. This is by way of a Planning Agreement between the relevant Councils and the Minister for Planning, and the establishment of a Joint Planning Board.

*The Character Preservation Act applies to Light Regional Council and The Barossa Council, and influences land use decisions. The intent of the Act is to recognise, protect and enhance the special character of the district while at the same time providing for the economic, social and physical well-being of the community. The new Planning, Development and Infrastructure Act also introduces Environment and Food Production Areas (EFPA) aimed to help protect vital agricultural lands, surrounding metropolitan Adelaide, from the threat of urban sprawl by reducing the ability to subdivide land for housing development. The protected areas work in a similar way to the Character Preservation Areas in the Barossa Valley and McLaren Vale. Adelaide Plains Council and Light Regional Council are impacted by the EFPA.*

*Water resources to help support the growth of both the viticulture and horticulture sectors has been a common theme across the region over the past several years. The BIL Scheme (Barossa Infrastructure Limited) sought to find a suitable, drought resistant, source of high quality irrigation water for the Barossa. The scheme uses water from the Warren Reservoir, supplemented with River Murray water via the SA Water Mannum-Adelaide pipeline. The BIL has also been active in seeking alternative water sources in the interests of sustainability of viticulture in the Barossa.*

*The Gawler Water Reuse Scheme (Bunyip Water Pty Ltd) consist of water infrastructure that substitutes at least 800ML/annum of River Murray water in the Barossa with urban stormwater harvested from the Gawler River. The scheme aims to improve primary production for viticulture in the Barossa region. The scheme will also provide water for urban use in parks and schools in and around Hewett.*

*The Northern Adelaide Irrigation Scheme (NAIS) will see new water treatment facilities built within the Bolivar precinct to increase its production of recycled irrigation water by 60 per cent. This project will deliver up to 12 GL (Stage 1) of reclaimed water suitable for commercial food production within the Virginia and Two Wells area. NAIS infrastructure will treat, store, and transport climate and*

*season independent water to the farm gate. The infrastructure will be planned for up to 20GL to enable future growth.*

*A key driver for the four Councils is the need to define the regional boundary within the context of Greater Adelaide. At present, the PDI Act stated that Greater Adelaide is a Region, which includes the four Councils that are seeking to collaborate in creating a Joint Planning Board. Establishing a Joint Planning Board enables the Councils to retain ownership of the regional planning processes that can benefit the social, economic and environmental outcomes sought by the local community.*

*A regional approach presents an opportunity to work together on common issues, that have the capacity to benefit a broader cross section of the region, rather than issues being managed in-house on an individual Council level.*

*It is clear that the implementation of the PDI Act and the development of the new Planning and Design Code is a key driver for change. The planning reform has delayed initial work programs developed by each of the councils following their most recent Strategic Directions Report, as the previous Minister had placed hold on all new DPAs. Notwithstanding this, the opportunity to create a regional approach to land use planning bodes well for the four Councils in collaborating on regional outcomes, while also focusing on local issues, as required.*

## **6.2. Band 2 – Other local government functions**

### **6.2.1. Potential functions**

Examples of the Joint Planning Board functions envisaged as part of Band 2 are discretionary and relate to other local government functions beyond the Planning and Development Act 2016. They include the following statutory planning functions:

- Public health planning
- Animal Management Planning
- Disability Access Inclusion Planning
- Asset Management Planning.

Additional non-statutory planning functions may be considered eg open space planning, environmental planning, community planning, road network planning, economic planning and development.

Service delivery functions may also be considered eg shared waste management services, community services, public and environmental health services, local infrastructure delivery, local nuisance and litter control, animal management.

### **6.2.2. Current issues and drivers for change**

*What are the issues we are dealing with in relation to the proposed Band 2 discretionary functions being considered as part of this business case? How are these functions currently being managed? What is driving change?*

*A key issue facing local government is the need to prepare a suite of plans under various state legislation.*

*Pursuant to Section 122 of the Local Government Act 1999, councils must develop and adopt plans to effectively manage its area, to be collectively known as the Strategic Management Plans. At present, a council is required to prepare the following plans:*

- *Strategic Management Plan*
- *Long Term Financial Plan*
- *Asset Management Plans*

*Of relevance, is the fact that strategic management plans should address the strategic planning issues within the area of the council, with particular reference to (and in a manner consistent with) the Planning Strategy under the Development Act. This is often been achieved as part of Council's Strategic Directions Report prepared under the Development Act (to be obsolete under PDI Act). The Regional Plan under the PDI Act is seen as the alternate to the Strategic Directions Report requirement.*

*Pursuant to Section 196 of the Local Government Act 1999, councils must develop and adopt plans for its community land:*

- *Community Land Management Plans*

*These management plan identify the land to which it applies, stating the purpose for which the land is held by the council, and the objectives, policies (if any) and proposals for the management of the land. At present these plans are prepared by the individual Councils, and may take similar form as proposed by an initial template prepared when this provision was enacted.*

*In addition, councils are required to prepare the following plans under other statutes:*

- *Animal Management Plan - Dog and Cat Management Act 1995*

*Pursuant to section 26A of the Act, each council must prepare a plan relating to the management of dogs and cats within its area. At present, these plans are prepared by the individual councils. There is potentially a level of consistency between these plans that would suggest that a single regional plan would provide the same level of operational direction. The councils currently provide a level of operational support for dog management (i.e. relief/roster service) across the region.*

- *Regional Public Health Plan - SA Public Health Act 2011*

*Section 51 of the Act allows for a public health plan to be prepare by a council or a group of councils. The four Councils collaborated in the preparation of the Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan. The planning process provided an opportunity to collectively identify public health priorities for the region and to establish a coordinated approach to promoting community wellbeing. A working group of the four councils oversaw the preparation of the plan, and continue to oversee the implementation and reporting requirements under the Act.*

- *Disability Access and Inclusion Plan - Disability Inclusion Act 2018*

*Section 16 of the Act states that there is to be a disability access and inclusion plan for each State authority, which includes a local council under the Local Government Act.*

*While not a statutory requirement at present, the four council identified as part of the regional public health plan the need to investigate disability access and inclusion across the region. Accordingly, the four Councils collaborated to develop a Barossa, Light and Lower North Regional Disability Access and Inclusion Plan (to be adopted). In order to voluntarily fulfil the requirements of section 67 of the Disability Discrimination Act 1992, the Barossa, Light and Lower North Regional Disability Access and Inclusion Plan will be submitted to the Australian Human Rights Commission's Register of Disability Discrimination Act Action Plans. It is envisaged that the Regional Disability Access and Inclusion Plan will fulfil the requirement of the new Disability Inclusion Act.*

### **Non Statutory Plans**

*The four council prepared a Regional Open Space and Public Realm Strategy ...*



## Regional Procurement Group

### Collaboration on ...

### Waste Management Contract ...

Ability of a JPB to undertake other local government functions.

A key driver for change is the capacity to reduce the level of bureaucracy that has/can be established by local government. At present, the four Councils each contribute to the Gawler River Flood Management Authority (GRFMA - a regional subsidiary of six councils, including Adelaide Hills Council and City of Playford). The core business of the Authority is to coordinate the construction, operation and maintenance of flood mitigation infrastructure for the Gawler River. The role and function of the GRFMA is currently being reviewed by the constituent councils, which may impact in how the council address stormwater management across the catchment. Question as to whether a Joint Planning Board could undertake the role and function of the GRFMA to ensure that stormwater is effectively managed across the region, and potentially to work with other Councils that are not part of the planning board.

## 7. COLLABORATION OBJECTIVES AND OPPORTUNITIES

In any potential collaboration considerations, each of the Councils will have its own needs and priorities, which will be reflected in their objectives and relative weightings.

The objectives of each Council were identified by senior executive staff in the first instance, taking into consideration the community aspirations that are detailed within each of the Council's Strategic Management Plans. Each Council subsequently weighted the objectives. The results are included in the following tables.

### 7.1. Band 1 – Functions under the Planning, Development and Infrastructure Act 2016

#### 7.1.1. Objectives and weightings – Band 1 functions

Objectives and weightings for collaboration in relation to the proposed Band 1 functions identified in section 7 of this business case are detailed in the following table. *Add additional objectives (rows) or Councils (columns) as required.*

Objective	Adelaide Plains	Barossa	Gawler	Light
1 – To ensure the protection and enhancement of key regional features (Heritage, Character, Tourism and Primary Production)	25			
2 – To ensure there is ongoing local government ownership in local and regional strategic land use planning	30			
3 – To leverage efficiencies through knowledge and resource sharing	20			
4 – To ensure that adequate provision of physical and social	25			

Objective	Adelaide Plains	Barossa	Gawler	Light
infrastructure in support of existing and future communities				
5 - Responsible sustainable growth				
1—To facilitate a collaborative approach to preparing a regional plan that encompasses the aspirations of the region		20		
2—To identify a collective vision for the region that respects the individual heritage, built environment and landscape of the individual council areas		15		
3—To ensure that the character and amenity of the Barossa Valley and Eden Valley Wine Regions are recognised and enhanced in accordance with the Character Preservation Act		20		
4—Capacity to improve service delivery to the community		20		
5—maintaining a regional voice for planning		25		
1—Foster a collaborative approach between the Councils			10	
2—Deliver local policy needs through the formation of a Regional Plan			20	
3—Manage Growth on a regional level			15	
4—Protect the unique character of each locality			20	
5—Promote/seek environmentally conscious and sustainable solutions			15	
6—Adequate physical and social infrastructure to service growing population			10	
1—Clarify whether this region must be regarded as a sub-region of the 30 Year Plan for Greater Adelaide				20

Objective	Adelaide Plains	Barossa	Gawler	Light
2—Ongoing involvement in local and regional strategic planning				40
3—Integration of Character Preservation Addendum in Regional Plan				10
4—Consolidation of regional resources and knowledge in forward planning for infrastructure, land use, EFPA and service provision				10
5—Positive influencing growth of economic drivers/sectors				10
6—Consolidation of resources for maximum effectiveness				10
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

*Add commentary on similarities/differences between all participating councils.*

Each of the four Councils acknowledge the unique locality of the region as a whole. All councils need to factor the impacts of both the Barossa Character Preservation Area and the new Environment and Food Production Area. Combined, these areas heavily influence land use and capacity for urban growth. These area provide an 'urban growth boundary' to many of the urban settlements that occur across the region, notably the growth areas of Two Wells, Roseworthy, Concordia and Gawler East.

Of greatest concern to the Councils is the loss of planning functions and powers under the new regime. Accordingly, all Councils see the forming of a Joint Planning Board as a means to retain capacity to influence planning outcomes, particularly at a regional and a local level. This is equally important given that the region is within the Greater Adelaide region.

The four Councils also have identified that a regional collaboration can create greater efficiencies through the use of knowledge and resources.

While not necessarily identified by all Councils, the planning for infrastructure and economic growth is seen as another key outcome from regional collaboration.

### 7.1.2. Opportunities for collaboration – Band 1 functions

Opportunities for collaboration against the collaboration types listed below were identified through senior executive staff holding a series of workshops to review the different collaboration opportunities available to local government. *(describe process – including consideration of the challenges and lessons from previous experiences with collaboration listed at 3.2 above).*

Opportunities are listed in the table below.

Collaboration type	Opportunity	Advantage/disadvantage
<b>Regional Plan (mandatory)</b>		
Information sharing	Sharing information with the Commission and across the Region e.g. data, provide	Ad hoc and potentially inconsistent from council to council. Less duplication of effort and

Collaboration type	Opportunity	Advantage/disadvantage
	input, forum for engagement. Exchange ideas – operational and intellectual property. Improved cross Council working relationships and cost savings	documentation. Cost savings. Reduce external resourcing. Greater control for local consideration if done by JPB/otherwise required to advocate information to the SPC. Coordination/Communication may not be achieved effectively – Less motivation to do so, other work priorities. The PDI Act doesn't provide capacity for local input without a JPB. Reduction in duplication of work and more efficient use of resources. Time employed sharing information may not outweigh improvements in efficiency or cost savings
Common specifications	Arranging community engagement opportunities. Common specifications for regional planning/infrastructure. Shared Service Agreements / Terms of Reference	One voice from the region's community, sharing of costs. Consistency creates certainty for contractors – level of commonality. Cost savings. Lack of efficiency in separate tendering processes. Ownership and delivery of the plan (i.e. Regional Public Health Plan). Regional variation – local issues/local politics/rural vs urban. One size approach doesn't necessarily fit. The PDI Act doesn't provide capacity for local input without a JPB. Certainty for external parties re. arrangements working across multiple Council areas. Individual Council requirements not taken into account
Resource sharing	Sharing of staff from councils to Commission and between councils e.g. secondments. Policy officers working together. Capacity to joint fund planning initiatives (i.e. Open Space, Public Health). Share planning staff to cover resource shortages	Regional influence over Regional Plan. Cost savings. Consistency in policy planning, lack of local knowledge/skills. The PDI Act doesn't provide capacity for local input without a JPB. Potential impact of rate capping. Cost efficiencies; Shared expertise and experience. Lack of local knowledge impacts assessment and planning decisions.
Joint tender	Joint tendering with Commission and across region on specialist studies required to feed into the Regional Plan e.g. flood plain mapping. Joint procurement process for cross boundary / regional projects	Use of the Barossa Regional Procurement Group and the processes established by the region (i.e. Waste Services, Road Reseal). The PDI Act doesn't provide capacity for local input without a JPB. Shared costs; Avoid duplication of work; Consistent methods across Councils. Time delays from multiple party involvement; Compromised objectives to make project fit across multiple Council areas
Joint provision	Increased capacity to deliver variety of services. Local autonomy for the provision of services. Ability to acquire resources not currently available at an individual Council level due to budget constraints	Cost savings. Support for smaller councils. Increased service delivery across the region. Burden of responsibility – inequitable distribution of effort. No opportunity provided by Act? The PDI Act doesn't provide capacity for local input without a JPB. Avoids doubling resource efforts resulting in cost and efficiency savings. Potential uneven resource burden by host Council
Regional subsidiary	Advocate to Commission about the content of the Plan; Bring other agencies together. Formalised governance, and well tested. Improved regional collaboration	More political influence than separate councils. Existing structures and costs. Strong governance framework already exists supported by legislation. Can set up a specific committee to work with commission. May lack the clout to get buy in from agencies. Slight loss of autonomy of individual councils. Resourcing required to support a subsidiary e.g. separate organisation. Consistency and certainty. Resourcing required to support.

Collaboration type	Opportunity	Advantage/disadvantage
Joint Planning Board	Prepare Plan with signoff from Commission. Powers and functions under the Act. Greater autonomy for planning/infrastructure provision. One Regional Plan across all Council areas	Limits as to what functions a subsidiary can undertake. Priority/objectives between constituent councils. Developing a fair funding model for program delivery. The PDI Act doesn't provide capacity for local input without a JPB. Increased advocacy for Council  Greater control over outcomes, regional plan prepared by the region for the region. Greater clout to get buy in from Agencies. Slight loss of autonomy of individual councils. Resourcing required to support a subsidiary e.g. separate organisation. Control of Regional Plans remains with Commission (level of control undetermined as yet) so is there a gain? Cost of preparing the plan sits with JPB depending on cost sharing arrangement with Commission (assumption). Stimulate further collaboration between councils. Consistency and recognition of local variation/interests. Require a definition of what is a region /sub-region in our context. Consistent approach and decisions. Generalised approach / policy doesn't meet unique need of Council area / issue.
<b>Assessment panel and manager</b>		
Information sharing	Exchange ideas – operational and intellectual property.	Cost savings. More consistency. Loss of local knowledge and input in assessment outcomes.
Common specifications	Common TOR, Meeting Procedures, Code of Conduct.	Cost savings. More consistency. Potential inefficiency. Sharing of location of assessment manager role/meeting location. Loss of specialist/technical advice in local planning matters (i.e. heritage, primary production, industry)
Resource sharing	Common members on CAP or single regional assessment panel	Potential cost savings having regional assessment panel and Assessment Manager. Consistency in decision making having common membership. Lack of local knowledge of Assessment Manager and/or a member on regional assessment panel. Council staff supporting a regional assessment panel
Joint tender	Common EOI for regional panel	Once off cost savings when calling for members
Joint provision	Not applicable	Nil
Regional subsidiary	Not applicable	Nil
Joint Planning Board	Creating a Regional Assessment Panel with Assessment Manager	Independent person. Consistency. Loss of local autonomy /control. Delegation of powers. Loss of local knowledge. Challenges of effective management of resources/timeframes. Logistics for systems and processes.
<b>Code Amendments</b>		
Information sharing	Developing common policy provisions on regional/common matters	Consistent and relevant to the regional area. Requires common ground and not all might agree.
Common specifications	Standardised language	Common understanding
Resource sharing	Joint DPAs	Save money and time, capacity building. General efficiencies. Attracting best quality consultants. Attracting additional funding from external bodies

Collaboration type	Opportunity	Advantage/disadvantage
Joint tender	Joint Code Amendment for common planning/zoning matters	Perceived loss of control by individual councils Regional resources, procurement. Lack of agreement on common issues. Managing micro level interest of EMs.
Joint provision	Not Applicable	Nil
Regional subsidiary	Not Applicable	The PDI Act doesn't provide capacity for subsidiary input.
Joint Planning Board	Prepare Regional Plan, and Code Amendments consistent with the Regional Plan.	Assumes that Regional Plan was prepared by JPB. Increased influence, potential funding, linkages into DPTI, support from DPTI and process should be reflected in the Planning Agreement. Have gone through a community consultation process via the JPB and therefore assume it would be easier to satisfy Charter in the DPA process.
<b>Infrastructure Agreements</b>		
Information sharing	Coordination. Consistency in standards. Broader objectives outside of a boundary.	Prioritisation. Targeted funding. Coordination with state agencies and utilities. Grant submissions. Advocacy. Contractor awareness. Common network awareness. Staff knowledge sharing. Loss of delivery efficiency if done individually. Better pre-planning for infrastructure provision.
Common specifications	Consistency of Standards	Contractor awareness. Common network awareness. Staff knowledge sharing. Loss of delivery efficiency if done individually. Better pre-planning for infrastructure provision.
Resource sharing	Coordination. Consistency in standards. Broader objectives outside of a boundary with improved cost efficiency.	Contractor awareness. Common network awareness. Staff knowledge sharing. Loss of delivery efficiency if done individually. Better pre-planning for infrastructure provision.
Joint tender	Efficiency in planning and delivery of hard (road networks) and soft (community) infrastructure	Contractor awareness. Common network awareness. Use of Regional Procurement Group – seen the benefits of the process i.e. road reveals contract. Better pre-planning for infrastructure provision.
Joint provision	Efficiency in planning and delivery of hard (road networks) and soft (community) infrastructure	Contractor awareness. Common network awareness. Better pre-planning for infrastructure provision.
Regional subsidiary	Efficiency in planning and delivery of hard (road networks) and soft (community) infrastructure. Narrower target.	Contractor awareness. Common network awareness. Better pre-planning for infrastructure provision.
Joint Planning Board	Efficiency in planning and delivery of hard (road networks) and soft (community) infrastructure	Contractor awareness. Common network awareness. Better pre-planning for infrastructure provision.
<b>Planning and building compliance</b>		
Information sharing	Casual sharing of information between staff – formal and informal	Sometimes ad hoc, dependent on good relationships. Reduced expenditure e.g. reduced duplication of legal advice and consultant engagement.
Common specifications	Alignment of compliance procedures re referrals, timing and turnarounds.	Same process for developers with applications in more than one Council. Alignment of multiple councils difficult and time consuming and differences in political sensitivities and

Collaboration type	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity for back up services – peak workloads/leave - Secondments	organisation structure that limit the ability to fully align.  Flexibility to meet changes in service demand, career development, retention of staff, exposes staff to a range of developments. Control of staff retained by Councils. Inconsistency using different staff not used to council systems and procedures/ local politics. Accreditation gaps addressed. Reduced expenditure e.g. reduced duplication of legal advice and consultant engagement.
Joint tender	Legal advice/Prosecution	Cost savings. Shared knowledge and experiences.
Joint provision	Common system for compliance across boundaries allowing lodgement at all councils regardless of development location. Regional Building Fire Safety Committee. Building inspections	More timely, caters for demand and supply variance across councils Would need common IT and records management system across boundaries – e-planning portal. Consistency of application.
Regional subsidiary	Staff to sit in a regional subsidiary under LGA Act	More timely – can do it now as provisions exist. Staff no longer administered by Councils. Flexibility to meet changes in service demand, career development, retention of staff, exposes staff to a range of developments. Reduced expenditure e.g. reduced duplication of legal advice and consultant engagement.
Joint Planning Board	All Staff to work for/accountable to CEO of the JPB.	Outcome same as for Regional subsidiary. Unknown timeframe dependent on PDI Act/Regs. Staff no longer administered by Councils. Flexibility to meet changes in service demand, career development, retention of staff, exposes staff to a range of developments. Centralised resources. Disconnect with the community in service delivery – location of office. Reduced expenditure e.g. reduced duplication of legal advice and consultant engagement. Who (JPB/Council) has responsibility for authorising officers?

### 7.1.3. Selected opportunities – Band 1 functions

The following Band 1 opportunities were selected for the Band 1 functions listed in 6.1.1:

- Regional Plan
- Code Amendment
- Infrastructure provision.

## 7.2. Band 2 – Other local government functions

*If no Band 2 functions are proposed as part of this business case, state that is the case and delete the rest of this section.*

At the initial phase of looking at a Joint Planning Arrangement, the councils did identify that there were opportunities and potential merits in having a JPB that could undertake a range of local government functions as identified by Band 2 etc. However, in the context of the PDI Act and maintaining local input into policy development, the councils felt that it was important to focus initially on land use planning functions.

### 7.2.1. Objectives and weightings – Band 2 functions

*Objectives and weightings for collaboration in relation to the proposed Band 2 functions identified in section 7 of this business case are detailed in the following table. Add additional objectives (rows) or Councils (columns) as required.*



Objective	Council 1	Council 2	Council 3	Council 4	Council 5	Council 6
1—insert objective	Insert weighting	Insert weighting	Insert weighting	Insert weighting	Insert weighting	Insert weighting
2—insert objective	Insert weighting	Insert weighting	Insert weighting	Insert weighting	Insert weighting	Insert weighting
3—insert objective	Insert weighting	Insert weighting	Insert weighting	Insert weighting	Insert weighting	Insert weighting
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

Add commentary on similarities/differences between all participating councils.

### 7.2.2. Opportunities for collaboration—Band 2 functions

Opportunities for collaboration against the Types listed in this report were identified through (describe process—including consideration of the challenges and lessons from previous experiences with collaboration listed at 3.2 above) and listed in the tables below.

#### Collaboration types—Band 2 statutory

Collaboration type	Opportunity	Advantage/disadvantage
<b>Public health planning</b>		
Information-sharing	Opportunity	Advantage/disadvantage
Common specifications	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity	Advantage/disadvantage
Joint tender	Opportunity	Advantage/disadvantage
Joint provision	Opportunity	Advantage/disadvantage
Regional subsidiary	Opportunity	Advantage/disadvantage
Joint Planning Board	Opportunity	Advantage/disadvantage
<b>Animal management planning</b>		
Information-sharing	Opportunity	Advantage/disadvantage
Common specifications	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity	Advantage/disadvantage
Joint tender	Opportunity	Advantage/disadvantage
Joint provision	Opportunity	Advantage/disadvantage
Regional subsidiary	Opportunity	Advantage/disadvantage
Joint Planning Board	Prepare Plan	Advantage/disadvantage
<b>Disability Access Inclusion planning</b>		
Information-sharing	Opportunity	Advantage/disadvantage
Common specifications	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity	Advantage/disadvantage
Joint tender	Opportunity	Advantage/disadvantage
Joint provision	Opportunity	Advantage/disadvantage
Regional subsidiary	Opportunity	Advantage/disadvantage
Joint Planning Board	Prepare Plan	Advantage/disadvantage

Collaboration type	Opportunity	Advantage/disadvantage
<b>Asset management planning</b>		
Information sharing	Opportunity	Advantage/disadvantage
Common specifications	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity	Advantage/disadvantage
Joint tender	Opportunity	Advantage/disadvantage
Joint provision	Opportunity	Advantage/disadvantage
Regional subsidiary	Opportunity	Advantage/disadvantage
Joint Planning Board	Prepare Plan	Advantage/disadvantage

Additional non-statutory planning functions may be considered eg open space planning, environmental planning, community planning, road network planning, economic planning and development.

Service delivery functions may also be considered eg shared waste management services, community services, public and environmental health services, local infrastructure delivery, local nuisance and litter control, animal management.

*If no additional non-statutory or service delivery functions are to be considered, state so here. If any additional non-statutory and service delivery functions are to be considered as part of this business case, the following additional table should be added:*

#### **Collaboration types — Band 2 non-statutory and service delivery functions**

Collaboration type	Opportunity	Advantage/disadvantage
<b>Eg shared waste management services</b>		
Information sharing	Opportunity	Advantage/disadvantage
Common specifications	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity	Advantage/disadvantage
Joint tender	Opportunity	Advantage/disadvantage
Joint provision	Opportunity	Advantage/disadvantage
Regional subsidiary	Opportunity	Advantage/disadvantage
Joint Planning Board	Opportunity	Advantage/disadvantage
<b>Etc...</b>		
Information sharing	Opportunity	Advantage/disadvantage
Common specifications	Opportunity	Advantage/disadvantage
Resource sharing	Opportunity	Advantage/disadvantage
Joint tender	Opportunity	Advantage/disadvantage
Joint provision	Opportunity	Advantage/disadvantage
Regional subsidiary	Opportunity	Advantage/disadvantage
Joint Planning Board	Prepare Plan	Advantage/disadvantage

### **7.2.3. Selected opportunities — Band 2 functions**

The following Band 2 opportunities were selected for the Band 2 functions listed in 6.2.1:

- Selected opportunity/s
- Selected opportunity/s
- Selected opportunity/s.

## 8. NEXT STEPS

*The draft Business Case as prepared by the planning executives of the four councils to be presented to each of the councils for endorsement*

- *Regional Plan*

*The four councils have all identified the need to determine the extent of planning functions a JPB will have for the council areas. The ability to control strategic planning for the region is paramount to the decision to establish a JPB. It is the understanding of each Council that in order to retain responsibility for planning it need to establish a JPB, otherwise the function is undertaken by the State Planning Commission. Council's role remains unchanged.*

*The matter described in section 6.1.2. concerning the status that can be given to a plan prepared to give further strategic direction to an area within Greater Adelaide requires clarification as a critical first step.*

- *Code Amendment*

*The ability for individual council to propose amendments to the Code are to be retained, even if a JPB is established. Greater regional collaboration on Code amendments – especially in the recent gap in policy amendments given the direction of the previous Minister.*

- *Infrastructure provision.*

*Each of the Council will seek to ensure that infrastructure has been suitably addressed as part of the broader master planning for growth areas identified from the regional planning process. The assumption is that the Infrastructure Scheme Pilot Project will have progressed sufficiently to assist the region. Three of the Councils are currently working with identified growth areas (Two Wells, Roseworthy, Gawler East) and have identified differing approaches to delivery of infrastructure. As part of the Regional Planning process there is opportunity to also investigate planning for further growth, namely Concordia.*

*The councils are keen to progress the establishment of a JPB as a means of ensuring that they retain a high and local level of involvement in strategic planning and policy development. The previous SDR process provided a degree of autonomy, but was ultimately determined by the Planning Minister of the day.*

*In addition, the Councils express a requirement that the region is acknowledge as being separate from the Greater Adelaide region, given is unique character and landscapes. The Peri Urban nature of the area is also a key factor in having greater control over the planning outcomes, including the opportunity to increase investment within primary production sector.*

**Identify next steps for the selected opportunities including why the opportunities were selected for integration into a Planning Agreement.**

**If determined that a Planning Agreement is the best option to consider for any or all of the potential functions, continue to Part D Design and then to Part E Planning Arrangements Recommendations. If other options are to be pursued they should also be subject to a separate fit for purpose Business Plan, unrelated to formation of a Joint Planning Board.**

**Identify the opportunities that were not selected to be included into a Planning Agreement and likely path for progressing these opportunities.**

*At this point, the four councils have opted not to include the Assessment Panel and Manager within a regional context as it is felt that the decision making process should be held at the local level where local knowledge can aid the assessment process.*

*The decision to exclude P&B Compliance is primarily driven by the need to retain a higher level of responsiveness to matters that arise from planning decisions (i.e. tyranny of distance for council staff)*

Post workshop held 9 March 2018

## PART D – JOINT PLANNING AGREEMENT DESIGN

This section of the business case relates to the design of the Joint Planning Agreement following consideration of options and agreement on the functions that the proposed Joint Planning Board will undertake.

The assumptions made in designing the Planning Agreement that could have a significant impact on the formation or operation of the Joint Planning Board are:

- That the JPB would be able to plan for/at the Sub Regional level of the Greater Adelaide Region as defined by the PDI Act, and that there will be recognition of the sub-region, or that the sub-region is excluded from the Greater Adelaide Region via an amendment to the GRO Plan. That the Northern Adelaide and Barossa Region is excluded from the Greater Adelaide Region. *That the JPB will be based in a regional/sub-regional context in relation to Greater Adelaide (delete as appropriate).*
- That the establishment and ongoing management of the JPB does not create an additional bureaucracy within the limited resources of the constituent councils. Capacity to merge existing bodies into the role of the JPB. Consolidation of resources to maximise efficiency and effectiveness for the delivery of services for the regional community.
- Capacity for the JPB to review and consider the Character Preserve Addendum to the 30YGAP, and the provisions of the EFPA.
- The ability for the JPB to identify and respond to regional opportunities to have a positive impact on economic drivers within the region.
- Equal representation from all Councils
- Equitable distribution of costs between Councils
- Benefits realised across the region equally
- Administrative and operational costs associated with the Planning Board minimised through in-kind contributions provided by existing Council staff and resources. (Development of Regional Plan)
- That the JPB will on behalf of the constituent councils have high level of autonomy when preparing its Regional Plan
- Any legislative or regulatory changes or practice directions that may be required are in place before the JPB can be established
- the development of a Regional Plan such as ability to determine scope (outside of compulsory components), assistance from DPTI, reasonable cost etc
- the Planning and Design Code and role of the JPB
- insurance
- board membership
- the costs of implementing and operating a JPB

## 9. JOINT PLANNING BOARD PARTIES, FUNCTIONS, MEMBERS, AREA, RISKS

### 9.1. Planning Agreement Parties

The following parties are proposed to be a party to the Agreement:

- Minister for Planning
- Adelaide Plains Council
- The Barossa Council
- Town of Gawler
- Light Regional Council

## 9.2. Extent of area and relationships to adjoining Councils

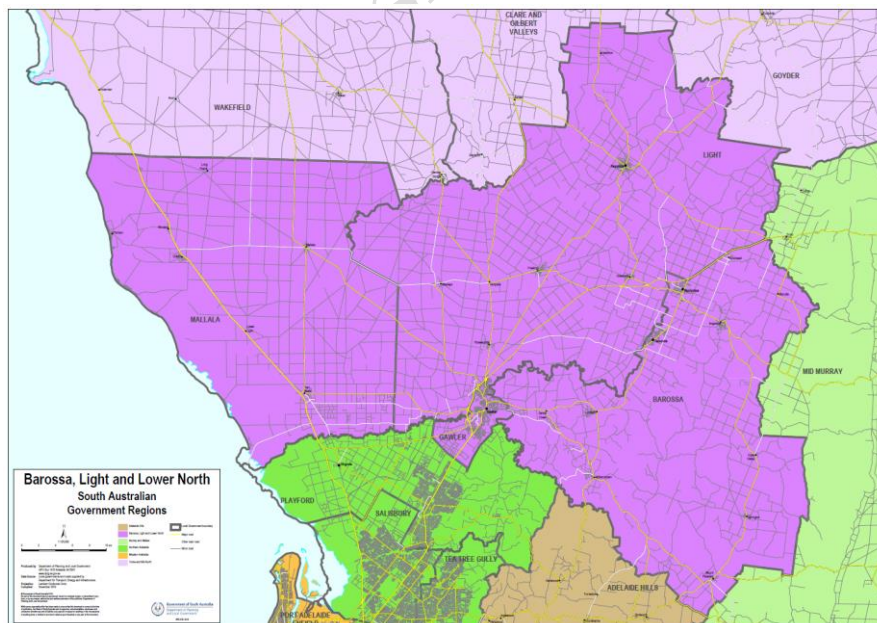
The extent of the area subject to the Joint Planning Agreement is indicated on the following map covering an area of approximately 3,163 square kilometres and was determined because the four councils have had a long standing association of working together as a region, and having commonality in being located within the peri urban region of Greater Adelaide.

As a peri-urban region, the four Councils experience significant environmental, economic and social changes. It is therefore essential to preserve and enhance the region key assets. Given its proximity to metropolitan Adelaide, the region is neither urban nor rural in the conventional sense, and is gaining more pressure for urban growth as evident by Two Wells and Roseworthy and Gawler East in recent years, and new opportunities such as Concordia.

Preservation and growth within the agricultural sector is another key feature within the region, with both horticulture and viticulture being a dominant economic stimulus, as well as the traditional broad acre farming that occurs across the region. New opportunities for water recycling have been investigated and implemented in recent years (i.e. Bunyip Water, Barossa Irrigation Limited Scheme and Northern Adelaide Irrigation Scheme).

Tourism also combines the interest of the four councils. The councils seek to market and promote the region to optimise the value of tourism economy and enhance the visitor experience. The Barossa Wine region has been a traditional tourist destination for local and international markets. More recently, the Adelaide International Bird Sanctuary - Winaityinaityi Pangkara is South Australia's newest National Park. The Bird Sanctuary encompasses over 60km of coastline north of Adelaide, adjacent to Gulf St Vincent spanning across four local council areas including Adelaide Plains Council, and is home to 263 unique fauna and flora species. There is also a growing demand to increase the network of bike paths that occur within and beyond the region.

The four Council actively contribute to Regional Development Australia - Barossa a partnership with the Australian and South Australian governments to develop and strengthen the Barossa regional community. It is envisaged that the Joint Planning Board would work closely with the Board of the RDA Barossa (includes the Council CEOs) to ensure that infrastructure and economic outcomes are jointly factored by the two entities in the regional planning process.



*How will the interests of adjoining Councils be taken into account? How will their involvement in developing the Regional Plan be managed? Which Regional Plan/s is likely to cover their Council areas?*

The extent of the area subject to the Joint Planning Agreement is that included within the local government boundaries of the Councils that are partners to the Agreement and was determined to provide a coordinated approach to regional planning for the affected area.

The Barossa, Light and Lower North region is located within the Greater Adelaide Planning Region as identified by the PDI Act. Accordingly, *The 30 Year Plan for Greater Adelaide* is the current Regional Plan covering the region. The recent update to the 30 Year Plan does not provide any specific reference to the Barossa, Light and Lower North region. The Addendum to the 30 Year Plan provides reference for the Barossa Character Preservation Area. Any future planning for the region provides an opportunity to consolidate all information, and focus targets for the region. As noted through this Business Case, the key question for the Councils is whether they are planning for a region or a sub-region. While the Act is silent on this issue, it is essential that this is clarified with the Minister prior to seeking a Planning Agreement.

Co-ordination of input and commentary on content is expected through staff collaboration and joint workshops with Elected Members and community members on the project as required to advance a balanced strategic planning approach tailored to meeting the needs of the affected area.

The region has historically been recognised as either Outer Metro or Peri Urban or Regional. However, there is a distinct separation of interest from the northern councils (i.e. Wakefield, Clare and Gilbert and Goyder – predominately broad acre primary production). Likewise, the area to the south has been predominantly urban in nature (excluding parts of Playford and Tea Tree Gully). To the East, the Mid Murray and Adelaide Hills Council have similarity to the region, but don't have the same level of connectivity. Mid Murray has more synergy with other river based councils. While also a Peri-Urban council, Adelaide Hills is focused on other priorities such as water catchment, township growth).

The JPB would work with neighbouring councils to ensure that any policy directions are cognisant of the local variations or consistencies that may exist at the boundary of our region.

### 9.3. Board membership

The membership of the Joint Planning Board will be as follows:

- *7 members, four Elected Members (one from each council) and three independent specialist members. Provision for Deputy Members*
- *Criteria for membership – which must be consistent with requirements of the Minister for Planning, if any*
- *Procedure for appointment of Members, Chair, Deputy Chair*
- *Term of office of board members*
- *Conditions of appointment of board members, or method by which conditions determined, grounds and procedure for removing member from office*
- *The Joint Planning Board is to be established by the Adelaide Plains Council, Town of Gawler, The Barossa Council and Light Regional Council (the Constituent Councils) in association with the Minister for Planning.*
- *The Board will comprise:*
  - a. *Three independent persons who are not an officer, employee or elected member of a Constituent Council.*
  - b. *Four elected members, one from each of the Constituent Councils.*

#### *Criteria for membership*

- *The independent persons appointed to the Board are to have expertise in one or more of the following areas:*



- a. urban and regional planning;
- b. environmental management;
- c. infrastructure/Transport planning;
- d. corporate financial management;
- e. general management;
- f. public sector governance.

#### **Procedure for appointment of Members, Chair, Deputy Chair**

- Each of the Constituent Councils will appoint one person to the Board. The Constituent Councils' appointees shall be an elected member of the Constituent Council.
- Each Constituent Council may appoint either an Elected Member or a Council Officer as Deputy Board Member, who may attend Board Meetings in the place of a Council Board Member who is absent.
- Independent members (and their Deputy) are to be appointed by absolute majority of the Constituent Councils following a Call for Nominations process for the positions.
- One of the independent members is to be appointed by absolute majority of the Constituent Councils as the Chairperson. (ALTERNATIVE: The Board elect a Chairperson at its first meeting from the independent members)
- Board members (with the exception of the independent members), shall not be entitled to receive a sitting fee.

#### **Term of office of board members**

- The term of office of each member of the Board, (with the exception of the independent members), will be as determined by the Constituent Council responsible for the appointment of the member and the Constituent Councils express a preference that members of the Board are appointed following each election of the Constituent Council for the term of the Council.
- All independent members on the Board will be for a term of two years, at the expiry of the term of office, will be eligible for reappointment.

#### **Conditions of appointment of board members, or method by which conditions determined, grounds and procedure for removing member from office**

- The Board may by a two-thirds majority vote of the members present make a recommendation to the Constituent Council responsible for the appointment of the relevant member, that the Constituent Council terminate the appointment of the member in the event of:
  - a. any behaviour of the member which in the opinion of the Board amounts to impropriety;
  - b. serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;
  - c. breach of fiduciary duty to the Board;
  - d. breach of the duty of confidentiality to the Board or the Constituent Councils;
  - e. breach of the conflict of interest rules of the Board; or
  - f. any other behaviour which may discredit the Board.
- The Board may by a two-thirds majority vote of the members present (excluding the Chairperson) make a recommendation to the Constituent Councils that the appointment of the Chairperson be terminated in the event of:
  - a. any behaviour of the Chairperson which in the opinion of the Board amounts to impropriety;
  - b. serious neglect of duty in attending to the responsibilities of a member and/or Chairperson of the Board;

- c. breach of fiduciary duty to the Board;
  - d. breach of the duty of confidentiality to the Board or the Constituent Councils;
  - e. breach of the conflict of interest rules of the Board; or
  - f. any other behaviour which may discredit the Board.
- The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

## 9.4. Functions of the Joint Planning Board

The following table outlines the proposed functions of the Joint Planning Board.

### Band 1 Functions ~~<Delete rows that do not apply>~~

Function	Scope	Timing
Regional Plan (mandatory)	Preparation of a Plan as required by s64 of the Act (and in accordance with any related Practice Direction) containing: <ul style="list-style-type: none"> <li>a) a long-term vision (over a 15 to 30 year period) for the relevant region or area, including provisions about the integration of land use, transport infrastructure and the public realm; and</li> <li>b) maps and plans that relate to spatial patterns that are relevant to the long-term vision; and</li> <li>c) such contextual information about the relevant region or area, including forward projections and statistical data and analysis, as may be determined by the Commission or required by a practice direction; and</li> <li>d) recommendations about the application and operation of the Planning and Design Code in the relevant region or area; and</li> <li>e) a framework for the public realm or infrastructure located within the relevant region or area; and</li> <li>f) any other information or material required— <ul style="list-style-type: none"> <li>i. by another provision of this Act; or</li> <li>ii. by the regulations; or</li> </ul> </li> </ul> by the State Planning Commission.	As agreed with the Minister.
<del>Assessment panel and manager</del>	<del>Scope—consider in relation to land use planning, integrated land use, transport and infrastructure planning, and other functions</del>	<del>Timing</del>
<del>Planning and building compliance</del>	<del>Scope—consider in relation to land use planning, integrated land use, transport and infrastructure planning, and other functions</del>	<del>Timing</del>
Code Amendments	Scope – consider in relation to land use planning, integrated land use, transport and infrastructure planning, and other functions	As required
Infrastructure Agreements	Scope as initiated by the Minister either: <ul style="list-style-type: none"> <li>a) in a basic infrastructure scheme for a designated growth area; or</li> <li>b) with respect to essential infrastructure needed for a general scheme based on advice from the Commission.</li> </ul>	As initiated by the Minister

~~**Band 2 Functions – Statutory** <Delete discretionary rows that do not apply and delete whole table if no Band 2 functions are proposed. Add rows for additional non-statutory or service delivery functions>~~

Function	Scope	Timing
Public health planning	Scope	Timing
Animal management planning	Scope	Timing
Disability Access Inclusion planning	Scope	Timing
Asset management planning	Scope	Timing

## 9.5. Risks and opportunities

The risks and opportunities associated with each activity are as follows:

### Band 1 Functions <Delete discretionary rows that do not apply>

Function	Risk/opportunity <i>Risks/opportunities and potential impact on the JPB operations</i>	Likelihood <i>Highly likely, likely, unlikely, highly unlikely</i>	Impact <i>High, Medium, Low</i>	Strategy <i>Actions to mitigate risk or maximise opportunities</i>
Regional Plan	Regional Plan not endorsed by the State Planning Commission	Likely	High	Ensure that plan is prepared in accordance with the Act/Reg and any guidelines prepared by the State Planning Commission. Having sound community engagement to have support for the plan.
	The Joint Planning Board is only able to prepare a Sub Regional Plan	Likely	High	Need to seek early verification from the Minister that the JPB can prepare a Regional Plan
	Community and local political apathy to planning	Likely	High	Having sound community engagement to engage support for the plan. Community education on their role in strategic planning process and use of the Community Engagement Charter.
	Responsiveness of the plan to new/emerging opportunity	Likely	Medium	Capacity to amend the plan as needed, or facilitate amendment to the Code outside the alignment to the plan
Assessment panel and manager	Insert details	Insert details	Insert details	Insert details
Regional Assessment Manager	Insert details	Insert details	Insert details	Insert details
Planning and building compliance	Insert details	Insert details	Insert details	Insert details

Function	Risk/opportunity <i>Risks/opportunities and potential impact on the JPB operations</i>	Likelihood <i>Highly likely, likely, unlikely, highly unlikely</i>	Impact <i>High, Medium, Low</i>	Strategy <i>Actions to mitigate risk or maximise opportunities</i>
Code Amendments	Lack of agreed position by the member councils	Likely	Medium	Board Membership through independent member to influence strategic outcomes
	Cost to initiate an amendment – ability to have greater local variation for a region	Likely	Medium	DPTI/SPC to provide guidelines on code variation
Infrastructure Agreements	Funding /Cost sharing for growth areas	Likely	Medium	JPB implementing a scheme on behalf of council/developer to ensure that appropriate provision of services for a growth area.
	Delay in the Infrastructure Scheme Pilot Project	Likely	Medium	More advice for greenfield development sites DPTI to ensure that the pilot is able to deliver on agreed timelines

**Band 2 Functions** <Delete discretionary rows that do not apply and delete whole table if no Band 2 functions are proposed. Add rows for additional non-statutory or service delivery functions>

Function	Risk/opportunity <i>Risks/opportunities and potential impact on the JPB operations</i>	Likelihood <i>Highly likely, likely, unlikely, highly unlikely</i>	Impact <i>High, Medium, Low</i>	Strategy <i>Actions to mitigate risk or maximise opportunities</i>
Public health planning	Insert details	Insert details	Insert details	Insert details
Animal management planning	Insert details	Insert details	Insert details	Insert details
Disability Access Inclusion planning	Insert details	Insert details	Insert details	Insert details
Asset management planning	Insert details	Insert details	Insert details	Insert details

## 10. JOINT PLANNING BOARD ADMINISTRATION

### 10.1. Registration details

Business name	The Joint Planning Board for the Adelaide Plains, Barossa, Gawler and Light Regional Councils
Trading name(s)	Northern Adelaide and Barossa Planning Board
Date registered	Date business name registered
Location(s) registered	Adelaide, South Australia
Physical address(es)	Town of Gawler
Business structure	Joint Planning Board under the Planning, Development and Infrastructure Act 2016

ABN	Registered Australian Business Number
ACN	Registered Australian Company Number, if applicable
GST	Are you registered for Goods and Services Tax? Date registered
Domain names	Registered domain names
Licences and permits	List all the licences or permits that you have registered

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## 10.2. Business premises

The business premises would be at (state address of business premises).

*At the initial stage, it is proposed that the Board will not have a business premise. Meetings of the Board will be held at such time and such place as the Board decides - notional will be rotated amongst the civic offices of the Constituent Councils. This is not dissimilar to the regional subsidiary that the councils are a member of. Over time, it may be deemed appropriate that the Board has a physical presence in the region. However, this would be dependent on whether the four councils agree to consolidate resources in support for the Board (i.e. staffing), and whether there a community benefits in having a centralised approach to service delivery for planning and building functions.*

*For the purpose of communication, the point of contact for the Board will be that of the Executive Officer. It is proposed that the Executive Officer will be appointed by the Board following a selection process. The Executive Officer is likely to initially operate from any business or private premise. Again, should demand intensify, there is an opportunity to have the Executive Officer located within the region.*

## 10.3. Insurance

*The advice of the Local Government Mutual Liability Scheme should be sought and detailed in this section.*

---

Workers' compensation	Provide details
Public liability insurance	Provide details
Professional indemnity	Provide details if you have professional indemnity insurance
Other	Provide details

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## 10.4. Legal considerations

The following legal considerations and legislation will have an impact on the running of the Joint Planning Board:

- Legal consideration or legislative detail
- Etc....

## 10.5. Governance structure

A Joint Planning Board may establish:

- committees "to advise the board on any aspect of its functions, or to assist the board in the performance of its functions or the exercise of its powers" (s38(1) PDI Act 2016); and
- subsidiaries, with separate corporate status "(a) to carry out a specified activity or activities; or (b) to perform a function or to exercise a power of the board under this Act; or (c) to hold or administer any land, facility or assets (s39(1) PDI Act 2016).

Decisions regarding establishment of committees (unless designated in the Planning Agreement) or subsidiaries will be made by Joint Planning Boards. The following comments are made to assist the Board in making such decisions.

#### **10.5.1. Appointment of committees**

Detail comments to assist the board in relation to appointment of committees.

*The Act allows for a Board to form committees to advise on any aspect of its functions, or to assist in the performance of its functions or the exercise of its powers.*

*During the initial set up of a Joint Planning Board, it is considered that the following Committees are potentially required.*

- *Audit Committee*  
*Establishing an audit committee provides the Board with a best practice approach to financial governance and financial sustainability. Audit committees play a critical role in the financial reporting framework by overseeing and monitoring the participation of management and external auditors in the financial reporting process.*
- *Strategic Directions / Technical Committee*  
*Such a committee could provide the Board with high level independent expert advice and expertise on potentially a variety of planning matters, including (but not limited to) urban design, architecture, landscape, sustainability and heritage in relation to the regional plan. The Committee would provide advice only, having no powers or authority, whether by delegation or otherwise, to make decisions. The Committee would only deal with matters which have been referred by the Board.*

#### **10.5.2. Establishment of subsidiaries**

Detail comments to assist the board in relation to the establishment of any subsidiaries.

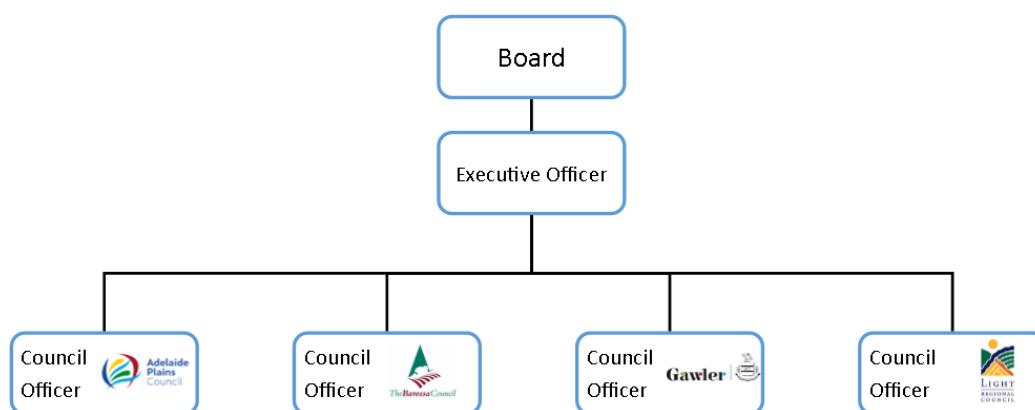
*A joint planning board may establish a subsidiary to carry out a specified activity or activities; or to perform a function or to exercise a power of the board under this Act; or to hold or administer any land, facility or assets.*

*At the initial phase of a Joint Planning Board, it is not envisaged that a subsidiary is required.*

#### **10.6. Organisational structure**

Administrative services would be provided by an Executive Officer (as appointed), who will have support from officers of each of the Constituent Councils. This arrangement is to be established through a Shared Services Agreement. The Board may employ other officers and it may authorise the Executive Officer to employ such other officers on its behalf as are required for the efficient and effective management of the operations and affairs of the Board.

The following organisational structure is proposed:



*(Insert organisation chart with Board at top)*

The activities would be provided through the role of the Executive Officer in the first instance. If required, the Executive Officer would seek assistance from officers within each of the Constituent Councils in the delivery of services on behalf of the Board. Where this may not be practical, the Executive Officer may seek to engage external resources, subject to the approval of the Board.

staff/consultants/contractors/seconded staff/service agreement as detailed in the following table:

<Delete all rows that do not apply>

#### Band 1 Functions <Delete discretionary rows that do not apply>

Function	In house staff	Consultants	Contractors	Seconded staff	Other
Regional Plan (mandatory)	Council Directors Strategic Planning staff Engineering staff	As required	As required	As required	Insert details
Assessment panel and manager	Insert details	Insert details	Insert details	Insert details	Insert details
Planning and building compliance	Insert details	Insert details	Insert details	Insert details	Insert details
Code Amendments	Strategic Planning staff	As required	As required	As required	Insert details
Infrastructure Agreements	Council Directors Strategic Planning staff Engineering staff	As required	As required	As required	Lawyers Valuers

#### Band 2 Functions <Delete discretionary rows that do not apply and delete whole table if no Band 2 functions are proposed. Add rows for additional non-statutory or service delivery functions>

Function	In-house staff	Consultants	Contractors	Seconded staff	Other
Public health planning	Insert details	Insert details	Insert details	Insert details	Insert details
Animal management planning	Insert details	Insert details	Insert details	Insert details	Insert details
Disability Access-Inclusion planning	Insert details	Insert details	Insert details	Insert details	Insert details
Asset management planning	Insert details	Insert details	Insert details	Insert details	Insert details



## 10.7. Relationships with agencies, other stakeholders and the community

The relationships with other bodies to be considered are detailed in the following table. Engagement with stakeholders and the public should be guided by the preparation of a Stakeholder Engagement Plan that aligns with the Community Engagement Charter. *Detail what other bodies and groups will the JPB need to engage with for the functions selected and why.*

### Band 1 Functions <Delete discretionary rows that do not apply>

Function	Agencies engagement	Other stakeholder engagement	Community engagement
Regional Plan (mandatory)	<a href="#">State Planning Commission</a> <a href="#">Dept. Planning, Transport and Infrastructure</a> <a href="#">Dept. Environment and Water</a> <a href="#">NRM Board</a> <a href="#">Coast Protection Board</a> <a href="#">Native Vegetation Council</a> <a href="#">Environment Protection Authority</a> <a href="#">Dept. of State Development</a> <a href="#">PIRSA</a> <a href="#">RDA Barossa</a>	<a href="#">Developers</a> <a href="#">Adjoining JPB</a> <a href="#">Utility Providers</a> <a href="#">Local parliamentarians</a>	<a href="#">Resident/Progress Associations</a> <a href="#">Key landholders</a> <a href="#">Community at large</a>
Assessment panel and manager	<a href="#">Insert details</a>	<a href="#">Insert details</a>	<a href="#">Insert details</a>
Planning and building compliance	<a href="#">Insert details</a>	<a href="#">Insert details</a>	<a href="#">Insert details</a>
Code Amendments	<a href="#">State Planning Commission</a> <a href="#">Dept. Planning, Transport and Infrastructure</a>	<a href="#">Developers</a> <a href="#">Adjoining JPB</a> <a href="#">Utility Providers</a>	<a href="#">Resident/Progress Associations</a>
Infrastructure Agreements	<a href="#">State Planning Commission</a> <a href="#">Dept. Planning, Transport and Infrastructure</a>	<a href="#">Developers</a> <a href="#">Utility Providers</a>	<a href="#">Land holders</a>

### Band 2 Functions <Delete discretionary rows that do not apply and delete whole table if no Band 2 functions are proposed>

Function	Agencies engagement	Other stakeholder engagement	Community engagement
Public health planning	<a href="#">Insert details</a>	<a href="#">Insert details</a>	<a href="#">Insert details</a>
Animal management planning	<a href="#">Insert details</a>	<a href="#">Insert details</a>	<a href="#">Insert details</a>
Disability Access Inclusion planning	<a href="#">Insert details</a>	<a href="#">Insert details</a>	<a href="#">Insert details</a>
Asset management planning	<a href="#">Insert details</a>	<a href="#">Insert details</a>	<a href="#">Insert details</a>

## 11. IMPLEMENTATION CONSIDERATIONS

The following implementation issues and actions have been identified through *(describe process)*:

Action	How addressed	Timing
<b>Entering into a Planning Agreement</b>		
Drafting Agreement	Template to be produced from the pilot project	July-August 2018
	Draft agreement to be review by the councils	August-October 2018
Approval of JPB Councils	Council resolutions	February 2019 (post-election)
Approval of Minister	Minister endorsement	March 2019
<b>Forming a Joint Planning Board</b>		
Appointment methodology	Determine methodology	December-February 2018
Appointment process	EOI for Independents	March-April 2019
	Nominations via each Council rep	
	Endorsement of independents	May 2019
Meetings	First meeting of Board	July 2019
Induction	Governance training	June 2019
<b>Developing a Business Plan</b>		
Refinement of Part D of Business Case	Via Council workshops/meetings	Aug-Nov 2018
<b>Finalising funding arrangements</b>		
Agreement on funding model	Determination of funding percentage share by the councils	April 2019
	Determination of first year budget	April 2019
<b>Completing administrative functions</b>		
Complete registrations (GST etc)	Opportunity	Advantage/disadvantage
Determine office/s location and arrange	Opportunity	Advantage/disadvantage
Create bank account	Opportunity	Advantage/disadvantage
Arrange insurances	Opportunity	Advantage/disadvantage
Furniture, equipment, printing etc	Opportunity	Advantage/disadvantage
Establish systems, records etc	Opportunity	Advantage/disadvantage
Establish service standards	Opportunity	Advantage/disadvantage
Determine and document responsibilities of the JPB and member Councils	Opportunity	Advantage/disadvantage
<b>Developing a Regional Plan</b>		
Develop a Project Plan incorporating scope, methodology, timing	Opportunity	Advantage/disadvantage
Arrange resources required including DPTI assistance	Opportunity	Advantage/disadvantage
<b>Engaging stakeholders and the community</b>		
Engagement Plan	Opportunity	Advantage/disadvantage

## 12. JOINT PLANNING BOARD FUNDING AND FINANCIAL MANAGEMENT

### 12.1. Funding model

The following funding model will be adopted for the Joint Planning Board: *Describe the proposed funding model.*

*Operating costs –*

*OPTION A - 50 % Region, 50% State Government*

*OPTION B - 25% per council and the department or based on a series of agreed parameters by the councils (i.e. population, council area, investment).*

*Capital costs –*

*% to be determined at a later date pending decision by the Board to own assets.*

**NOTE: This information has been provided by an earlier version of the template. Final template doesn't provide these options. It is recommended that there is a shared cost between the region and State Government – possibly around option A.**

### 12.2. Start-up costs

*This section is designed to identify what is required to set up the Joint Planning Board as an incorporated entity and the associated costs. It provides a checklist and, unless some costs are absorbed by the creating bodies prior to incorporation, they will also form part of the first year financial forecasts to be completed in the following sections.*

Start-up costs are based on the following financial assumptions:

- The Board is not to have a physical presence in the initial 5 years of the Planning Agreement, and is subject to evaluation for the remaining 5 years of the first Planning Agreement. Therefore, land and building costs are excluded from the start up costs.*
- Assumption.*

Start up costs	Cost	Equipment/capital costs	Cost
REGISTRATIONS		Land	\$0
Business name	\$500	Buildings	\$0
Licences	\$0	PLANT AND EQUIPMENT	
Permits	\$0	Vehicles	\$0
Domain names	\$20	Computer equipment	\$2,000
Vehicle registration	\$0	Computer software	\$150
GENERAL		Phones	\$3,000
Membership fees	\$0	Copier	\$500
Accounting fees	\$7,000	Security system	\$0
Legal services	\$5,000	Other.....	\$
Rental lease cost (rent advance/deposit)	\$0	OFFICE EQUIPMENT	
Utility connections/bonds (electricity, gas, water)	\$0	Furniture	\$0
Phone connection	\$	Office fitout	\$0
Internet connection	\$500	Other.....	\$0
Website development	\$5,000		
Recruitment costs	\$5,000		

Start up costs	Cost	Equipment/capital costs	Cost
Training	\$5,000		
Salaries	\$50,000		
Consultants	\$100,000		
INSURANCE			
Building and contents	\$Nil		
Vehicle	\$Nil		
Public liability	\$3200		
Professional indemnity	\$3200		
Return to Work SA	\$		
Business assets	\$		
Travel expenses	\$1350		
MISC			
Printing	\$450		
Stationery and office supplies	\$450		
Marketing and advertising	\$450		
Other.....	\$300		
TOTAL START UP COSTS	\$187,420	TOTAL EQUIPMENT/CAPITAL	\$5,650

### 12.3. Plant and equipment

The plant and equipment required for providing the activities has been identified as follows:

#### Band 1 Functions

Equipment (Number)	Purchase price (\$)	Running cost (\$/month)	Purchase date
Lap top	\$	\$	
Phone	\$	\$	
Copier	\$	\$	In kind
IT Support	\$	\$	In kind

#### Band 2 Functions

Equipment (Number)	Purchase price (\$)	Running cost (\$ per month)	Purchase date
Equipment	\$	\$	
Equipment	\$	\$	
Equipment	\$	\$	

### 12.4. Statement of Financial Position

The statement of financial position is based on the following assumptions:

- Assumption
- Assumption
- Assumption
- Assumption.

### Statement of financial position

Assets and liabilities	Year 1	Year 2	Year 3
<b>Current assets</b>			
Cash and cash equivalents	\$	\$	\$
Receivables	\$	\$	\$
Total current assets	\$	\$	\$
<b>Non-current assets</b>			
Property, Plant and Equipment	\$	\$	\$
Information systems	\$	\$	\$
Total non-current assets	\$	\$	\$
Total assets	\$	\$	\$
<b>Current Liabilities</b>			
Payables	\$	\$	\$
Borrowings	\$	\$	\$
Employee benefits	\$	\$	\$
Provisions	\$	\$	\$
Total current Liabilities	\$	\$	\$
<b>Non-current liabilities</b>			
Borrowings	\$	\$	\$
Employee benefits	\$	\$	\$
Provisions	\$	\$	\$
Total non-current liabilities	\$	\$	\$
<b>Total liabilities</b>	\$	\$	\$
<b>Net assets</b>	\$	\$	\$
<b>Equity</b>			
Retained earnings	\$	\$	\$
Asset revaluation surplus	\$	\$	\$
<b>Total equity</b>	\$	\$	\$

## 12.5. Statement of Comprehensive Income

The statement of comprehensive income is based on the following assumptions:

- Assumption
- Assumption.

### Statement of comprehensive income

Expenses	Year 1	Year 2	Year 3
<b>Employee Expenses</b>			

Expenses	Year 1	Year 2	Year 3
Salaries and wages	\$50,000	\$57,500	\$66,125
Annual leave	\$	\$	\$
LSL	\$	\$	\$
Superannuation	\$	\$	\$
Workers Compensation	\$	\$	\$
Board fees	\$	\$	\$
<b>Supplies and services</b>			
Accommodation (lease/rental)	\$0	\$0	\$0
Telephone	\$0	\$0	\$0
Mobile phone	\$1,000	\$1,150	\$1,323
Website design and maintenance	\$100	\$115	\$132
Internet	\$100	\$115	\$132
Repairs & maintenance	\$	\$	\$
Legal services	\$5000	\$3000	\$2000
Consultants	\$50,000	\$25,000	\$25,000
Accounting services	\$0	\$0	\$0
Lease expenses	\$0	\$	\$
Electricity	\$0	\$	\$
Gas	\$0	\$	\$
Water	\$0	\$	\$
Stationery	\$450	\$518	\$595
Printing	\$450	\$518	\$595
Advertising	\$450	\$518	\$595
Marketing	\$	\$	\$
<b>Depreciation</b>			
Buildings	\$0	\$	\$
Plant and equipment	\$?	\$	\$
Information technology	\$?	\$	\$
<b>Borrowing costs</b>			
Interest	\$0	\$	\$
<b>Other expenses</b>			
Audit Committee	\$2,800	\$2,800	\$2,800
Audit fees	\$7,000	\$7,000	\$7,000
<b>Total Expenses</b>	<b>\$124,466</b>	<b>\$106,416</b>	<b>\$115,708</b>

Income	Year 1	Year 2	Year 3
Council Contributions	\$52,233	\$43,208	\$47,854
Ministerial Contributions	\$52,233	\$43,208	\$47,584
Contributions from Other Parties to Agreement (if any)	\$0	\$	\$

Income	Year 1	Year 2	Year 3
Revenues from fees and charges	\$0	\$	\$
Grants	\$20,000	\$20,000	\$20,000
Interest	\$	\$	\$
Other income	\$	\$	\$
<b>Total income</b>	<b>\$124,466</b>	<b>\$106,416</b>	<b>\$115,708</b>
<b>Net result</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

## 12.6. Balance sheet forecast

The balance sheet forecast is based on the following assumptions:

- Assumption
- Assumption.

### Balance sheet forecast

Assets and liabilities	Year 1	Year 2	Year 3
<b>Current assets</b>			
Cash	\$	\$	\$
Petty cash	\$	\$	\$
Pre-paid expenses	\$	\$	\$
<b>Fixed assets</b>			
Leasehold	\$	\$	\$
Property and land	\$	\$	\$
Renovations/improvements	\$	\$	\$
Furniture and fit out	\$	\$	\$
Vehicles	\$	\$	\$
Equipment/tools	\$	\$	\$
Computer equipment	\$	\$	\$
Other.....	\$	\$	\$
<b>Total assets</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Current/short term liabilities</b>			
Credit cards payable	\$	\$	\$
Accounts payable	\$	\$	\$
Interest payable	\$	\$	\$
Accrued wages	\$	\$	\$
Income tax	\$	\$	\$
Other.....	\$	\$	\$
<b>Long-term liabilities</b>			
Loans	\$	\$	\$
Other.....	\$	\$	\$



Assets and liabilities	Year 1	Year 2	Year 3
Total liabilities	\$	\$	\$
Net assets	\$	\$	\$

## 12.7. Profit and loss forecast

The profit and loss forecast is based on the following assumptions:

- Assumption
- Assumption.

### Profit and loss forecast

Profit and loss	Year 1	Year 2	Year 3
<b>Income</b>			
Council contributions	\$52,233	\$43,208	\$47,854
Other.....	\$72,233	\$63,208	\$67,854
<b>Total income</b>	<b>\$124,466</b>	<b>\$106,416</b>	<b>\$115,708</b>
<b>Expenses</b>			
Accounting fees	\$	\$	\$
Advertising and marketing	\$	\$	\$
Bank fees and charges	\$	\$	\$
Bank interest	\$	\$	\$
Credit card fees	\$	\$	\$
Utilities (electricity, gas, water)	\$	\$	\$
Telephone	\$	\$	\$
Lease/loan payments	\$	\$	\$
Rent and rates	\$	\$	\$
Motor vehicles expenses	\$	\$	\$
Repairs and maintenance	\$	\$	\$
Stationary and printing	\$	\$	\$
Insurance	\$	\$	\$
Superannuation	\$	\$	\$
Income tax	\$	\$	\$
Wages, including PAYG	\$	\$	\$
Other.....	\$	\$	\$
<b>Total expenses</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Net surplus</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

## PART E – ASSESSMENT

### 13. ASSESSMENT AGAINST OBJECTIVES

An assessment of the potential collaboration activities against the objectives established in section 8 was undertaken by each Council via *a workshop/s with the elected members of the councils, following initial discussion with the four CEOs. Etc* <describe process for how this was undertaken and by whom> with the results as shown in the following table. <Add objectives (rows) and Councils (columns) where required>

#### 13.1. Band 1 – Functions under the Planning, Development and Infrastructure Act 2016

Objective	Adelaide Plains		Barossa	
	Weighting	Rating	Weighting	Rating
Character, Environment and Food Production Area	Weighting	L, M, H	Weighting	L, M, H
Maintaining involvement in local/regional planning	Weighting	L, M, H	Weighting	L, M, H
Collaboration through knowledge and resource sharing	Weighting	L, M, H	Weighting	L, M, H
Growth/Economic Management	Weighting	L, M, H	Weighting	L, M, H
Environmental Sustainability	Weighting	L, M, H	Weighting	L, M, H
Infrastructure planning	Weighting	L, M, H	Weighting	L, M, H
<b>TOTAL</b>	<b>Weighting</b>	<b>L, M, H</b>	<b>Weighting</b>	<b>L, M, H</b>

Objective	Gawler		Light Regional	
	Weighting	Rating	Weighting	Rating
Character, Environment and Food Production Area	Weighting	L, M, H	Weighting	L, M, H
Maintaining involvement in local/regional planning	Weighting	L, M, H	Weighting	L, M, H
Collaboration through knowledge and resource sharing	Weighting	L, M, H	Weighting	L, M, H
Growth/Economic Management	Weighting	L, M, H	Weighting	L, M, H
Environmental Sustainability	Weighting	L, M, H	Weighting	L, M, H
Infrastructure planning	Weighting	L, M, H	Weighting	L, M, H
<b>TOTAL</b>	<b>Weighting</b>	<b>L, M, H</b>	<b>Weighting</b>	<b>L, M, H</b>

#### 13.2. ~~Band 2 – Other local government functions~~

~~<Delete this section if no Band 2 functions are proposed as part of this business case>~~

Objective	Council 1		Council 2		Council 3	
	Weighting	Rating	Weighting	Rating	Weighting	Rating
<del>Objective</del>	<del>Weighting</del>	<del>L, M, H</del>	<del>Weighting</del>	<del>L, M, H</del>	<del>Weighting</del>	<del>L, M, H</del>
<del>Objective</del>	<del>Weighting</del>	<del>L, M, H</del>	<del>Weighting</del>	<del>L, M, H</del>	<del>Weighting</del>	<del>L, M, H</del>
<del>Objective</del>	<del>Weighting</del>	<del>L, M, H</del>	<del>Weighting</del>	<del>L, M, H</del>	<del>Weighting</del>	<del>L, M, H</del>
<b>TOTAL</b>	<b>100</b>	<b>L, M, H</b>	<b>Weighting</b>	<b>L, M, H</b>	<b>Weighting</b>	<b>L, M, H</b>

## 14. PREPAREDNESS ASSESSMENT

The proposed collaboration was assessed the lessons identified at section 4.2 of this report through a workshop with the elected members (describe process) with the results shown in the following table.

### 14.1. Band 1 - Functions under the Planning, Development and Infrastructure Act 2016

Lesson	Rating	Action required	
		Action	Reason
Commitment and passion to a regional approach	L,M,H	Action	Reason
Political and community will to pursue a regional approach	L,M,H	Action	Reason
Equity across each council	L,M,H	Action	Reason
Robust business case including a clear value proposition	L,M,H	Action	Reason
The right governance model	L,M,H	Action	Reason
The 'infrastructure' (including compliance with legislation, industrial and other agreements) in place to support the governance model	L,M,H	Action	Reason
Alignment of culture and common purpose between parties	L,M,H	Action	Reason
OVERALL RATING	L,M,H	Action	Reason

**Conclusion: (Proceed/do not proceed)**

### 14.2. ~~Band 2 – Other local government functions (discretionary)~~

~~<Delete this section if no Band 2 functions are proposed as part of this business case>~~

Lesson	Rating	Action required	
		Action	Reason
Commitment and passion to a regional approach	L,M,H	Action	Reason
Political and community will to pursue a regional approach	L,M,H	Action	Reason
Equity across each council	L,M,H	Action	Reason
Robust business case including a clear value proposition	L,M,H	Action	Reason
The right governance model	L,M,H	Action	Reason

Lesson	Rating	Action-required	
		Action	Reason
The 'infrastructure' (including compliance with legislation, industrial and other agreements) in place to support the governance model	L,M,H	Action	Reason
Alignment of culture and common purpose between parties	L,M,H	Action	Reason
OVERALL RATING	L,M,H	Action	Reason

**Conclusion: (Proceed/do not proceed)**

## **COUNCIL**

### **DEVELOPMENT & ENVIRONMENTAL SERVICES**

#### **ENVIRONMENTAL SERVICES REPORT**

**18 JUNE 2019**

#### **7.5.2 DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT**

##### **7.5.2.1**

#### **NOMINATIONS SOUGHT FOR THE NATIVE VEGETATION COUNCIL**

**B303**

Author: Director, Development and Environmental Services

#### **PURPOSE**

To determine interest from Elected or Staff Member, for nomination for consideration as a representative on the Native Vegetation Council (NVC).

#### **RECOMMENDATION A**

That ..... (Elected or Staff Member) be nominated for consideration as a representative on the Native Vegetation Council.

#### **OR**

#### **RECOMMENDATION B**

That Council receives this report, notes its contents and does not provide a nomination on this occasion.

#### **REPORT**

##### Background and consideration

The Minister for Environment and Water, has written to the LGA requesting nominations for a Local Government Member on the Native Vegetation Council (NVC) for a two year term commencing on 13 September 2019. Nominations must be forwarded to the LGA by COB Thursday 4 July 2019.

##### Discussion

Members are referred to LGA Circular 21.4 dated 17 May 2019 (Attachment 1) providing details of the role of the Native Vegetation Council, and seeking one member position on the Native Vegetation Council. Appointments to the Native Vegetation Council are for a period of two years commencing 13 September 2019.

The LGA is currently represented by Cr John Neal, of the Regional Council of Goyder, with the role of his Deputy currently vacant. Cr Neal's term on the NVC expires on 12 September 2019, and he is eligible for re-appointment.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or council staff.

Nominations addressing the Selection Criteria for the Native Vegetation Council (refer [Attachment 2](#)) must be forwarded by Council using the application form along with an up-to-date CV/Resume, by COB 4 July 2019 (refer [attachment 3](#))

The LGA Board of Directors will consider nominations received at its meeting on Thursday 18 July 2019.

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

Attachment 1: LGA Circular 21.4

Attachment 2: Selection Criteria

Attachment 3: Nomination Form

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

##### **Community Plan**



##### **Natural Environment and Built Heritage**

- 1.1 Collaborate with relevant authorities to ensure a regional and holistic approach in the management of natural resources.
- 1.2 Support native eco systems through a planned management approach.
- 1.3 Ensure environmental and agricultural sustainability and historic significance of the region is retained.

##### **Corporate Plan**

- 1.5 Maintain and seek to expand Council initiated native conservation and land management initiatives.
- 1.6 Apply development policies to protect places of environmental value and significance.

##### **Legislative Requirements**

Local Government Act

Natural Resources Management Act

<b>FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS</b>
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Nil.

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



## Circulars

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### Nominations sought for the Native Vegetation Council - Circular 21.4

To  
Chief Executive Officer  
Elected Members  
Environment Staff

Date  
17 May 2019

Contact  
Stephen Smith  
Email: [stephen.smith@lga.sa.gov.au](mailto:stephen.smith@lga.sa.gov.au)

Response Required  
Yes

Respond By  
4 July 2019

#### Summary

The Minister for Environment and Water has written to the LGA requesting nominations for a local government member on the Native Vegetation Council (NVC) for a two year term commencing on 3 September 2019. Nominations must be forwarded to the LGA by COB Thursday 4 July 2019.

The Native Vegetation Council is established under the [Native Vegetation Act 1991](#) and its role is detailed in the [Native Vegetation Council Charter 2017-2019](#).

Pursuant to section 8 of the Act, the LGA can nominate three persons to the Minister for selection as a member of the Native Vegetation Council. Members nominated by the LGA must have some knowledge of, and experience in the preservation and management of native vegetation. Those persons must also carry on a business of primary production (owner or manager), live on or in close proximity to the land on which the business is carried on, and manage the business on a daily basis. The criteria does not limit nominations to regional broad acre farming businesses, peri urban and regional small business owners are also encouraged to nominate.

Appointments to the Native Vegetation Council are for a period of two years, commencing 13 September 2019. The LGA is currently represented by Cr John Neal of the Regional Council of Goyder with the role of his deputy currently vacant. His term on the NVC expires on 12 September, and he is eligible for re-appointment.

Sitting Fees are \$206 per four hour session.

Meetings are held every two months at the Department of Environment, Water and Natural Resources head office at 81-85 Waymouth Street, Adelaide and run for approximately 6 hours. Once the council is appointed in September, a schedule of meetings for 2020 will be developed.

LGA nominations on outside bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or council staff - refer [LGA Nominations to Outside Bodies Policy](#).

Nominations addressing the Selection Criteria provided in [Part A](#) for the Native Vegetation Council must be forwarded to [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au) by a council using the attached [Part B](#) along with an up-to-date CV/resume by COB Thursday 4 July 2019.

The LGA Board of Directors will consider nominations received at its meeting on Thursday 18 July 2019.

## Nominations to Outside Bodies - Part A

Native Vegetation Council (NVC)	
<b>Legal Status of Body</b>	Statutory Authority
<b>Summary Statement</b>	The NVC is a statutory body under <i>the Native Vegetation Act 1991</i> which is required to keep the condition of the native vegetation of the State under review and to advise the Minister on issues in relation to its preservation, enhancement and management.
<b>Selection criteria</b>	
<i>The following selection criteria must be addressed when completing Part B</i>	
<b>Qualifications Required</b> <i>(formal qualifications relevant to the appointment)</i>	Not mandatory, however formal qualifications in environmental management would be an advantage. Pursuant to the Native Vegetation Act 1991, LGA nominees must be persons who <ul style="list-style-type: none"> <li>a) carry on a business of primary production (whether as owner or manager of the business); and</li> <li>b) live on, or in close proximity to, the land on which the business is carried on; and</li> <li>c) manage the business on a daily basis.</li> </ul>
<b>Industry Experience</b>	Knowledge of, and experience in the preservation and management of native vegetation.
<b>Board / Committee Experience</b>	Experience in the operation of councils, committee meetings and working groups.
<b>Key Expertise</b> <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	An understanding of how native vegetation legislation applies to Councils.  Experience with representing membership or stakeholder consensus on issues.
<b>Liability and indemnity cover</b>	
<i>The LGA requires that persons appointed to outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the outside body (on an annual basis)</i>	
<b>Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body</b>	Yes
<b>Insurance Policies are valid &amp; current</b>	Yes



## Nominations to Outside Bodies - Part B

This form:

- must not exceed 2 pages;
- must be submitted by a council;
- must be emailed in PDF format to [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au); and
- upon receipt at the LGA, will be acknowledged by return email.

### Native Vegetation Council

Council details			
Name of council submitting the nomination			
Name of council officer submitting this form – refer <u>LGA Policy</u>	Name: Position: Email: Telephone:		
Nominee details			
Name of Nominee			
<input type="checkbox"/> Current Elected Member or <input type="checkbox"/> Current council officer			
Home / Postal Address			
Phone		Mobile:	
Email			
Is a CV attached or will it be forwarded separately?			
Information relevant to the appointment sought (address the selection criteria from Part A)			
Qualifications Required:			
Industry Experience:			
Board/Committee Experience:			
Key Expertise:			
Any other comments:			





**Undertaking:**

*The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?*

Yes ☐ No ☐

Signature of Nominee: \_\_\_\_\_

## **COUNCIL**

### **DEVELOPMENT AND ENVIRONMENTAL SERVICES**

#### **ENVIRONMENTAL SERVICES REPORT**

**18 JUNE 2019**

#### **7.5.2. DEBATE AGENDA – ENVIRONMENTAL SERVICES REPORT**

##### **7.5.2.2**

##### **LANDSCAPE SA BILL – LGA SUBMISSION**

B9228

Author: Director Development and Environmental Services

#### **PURPOSE**

To provide Council with details of the LGA Submission on the Landscape SA Bill and comments provided by Council administration

#### **RECOMMENDATION**

That Council:

- (1) Note and endorse the Submission by the Local Government Association on the Landscape SA Bill, and comments provided by Council administration.

#### **REPORT**

##### **Background**

Since the 2018 State Government election, the State Government has implemented a process with the aim of repealing the *Natural Resource Management Act 2004*, to be replaced by a new Landscape SA Act.

Councils were involved in a consultation process undertaken by the Department of Environment and Water (DEW) in late 2018. The LGA, along with many councils provided Submissions to the Minister based on a series of Workshops and a Discussion Paper titled '*Managing our Landscapes- Conversations for Change*'.

Based on the outcomes of the consultation, the State Government has developed the Landscape SA Bill (the Bill), which was introduced to Parliament on 20 March 2019.

##### **Introduction**

The LGA will be providing a detailed response to the State Government with regard to the Bill, along with making representations on behalf of councils as the Bill is debated by Parliament.

## Discussion

The LGA has sought comments and feedback from councils to inform LGA advocacy activities, which will allow the LGA to target its efforts on issues of most interest to councils.

The LGA has provided a clause by clause analysis of the Bill, seeking feedback from Councils.

Council administration provided comments (Attachment 1) which had been submitted to the LGA by the close of feedback on 24 May 2019.

## Summary and Conclusion

The LGA had provided the opportunity for Councils to provide feedback on the Landscape SA Bill.

Council administration had provided feedback.

This report is presented to Council to note and endorse the LGA submission and comments provided.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 – Landscape SA Bill 2019 Analysis for Consultation

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

### Community Plan



Natural Environment and Built Heritage



Business and Employment

### 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.
- 5.9 Contribute to informed decision making and the promotion of Council and community interests in relation to economic growth, planning and development through participation on peak bodies, industry boards and working parties.

### Legislative Requirements

Natural Resources Management Act 2004  
Landscape SA Bill 2019

## **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

*Financial Management*  
Nil

*Risk Management*

Nil

<b>COMMUNITY CONSULTATION</b>
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Nil





# Landscape SA Bill 2019

**Analysis for Consultation**

**April 2019**

Note: This Consultation Paper has not been endorsed by the LGA Board of Directors. It has been prepared for consultation purposes only, and is subject to consideration by the LGA Board of Directors.



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## ***Background to the Landscape SA Bill***

Since the 2018 State Government election, the State Government has implemented a process with the aim of repealing the *Natural Resource Management Act 2004*, to be replaced by a new Landscape SA Act.

As significant land owners and managers, the proposed reforms will affect the way that councils currently discharge their responsibilities with regard to natural resource management. In short, these changes will have a bearing on the success of council's ability to properly manage, develop, protect, restore, enhance and preserve the local landscapes for which it is responsible.

Councils were involved in a consultation process undertaken by the Department of Environment and Water (DEW) in late 2018. The LGA, along with many councils provided submissions to the Minister based on a series of workshops and a discussion paper titled '*Managing our Landscapes- Conversations for Change*'. The LGA submission can be provided to members on request.

Based on the outcomes of the consultation, the State Government has developed the Landscape SA Bill (the Bill), which was introduced to Parliament on 20 March 2019.

## ***Purpose of this Paper***

The LGA is committed to listening to its member councils, and advocating on their behalf to the State Government on significant reforms such as these. The LGA will be providing a detailed response to the State Government with regard to the Bill, along with making representations on behalf of councils as the Bill is debated by Parliament.

The purpose of this paper is to collate comments and feedback from councils to inform LGA advocacy activities, which will allow the LGA to target its efforts on issues of most interest to councils.

The LGA has reviewed the Bill clause-by-clause<sup>1</sup> in the table below, noting the changes between the Bill and the current *Natural Resource Management Act 2004*, and the feedback that councils provided as part of the consultation process. The LGA has also provided its own comments on clauses of particular interest for the sector as a whole.

## ***Your Role***

This information is in the table below. If you would like to provide the LGA with your feedback, there is space in the table (column to the right) for you to provide your comments on clauses that are of particular interest for your council. The LGA would also welcome feedback on whether you concur with our comments which can also be provided in the right hand column.

We would appreciate receiving your responses by COB on **Friday 24 May 2019**. Please send your response via email to [Victoria.brown@lga.sa.gov.au](mailto:Victoria.brown@lga.sa.gov.au).

## ***Main Observations***

There are several aspects of the Bill that the LGA has highlighted as having particular relevance to local government. These are outlined below:

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<sup>1</sup> Up to clause 193 as provisions after that point have no bearing on local government.

**Green Adelaide** (section 12): This clause provides no information on Green Adelaide (other than that the proposed Landscape SA Act will create it). While the Minister for Environment and Water has recently released an information paper *“Green Adelaide – A new approach to managing our urban environment”*, it would be beneficial if more detailed information on Green Adelaide was made available.

**Contributions by Constituent Councils** (section 64): This clause maintains council's responsibility for collecting the levy. The LGA has lobbied consistently for the State Government to remove the responsibility of local government to collect the NRM Levy.

Noting now the Minister's intent to create Green Adelaide as a Board administered by the Government without having community representation, further increases local governments' opposition to councils collecting the levy.

**Interpretation** (section 3): This clause removes the definition of a peak body, and also removes the requirement for the Minister to consult with peak bodies for (across various sections):

- determining landscape regions
- varying landscape regions
- abolishing landscape regions
- establishing landscape boards
- varying duties of landscape boards
- appointments onto landscape boards
- composition of landscape boards

The LGA values its current consultative role, and believes re-inserting recognition of peak bodies into the Landscape SA Bill would enable transparency on the aspects listed above.

**Objects and Principles** (section 7): This clause removes recognition of the local government sector as a key participant in natural resource management. This creates ambiguity with regard to the role of councils moving forward. It is important for the local government sector's role to be generally defined in the Landscape SA Bill, particularly since the Minister has acknowledged that councils will be key participants.

**Board Elections** (section 17): This clause is ambiguous with regard to responsibilities and costs. It is currently unclear who will be responsible for overseeing and meeting the cost of these elections.

**Functions of Boards** (section 23): This clause removes reference to Landscape Boards collaborating with local government. It is important that councils understand how they can collaborate with Regional Landscape Boards (and vice versa) to develop locally based natural resource management. It is important that councils understand their relationships with Regional Landscape Boards, and that this is defined in the Landscape SA Bill.

**Minimum provisions for consultation and engagement** on a range of activities, including for the development of the State Landscape Strategy, Regional Landscape Plan and Annual Business Plans have been removed to be replaced with the clause that Regional Landscape Boards should '*consult as they see fit*'.

**Too much pertinent Information has been deferred to the regulations.** This includes qualifications for board membership, when levies can be discounted and the criteria for being eligible for a water licence.

### Clause-by-Clause Analysis

Clause	Explanation	LGA Comment	Council Comment
<b>1- Short title</b>	This Act may be cited as the <i>Landscape South Australia Act 2019</i> .	Nil	
<b>2- Commencement</b>	This Act will come into operation on a day to be fixed by proclamation.	Nil	
<b>3 – Interpretation</b>	<p>New definitions have been added and include: ‘annual business plan’, ‘appointed member’, ‘Chief Executive’, ‘constituent council’, ‘designated entity’, ‘elected member’, ‘eligible elector’, ‘floodplain’, ‘general manager’, ‘landscape management region’, ‘rateable land’, ‘Regional Landscape Board, levy, plan’, ‘State Landscape Strategy’, ‘water affecting activities control policy’, ‘landscapes’ to include native animals</p> <p>Definitions have been deleted from those in the NRM Act 2004 and include: ‘designated commercial forest’, ‘designated Minister’, ‘NRM Board/Authority’, definition of ‘peak body’ which included LGA, ‘regional authorised officer’, ‘regional NRM Board/levy/plan’, ‘special purpose water levy’, ‘State authorised officer’,</p>	<p>The definition of ‘peak body’, which would include the LGA is in the <i>NRM Act 2004</i>, but is not in the Landscape SA Bill.</p> <p>Peak Bodies can provide important insights to aid the implementation of new legislative frameworks, and it is recommended that the definition of a peak body is re-inserted into the Landscape SA Bill.</p>	



Clause	Explanation	LGA Comment	Council Comment
	'State NRM plan', 'employing authority'.		
<b>4- Interaction with other Acts</b>	<p>This Act is in addition to and does not limit or derogate from the provisions of any other Act (except where the contrary intention is expressed in this or any other Act).</p> <p>The Act is subject to the Murray Darling Basin, Border Groundwater, and Lake Eyre Basin Intergovernmental Agreements, plus the <i>Roxby Downs (Indenture Ratification) Act 1985</i>.</p>	Nil	
<b>5- Territorial and extra-territorial operation of the Act</b>	The Act applies to the whole of the State, plus activities and circumstances undertaken or existing outside of the state that impact natural resources within the State.	Nil	
<b>6- Act binds Crown</b>	All agencies or instrumentalities of the Crown must act consistently with the State Landscape Strategy and other relevant plans under the Act.	Nil	
<b>7- Objects and principles</b>	New objects have been added which refer to supporting resilient communities, Aboriginal people and	Recognition of local government's role in natural resource management was in the <i>NRM Act 2004</i> , but is not	

Clause	Explanation	LGA Comment	Council Comment
	<p>natural and built environments s.7(1)(a), efficient management of land s.7(1)(b), healthy native flora and fauna and resilient biodiversity s.7(1)(c), climate change s.7(1)(d) and collaborative management of overabundant species s.7(1)(g).</p> <p>New principles have been added that refers to beliefs of Aboriginal people s.7(3)(a), shared responsibilities between local, State and Commonwealth governments s.7(3)(b), shared costs s.7(3)(c), evidence-based decision-making s.7(3)(d), decision-making based on equity, including intergenerational equity s.7(3)(f), encouraging good behaviour rather than punishing bad s.7(3)(g), and risk management s.7(3)(h).</p> <p>References to heritage other than Aboriginal and recognition of local government sector as a key participant in natural resource management (s.7(3)(i) and (l)) have been deleted from those in the <i>NRM Act 2004</i>.</p>	<p>in the Landscape SA Bill.</p> <p>This may create ambiguity for councils in understanding their roles and responsibilities in delivering landscape outcomes.</p> <p>It is important that the roles of councils and State Government are defined to avoid gaps and overlaps in the rollout of the new legislation.</p>	<p>7(3)(g) if the management of natural resources associated with the State's landscape requires the taking of remedial action, the first step should, insofar as is 15 reasonably practicable and appropriate, be to encourage those responsible to take such action before resorting to more formal processes and procedures;</p> <p>7(3)(h) risk management and regulatory approaches should be proportionate to the risk involved and the feasibility of managing the risk.</p> <p>These clauses reduce compliance as a major approach in managing breaches of the Act. For Council, this provides an 'out' in having to deal with compliance under the Act.</p> <p>Consider that 7(3)(h) is already covered by Clause 8(2)(c), therefore not warranted.</p>
<b>8- General statutory duties</b>	General statutory duties refer to a person's obligation to act reasonably in	Nil	

Clause	Explanation	LGA Comment	Council Comment
	relation to the management of natural resources.		
<b>9- Functions of the Minister</b>	Functions of the Minister under the Act are laid out in this clause.	Nil	
<b>10- Powers of delegation</b>	Circumstances where the Minister may delegate powers to others are laid out in this clause.	Nil	
<b>11- Establishment of regions</b>	<p>Terminology from NRM Regions and Boards (s.22) has been changed to Landscape Management Regions and Boards.</p> <p>Provisions (s.22(5)) requiring the Minister to give peak bodies (which included LGA) notice of varying NRM boundaries or abolishing an NRM region, have been deleted, along with the requirement to notify Natural Resources Committee of Parliament (s.22(6)).</p>	<p>The current requirement in the <i>NRM Act 2004</i> for the Minister to consult with peak bodies, including the LGA on various matters has been removed from the Landscape SA Bill.</p> <p>These matters include:</p> <ul style="list-style-type: none"> <li>• varying Regional Landscape Board boundaries and abolishing Landscape Regions</li> <li>• establishing Regional Landscape Boards</li> <li>• notification of appointments to a Regional Landscape Board</li> </ul> <p>Peak bodies (including the LGA)</p>	<p>11—Establishment of regions Clause 11(2) should be amended to include that the Minister consult with affected Councils when establishing and amending regions.</p> <p>Agree that consultation with Peak bodies should be retained.</p>

Clause	Explanation	LGA Comment	Council Comment
		<p>have regional insights that could assist the Minister in determining if interventions are necessary.</p> <p>It is recommended that the Minister continues to engage with peak bodies when considering variations and abolitions, and that this requirement is re-inserted into the Landscape SA Bill.</p> <p>Re-insertion of this requirement will also add transparency, which has been identified by councils as something that they would like to see more of.</p>	
<b>12- Green Adelaide</b>	This clause brings a Landscape Management Region known as <i>Green Adelaide</i> or the <i>Green Adelaide Region</i> into being.	<p>The LGA is supportive of the establishment of Green Adelaide. However, the LGA recommends State Government provides additional information on Green Adelaide that goes beyond the 'Green Adelaide Discussion Paper'.</p> <p>It is recommended that a better understanding of the key components of the reform should be provided so it can be considered along with the passage of the Bill.</p>	

Clause	Explanation	LGA Comment	Council Comment
<b>13- Establishment of boards</b>	Deleted requirement to notify peak bodies (which included LGA), of Board abolitions or variation of functions (which were included in the <i>NRM Act 2004</i> ), and no requirement to notify Natural Resources Committee of Parliament (s.23(5,6,7)).	<p>The <i>NRM Act 2004</i> includes the provision to notify peak bodies when abolishing boards or varying board functions. A provision requiring the Minister to give peak bodies notice on abolishing boards or varying board functions is not in the Landscape SA Bill.</p> <p>As per comments for regional boundaries (above), it is recommended that the Minister continues to engage with peak bodies, and that this requirement is re-inserted.</p>	
<b>14- Corporate nature</b>	This clause creates Regional Landscape Boards as a body corporate with perpetual succession and a common seal, can sue and be sued, and is an instrumentality of the Crown.	Nil	
<b>15- Composition of boards</b>	<p>Revised provisions for Regional Landscape Boards to now have 7 people s.15(1), not up to 9 (s.25(1)) as per the <i>NRM Act 2004</i>.</p> <p>Added provision of the Green Adelaide Board to have between 6 and 10</p>	<p>The <i>NRM Act 2004</i> requires that NRM Boards have a contingent of 9 persons. The Landscape SA Bill has a revised number of 7.</p> <p>The <i>NRM Act 2004</i> also includes provision for the Minister to consult</p>	

Clause	Explanation	LGA Comment	Council Comment
	<p>members.</p> <p>Deleted requirement to publicly advertise or notify peak bodies of appointments (s.25(2)).</p>	<p>with peak bodies in determining board members. This provision has been removed from the Landscape SA Bill.</p> <p>While changing the number is reasonable, taking out the provision for consulting with the LGA (and other peak bodies) is likely to diminish local government expertise on the Regional Landscape Boards.</p> <p>Similar to previous comments regarding regional boundaries and the establishment of Regional Landscape Boards, it is recommended that the Minister continues to engage with peak bodies on all aspects of board and boundary considerations.</p>	<p>15—Composition of boards</p> <p>15 (1) Subject to subsections (2) and (3) (and to the other provisions of this Act), a regional landscape board consists of—</p> <p>(a) 4 members appointed by the Minister; and</p> <p>(b) 3 members elected by eligible electors</p> <p>15 (3) A regional landscape board (other than Green Adelaide) may consist of at least 5 and not more than 9 members, ...</p> <p>The total number of Board members is inconsistent in these two clauses. Read as that the maximum number is 7 not 9.</p>
<b>16- Qualifications for membership</b>	<p>Revised provisions allow Minister to determine skills etc. rather than current list of qualifications which are in the <i>NRM Act 2004</i> (s.25(4)).</p> <p>Deleted requirement for boards to have one woman, one man (s.25(6)).</p>	<p>The <i>NRM Act 2004</i> includes a list of qualifications for NRM (proposed Regional Landscape) Boards. There are revised provisions in the Landscape SA Bill to allow the Minister to determine skills, rather than the current list of qualifications.</p> <p>The Minister has not yet provided</p>	

Clause	Explanation	LGA Comment	Council Comment
		<p>criteria for qualifications for Regional Landscape Board membership, rather included a provision in the Landscape SA Bill that the Minister will put criteria in place via regulation and 'advertise the criteria as the Minister sees fit'.</p> <p>It is suggested that this criteria is provided so that it can be considered along with the passage of the Bill, as this is a key piece of the reform that will shape the outlook of the Regional Landscape Boards.</p>	Agree
<b>17- Board elections</b>	This clause is a new provision giving rise to the requirement of an election process to determine Regional Landscape Board appointments.	<p>Regional Landscape Board elections are a new provision in the Landscape SA Bill.</p> <p>While the concept of community based boards has merit, election processes are expensive, and it is unclear who will bear the cost of running the proposed elections.</p> <p>Comments by the Minister (2<sup>nd</sup> reading) suggest regional Landscape Board elections will align with local government elections (where possible) which may suggest</p>	



Clause	Explanation	LGA Comment	Council Comment
		<p>councils will be required to undertake this role.</p> <p>However, section 17(5)(a) of the Landscape SA Bill, provides that the relevant Regional Landscape Board is liable to pay the council a fee for providing a copy of the voters role and that this fee is to be determined in consultation with the LGA. Section 17(5)(b) of the Landscape SA Bill, provides that the relevant Regional Landscape Board is liable to pay a fee to the Electoral Commission for the voters role for the House of Assembly. This would infer that the Regional Landscape Board would be responsible for carrying out the election.</p> <p>It is recommended that the Landscape SA Bill should not be passed without an insertion clarifying this ambiguity.</p>	
<b>18- Conditions of membership</b>	Change in period of appointment to a board from current maximum 12 years (s.26(1a)) of the <i>NRM Act 2004</i> to 4 years s.18(2)).	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>19- Allowances and expenses</b>	This clause sets out the entitlement of board members to receive fees, allowances and expenses, as per approval of the Minister.	Nil	
<b>20- Validity of acts</b>	This clause confirms acts or proceedings of Regional Landscape Boards will not be invalid if there is a vacancy on the board.	Nil	
<b>21- Conflict of interest under Public Sector (Honesty and Accountability) Act</b>	<p>This clause outlines instances where members of Regional Landscape Boards will not be taken to have direct or indirect interest in a matter for the purpose of the <i>Public Sector (Honesty and Accountability) Act 1995</i>.</p> <p>These include when an issue is a matter that is shared in common with persons in the region and if the member has an interest in a matter as a member or officer of a constituent council.</p>	Nil	
<b>22- Procedures at meetings</b>	<p>New provisions indicating tighter governance around Regional Landscape Board meetings.</p> <p>This clause outlines meeting procedures related to issues such as when a quorum is reached and the</p>	Nil	

Clause	Explanation	LGA Comment	Council Comment
	number of votes each member has at the meeting.		
<b>23- Functions of boards (general)</b>	<p>This clause sets out the general functions of a Regional Landscape Board.</p> <p>There is a new provision regarding management of native animals (1)(h).</p> <p>There is a new provision that Regional Landscape Boards should set strategies and create partnerships and work to support programs involving State and local government.</p> <p>The clause removes specific reference to working collaboratively with a range of agencies including councils (s.29(4)) as per the <i>NRM Act 2004</i>, instead referencing the need to work to support programs and projects including local government.</p> <p>Reference to the Natural Resources Committee of Parliament (s.29(6)) has been deleted.</p> <p>Reference (1)(f) to a Regional Landscape Board's ability to conduct an inquiry or audit has been removed.</p>	<p>There have been deletions and new provisions inserted into the Landscape SA Bill, as based on the <i>NRM Act 2004</i>.</p> <p>A potential concern relates to the removal of a specific reference for working collaboratively with councils (and a range of other agencies).</p> <p>In line with 'recognition of local government' comments above, it is recommended that the Minister defines the role and value of local government in natural resource management if it is to be a key participant moving forward.</p> <p>During the consultation process, issues were identified concerning the management of abundant native animals across landowners and landscape (nee NRM) regions. It was suggested that Regional Landscape Boards are best placed</p>	

Clause	Explanation	LGA Comment	Council Comment
		<p>to take responsibility for abundant species management.</p> <p>The Landscape SA Bill now identifies a supporting role for Regional Landscape Boards in the management of native animals which is welcomed.</p> <p>However, the provisions do not go as far as to commit Regional Landscape Boards to take a primary/lead role for managing native animal issues, either within or across regions.</p> <p>It is therefore likely that management practices with regard to native animals will not be significantly improved, and it is recommended that Regional Landscape Boards are given primary responsibility to manage efforts in this regard.</p>	<p>(h) to assist in the management of any native animals that adversely affect the natural or built environments, people or primary production or other industries, or to facilitate action to mitigate or manage the impact of those native animals, by —</p> <p>additional sub-clause 'provide funding for the management of native animals' or amend (iii) to read 'fund other steps or action to ...'</p> <p>Councils are left having to budget for the management of native animals (ie Corella management). More recently, Council has been approached for assistance through its Community Assistance Scheme for financial assistance to support a native animal rescue facility.</p>
<b>24- Green Adelaide</b>	New provisions.	In line with the comments in the 'establishment of Green Adelaide' section above, the State Government has not provided	

Clause	Explanation	LGA Comment	Council Comment
		<p>enough information on Green Adelaide.</p> <p>It is recommended that a better understanding of this key component of the reform should be provided so it can be considered along with the passage of the Bill.</p> <p>It is considered that further consultation is required with local government on the role of the Green Adelaide Board and how it will interact with local councils.</p> <p>The LGA would also recommend that half the Green Adelaide Board members and the Chair should have contemporary local government experience, similar to that of the Stormwater Management Authority.</p> <p>The LGA would also welcome further information on the proposed boundaries of Green Adelaide, as the maps that have been provided to date are not detailed enough to show council boundaries.</p>	<p>24(1) Why is Green Adelaide being given a role in Urban Design? This is a function under the PDI Act and is the responsibility of Councils or a Joint Planning Board.</p>
<b>25- Funding support</b>	New provisions regarding funding and grants to councils and others have	Grants to councils would be welcomed.	

Clause	Explanation	LGA Comment	Council Comment
	<p>been added.</p> <p>This clause indicates that a Regional Landscape Board should work to provide, or to facilitate the provision of, funding and grants to councils and other bodies, organisations, groups or persons.</p>		
<b>26- Grassroots grants program</b>	<p>New provisions to establish a program to support volunteer and other groups to undertake projects consistent with the legislation.</p> <p>This clause states that a Regional Landscape Board must develop a grassroots grant program for its region, to support groups working at a local level (individuals, volunteers, community and other bodies), with the Minister determining the amount on an annual basis.</p>	Community grants would be welcomed.	
<b>27- General powers</b>	<p>This clause relates to general powers of Regional Landscape Boards, which constitute anything necessary, expedient or incidental to performing the functions of the board, assisting in the administration of the Act or furthering the objects of the Act.</p>	Nil	

Clause	Explanation	LGA Comment	Council Comment
	Changed reporting functions, as reference to reporting to the Natural Resources Committee of Parliament if a Regional Landscape Board acts outside its region (s.30(6)) has been removed- as per the <i>NRM Act 2004</i> .		
<b>28- Special powers to carry out works</b>	<p>This clause outlines a range of activities that can be undertaken by a Regional Landscape Board, such as constructing, maintaining or removing infrastructure.</p> <p>New provision (4) requiring works to be part of an Annual Business Plan.</p>	Nil	
<b>29- Entry and occupation of land</b>	<p>This clause relates to provisions for Regional Landscape Boards to enter/ occupy land for carrying out investigations/ surveys/ emergency works.</p> <p>Reference that this did not apply to land vested by a NRM Board (s.32(1)) has been removed as per the <i>NRM Act 2004</i>.</p> <p>Penalties apply for non-compliance of landowner.</p>	Nil	
<b>30- Special vesting</b>	Regional Landscape Boards can use	Nil	



Clause	Explanation	LGA Comment	Council Comment
<b>of infrastructure</b>	any infrastructure or land vested in or under the care, control or management of a public authority, on the recommendation of the Minister and proclamation by the Governor.  However, the Governor cannot make a proclamation in relation to infrastructure or land vested in or under the care, control and management of a council, without written consent from the council.		
<b>31- Landscapes affecting activities control policies</b>	This clause makes provision for the development of a 'landscapes affecting activities control policy' for the effective conservation, management or protection of any landscape.	Nil	
<b>32- General manager</b>	New provisions regarding appointment of a General Manager for an NRM Board.	Nil	
<b>33- Staff</b>	Removed reference that Minister cannot interfere with employment of staff (s.34(8)).	Nil	
<b>34- Committees and other bodies</b>	A Regional Landscape Board can establish committees or other bodies as required by the Minister under this clause.	Nil	

Clause	Explanation	LGA Comment	Council Comment
	Reference that a Regional NRM Board must comply with Minister's guidelines (s.35(4)) have been removed- as per the <i>NRM Act 2004</i> .		
<b>35- Power of delegation</b>	<p>A Regional Landscape Board can delegate a function or power of the board under this or another Act to persons/ entitles including councils. Councils must approve.</p> <p>Delegation to member of staff of board and NRM group (s.36(1)) has been removed- as per the <i>NRM Act 2004</i>.</p>	Nil- this is the same.	
<b>36- Accounts and audit</b>	This clause makes provisions for proper account keeping and audits by the Auditor- General.	Nil	
<b>37- Annual reports</b>	<p>This clause states that a Regional Landscape Board must develop an Annual Report on or before 20 November each year.</p> <p>Reference to Regional Landscape Plans, Water Allocation Plans and the water control activities policy has been removed- as per the <i>NRM Act 2004</i>.</p>	It is suggested that these key strategic/ operational activities are inserted back into the Landscape SA Bill to guide the development of Annual Reports and enable better transparency.	
<b>38- Specific reports</b>	This clause bequeaths power to the Minister to require a Regional	Nil	

Clause	Explanation	LGA Comment	Council Comment
	Landscape Board to provide the Minister a report on any matter relevant to the operation of the Act.		
<b>39- Use of facilities</b>	This clause allows Regional Landscape Boards to make use of the services, staff, equipment or facilities of an administrative unit in the public service or a public authority (by arrangement with the relevant body).	It is suggested that 'by arrangement' is clarified to determine whether a public authority should agree to the use of services, staff, equipment or facilities.	
<b>40- Assignment of responsibility for infrastructure to another person or body</b>	This clause allows Regional Landscape Boards to assign responsibility for the care control and management of infrastructure to a delegated body if the relevant owner agrees, or if the Minister makes an agreement with a third party.  'NRM group' has been removed as a delegated body (s.43(1)(a))- as per <i>NRM Act 2004</i> .	Nil	
<b>41- Appointment of administrator</b>	This clause outlines circumstances by which the Minister can cause a Regional Landscape Board to be in administration.	Nil.	
<b>Landscape Strategy</b>			
<b>42- State landscape strategy</b>	The State Landscape Strategy replaces the existing State NRM Plan	The <i>NRM Act 2004</i> includes a provision for peak bodies to be	

Clause	Explanation	LGA Comment	Council Comment
	<p>(s.74 in existing <i>NRM Act 2004</i>).</p> <p>The process for a State Landscape Strategy when compared to a State NRM Plan as per the <i>NRM Act 2004</i> has been much reduced.</p> <p>The aim is to provide principles, policies and high level strategic directions for achieving the objects of the Act. The strategy only needs to be reviewed every 10 years.</p> <p>The requirement to provide a draft to peak bodies which includes LGA (s.74(8)) has been removed.</p>	<p>consulted in the development of a State NRM Plan.</p> <p>This requirement is not included in the Landscape SA Bill.</p> <p>In addition, the process for developing a State Landscape Strategy has been much reduced.</p> <p>It is recommended that the Minister continues to engage with peak bodies on all aspects of landscape management and ensures that State Landscape Strategy requirements are 'fit for purpose' in guiding natural resource management at a state wide level.</p>	<p>In this century, is it really necessary to have another stand alone State level plan? When will State Government cease to persist in this silo mentality, which is exacerbated onto local government.</p>
<b>43- Related provisions</b>	<p>Related provisions (for the State Landscape Strategy) for review, consultation, amendment and availability (as the Minister sees necessary) are laid out in this clause.</p>	<p>The Landscape SA Bill does not contain specific provisions for engagement and consultation with stakeholders, whereas minimum levels are prescribed in the <i>NRM Act 2004</i>.</p> <p>The Landscape SA Bill includes the statement that consultation and engagement should be undertaken 'as Regional Landscape Boards see fit'.</p>	

Clause	Explanation	LGA Comment	Council Comment
		It is recommended that consultation processes should be clarified and further prescribed to promote and encourage Regional Landscape Boards to engage and consult with stakeholders.	
<b>Regional Landscape Plans</b>			
<b>44- Preparation of regional landscape plans</b>	<p>Provision for the preparation and maintenance of a Regional Landscape Plan is outlined in this clause.</p> <p>A Regional Landscape Board should develop a plan for the purpose of its operations and to promote the Act for review every 5 years.</p>	Nil	
<b>45- Key features of plan</b>	<p>5 year plan for the Green Adelaide region focused on its 7 key priorities.</p> <p>5 year plan for other Regional Landscape Boards focused on its 5 strategic priorities.</p> <p>Plans are to be consistent with the State Landscape Strategy and give due consideration to the plans of other boards.</p> <p>Revised process (s.75).</p>	Nil	Clause 75(3)(c)(ii) from the NRM Act should be incorporated. Unless it is considered that clause 45(3) is an adequate catch all.

Clause	Explanation	LGA Comment	Council Comment
<b>46- Review of plan</b>	Revised process, review every 5 years compared to every 10 (s.81(4)) as per <i>NRM Act 2004</i> .	Nil	
<b>47- Consultation associated with the preparation of a plan or amendment</b>	Consultation must comply with Ministerial guidelines and any provisions that are in the regulations.  However, consultation requirements have been reduced to 'as the board sees fit'.	The Landscape SA Bill does not contain specific provisions for engagement and consultation with stakeholders, whereas minimum levels are prescribed in the <i>NRM Act 2004</i> .  The Landscape SA Bill includes the statement of 'as Regional Landscape Boards see fit', which (as above in section 43) does not suggest that the boards will be encouraged to engage and consult with stakeholders.	
<b>48- Approval of Minister</b>	Plan does not have effect unless approved by Minister.	Nil	
<b>Annual Business Plans</b>			
<b>49- Annual business plan</b>	Provision for the preparation and maintenance of an Annual Business Plan to outline how Regional Landscape Boards will allocate budgets and services for the year.	It is suggested that the plan making process and details of the final plan is/ are made publically available to provide transparency to those paying the levy, as to how it is being spent.	
<b>Water Allocation Plans</b>			

Clause	Explanation	LGA Comment	Council Comment
<b>50- Preparation of water allocation plans</b>	Provision for the preparation of Water Allocation Plans, which are generally concerned with the taking and usage of water from prescribed bodies.	Nil	
<b>51- Key features of a plan</b>	<p>Some of the provisions regarding water allocation plans have been modified from those in the <i>NRM Act 2004</i>, namely; (s.50(1)(h-j)(2-4) and (19-24).</p> <p>The changes remove references to statutory processes and subordinate legislation.</p> <p>(h-ii) for example, states that the plan should identify policies reflected in a Development Plan under the <i>Development Act 1993</i>.</p>	<p>The LGA would support references to important and related statutory processes such as planning being retained in the Landscape SA Bill.</p> <p>This will provide greater guidance to Regional Landscape Boards to identify key features of other processes/ legislation that impact the development of the plan.</p>	<p>clause 51(1) (i) may identify the changes (if any) considered by the designated entity to be necessary or desirable to any statutory instrument, plan or policy (including subordinate legislation)</p> <p>This addresses the issues of (h-ii) in the NRM Act, but agree it could be more explicit. See previous comment.</p>
<b>52- Review of plan</b>	Provision for review of water allocation plan on a comprehensive basis is now every 10 years.	Nil	
<b>53- Consultation associated with preparation of a plan or amendment</b>	Consultation is to be undertaken as the designated entity deems to be reasonable.	Minimum standards for consultation would be recommended.	
<b>54- Approval of Minister</b>	The plan does not have effect unless approved by Minister.	Nil	
<b>55- Early adoption of</b>	Elements of a draft water allocation	Nil	



Clause	Explanation	LGA Comment	Council Comment
<b>plan</b>	plan or amendments to a water allocation plan not approved by the Minister, can be implemented by the Regional Landscape Board with the approval of the Minister under this clause.		
<b>56- Application of division</b>	Applies to plans under Divisions 1 and 2.	Nil	
<b>57- Validity of plans</b>	This clause makes clear that the failure of a Regional Landscape Board to align a Water Allocation Plan with the State Landscape Plan will not make other plans (under the Act) invalid.	Nil	
<b>58- Promotion of River Murray legislation and IGA</b>	To the extent that a plan under the Act applies to the Murray Darling Basin, the plan should seek to further the objectives of the <i>River Murray Act 2003</i> and the objectives for a Healthy River Murray under that Act, and be consistent with the Murray Darling Basin Agreement and any other relevant resolution of the Ministerial Council.  Also reference to the Commonwealth <i>Water Act 2007</i> .	Nil	
<b>59- Associated</b>	Relates to inter-Ministerial situations	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>Ministerial consents</b>	<p>where activities cross portfolio areas.</p> <p>If the relevant Ministers cannot reach an agreement, the Minister administering this Act may approve the activity with the consent of the Governor.</p>		
<b>60- Amendment of plans without formal procedures</b>	<p>Outlines circumstances by which the Minister can amend a plan without formal procedures.</p>	<p>It is important to retain transparency and accountability. It is suggested (as above) that minimum consultation and engagement provisions are included in the Landscape SA Bill.</p>	
<b>61- Plans may confer discretionary powers</b>	<p>This clause states that a Water Allocation Plan can infer (pass on) discretionary powers, either as approved or amended by the Minister.</p>	<p>Nil</p>	
<b>63- Time for preparation and review of plans</b>	<p>The Minister, a Regional Landscape Board, or a designated entity must take reasonable steps to bring a Water Allocation Plan into a form that satisfies the Act, if the plan is found to be wanting within a time determined by the Minister.</p> <p>The Minister can dispense with requirements for consultation for this activity if in the opinion of the Minister;</p>	<p>As above, regarding minimum standards for consultation/ engagement.</p>	

Clause	Explanation	LGA Comment	Council Comment
	no useful purpose will be served by it.		
<b>Landscape and water levies</b>			
<b>64- Contributions by constituent councils</b>	<p>A financial contribution, in the form of a levy, from Councils to assist with the Regional Landscape Board's general functions remains.</p> <p>Revised landscape and water levy calculations (s.92.) as per <i>NRM Act 2004</i>.</p> <p>Percentage changes in contributions will be based on the CPI for the September quarter of the immediately preceding financial year (published by the ABS).</p> <p>The Minister may allow a Regional Landscape Board to collect more from councils in 'exceptional' circumstances.</p>	<p>The LGA remains opposed to councils being required to collect a State Government tax.</p> <p>Regional Landscape Boards will be body corporates with perpetual succession and a common seal, can sue and be sued, and is an instrumentality of the Crown.</p> <p>It is understood that this will not be the case for Green Adelaide, and that the Board will be subsumed into the Department of Environment and Water.</p> <p>This creates an uncharted situation where a council will be collecting a levy on behalf of a State Government department, and builds on the case that councils should not be collecting the levy.</p> <p>In juxtaposition, collecting the levy in the Green Adelaide Region may set precedent for councils to collect other levies for State Government departments.</p>	

Clause	Explanation	LGA Comment	Council Comment
		It is recommended that this provision be deleted.	
<b>65- Payment of contributions by councils</b>	<p>Payment of contributions by councils to regional landscape boards is due in approximately equal amounts in September, December, March and June as to the year the payments relate.</p> <p>This can be amended if timing does not align with the development of Annual Business Plans.</p> <p>Interest that accrues in respect of payments is recoverable by the board as debt.</p>	The LGA remains opposed to local government being required to collect a State Government tax and accordingly the LGA recommends this provision be removed.	
<b>66- Funds can be expended in subsequent years</b>	If funds are not spend by Regional Landscape Boards for the year the payments relate to, Regional Landscape Boards can spend the funds in the subsequent financial year.	Nil	
<b>67- Imposition of levy by councils</b>	<p>This clause sets out the parameters by which the levy can be set.</p> <p>Most significantly, a regulation cannot be made that modifies the operation of chapter 10 of the <i>Local Government</i></p>	LGA would seek a minimum period of at least 30 business days to enable consultation with councils.	It is considered that 30 Days is still too little time - 2 months is minimum for adequate time to consult with Councils.

Clause	Explanation	LGA Comment	Council Comment
	<i>Act 1999</i> (rates and charges) unless 21 days' notice has been given to the LGA to provide the opportunity to make a submission.		
<b>68- Cost of councils</b>	This clause set out how Regional Landscape Boards can determine the cost to councils for collecting the levy.  Provision 67(4) requires the Minister to consult with the LGA on regulations made under this section as above and give the LGA 21 days to make a submission.	LGA would seek a minimum period of at least 30 business days to enable consultation with councils.	As above
<b>69- Board may declare a levy</b>	Reference to Annual Business Plan rather than Regional NRM Plan (s.97)  New calculations in ss.(9) – (15) with regard to CPI (see above 64).	Nil	
<b>70- Liability and payment of levy</b>	Deleted liability provision s.74(7) <i>NRM Act 2004</i> and inserted a new provision to account for the potential of more than one person being joint or severally liable.	Nil	
<b>71- Land across boundaries</b>	This clause outlines how land that crosses regional landscape boundaries is to be levied.  Instances are not outlined in the	It would be beneficial to understand what actions will be taken if land crosses boundaries and to understand more about what will be in the regulations, given councils role	

Clause	Explanation	LGA Comment	Council Comment
	Landscape SA Bill, but deferred to be outlined in the regulations.	in collecting the levy.  In line with previous comments, re-inserting consultation with the LGA on the making of regulations would be beneficial.	
<b>72- Application of levy</b>	Landscape Priorities Fund obligations has been added as a new provision s.71(3). A certain percentage of the levy will now go to this fund.	Nil	
<b>Water Levies</b>			
<b>73- Interpretation</b>	Definitions regarding levies in respect of water.	Nil	
<b>74- Declaration of levies</b>	The Minister may, by notice of gazette, declare a levy or levies (water levy) payable to a person who is the holder of a water management authorisation or has an imported water permit or is authorised under the Act to take from a water resource or for the purpose of commercial forest operation.	Nil	
<b>75- Liability for levy</b>	This clause outlines who is liable for paying the levy, including provisions for persons holding permits for half a year or takes water under s.103 of Bill (certain uses of water authorised).	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>76- Notice of liability for levy</b>	This clause outlines details to be included on the notice of the levy.	Nil	
<b>77- Determination of quantity of water taken</b>	This clause outlines how water usage will be measured.	Nil	
<b>78- Cancellation etc of entitlement for non-payment of levy</b>	This clause outlines provisions pertaining to enforcement of non-payment of levies and when authorisations can be revoked.	Nil	
<b>79- Costs associated with collection</b>	A Regional Landscape Board is liable to pay the Minister costs incurred by the Minister as a result of collecting any levy that applies in respect of water located within the region of the board.	Nil	
<b>80- Application of Division (Special Provisions)</b>	Definition of 'OC' levy with regard to owner/ occupier of land subject to a levy under s.69 (Board may declare a levy).	Nil	
<b>81- Interest</b>	A person failing to pay a levy is responsible for paying interest that accrues, or has accrued in relation to the levy.	Nil	
<b>82- Discounting levies</b>	The Minister may discount levies in accordance of regulations for early	The LGA seeks a better understanding of the regulations.	



Clause	Explanation	LGA Comment	Council Comment
	payment of levy.		
<b>83- Recovery rights with respect to unpaid levy</b>	Water levy will be a 'first charge' recoverable in the case if enforcement action being taken.	Nil	
<b>84- Sale of land for non-payment of levy</b>	This clause outlines circumstances by which the Minister can sell land for non-payment of levy.	Nil	
<b>85- Refund of levies</b>	This clause lays out the potential for discounts on levies for land management practices of significant benefits, as per a Regional Landscape Plan, Annual Business Plan or regulations.	Nil	
<b>86- Declaration of penalty in relation to authorised or unlawful taking of water</b>	This clause outlines circumstances by which the Minister can declare a penalty for unauthorised taking of water.	Nil	
<b>87- Appropriation of levies, penalties and interest</b>	This clause outlines circumstances by which the Regional Landscape Board or Minister should receive appropriated funds.	Nil	
<b>Landscape Administration Fund</b>			
<b>88- The Landscape Administration Fund</b>	The fund was referred to as the Landscapes SA Fund in the exposure	It is inferred that monies may be expended from this fund to the	

Clause	Explanation	LGA Comment	Council Comment
	<p>draft of the Landscape SA Bill, and is now referred to as the 'Landscape Administration Fund'. The fund seems largely for administration costs.</p> <p>The aspects of the fund include furthering the smooth operation of the (proposed) Landscape SA Act, the provision of loans and the collection of expiation fees which sounds administrative in scope.</p>	Landscape Priority Fund if required. For transparency, it would be beneficial to understand the circumstances by which this would occur.	
<b>89- Accounts</b>	This clause states that the Minister must cause proper accounts to be kept in relation to the fund.	<p>For the purposes of transparency there should be a requirement that the Minister provide a report on how the funds have been used to be included in the Annual Report.</p> <p>It is also recommended that a robust process for determining where funds are spent (outside of audits) is put in place.</p>	
<b>90- Audit</b>	The Governor-General may at any time (and at least once a year) audit the accounts of the fund.	Nil	
<b>Landscape Priorities Fund</b>			
<b>91- The Landscape Priorities Fund</b>	Revised from the <i>NRM Act 2004</i> from Natural Resource Management Fund to Landscape Priorities Fund.	It is recommended that there is a robust process for determining where the funds are spent across	

Clause	Explanation	LGA Comment	Council Comment
	<p>There are new provisions in the Landscape SA Bill designating a percentage of contributions received by the Green Adelaide Board are to be paid into the Landscape Priorities Fund.</p> <p>The Landscape Priorities Fund receives contributions from Green Adelaide and will be applied for addressing any sub- regional, cross-regional or state wide priority.</p>	<p>the state.</p> <p>It is also recommended that the State Government provide a better understanding of the percentage contributions to be paid into the fund by the Green Adelaide Board.</p>	
<b>92- Accounts</b> <b>93- Audits</b>	As above for Landscape Administration Fund.	Nil	
<b>94- Regional landscape board funds</b>	<p>This clause includes provisions by which a Regional Landscape Board can spend their funds (as per the <i>Public Finance and Audit Act 1987</i>).</p> <p>Generally relates to the activities outlined in s.23- functions of boards and associated requirements to develop plans.</p>	Nil	
<b>Management and Protection of Land</b>			
<b>95- Interpretation (Management and protection of land)</b>	Definitions of degradation and relevant authority.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>96- Special provisions relating to land</b>	<p>This clause outlines special provisions in relation to when an owner of the land either is, or is likely to be in breach of statutory duties and a Regional Landscape Board would like to take preventative action.</p> <p>There is a new provision s.95(2) which provides explanation of what constitutes 'unreasonable degradation'.</p>	Nil	
<b>97- Requirement to implement action plan</b>	References to Chief Executive (s.123) now Chief Officer.	Nil	
<b>Water Rights</b>			
<b>98- Right to take water subject to certain requirements</b>	<p>This clause outlines that those with lawful access or are lawful occupiers of land can take surface water for any purpose, except those purposes outlined as specifically prohibited in the Act.</p> <p>This includes stormwater.</p>	Nil	
<b>99- Declaration of prescribed water courses</b>	This clause outlines circumstances by which the Minister can declare a prescribed water course, therefore requiring a water management plan.	Nil	
<b>100- Water affecting</b>	This clause gives a prescribed	According to a discussion paper	

Clause	Explanation	LGA Comment	Council Comment
<b>activities control policies</b>	authority (Regional Landscape Board or Minister) the opportunity to prepare a policy with regard to the conservation, management or protection of certain water courses.	<p>currently being consulted on by the Department of Environment and Water, titled 'Improving Dam Management in SA' it is accepted that there are no effective dam regulations in place.</p> <p><i>'Dam failure flood risks are significant and exist at both the individual and cumulative levels within catchments'.</i></p> <p>Prescribed authorities under this provision therefore have an opportunity to improve the way in which dams and levee banks are regulated, maintained and monitored with regard to better management of water courses.</p> <p>It is recommended that this clause is strengthened in relation to flood management, and that the Landscape SA Bill promotes improved flood management.</p> <p>The LGA recommends that dam design, risk considerations, compliance and regulation are provided for under this Bill or its regulations.</p>	<p>Recently, Council was given a presentation on water allocation planning, and in particular the management of dams. Council is looking to adopted a policy position that dams should be approved and managed under the one statute, namely the Landscape legislation, and not under the planning system. The relevant decision making authority should be the Landscape Board/DEW, and if necessary councils should be a referral body. The referral mechanism under the PDI regulations should be removed, as per Council submission on both the NRM Reform and PDI Regulations.</p>

Clause	Explanation	LGA Comment	Council Comment
		It is also recommended that the boards and/or the Minister are defined as the prescribed authority for flood activities.	
<b>101- Determination of relevant authority</b>	The relevant authority in relation to the granting of a water management authorisation is the Minister	Nil	
<b>102- Water affecting activities</b>	The Minister did have to consult with a Natural Resources Committee of Parliament (s.127(4)) under the <i>NRM Act 2004</i> to designate a water affecting activity- this provision has been removed in the Landscape SA Bill.	Would recommend retaining 'checks and balances' such as these.	Based on the position that dams should be collectively managed under the Landscape legislation, all dams across the State must obtain a permit for construction (possible exemption for small dams?) and require a water license for use of water if located within a prescribed water resources area.
<b>Control of Activities</b>			
<b>103- Certain uses of water authorised</b>	Certain uses of water are allowed under the proposed Landscape SA Act. However the requirement to publish these uses in the newspaper, as per the <i>NRM Act 2004</i> (s.128(6)) has been removed.	Nil	
<b>104- Activities not requiring a permit</b>	Certain uses can be undertaken without a permit- as outlined in this clause.	Nil	
<b>105- Notice to rectify unauthorised activity</b>	The Minister may serve notice, and if the notice is not paid, the person is	Nil	

Clause	Explanation	LGA Comment	Council Comment
	guilty of an offence and subject to penalties outlined in this clause.		
<b>Watercourse/ Lake</b>			
<b>106- Notice to maintain watercourse or lake</b>	<p>The Minister may, by notice, require that an owner takes specific action to maintain the watercourse/ lake in good condition.</p> <p>Failure to comply is subject to penalties as outlined in this clause.</p>	'Good condition' is subjective. It is recommended that clarification regarding what a 'good condition' is be provided to assist owners to comply with the provisions of the Act.	
<b>107- Restrictions in case of inadequate water supply or overuse of water</b>	By notice in the Gazette, the Minister may prohibit or restrict the taking of water to maintain the watercourse/ lake in good condition.	Nil	
<b>108- Specific duty with respect to damage to a watercourse or lake</b>	This clause outlines specific duties of landowners to maintain watercourses/ lakes, and makes provisions for prosecution in the ERD court in respect of non-compliance.	Nil	
<b>109- Minister may direct removal of a dam etc</b>	<p>The Minister, either on the Ministers own initiative or on the advice of a Regional Landscape Board, can instruct the removal of a dam.</p> <p>Compensation applies (s.224). However, the Minister may enter the land and remove the dam if the owner</p>	Nil	



Clause	Explanation	LGA Comment	Council Comment
	does not comply.		
<b>110- Permits</b>	<p>This clause states that an application for a permit must be made in a form approved by the relevant authority, which will be outlined in the regulations.</p> <p>Deleted reference that decision to grant application must not be inconsistent with State NRM Plan (s.135(3)) as per <i>NRM Act 2004</i>.</p> <p>Revised provision s.109(10) changes NRM Plan to water allocation plan or water affecting activities control policy from (s.135(13)) as per <i>NRM Act 2004</i>.</p>	Would be beneficial to understand conditions of obtaining a permit.	
<b>111-Requirement for notice of certain applications</b>	<p>This clause delineates general permitting with permits relating to those required by a water allocation plan or policy.</p> <p>Deleted provision re written responses of applicant (s.136(13)) as per <i>NRM Act 2004</i>.</p>	Nil	
<b>Wells</b>			
<b>112- Refusal of permit to drill well</b>	The relevant authority may refuse a permit, if in the opinion of the authority; the underground water is contaminated	Nil	

Clause	Explanation	LGA Comment	Council Comment
	and poses a risk to health (people or animals).		
<b>113- Well drillers licence</b>	This clause outlines the circumstances by which a licence will be granted, and the application process for obtaining a licence, which will primarily be laid out in regulation.	Would be beneficial to understand conditions of obtaining a permit.	
<b>114- Renewal of licence</b>	Can be renewed from time to time.	Nil	
<b>115- Non-application of certain provisions</b>	Wells declared by proclamation are not included in this sub-division.	Nil	
<b>116- Defences</b>	Provides a defence for drilling, plugging, backfilling or sealing without having the necessary licence/ authorisation.	Nil	
<b>117- Obligation to maintain well</b>	The occupier of the land is responsible for maintaining a well in a good condition or will be subject to the same prosecutions for watercourses/ lakes (above).	Nil	
<b>118- Requirement for remedial or other work</b>	As for watercourses/ lakes, notice can be served for remedial actions, and Regional Landscape Boards can enter the land to undertake the works for non-compliance.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>Water Licences</b>			
<b>119- Nature of water licences</b>	Declares that the Minister may grant a water licence in respect of a prescribed watercourse/ lake/ well and the conditions by which a water licence will be granted. However, those conditions can be changed by notice in the Gazette.	Nil	
<b>120- Water licences-applications and matters to be considered</b>	This clause provides for a Ministerial discretion to refuse a water licence. Additionally, it provides the high level requirements for the water licence application with reference to grounds laid out in regulation.	<p>Regulations will be the key to understanding this system, as there are many occurrences where adequate understandings of aspects of the Landscape SA Bill will only be known by being privy to the regulations.</p> <p>This has been an observation throughout the Bill, and it is recommended that further detail is inserted into the Bill on key aspects such as this.</p>	
<b>121- Issuing of water licences</b>	This clause details aspects to be included on a water licence.	Nil	
<b>122- Variation of water licences</b>	A water license may be varied by the Minister on the application of, or with the approval of the licence holder in compliance with the parameters	Nil	

Clause	Explanation	LGA Comment	Council Comment
	outlined in this section.		
<b>123- Transfer of water licences</b>	There are new provisions regarding the Water Register whereby those recorded on the register as having an interest in a water licence should not be granted approval for transfer- 123 (10)(11) replace (s.150 (8)(c), (10), (11), (12), (13)) of the <i>NRM Act 2004</i> .	Nil	
<b>124- Surrender of water licence</b>	This clause outlines circumstances by which a licence can be revoked/ should be surrendered.	Nil	
<b>Allocation of Water</b>			
<b>125- Allocation of water</b>	Water allocations can be obtained through water access entitlement under a water licence, as a carryover from a water allocation plan allowance, under an interstate Water Entitlements Transfer Scheme or through holding a commercial forest licence.  Provisions have been deleted regarding Interstate Water Entitlements Transfer Scheme in the <i>NRM Act 2004</i> (s.152(4) to those that are to take effect for the purpose of this Act- 125 (4).	Nil	
<b>126- Issuing of water</b>	Water allocations should be issued	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>allocation</b>	based on relevant water access entitlement or Interstate Water Entitlements Transfer Scheme.		
<b>127- Water allocation- matters to be considered</b>	The Minister may not grant water allocation based on the grounds outlined in this clause.	Nil	
<b>128- Reduction of water allocation</b>	The Minister can reduce water allocations to preserve the water sources in good condition, similar to provisions regarding watercourses/lakes/wells.	Nil	
<b>129- Variation of water allocations</b>	The Minister can vary water allocations under certain circumstances as outlined in this clause.	Nil	
<b>130- Transfer of water allocations</b>	The holder of a water allocation can transfer the allocation to another person under the conditions outlined in this clause.  New provisions regarding the Water Register (as above).	Nil	
<b>131- Surrender of water allocations</b>	The holder may surrender a water allocation permit at any time.	Nil	
<b>132- Water resource works approvals- applications and</b>	This clause outlines the high level particulars of applications for works approvals. Application content to	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>matters to be considered</b>	comply with regulations.		
<b>133- Issuing of approvals</b>	<p>This clause outlines what should be specified to be granted water resource works approval.</p> <p>New provisions regarding maximum volumes (s.133(1)(b)).</p> <p>New provisions re management zones (s.133(1)(d)) and water resource works (s.133(2)).</p>	Nil	
<b>134- Variation of approvals</b>	<p>Provides for approval variation.</p> <p>Revised provision regarding approval s.134(1)(b) from (s.161(1)(b)) in the <i>NRM Act 2004</i>.</p> <p>New provisions about water resource works approval s.134(3) and s.134(9).</p>	Nil	
<b>135- Notice provisions</b>	Notice must be given to the Minister regarding works approvals if it is part of a water allocation plan.	Nil	
<b>136- Cancellation if works not constructed or used</b>	Approvals can be cancelled if works are not constructed or used within a certain timescale.	Would be appropriate to understand what the timescales might be in the regulations.	
<b>137- Nature of approval</b>	Applies strictly to the site by which the approval relates.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>138- Expiry</b>	New provision about expiry of a water resource works approval, as per regulations.	Would be appropriate to understand what the timescales might be in the regulations.	
<b>Site Use Approval</b>			
<b>139- Site use approvals- applications and matters to be considered</b>	Site use approvals can be issues as per the conditions in this clause.	Nil	
<b>140- Issuing of approvals</b>	<p>This clause outlines what should be specified on an approvals notice.</p> <p>New provision about specifying the maximum volume of water s.140(1)(b).</p> <p>New provision about classification in connection with a management zone s.140(1)(d).</p> <p>New provision requiring a person that benefits from an approval participates in a scheme to benefit the River Murray s.140(3)(a).</p>	Nil	
<b>141- Variation of approvals</b>	An approval can be varied as per the conditions in this clause.		
<b>142- Notice provisions</b>	The Minister must be given notice if a site use approval is given for works	Nil	



Clause	Explanation	LGA Comment	Council Comment
	specified by a relevant water allocation plan for determination by the Minister.		
<b>143- Cancellation</b>	<p>The Minister can cancel a site use approval in prescribed circumstances to be prescribed by regulation.</p> <p>Revised provision regarding cancellation if works not constructed or used s.14<del>32</del>(1) from (s.163(1)) as per the <i>NRM Act 2004</i>.</p>	Would be appropriate to understand what the circumstances might be in the regulations.	
<b>144- Nature of approval</b>	Applies strictly to the site by which the approval relates.	Nil	
<b>145- Expiry</b>	An approval can state an expiry date if deemed necessary	Nil	
<b>Delivery Capacity Entitlements</b>			
<b>146- Delivery capacity entitlements-applications and matters to be considered</b>	This clause details information that must be included in an application for a delivery capacity entitlement and matters that the Minister should consider.	Nil	
<b>147- Issuing of delivery capacity entitlements</b>	A delivery capacity entitlement must specify certain terms and is subject to certain conditions, as prescribed from time to time in the regulations, water allocation plan or by the Minister.	Would be appropriate to understand what the terms might be in the regulations.	

Clause	Explanation	LGA Comment	Council Comment
<b>148- Delivery capacity entitlements to relate to point of extraction</b>	A delivery capacity entitlement may be applied to any aspect if the water is being taken from the source at point of extraction, but must not be applied to any part of an irrigation system.	Nil	
<b>149- Variation of delivery capacity entitlements</b>	An approval can be varied as per the conditions in this clause.	Nil	
<b>150- Transfer of delivery capacity entitlements</b>	The holder of delivery capacity entitlements can transfer the allocation to another person under the conditions outlined in this clause.	Nil	
<b>151- Surrender of delivery capacity entitlements</b>	The holder of a capacity entitlement may surrender it at any time.	Nil	
<b>Interstate Agreements</b>			
<b>152- Interstate agreements</b>	The Minister (on behalf of the State of South Australia) can enter into an agreement with a Minister of another State/ Territory for the benefit of natural resource management in the state.	Nil	
<b>Related Matters</b>			
<b>153- Allocation on declaration of a</b>	If a watercourse is declared a prescribed water course, existing users	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>prescribed water course</b>	can continue to use water without water management authorisation until the end of a prescribed period, if the existing user applies for the relevant permits.		
<b>154- Schemes to promote the transfer or surrender of certain entitlements</b>	<p>The Minister will actively promote the transfer and surrender of certain entitlements as per this clause.</p> <p>Replaced reference to NRM Register to Water Register (s.154(5)(c) Lanscape Bill).</p>	Nil	
<b>155- Consequences of breach of water management authorisations</b>	<p>The Minister may cancel, suspend or vary the water management authorisation by giving 7 days' notice if there is a breach in an agreement, in line with a process outlined in the regulations.</p> <p>Breaches may relate to other Acts, such as the <i>Environmental Protection Act 1993</i> or the <i>River Murray Act 2003</i>.</p> <p>Appeals can be made to the ERD Court.</p>	Would be appropriate to understand what the circumstances for cancellation or suspension are in the regulations.	
<b>156- Effect of cancellation of water management authorisations</b>	Any entitlement under a water management authorisation that has been cancelled will be forfeited to the Minister.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>Reservation of Excess Water by Minister</b>			
<b>157- Interpretation</b>	Definition of reserved water.	Nil	
<b>158- Reservation of excess water in a water course</b>	The Minister may (by Gazette) reserve wholly or in part, any excess water as per the conditions in this clause.	Nil	
<b>159- Allocation of reserved water</b>	<p>The Minister can allocate reserved water for a limited term of not more than 15 years, on terms agreed by the Minister.</p> <p>The person cannot transfer reserved water access entitlements.</p>	Nil	
<b>160- Public notice of allocation of reserved water</b>	The Minister must Gazette details of allocations of reserved water each quarter.	Nil	
<b>Water Conservation Measures</b>			
<b>161- Water conservation measures</b>	Water conservation measures may be put in place for (either/ all) prohibiting the use of water for a specified purpose, the use of water in a specified manner, or to prohibit certain uses at certain times.	Nil	
<b>Commercial Forestry</b>			
<b>162- Interpretation</b>	Definition of forest manager.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>163- Declaration of forestry areas</b>	The Minister can, by notice in the Gazette, declare an area of the state as a declared forestry area for the purpose of the Act if the area has been identified in a water allocation plan and the Minister has conferred with the Minister overseeing commercial forestry (plus other conditions in this clause).	Nil	
<b>164- Forest water licences</b>	A forest water licence will be granted (or not granted) by the Minister based on an application complying with the conditions of this clause.	Nil	
<b>165- Allocation of water</b>	A forest water licence has to be accompanied by a water allocation, conditions of which are laid out in this clause.	Nil	
<b>166- Variations</b>	Provides the conditions for variation of a water allocation approval.	Nil	
<b>167- Transfer of allocation</b>	The holder of a forest water licence can transfer the allocation to another person under the conditions outlined in this clause.	Nil	
<b>168- Conditions</b>	This clause outlines the conditions that a forest water licence will be subject to.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>169- Variations-conditions</b>	A condition to a forest water licence may be varied by the Minister under the conditions set out in this clause.	Nil	
<b>170- Establishment of licence on declaration of areas</b>	The forest manager for a commercial forest within the relevant declared forest area is entitled to be issued a forest water licence, as specified by the relevant water allocation plan, based on conditions outlined in this clause.	Nil	
<b>171- Surrender of licences</b>	A licence holder may surrender a forest water licence at any time.	Nil	
<b>172- Cancellation of licences</b>	The Minister can cancel a forest water licence in prescribed circumstances to be prescribed by regulation.	Would be appropriate to understand what the circumstances might be in the regulations.	
<b>173- Offences</b>	This clause outlines conditions by which a forest manager might contravene their licence and be guilty of an offence.  Maximum penalties and conviction applies.	Nil	
<b>Integration with Other Acts</b>			
<b>174- Interaction with</b>	The Minister may transfer a water	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>Irrigation Act 2009</b>	licence, and deal with related entitlements held by an irrigation trust to another trust, or another person or body to give effect to any determination of approval of the relevant Minister under Part 2, Division 4 of that Act (dissolution of trusts).		
<b>175- Interaction with Renmark Irrigation Trust Act 2009</b>	The Minister may allocate water transferred by RIT to a person or other body under section 31 of that Act (surrender or transfer of water available under irrigation rights).	Nil	
<b>Related Matters</b>			
<b>176- Effect of water use on ecosystems</b>	This clause makes clear that water allocations should also take into account the needs of the ecosystems that depend on that resource for water.	This clause could be significantly expanded to better protect sensitive ecosystems.	
<b>177- Activities relating to the Murray Darling Basin</b>	New provision. The Minister must take into account the terms required by the Murray-Darling Basin Agreement and any resolution of the Ministerial Council when determining water allocations.	Nil	
<b>178- Consultation with Minister responsible for the River Murray Act</b>	The Minister should liaise with and take direction from the Minister responsible for the <i>River Murray Act 2003</i> and comply with his/her	Nil	



Clause	Explanation	LGA Comment	Council Comment
<b>2003</b>	directions.		
<b>179- Representations by SA Water</b>	If water is discharged into a watercourse or lake by SA Water, SA Water can make representations to the Regional Landscape Board with regard to its management, and the board can approve works by SA water in their regions.	Nil	
<b>180- Water recovery and other rights subject to board's functions and powers</b>	Regional Landscape Boards, or a designated entity under the board, has powers relating to the right of individuals to take water from watercourse, lakes, wells, whether pursuant to a water management authorisation or not.  SA Water has the right to erect dams or reservoirs across the bed of the River Torrens.  SA Water can erect buildings, divert, impound or take water or alter the course of a watercourse.	Nil	
<b>181- Water management authorisation is not personal property for the purpose of</b>	Refers to <i>the Personal Property Securities Act 2009</i> of the Commonwealth.	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>the Commonwealth Act</b>			
<b>182- Law governing decisions under this part</b>	Definitions of permit and prescribed decision, along with applicable aspects of the Act are described in this clause.		
<b>Control of Animals and Plants</b>			
<b>183- Preliminary</b>	<p>The Minister may, by notice of Gazette, declare that a specified provision of this part applies to a specified class of animal or plant. Additionally, in reference to that specified animal or plant, the Minister may create a declared area for the specified plant or animal, or declare an absolute prohibition for that class of animal or plant.</p> <p>There will be 3 categories of animals and plants not defined in the Act.</p> <p>A notice cannot be made with regard to a class of native animal.</p> <p>Revised provisions re authorised officers s.184(4)(5)(6)(7) from (s.175(4)) in the <i>NRM Act 2004</i>.</p>	<p>It is hard to make a comment given that notices will be determined by '<i>notice of Gazette and change from time to time</i>'.</p> <p>Although the LGA is fully supportive of adequate control of animals and plants that pose a threat to South Australian ecosystems.</p>	
<b>184- Movement of animals and plants</b>	This clause sets out penalties for those bringing an animal or plant of a class to	The LGA notes that the penalties have increased.	

Clause	Explanation	LGA Comment	Council Comment
	which this sub-section applies. Includes penalties, expiations and offences.		
<b>185- Possession of animals and plants</b>	This clause sets out penalties, expiations and offences of persons having in their possession of category 1, 2 and 3 animals or plants.	Nil	
<b>186- Sale of animals, plants, or produce or goods carrying animals or plants</b>	This clause sets out penalties, expiations, offences and periods for imprisonment if a person is found to be selling an animal or plant in categories 1, 2 or 3.	Nil	
<b>187- Offense to release animals or plants</b>	This clause sets out penalties, expiations and periods for imprisonment for persons releasing animals or plants in categories 1, 2 or 3.	Nil	
<b>188- Notification of presence of animals or plants</b>	Landowners within a declared area for category 1, 2, and 3 animals or plants, must make the Regional Landscape Board aware of said animals or plants being present as soon as they become aware.  Penalties apply for non –compliance.	Nil	
<b>188- Requirement to confine certain</b>	A person who has in their possession a category 1, 2 or 3 animal or plant must	Nil	

Clause	Explanation	LGA Comment	Council Comment
<b>animals or plants</b>	<p>comply with instructions of an authorised officer with respect to the keeping or management of any animal in that class.</p> <p>Penalties apply for non-compliance.</p>		
<b>190- Owner of land to take action to destroy or control animals or plants</b>	<p>Landowners must take measures as prescribed by regulations to control or keep controlled category 1, 2 or 3 animals or plants.</p> <p>The relevant authority may issue notice for land owners to comply with these conditions.</p> <p>Penalties apply for non- compliance.</p>	Nil	
<b>191- Action orders</b>	<p>If a relevant authority considers that a landowner has been or is likely to be in breach of section 190 (above), the Minister can issue an action order.</p> <p>This clause outlines particulars of an action order.</p>	Nil	
<b>192- Boards may recover certain costs from owners of land adjoining road reserves</b>	<p>If a Regional Landscape Board carries out measures for the destruction of controlled animals and plants on road reserves, the board is entitled to (within 3 months) give notice to adjoining landowners requiring the owner to</p>	Nil	

Clause	Explanation	LGA Comment	Council Comment
	reimburse the board.		

*Please note:*

*Parts 193 onwards did not appear to be of significant consequence to local government so they were not included. If you identify an issue with any of the excluded sections please do not hesitate to provide the LGA with your comments.*

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## **COUNCIL**

### **DEVELOPMENT AND ENVIRONMENTAL SERVICES**

#### **HEALTH SERVICES REPORT**

**18 JUNE 2019**

#### **7.5.3. DEBATE AGENDA – HEALTH SERVICES REPORT**

##### **7.5.3.1**

##### **REGIONAL PUBLIC HEALTH PLAN REVIEW**

B2316

Author: Director, Development and Environmental Services

##### **PURPOSE**

To seek Council's endorsement to commence a review of the Regional Public Health Plan in accordance with Section 51 (19) of the *South Australian Public Health Act 2011* and confirm elected member representation on the Review Working Group.

##### **RECOMMENDATION**

That Council:

- (1) Affirms its desire to continue its public health planning within a regional framework; and
- (2) Authorises the Chief Executive Officer or his delegate to commence a review of the Regional Public Health Plan, in collaboration with the relevant partnering Councils, pursuant to Section 51 (19) of the *South Australian Public Health Act 2011*; and
- (3) Appoints Cr ..... as Council's representative on the Regional Public Health Plan Review Working Group.

##### **REPORT**

##### **Background**

The *South Australian Public Health Act 2011* (the Act) identifies councils as the Local Public Health Authority for their areas. The Act also allows councils to tackle new and emerging health issues and put plans in place to make communities a better and healthier place to live.

In this framework, councils are required to have a Public Health Plan, with the option of instead having a Regional Public Health Plan with Ministerial approval.

The first such (and current) Plan was prepared as a regional one and Council endorsed the *Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan* (the Regional Public Health Plan – 'RPHP') in 2014. The preparation of the



Regional Public Health Plan was the result of a collaboration with Light Regional Council, Town of Gawler and Adelaide Plains Council.

The Act requires that RPHP's must be reviewed at least once in every five years. Introduced in 2014, Council's current RPHP is now required to be reviewed. This review should ensure consistency with the new State Public Health Plan 2019-2024.

### Introduction

The Act aims to provide a modernised, flexible legislative framework, to ensure South Australia better responds to new public health challenges as well as traditional hazards. The Act replaced the previous *Public and Environmental Health Act 1987*.

The Act is more forward thinking, and based on outcomes and the concept of 'harm to public health', whichever form that may take.

It also sets the way for health authorities to be able to tackle new and emerging health issues and some that have not even evolved or have been identified, and to put in place plans to deal with these threats and to make communities a better and more healthier place to live. Importantly, the Act identifies councils as the local public health authority for their areas.

Section 37 of the Act outlines the functions of a council, namely:

- to take action to preserve, protect and promote public health within its area
- to cooperate with other authorities involved in the administration of the Act
- to ensure that adequate sanitation measures are in place in its area
- insofar as is reasonably practicable, to have adequate measures in place within its area to ensure that activities do not adversely affect public health
- to identify risks to public health within its area
- as necessary, to ensure that remedial action is taken to reduce or eliminate adverse impacts or risks to public health
- to assess activities and development, or proposed activities or development, within its area in order to determine and respond to public health impacts (or potential public health impacts)
- to provide, or support the provision of, educational information about public health and to provide or support activities within its area to preserve, protect or promote public health
- such other functions assigned to the council by the Act.

### State Public Health Plan

In October 2013, SA Health released the inaugural State Public Health Plan titled '*South Australia a Better Place to Live*'. A second State Public Health Plan has recently been introduced under Section 50 of the Act - State Public Health Plan 2019-2024 (the Plan).

The Plan has been developed in partnership with a broad range of public health stakeholders. The purpose of the Plan is to guide coordinated action over the next five years in partnership with local councils and with a range of public health partners, to improve the health and wellbeing of all South Australians.

The Plan recognises Council as a primary health provider, with a role to lead and coordinate on behalf of our community, deliver services and initiatives, and to advocate, regulate and partner with other agencies as appropriate.

The Plan does not imply that Council's area of responsibility should increase to encompass all aspects of public health. Rather, it is acknowledged that protecting, promoting and improving public health requires the effort and interventions of Local, State and Commonwealth Governments, along with non-Government and private providers.

The Plan's vision for "A healthy, liveable and connected community for all South Australians" is supported by four strategic priorities, under the headings of the public health approaches of promote, protect, prevent and progress. These priorities are:

- Promote: Build stronger communities and healthier environments
- Protect: Protect against public and environmental health risks and respond to climate change
- Prevent: Prevent chronic disease, communicable disease and injury
- Progress: Strengthen the systems that support public health and wellbeing

The actions outlined in the Plan under these priorities are a combination of progressing ongoing and essential services as well as new work focussing on the priorities and identified public health risks and opportunities. The strengthening of existing partnerships and the development of new partnerships is also a key feature of the Plan. It provides a framework to work together to take early action to protect health, prevent illness and promote physical and mental health and wellbeing for all South Australians.

### Regional Public Health Plans

Under Section 51 of the Act Council is required to develop its own Public Health Plan to protect, improve and promote community health and wellbeing.

The Minister for Health and Ageing formally approved regional collaboration to develop a RPHP on 18 December 2013. A consultant was engaged to assist the Councils involved to undertake the planning process. Since then the Barossa, Light, Gawler and Adelaide Plains councils have worked together to develop and implement a RPHP, titled *Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan* for the region. A link to the plan is provided in this report.

Under the Act, a RPHP must:

- comprehensively assess the state of public health in the region; and
- identify existing and potential public health risks and provide for strategies for addressing and eliminating or reducing those risks; and
- identify opportunities and outline strategies for promoting public health in the region; and
- address any public health issues specified by the Minister following consultation with SAPHC and the LGA; and
- include information as to—
  - (i) the state and condition of public health within the relevant region, and related trends; and
  - (ii) environmental, social, economic and practical considerations relating to public health within the relevant region; and
  - (iii) other prescribed matters; and
- include such other information or material contemplated by this Act or required by the regulations.

Section 52 of the Act also requires Councils to report on RPHP's to the Chief Public Health Officer every two years. The report must contain a comprehensive assessment of the extent to which, during the reporting period, the Council has progressed implementing its RPHP.

Since the implementation of the RPHP, a working group (representing the four participating Councils) has worked in collaboration to provide two progress reports, in September 2016 and October 2018. The working group meets regularly on a quarterly basis to oversee the promotion, implementation and review of the RPHP.

### Discussion

Section 51 (19) of the Act directs that 'A Regional Public Health Plan must be reviewed at least once in every 5 years'.

The current RPHP was introduced in mid-2014 and therefore a review is required in accordance with the Act. A review is also timely given the recent release of the second version of the State Public Health Plan and the requirement under the Act that the RPHP "should be consistent with the State Public Health Plan."

In response to the submission of the last Regional Progress Report in October 2018, the Chief Public Health Officer noted *"The ongoing collaboration and collegiate approach to the governance of the region's RPHP, with representation from member councils to support its development, review and implementation"*.

It is considered appropriate that Council now resolves to commence a review of the RPHP in collaboration with the partnering Councils. Such a review would likely incorporate a gap analysis to identify consistency with the State Public Health Plan, liaison with SA Health, identification of key strategic issues, tasks and actions. Links to Council's Strategic Plans would also be examined.

The Working Group at its last meeting also resolved to seek an elected member from each Council to participate in a Review Working Group.

### Summary and Conclusion

The *South Australian Public Health Act 2011* requires that Regional Public Health Plans must be reviewed at least once in every five years.

Council's current Regional Public Health Plan is now required to be reviewed. This review should ensure that the plan is consistent with the new State Public Health Plan 2019-2024.

Council's endorsement to commence the review is required. Elected member representation on the Review Working Group is also recommended.

A budget allocation to assist in the review of the RPHP is proposed within the 2019-2020 operational budget.

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Barossa, Light and Lower Northern Region Public Health and Wellbeing Plan:

## 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

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

### Legislative Requirements

South Australian Public Health Act 2011

## FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS

### Financial Management

It is estimated that the review may cost in the order of \$20,000 to \$40,000 depending on the final scope of the review. This would cover consultancy work, advertising and additional consultation.

Each of the participating councils will allocate funds to the review. An amount of \$9,600 is currently incorporated into the proposed 2019-2020 operational budget.

### Risk Management

The Act requires that Regional Public Health Plans must be reviewed at least once in every five years. Introduced in 2014, Council's current Regional Public Health Plan is now required to be reviewed. The review should ensure consistency with the new State Public Health Plan 2019-2024.

By adopting the recommendation Council will ensure it meets the requirements of the *South Australian Public Health Act 2011*, and the responsibilities it has as a local public health authority for its area.

## COMMUNITY CONSULTATION

Community consultation will be programed as part of the review process.



# COVER SHEET

## CONFIDENTIAL REPORT

18 JUNE 2019

### COUNCIL MEETING

#### CORPORATE AND COMMUNITY SERVICES

##### 8.1 CONFIDENTIAL AGENDA – MANAGER COMMUNITY PROJECTS

###### 8.1.1

###### SANTOS TOUR DOWN UNDER 2020

The matter of the agenda item being a Report regarding Council's potential Expression of Interest to host an event or events in the 2020 Santos Tour Down Under and pursuant to Section 90(3)(d)(i) of the Local Government Act 1999 ("the Act") being commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, 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 as commercial in confidence. The matter has been requested to be kept confidential until such dates any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted by Events South Australia.

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, Manager Community Projects, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (d) of the Local Government Act 1999 relating to agenda item 8.1.1 Santos Tour Down Under 2020 being information that must be considered in confidence in order to ensure that Council does not disclose commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; 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 information has been provided to Council as commercial in confidence and Council could be prejudiced if it disclosed this information.



# COVER SHEET

## CONFIDENTIAL REPORT

18 JUNE 2019

### COUNCIL MEETING

#### CORPORATE AND COMMUNITY SERVICES

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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, Manager Community Projects, Communications Officer and the Minute Secretary, in order to consider in confidence, a report relating to Section 90(3) (d) of the Local Government Act 1999 relating to agenda item 8.1.1 Santos Tour Down Under 2020 being information that must be considered in confidence in order to ensure that Council does not disclose commercial information of a confidential nature (not being a trade secret) the disclosure of which – (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; 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 information has been provided to Council as commercial in confidence and Council could be prejudiced if it disclosed this information.

CONFIDENTIAL

**CONFIDENTIAL REPORT**  
**COUNCIL**  
**CORPORATE AND COMMUNITY SERVICES**  
**MANAGER COMMUNITY PROJECTS**

**18 JUNE 2019**

8.1.1

**SANTOS TOUR DOWN UNDER 2020**

**B8989**

**PURPOSE**

Events South Australia has responded to Council's Expression of Interest to become a host Council for the 2020 Santos Tour Down Under (*Attachment 1*).

**RECOMMENDATION**

That Council:

- (1) Accepts the offer from Events South Australia to host Stage 1 of the Santos Tour Down Under and bring a further report to Council once the Licence (Hosting) Agreement is received. The Stage loops through the townships of Tanunda, Angaston and Nuriootpa.
- (2) Approves the addition of \$15,000 ex GST to the 2019/2020 base budget for the additional hosting fee for a start and finish of \$35,000 ex GST.
- (3) Supports officers in liaising with township community representatives to host an associated community event and provides funding of \$13,000 ex GST (already in the 2019/2020 base budget) for this purpose.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(b)(i) and (ii) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes, report and attachments other than the minutes relating to the confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to Confidential Item Number 8.1.1 and titled Santos Tour Down Under 2020, be kept confidential and not available for public inspection until such date as any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted.

**REPORT**

**Background**

At the 18 December 2018 meeting, Council resolved:

*"MOVED Cr de Vries that Council:*

- (1) Endorses in principle the Expression of Interest registration indicating an interest in hosting a 2020 Santos Tour Down Under Start and Finish entirely within Council area at a cost to be advised;
- (2) Endorses in principle the Expression of Interest registration indicating an interest in hosting a 2020 Santos Women's Tour Start and Finish; and;
- (3) requests that the host townships selected be: Start in a Barossa township to be decided in consultation with event organisers and finish In Lyndoch.
- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act (the Act) pursuant to Section 90(3)(b)(i) and (ii) of the Act being information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct business, or to prejudice the commercial position of the council, makes an order pursuant to Section 91(7) of the Local Government Act 1999, that the minutes, report and attachments other than the minutes relating to the confidentiality order of the Confidential Council Meeting held on 18 December 2018 in relation to Confidential Item Number 8.2.1 and titled Santos Tour Down Under 2020, be kept confidential and not available for public inspection until such date as any embargo on the announcement regarding venues for the 2020 Santos Tour Down Under is lifted.

**Seconded** Cr Wiese-Smith

**CARRIED CO2018/22-3"**

#### Discussion

Events South Australia have accepted Council's expression of interest for a start and finish within The Barossa Council region for Stage 1 of the Santos Tour Down Under (TDU) on Tuesday 21 January 2020. Council requested that the finish be in Lyndoch due to the successful and committed volunteer support shown in previous years to host a community event to celebrate the TDU in our region.

The proposed Stage 1 route has both the start and finish of the event in Tanunda (Attachment 2 – proposed race route) and concentrates the race in the townships of Tanunda, Angaston and Nuriootpa.

It is unclear at this stage if there is community interest in any of these townships, and specifically Tanunda, to host an associated community event. In previous years, the Host Agreement has included a clause that requires Council to facilitate a community event to celebrate the TDU.

The 18 December 2018 report documented the following:

*"Each of the region's townships with a community group were contacted to understand their interest in hosting an associated community event in 2020 and beyond. The following table provides the responses.*

<b>Township</b>	<b>Response</b>
Southern Barossa	SBA and sub-groups are very keen to coordinate a local finish or start for future Men's and Women's TDUs with associated community events in the Southern Barossa. "We look forward to having the opportunity to again engage community volunteers and showing off the Barossa to the world."

Angaston	<i>As it has been a number of years since hosting a start / finish, the 2019 event will gauge business interest/participation and interest from community groups and the cycling fraternity. ACBA supports participation in the event and some good future ideas but current officer observation that Council needs to assist further with driving and supporting the planning stages.</i>
Nuriootpa	<i>Beyond the capability / interest of the Nuriootpa Futures Association; however St Petri Church host food offer and children's activities.</i>
Mount Pleasant	<i>Beyond the capability of Mt Pleasant at the moment."</i>

Since the 2019 TDU, the Angaston Community and Business Alliance provided feedback from their involvement in the event and is summarised as follows:

Return on 'Investment' – Financial and volunteer time	<ul style="list-style-type: none"> <li>• Effort required outweighs quantifiable return</li> <li>• Through feedback, perception that the event had a negative economic outcome for Angaston</li> </ul>
Road Closures and Restrictions	<ul style="list-style-type: none"> <li>• Businesses are frustrated at street closure for full day</li> <li>• Residents reported that road restrictions at finish straight barriers were difficult to navigate and in place prior to their normal daily departure times</li> <li>• Most affected still say that 'it's good for town / Barossa' but not with closures and restrictions for that long</li> </ul>
Attendance demographic	<ul style="list-style-type: none"> <li>• Not a 'spending one'</li> <li>• Congregated around finish</li> <li>• Dispersed quickly post race</li> </ul>
Looped routes	<ul style="list-style-type: none"> <li>• More appetite for businesses and people setting up along route all day</li> </ul>
Day for Barossa Stage	<ul style="list-style-type: none"> <li>• Would love a weekend day; businesses would support with less disruption</li> </ul>

Consistently with previous years, officers have entered \$20,000 ex GST into the base 2019/2020 budget for the Hosting Fee. Due to a start and finish within our Council region, it is now understood that the Host Fee is \$35,000 ex GST. This will require additional budget.

At this point, it is unclear the extent of required road closures for the Stage. Indications from Events South Australia staff are that it is likely that there will be road closures required to be implemented by Council in Tanunda (with appropriate detours), and a rolling closure only for the remainder of the circuit. There may be some additional traffic infrastructure and/or traffic management required. Officers will provide a further report to Council following a risk assessment and working group meeting with organisers.

Council has not been allocated a Stage of the Women's Race for 2020.

#### Summary and Conclusion

Events South Australia have responded to the Expression of Interest to hold a start and finish in The Barossa Council region. The response caters for a looped route through Tanunda, Angaston and Nuriootpa; however does not include a stage finish in Lyndoch as requested.

It is now understood that Host Fee will be \$35,000 ex GST and an additional \$15,000 ex GST will be required in the 2019/2020 base budget, should Council endorse the response.

## ATTACHMENTS OR OTHER SUPPORTING REFERENCES

Attachment 1: 19/31327 – Events South Australia Response to Expression of Interest  
Attachment 2: 19/31327 – Proposed Stage 1 Route

## COMMUNITY PLAN / CORPORATE PLAN / LEGISLATIVE REQUIREMENTS

### Community Plan



Community and Culture



Health and Wellbeing



Business and Employment

- 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 Management Considerations

Hosting Fee for a start and finish of the Stage 1 of the 2020 Santos Tour Down Under is \$35,000 ex GST. The base 2019/2020 budget includes \$20,000 ex GST; therefore an additional \$15,000 ex GST will need to be applied if Council endorses the events.

### Resource and Risk Management Considerations

The Tanunda community has not been consulted regarding appetite to host an associated community event. If Council endorses the event and there is not interest provided for a Tanunda community event, this will fall to officers to manage. This activity does not currently sit within officer roles.

## COMMUNITY CONSULTATION

The establishment of a Working Party comprising town representatives, emergency services, service providers, tourism and event organisers will need to be established.

# SANTOS TOUR DOWN UNDER

27 May 2019

The Barossa Council  
Rebecca Tappert  
43/51 Tanunda Road Nuriootpa SA 5355

Dear Rebecca,

Events South Australia, a division of the South Australian Tourism Commission, will stage the 22<sup>nd</sup> Santos Tour Down Under in key locations throughout metropolitan and regional South Australia from 16 – 26 January 2020.

We are pleased to advise that the *The Barossa Council* request to host a Stage Santos Tour Down Under Stage of the 2020 Santos Tour Down Under has been successful.

Date: Tuesday 21 January 2020  
Stage: Santos Tour Down Under Stage One  
Location: Tanunda to Tanunda  
Hosting Fee: \$35,000 + GST

The Santos Tour Down Under race route will also pass through your council area on Friday 24 January 2020.

We are excited to be working with you and your appointment as a 2020 host council and require that your appointment along with all Santos Tour Down Under race information discussed and received over the coming months must remain **CONFIDENTIAL** until the Santos Tour Down Under officially releases this information to the public.

If you are approached by the media for comment on your application it would be greatly appreciated if you could respond with *'We have received notification on the status of our application, however until the official launch of the 2020 event later in the year we are not in a position to discuss the status.'*

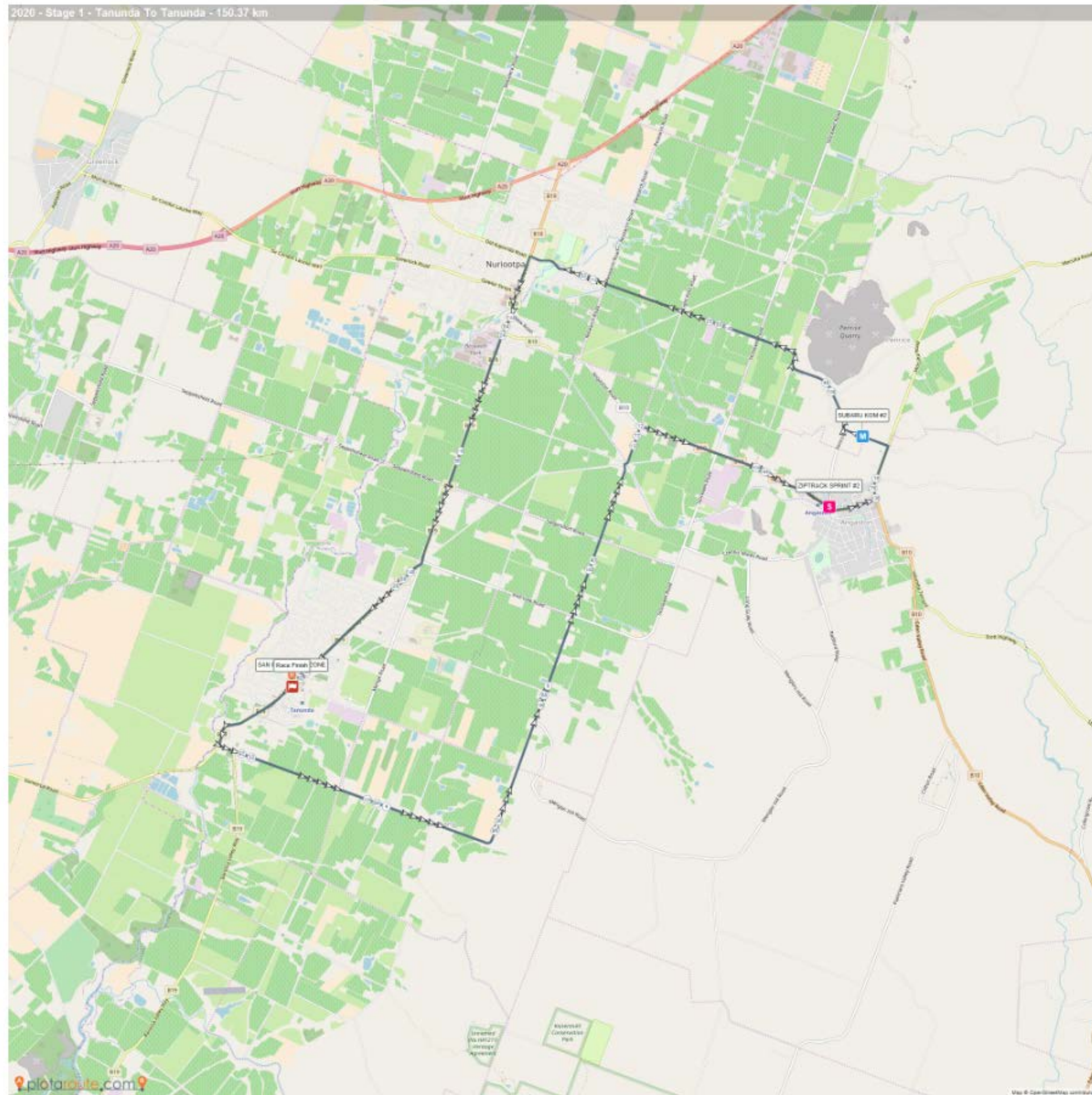
An official contract will be sent to you in the coming weeks. If you have any queries, please do not hesitate to contact me as soon as possible on 8463 4702 to discuss. We look forward to bringing the event to the region and working with you and your team to stage a safe and successful 2020 event.

Kind regards



Ryan Healy  
Event Manager  
Santos Tour Down Under





# COVER SHEET

## CONFIDENTIAL REPORT

18 JUNE 2019

### EXECUTIVE SERVICES

#### 8.2 CHIEF EXECUTIVE OFFICER'S REPORT

##### 8.2.1

#### SECTION 270 LOCAL GOVERNMENT ACT - REVIEW OF COUNCIL DECISION

The matter of the agenda item being a review of a Council decision under section 270 of the *Local Government Act*, pursuant to Section 90(3)(a) and (f) of the *Local Government Act 1999* ("the Act") being information that must be considered in confidence, as it is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial. In particular, the Report contains information of a personal nature about the applicant and relates to a matter in respect of which he may elect to be prosecuted.

There is strong public interest in enabling members of the public to observe Council's transparent and informed decision-making. This helps to ensure accountability, maintain transparency of public expenditure, facilitate public participation, assist public awareness and allow for the scrutiny of information. Attendance at a Council meeting is one means of satisfying this interest. The public will only be excluded from a Council meeting when the need for confidentiality pursuant to Section 90(2) of the Act outweighs the public interest of open decision-making.

In this matter, the reasons that receipt, consideration or discussion of the information or matter in a meeting open to the public would be contrary to the public interest are that:

- *the disclosure of private information of an individual would be unfair or harmful;*
- *detriment to the public (ie disclosing information which would inhibit the flow of information to law enforcement agencies);*
- *disclosure would prejudice the maintenance of law.*

On balance, the above reasons which support 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, Governance Advisor and the Minute Secretary, in order to consider in confidence a report relating to Section 90(3)(a) and (f) of the Local Government Act 1999, relating to 8.2.1 Section 270 Local Government Act – Review of Council Decision, being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial; and
- (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 to prevent the disclosure of private information of an individual that would be unfair or harmful; cause detriment to the public (ie disclosing information which would inhibit the flow of information to law enforcement agencies); and/or prejudice the maintenance of law.

**CONFIDENTIAL REPORT**

**COUNCIL**

**EXECUTIVE SERVICES**

**CHIEF EXECUTIVE OFFICER REPORT**

**18 JUNE 2019**

**8.2 CHIEF EXECUTIVE OFFICER - CONFIDENTIAL**

**8.2.1**

**SECTION 270 LOCAL GOVERNMENT ACT - REVIEW OF COUNCIL DECISION**

**B9332**

Author: Governance Advisor

**PURPOSE**

Council is asked to receive the report and recommendation given by Ms Kate Brandon of HWL Ebsworth Lawyers in her external party review report entitled 'Internal Review Report: The Barossa Council: Mr Antonio Santamaria and Expiation Notice No. 10327', which was provided to Council officers on 4 June 2019 as regards a decision made by Council officers not to withdraw Expiation Notice 10327 issued to the applicant, Mr Antonio Santamaria.

**RECOMMENDATION**

- (1) That Council receive the independent external party review report and attachments, provided to officers on 4 June 2019 by the external reviewer, Ms Kate Brandon of HWL Ebsworth Lawyers, as regards a decision made by Council officers not to withdraw Expiation Notice 10327 issued to the applicant, Mr Antonio Santamaria (the "Decision"), at Attachment 1.
- (2) That, as per the external reviewer's recommendations, Council take no further action in relation to the applicant's application of 18 February 2019, to review the Decision under section 270 of *Local Government Act* (the "Application"); or the Decision.
- (3) That, in accordance with the external reviewer's recommendations, the Chief Executive Officer inform the applicant that:
  - (a) the Application does not fall within the Council Internal Review of Council Decisions Policy;
  - (b) Council has, in the interests of demonstrating transparency, fairness and accountability, determined that it is appropriate to obtain an independent report in relation to the decision to be undertaken having regard to the matters contained in Council's Internal Review of Council Decisions Policy and Process;
  - (c) the independent report has, in accordance with Council's Internal Review of Council Decisions Policy and Process, considered all the information before the original decision maker at the time of the Decision and the additional information submitted by the application, and found that the Decision has been undertaken in a legally and procedurally correct manner, and that a different decision would not provide an improved outcome; and



(d) no further action will be taken in relation to the Application or the Decision.

- (4) Having considered this matter in confidence under Section 90(2) of the Local Government Act 1999, and pursuant to section 90(3)(a) and (f) of the Act, being information that must be considered in confidence in order to ensure that the Council does not disclose information that could reasonably be expected to involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead); and information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial, makes an order pursuant to Section 91(7), that the reports and attachments, and minutes other than the minutes relating to this confidentiality order of the Confidential Council Meeting held on 18 June 2019 in relation to item 8.2.1 Section 270 Local Government Act – Review of Council Decision be kept confidential and not available for public inspection until the applicant has exhausted all legal avenues in relation to matters for which he may elect to be prosecuted in relation to the contents of the Report, and authorise the Chief Executive Officer to review and revoke the order.

## REPORT

### Background

Mr Antonio Santamaria (the "Applicant") made an application on 18 February 2019 for a review under section 270 of the *Local Government Act* of a decision by Council officers not to withdraw Expiation Notice 10327 issued to the applicant (the "Decision"). The applicant was notified of the Decision on 30 January 2019.

Reviews under section 270 of the *Local Government Act* are governed by Council's Internal Review of Council Decisions Policy (the "Policy") and Internal Review of Council Decisions Process (the "Process").

Due to the review of the Decision requiring specialist knowledge, but employees with the specialist knowledge having a conflict of interest in the matter or being unavailable, the Chief Executive Officer determined, pursuant to clause 4.5.3 of the Process, to appoint an external reviewer. Subsequently, Ms Kate Brandon from HWL Ebsworth Lawyers was appointed as the external reviewer.

### Introduction

Ms Brandon has finalised her investigation, and subsequently her report and recommendations are presented for Council's consideration at Attachment 1.

### Discussion

In her review, Ms Brandon first addressed whether the Decision falls within the scope of the Policy, having considered that:

- the applicant has already requested a review of the expiation notice under section 8A of the *Expiation of Offences Act 1996*, which provides that a person can apply for a review of an expiation notice on the ground that the offence to which the notice relates is 'trifling';
- the review of the expiation notice under section 8A of the *Expiation of Offences Act* was conducted by Council officers and upheld the initial decision to issue the expiation notice; and
- the Policy addresses circumstances where decisions will not be subject to review under the Policy, and include where other legislation governs the review

of, or appeal from, a type of decision, and provides the example of an expiation notice under the *Expiation of Offences Act 1996* (at clause 2.2.2);

and determined that the Decision falls outside of the scope of the Policy. However, in light of the complaint made by the applicant and in the interests of demonstrating transparency, fairness and accountability, it was deemed appropriate to nonetheless obtain a report from the external reviewer, addressing the merits of the Decision (i.e. whether the Decision is legally, procedurally and meritoriously correct).

Ms Brandon considered whether the Decision as legally, procedurally and meritoriously correct having regard to the following, that the Council officer/s:

- had the power to make the Decision;
- considered all the matters which were relevant to the making of the Decision at the time and did not take into account matters which were not relevant;
- did not exercise a discretion or power in bad faith, for an improper purpose or while subject to duress or the influence of another person;
- had no conflict of interest, bias or perceived bias;
- ensured that the findings of fact were based on evidence;
- considered any relevant legislation, policies or processes;

and that the decision was reasonable in all circumstances.

She also considered whether a different decision based on the evidence available or new evidence provided or found, would have provided an improved outcome.

Procedural fairness was observed throughout this review so that the applicant was given an opportunity to put forward information and materials in support of the application for review, was informed of the proposed outcome of the review, and had the opportunity to make further submission to Ms Brandon on the outcome and have any matters raised taken into account.

Having completed her review, Ms Brandon found that the Decision falls outside the scope of the Policy and Process, and is not subject to review under the Policy. However, that having considered the merits of the Decision, the Ms Brandon found that the Decision was made in accordance with the legal and procedural requirements and that a different decision would not have provided an improved outcome. Accordingly, Ms Brandon's recommendations are that:

- (1) Council take no further action in relation to the applicant's application or the Decision; and
- (2) That Council inform the applicant that:
  - a. The application does not fall within Council's Internal Review of Council Decisions Policy;
  - b. Council has, in the interests of demonstrating transparency, fairness and accountability, determined that it is appropriate to obtain an independent report in relation to the decision to be undertaken having regard to the matters contained in Council's Internal Review of Council Decisions Policy and Process;
  - c. The independent report has, in accordance with Council's Internal Review of Council Decisions Policy and Process, considered all the information before the original decision maker at the time of the Decision and the additional information submitted by the applicant, and found that the Decision has been undertaken in a legally and

- procedurally correct manner, and that a different decision would not provide an improved outcome; and
- d. No further action will be taken in relation to the applicant's application or the Decision.

### Summary and Conclusion

Council is asked to receive the external reviewer, Ms Brandon's external party review Report and recommendation(s).

## **ATTACHMENTS OR OTHER SUPPORTING REFERENCES**

Attachment 1 - the independent external party review report and attachments prepared by the external reviewer, Mr Kate Brandon of HWL Ebsworth Lawyers, titled 'Internal Review Report: The Barossa Council: Mr Antonio Santamaria and Expiation Notice No. 10327, which was provided by the external reviewer to officers on 4 June 2019

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



### How We Work – Good Governance

#### Corporate Plan

Community and Culture:

2.3 Support and promote community involvement and networks and provide opportunities for participation in local decision making.

Good Governance:

6.1 Ensure that the community has access to information regarding the discussions held and decisions made by Elected Members.

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

6.7 Implement strategies for the community to be actively engaged in Council decision making through sound information and communication.

#### Legislative Requirements

Local Government Act 1999, section 270

#### Policy

Internal Review of Council Decisions Policy

Internal Review of Council Decisions Process

## **FINANCIAL, RESOURCE AND RISK MANAGEMENT CONSIDERATIONS**

Risk is mitigated by complying with Section 270 of the *Local Government Act* and the provisions of Council's Internal Review of Council Decision Policy and Process. Whilst the external reviewer found that the decision falls outside of the scope of the Policy and Process and therefore is not subject to review, in light of the applicant's complaint and in the interests of demonstrating transparency, fairness and accountability, an assessment of the merits of the decision was undertaken by the external reviewer (i.e. whether the decision was procedurally, legally and meritoriously correct).

The costs associated with engaging an external reviewer have been taken from the Development and Environmental Services Directorate's budget, in accordance with Council's Internal Review of Council Decision Policy and Process. Other tasks associated with the review have been done as part of officers' current duties.

## **COMMUNITY CONSULTATION**

There is no community consultation required under legislation for this matter.



***Internal Review Report***

**The Barossa Council**

**Mr Antonio Santamaria and Expiation Notice No. 10327**

4 June 2019

## Introduction

1. Mr Antonio Santamaria has sought a review pursuant to section 270 of the *Local Government Act 1999* (SA) (**the Act**) in relation to the decision made by the Barossa Council (**Council**) not to withdraw Expiation Notice 10327 (**Expiation Notice**).
2. Mr Santamaria's application for a section 270 review of a Council decision was made by email dated 18 February 2019 (the **Application**). Further particulars as to the reasons for the Application were provided as follows:
  - (a) By email to Council dated 3 March 2019; and
  - (b) By telephone call to HWL Ebsworth Lawyers on 28 March 2019(the **Further Particulars**).

The Application and the Further Particulars are attached at **Appendix 1**.

3. HWL Ebsworth Lawyers has been engaged by Council to provide a report to Council in respect of the Application.

## The Council Decision

4. Mr Santamaria's request for review relates to a decision made by Council not to withdraw the Expiation Notice. Mr Santamaria was notified of the decision by letter dated 30 January 2019 (**Decision**). The letter is attached at **Appendix 2**.

## History

5. A summary of the history of the Decision and the Application is set out below. The below is intended as a non-exhaustive summary of these matters. The correspondence should be referred to for its full terms and effect.
6. On 27 June 2018, Council sent a letter to Mr Santamaria, advising that Council had received an allegation that Mr Santamaria had allowed his dog to defecate in public without picking up and disposing of the litter. A copy of the letter is attached at **Appendix 3**. The letter advised that the matter had not been formally investigated, but noted that:

"[u]nder the *Dog and Cat Management Act 1995* (SA) it is an offence to let your dog defecate in a public place without the immediate removal and lawful disposal of the faeces. Failure to pick up after your pet in public areas can incur on-the-spot fines."
7. On 12 December 2018, at approximately 8.57am, Mr Jamie Turley (Manager, Regulatory Services at Council) observed Mr Santamaria walking his dogs on Main Street, Tanunda. Mr Turley observed Mr Santamaria fail to clean up after his dog. Mr Turley took handwritten notes of the incident which, in summary, record as follows:

- (a) Mr Turley was travelling through Main<sup>1</sup> Street, Tanunda and observed Mr Santamaria walking two dogs.
- (b) Mr Turley pulled up in the next available parking space and parked the vehicle.
- (c) From the parked vehicle, Mr Turley then observed one of Mr Santamaria's dogs defecate. Mr Santamaria pulled a bag out of his pocket and made a motion to pick up the faeces, but appeared not to. Mr Santamaria then continued walking and 10 to 15 metres further the dog defecated again. Mr Santamaria looked around and kept walking.
- (d) Mr Turley then drove further down the street, parked the vehicle on the side road ahead of Mr Santamaria, and walked across the road to introduce himself.
- (e) The following exchange then took place between Mr Turley and Mr Santamaria:

Mr Turley: *"Good Morning Mr Santamaria, my name is Jamie from the Barossa Council I have just observed you not picking up after your dog."*

Mr Santamaria: *"Yeah, I normally have bags from the Tanunda Oval but don't have any. I was going to come back and pick up."*

Mr Turley: *"I saw you get a plastic bag out of your pocket and go to pick it up but you didn't."*

Mr Santamaria: *"Yeah it's the wrong sort of bag."*

Mr Turley: *"I don't believe you. We have written to you about this before."*

- (f) Mr Turley then noticed part of a dark grey bag sticking out of the pocket of Mr Santamaria's shorts. It had distinctive white markings. Mr Turley believed it was a dog bag.
- (g) Mr Turley then said *"You have a dog bag in your pocket. I can see it"* and asked Mr Santamaria to remove the faeces immediately.
- (h) Mr Turley and Mr Santamaria both walked 30 to 40 metres back south and found two spots where faeces remained. Mr Santamaria then removed the faeces.
- (i) Mr Santamaria said: *"I know you can fine me so I appreciate the warning."*
- (j) Mr Turley responded: *"Consider this the final warning. The community despises this behaviour."*
- (k) Mr Santamaria acknowledged and thanked Mr Turley before walking off.

A copy of Mr Turley's notes is attached at **Appendix 4**.

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<sup>1</sup> Mr Turley's handwritten notes record that the incident occurred on Main Street, Tanunda. Mr Turley has since clarified that the incident occurred on Murray Street, the main street of Tanunda.

8. On 9 January 2019, Council wrote to Mr Santamaria enclosing the Expiation Notice and advising that:

"Following our conversation I have reviewed the matter further. Given that Council wrote to you about the matter previously and this behaviour has continued, I have enclosed an expiation notice for the offence of failing to immediately remove and dispose of faeces in a lawful and suitable manner."

A copy of the letter and enclosed Expiation Notice is attached at **Appendix 5**.

9. By emails to Council dated 20 and 22 January 2019, Mr Santamaria requested a review of the Expiation Notice. In his email, Mr Santamaria:

- (a) set out his version of the events on 12 December 2018 as follows:

"Jamie Turley approached me on Murray street, Tanunda in regards to dog feces (sic) that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways."

- (b) alleged that, two or three days after the incident, he was involved in a private road rage incident with Mr Turley on Murray Street, Tanunda, and that Mr Turley's decision to issue an expiation notice was a retaliatory gesture.
- (c) alleged that Mr Turley's explanation for issuing the Expiation Notice was not truthful and that he did not accept that Mr Turley had decided to issue the Expiation Notice upon reviewing the matter further, as when Mr Turley spoke to Mr Santamaria on 12 December 2018 and gave a warning, Mr Turley was aware of the previous incident and that Council had written to Mr Santamaria previously.
- (d) alleged that Mr Turley stated that he was not going to fine him and this was his last warning.

Copies of the emails from Mr Santamaria to Council are attached at **Appendix 6**.

10. Between 23 January 2019 and 30 January 2019, the following employees of Council considered the Expiation Notice in order to provide recommendations as to whether the Expiation Notice should be withdrawn to the Director, Development and Environmental Services, Mr Gary Mavrinac:

- (a) Chris Horsell;
- (b) Karen Watson;
- (c) Michael Clark;

(d) Steven Kaesler;

(e) Eliza Wedge.

(the **Review Panel**)

11. The majority of the Review Panel members recommended that the Expiation Notice not be withdrawn.
12. Mr Santamaria's application for review was then considered by Mr Mavrinac. On 30 January 2019, Mr Mavrinac wrote to Mr Santamaria advising that the Review Panel had reviewed the request to have the Expiation Notice withdrawn and that the Expiation Notice had been upheld. A copy of the letter dated 30 January 2019 is attached at **Appendix 2** and constitutes the Decision.
13. On 18 February 2019 Mr Santamaria sought a review of the Decision, being Mr Mavrinac's decision to uphold the Expiation Notice.

### **Section 270 of the Act and Internal Review Policy**

14. Section 270 of the Act provides that a council must establish procedures for the internal review of a decision of the council. As required by section 270 of the Act, Council has developed and established an internal review procedure. That procedure is set out in documents titled 'Internal Review of Council Decisions Policy' (**the Policy**) and 'Internal Review of Council Decisions Process' (**the Process**).
15. Decisions of Council, employees of Council, and other persons acting on behalf of Council may be subject to review under the Policy.
16. The Process provides that where a decision of Council, an employee of Council or another person acting on behalf of Council is subject to review under the Policy, an internal review must be conducted by the following procedure:
  - (a) The reviewer will consider the merits of all the materials and information that were before the original decision-maker at the time of the decision and any additional relevant information or material provided by the applicant or which has become available during the course of the review (paragraph 4.6.1 of the Process).
  - (b) The reviewer will consider whether the original decision is legally and procedurally correct having regard to the following matters:
    - (i) that the original decision maker had the power to make the decision;
    - (ii) that the original decision maker considered all the matters which were relevant to the making of the decision at the time and did not take into account matters which were not relevant;
    - (iii) that the original decision maker did not exercise a discretion or power in bad faith, for an improper purpose, or while subject to duress or the influence of another person;

- (iv) that the original decision maker had no conflict of interest, bias or perceived bias;
- (v) that the original decision maker ensured that the findings of fact were based on evidence;
- (vi) that the original decision was reasonable; and
- (vii) that the original decision maker considered any relevant legislation, policies or processes

(paragraph 4.6.2 of the Process).

- (c) The reviewer will also consider whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome (paragraph 4.6.2 of the Process).

17. For the purposes of this report, the Decision will be considered in three parts:

- (a) whether the Decision is subject to review under the Policy;
- (b) whether the Decision complies with the procedural requirements as listed at paragraph 16(b) above;
- (c) in light of all relevant material, whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome.

## Statutory Framework

- 18. Under section 45A(6) of the *Dog and Cat Management Act 1995* (SA) (**the D&CM Act**), a person who owns or is responsible for the control of a dog (not being an accredited assistance dog) is guilty of an offence if the dog defecates in a public place and the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner. The offence is an expiable offence, and an expiation fee of \$210 is fixed.
- 19. Under section 5(1) of the *Expiation of Offences Act 1996* (SA) (**the EoO Act**), if an expiation fee is fixed by an Act in relation to an offence, an expiation may be given to a person alleged to have committed the offence and the alleged offence may accordingly be expiated in accordance with the EoO Act.
- 20. A person who has been given an expiation notice may apply, pursuant to section 8A of the EoO Act, for a review of the notice on the ground that an offence to which the notice relates is trifling.
- 21. If a council, following receipt of an application under section 8A of the EoO Act, is satisfied that the offence is trifling, the council must by notice in writing to the alleged offender withdraw the expiation notice under section 8A(5) of the EoO Act.
- 22. In accordance with the special meaning of "trifling" under section 4(2) of the EoO Act, an alleged offence will, for the purposes of the EoO Act, be regarded as trifling if, and only if,

the circumstances surrounding the commission of the offence were such that the alleged offender ought to be excused from being given an expiation notice on the ground that:

- (a) there were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence; or
- (b) the alleged offender could not, in all the circumstances, reasonably have averted committing the offence; or
- (c) the conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.

### **Is the Decision subject to review under the Policy?**

- 23. Not all decisions are subject to a review under the Policy.
- 24. Clause 2.2 of the Policy sets out when decisions are not subject to review under the Policy. In particular, in accordance with Clause 2.2.2 of the Policy, where other legislation governs the review of a specific type of decision, a decision of that type will not be reviewed under the Policy. The Policy cannot override that legislation or operate inconsistently with those legislative processes.
- 25. A review of an expiation notice under the EoO Act is specifically listed in clause 2.2.2 of the Policy as an example of a decision that would not be subject to a review under the Policy. Section 8A of the EoO Act provides a separate process to review an expiation notice, whereby a person who has been given an expiation notice may apply on the grounds that the offence to which the notice relates is trifling.
- 26. Accordingly, we consider that as there is legislation which governs the review of this type of decision, and the Policy cannot override or operate inconsistently with that legislation, the Decision is outside the scope of the Policy and is not subject to review under the Policy.
- 27. However, in light of the complaint made by Mr Santamaria, and in the interests of demonstrating transparency, fairness and accountability, Council has determined that it is appropriate to nonetheless obtain an independent report in relation to the Decision. Accordingly, Council has instructed us to review and address the merits of the Decision having regard to the matters contained in the Policy and Process.

### **Compliance with Procedure**

- 28. As required by the Process, a review of the Decision should ensure that the Decision is legally and procedurally correct, having regard to the factors as summarised at paragraph 16(b)(i) to 16(b)(vii).

*Decision maker had power to make the decision (paragraph 16(b)(i))*

- 29. The Decision was made by the Director, Development and Environmental Services, Mr Mavrinac.
- 30. Pursuant to section 44 of the Act, a council may delegate a power or function vested or conferred under the Act and that delegation may be made to an employee of the council.



31. Pursuant to section 101 of the Act, the chief executive officer may delegate or sub-delegate a power or function vested or conferred in or on the chief executive officer under the Act, including to an employee of the council or employee for the time being occupying a particular office or position.
32. The Council maintains a delegations register which sets out the delegations under section 44 and section 101 of the Act. The following delegation was made:
  - (a) The duty pursuant and subject to Section 8A(5) and (6) of the EoO Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender delegated to the Chief Executive Officer and sub delegated to persons including Director, Development and Environmental Services.
33. Accordingly, Mr Mavrinac, as Director Development and Environmental Services, was sub-delegated the authority to make the Decision.
34. The Decision was therefore made within a power properly conferred on the decision maker.

*Relevant Matters Considered (paragraph 16(b)(ii))*

35. Prior to Mr Mavrinac making the Decision, the Review Panel considered the Expiation Notice. The members of the Review Panel were provided with a bundle of materials for this purpose, including the letter from Council to Mr Santamaria of 27 June 2018 (Appendix 3), Mr Turley's handwritten notes (Appendix 4), the original letter to Mr Santamaria from Council issuing the Expiation Notice and a copy of the Expiation Notice (Appendix 5), and the emails from Mr Santamaria to Council dated 20 and 22 January 2019 (Appendix 6).
36. The members of the Review Panel specifically recalled that they had been provided with the following materials by Council:
  - (a) Ms Horsell specifically recalled receiving a copy of the customer request, Mr Turley's handwritten notes, and a chronology.
  - (b) Ms Wedge specifically recalled receiving a copy of the letter to Mr Santamaria, a copy of the Expiation Notice, Mr Turley's handwritten notes, and internal emails and correspondence with Mr Santamaria.
  - (c) Mr Kaesler specifically recalled receiving a package with the full record of relevant communications from Council's customer request system, including trails of emails in full form.
  - (d) Ms Watson specifically recalled receiving a letter to Mr Santamaria, a timeline of events and other correspondence and emails.
  - (e) Mr Clarke specifically recalled receiving Mr Turley's handwritten notes, correspondence from Mr Santamaria's request, and the Expiation Notice.
37. All members of the Review Panel confirmed that they recalled reading and considering all materials that they had been provided, and did not consider any other matters in making a recommendation regarding the Expiation Notice.

38. Each member of the Review Panel completed and signed a response sheet containing their individual recommendation in relation to the Expiation Notice. The response sheets completed by the Review Panel include comments that indicate familiarity with the material provided.
39. Mr Mavrinac recalled that he was provided with the Review Panel recommendations, together with all the materials that the Review Panel had been provided. Further, Mr Mavrinac confirmed it was his usual practice to review all the materials provided to him.
40. Accordingly, based on our review of the decision and the relevant materials, we are satisfied that Mr Mavrinac had regard to all the matters that were relevant to the making of the decision at the time. There has been no suggestion and there is no evidence that the Decision was made by Mr Mavrinac on the basis of irrelevant matters, or that relevant matters were not considered.

*Decision Made In Bad Faith, for Improper Purpose, or while Subject to Duress or Influence (paragraph 16(b)(iii))*

41. There is no suggestion and no evidence that the Decision was made by Mr Mavrinac in bad faith or for an improper purpose, or subject to duress or the influence of another person.
42. There is no suggestion and no evidence that the recommendations were made by the Review Panel in bad faith or for an improper purpose, or subject to duress or the influence of another person.
43. Further, while the members of the Review Panel are provided with the same materials, they each conduct an individual, independent assessment of those materials. Generally, the members of the Review Panel will work in different areas of Council and are actively encouraged to be independent. The members of the Review Panel do not see the decisions of the other members of the Review Panel.
44. Mr Mavrinac read the individual recommendations made by each member of the Review Panel. However, Mr Mavrinac confirmed that, whilst he had regard to those recommendations, he undertook his own review of the relevant materials in making the Decision.

*Findings of Fact Based on Evidence (paragraph 16(b)(v))*

45. Mr Mavrinac and the Review Panel did not personally observe the alleged offending on 12 December 2018.
46. However, the materials provided to Mr Mavrinac and the Review Panel included Mr Turley's detailed handwritten notes. Further, Mr Mavrinac and the Review Panel were provided with Mr Santamaria's account of the incident.
47. As such, we are satisfied that the findings of fact relevant to the decision were based on evidence.

*Procedural Fairness (paragraph 16(b)(iv))*

48. Generally speaking, procedural fairness requires that a person has a fair hearing and that a decision is made in the absence of bias.

49. Mr Santamaria made a number of representations to the Council which were considered by Council. Mr Mavrinac and the members of the Review Panel all confirmed that they took the matters raised by Mr Santamaria into account.
50. There is no evidence or suggestion of any bias towards Mr Santamaria on the part of Mr Mavrinac or the members of the Review Panel.

*Decision Reasonable (paragraph 16(b)(vii))*

51. For the reasons set out below, we are satisfied that the Decision was reasonable.

*Application of Relevant Legislation, Policies or Processes (paragraph 16(b)(vii))*

52. Mr Mavrinac confirmed that in making the Decision, he considered the relevant legislation, including the D&CM Act and the EoO Act. In particular, Mr Mavrinac confirmed that he specifically considered the special meaning of "trifling" under the EoO Act, and was not satisfied that the circumstances surrounding the commission of the offence, and the matters raised by Mr Santamaria, provided grounds to excuse the offence.

**Would a Different Decision Provide an Improved Outcome?**

53. The Process also requires that the reviewer "consider whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome".
54. In summary, the following information and materials are relevant to the Decision and the review:
  - (a) The Application and Further Particulars (Appendix 1);
  - (b) The Decision (Appendix 2);
  - (c) The materials provided to the Review Panel and Mr Mavrinac;
  - (d) *Expiation of Offences Act 1996* (SA);
  - (e) *Dog and Cat Management Act 1995* (SA);
  - (f) Telephone conversations with Mr Turley, Mr Mavrinac and the members of the Review Panel; and
  - (g) Email from Mr Turley to HWL Ebsworth dated 2 May 2019.
55. Where the content of the materials referred to above are not specifically referred to in this report, this does not indicate that the material has not been taken into account in undertaking the review. Each of the materials have been reviewed and considered in full.
56. In his Application, Mr Santamaria raised the following matters:
  - (a) that he was informed by Mr Turley that an expiation notice would not be issued if he returned to the location of the dog faeces and picked it up;

- (b) that he returned to the location of the dog faeces and picked it up and that this was witnessed by Mr Turley;
- (c) that at the time of the incident, Mr Turley was aware that he had previously been issued with a warning by Council; and
- (d) that Mr Turley's decision to issue an expiation notice was motivated by his personal involvement in a road rage incident that occurred two or three days after the incident on 12 December 2018.

57. By email dated 3 March 2019, Mr Santamaria raised the following matters:

"I would like to reiterate to whomever is reviewing this matter that James, by saying to me if I were to pick up the feces (sic) he would not fine me for this incident, had verbally entered into a contract with me regarding this matter. As far as I am aware, he has not denied this. Therefore with me picking up the feces (sic), a fine is unwarranted.

In his letter attached to the expiation notice on the fine, he states "after reviewing this matter, I have decided to fine you because of my previous warning", however at the time of the incident he stated that he had previously written to me, so when he let me off with this warning he had full knowledge of the letter he had previously sent me as it came up during our conversation. It was only after a minor road rage incident involving myself and James, that he decided to use his position as a manner of revenge, which is completely unacceptable for a council inspector to do..."

58. By telephone call to HWL Ebsworth Lawyers on 28 March 2019, Mr Santamaria raised the following matters:

- (a) that Mr Turley had raised with him at the time of the incident on 12 December 2018 that he had previously been given a warning, and as such was aware that he had previously been issued with a warning by Council;
- (b) that Mr Turley told him that he wouldn't fine him if he returned and picked up the dog faeces, so he returned to the site of the dog faeces and removed it;
- (c) that Mr Turley observed him pick up the dog faeces at the time;
- (d) that he said to Mr Turley that he appreciated the warning; and
- (e) that he was subsequently involved in a road rage incident with Mr Turley where both parties gave each other a rude gesture. He recognised Mr Turley's vehicle as it was a white, Hilux type vehicle with a canopy.

59. Mr Santamaria's recollection on 28 March 2019 of the road rage incident differs from the version of events as stated in his email of 20 January 2019, in which he states that only he gave Mr Turley a finger gesture, after Mr Turley failed to give way to him on Murray Street, Tanunda. On 28 March 2019, Mr Santamaria stated that both parties gave each other a rude gesture.

60. We have considered the matters raised by Mr Santamaria in respect of the alleged road rage incident and in respect of the events on 12 December 2018.

*Alleged road rage incident*

61. In respect of Mr Santamaria's allegation that he and Mr Turley were involved in a road rage incident two or three days after the incident on 12 December 2018, we have considered the matters raised by Mr Santamaria and we consider that there is not sufficient evidence to find that Mr Turley was involved in a road rage incident. In particular:
- (a) Mr Santamaria has indicated that he recognised the vehicle as the vehicle driven by Mr Turley and described the vehicle as a white Hilux type vehicle with a canopy.
  - (b) Mr Turley confirmed that he drives a Council issued vehicle meeting this description (a white dual cab Holden Colorado utility vehicle with a canopy).
  - (c) However, Council has five white dual cab Holden Colorado utility vehicles with a canopy in its fleet. There are two in Mr Turley's team, and three based in the maintenance depot at Tanunda.
  - (d) Further, Mr Turley's vehicle is regularly used during the day by other members of his team.
  - (e) There is nothing unique about the white dual cab utility vehicle in Council's fleet, such that it may not have been a Council vehicle.
  - (f) Mr Turley denies being involved in the incident.

*Events on 12 December 2018*

62. In general, we accept the factual matters raised by Mr Santamaria in respect of the events on 12 December 2018 as accurate. We consider that Mr Turley's handwritten notes in relation to the incident on 12 December 2018 are consistent with Mr Santamaria's account. In particular, we draw attention to the following matters:
- (a) There is no dispute that on 12 December 2018, Mr Santamaria was walking his two dogs along Murray Street, Tanunda and was observed by Mr Turley failing to immediately pick up and dispose of dog faeces in contravention of section 46A of the D&CM Act.
  - (b) There is no dispute that Mr Santamaria returned to the location of the dog faeces and removed the faeces. Mr Turley's notes record that he walked with Mr Santamaria 30 to 40 metres to the location of the dog faeces and he observed Mr Santamaria remove the faeces.
  - (c) There is no dispute that Mr Turley gave Mr Santamaria a warning at the time of the offending. Mr Turley's notes indicate he gave a warning to Mr Santamaria. While Mr Turley's notes do not record that a warning was provided prior to Mr Santamaria picking up the faeces, we are satisfied that it is likely that this occurred because Mr Turley's notes record that after Mr Santamaria removed the faeces Mr Santamaria said: "I know you can fine me so I appreciate the warning" and Mr Turley responded: "Consider this the final warning". This exchange suggests that a warning had already been provided by Mr Turley at this time.

- (d) There is no dispute that Mr Turley was aware of the previous warning at the time of the offending. Mr Turley's notes record that he told Mr Santamaria "we have written *to you about this before*", and accordingly was aware at the time of the previous warning issued by Council.

#### *The Decision*

63. Having considered the matters raised by Mr Santamaria:
- (a) We are not satisfied that Mr Turley was motivated by his involvement in an alleged road rage incident in issuing the Expiation Notice.
  - (b) We do not consider that it was inappropriate for Mr Turley to issue the Expiation Notice to Mr Santamaria after giving further thought to the matter. In particular, we note that Mr Santamaria has not disputed that he acted in contravention of section 46A of the D&CM Act.
64. In any event the subject of the Application, the Decision, is the decision of Council not to withdraw the Expiation Notice pursuant to section 8A of the EoO Act. Pursuant to section 8A an expiation notice may be withdrawn on the grounds that the expiation notice is trifling.
65. Having regard to the special meaning of trifling under section 4(2) of the EoO Act, we consider that the circumstances surrounding the commission of the offence, and the matters raised by Mr Santamaria, do not provide grounds to excuse Mr Santamaria from being given the Expiation Notice. In particular:
- (a) There is no evidence of any compelling humanitarian or safety reasons for Mr Santamaria's conduct.
  - (b) There is no evidence that Mr Santamaria in all the circumstances, could not have reasonably averted committing the offence. In particular, Mr Santamaria had appropriate bags to remove the faeces on his person at the time.
  - (c) The conduct constituting the offence was not merely a technical, trivial or petty instance of the breach of section 46A of the D&CM Act. Where a dog defecates in a public place, section 46A requires the person responsible for the dog to remove and lawfully dispose of the excrement *immediately*. Mr Santamaria's conduct is a clear example of a breach of section 46A of the D&CM Act. Further, while there is no dispute that Mr Santamaria subsequently removed the dog excrement, this was not done immediately, but only after walking a further 30 to 40 metres off the road and being asked to remove it by a Council officer.
66. Accordingly, having considered the matters raised by Mr Santamaria, we do not consider that a different decision based on the evidence available or new evidence provided or found provides an improved outcome.

#### **Provision of Provisional Report to Council and Mr Santamaria**

67. In accordance with Council's instructions in relation to our review, we prepared a provisional report with our findings and recommendations in relation to the Decision.

68. In accordance with Council's practice and in the interests of procedural fairness, we provided the provisional report to Council and Mr Santamaria for comment.
69. On 27 May 2019, Mr Santamaria provided the following comments for our consideration:
- (a) That Mr Turley recorded in his notebook that he said to Mr Santamaria that Mr Santamaria should "consider this the final warning" and that:

"it is very clear in any language that this means you have one more chance before further action is taken, which [Mr Turley] has failed to uphold";
  - (b) That Mr Turley is untruthful in his denial of the road rage incident, and that:

"Mr Turley definitely recognised me, as he suggested by way of giving me obscene gestures directly at me. The Council has also put forward about the amount of vehicles that are owned by the Council that are similar to the one I described he was driving. However it is not a coincidence that I recognised the exact vehicle he was driving, as well as Mr Turley himself, not an unfamiliar council employee";
  - (c) That he once tried to meet with Mr Mavrinac and Mr Turley, but they refused to meet with him to discuss the matter.
70. We note that the matters raised by Mr Santamaria as summarised at 69(a) above were also raised by him in his emails of 20 January 2019, 18 February 2019, and 3 March 2019, and in his telephone call to HWL Ebsworth on 28 March 2019. In particular in his email of 3 March 2019, Mr Santamaria states that Mr Turley had "verbally entered into a contract" with him (see paragraph 57 above) in that if Mr Santamaria picked up the faeces, Mr Turley would not issue an expiation notice.
71. For the avoidance of doubt, we are not satisfied that what occurred between Mr Turley and Mr Santamaria constitutes a verbal contract which would prevent Mr Turley from issuing the Expiation Notice to Mr Santamaria. However, we note that in giving Mr Santamaria a direction to pick up the faeces and in issuing the Expiation Notice, Mr Turley was exercising a statutory power pursuant to the D&CM Act and EoO Act. As a person exercising a statutory power, Mr Turley cannot fetter that power by entering into a contract or undertaking which is incompatible with his statutory power. Any such contract, if entered into, would be invalid and unenforceable in accordance with common law.
72. We have taken Mr Santamaria's comments into account and have considered his comments in light of the other matters as summarised in this within report and in accordance with the Process. Having considered those matters, we have not revised the findings made in the provisional report and our conclusions remain as set out in that report.

## **Summary of Review and Recommendations**

73. We consider that the Decision is outside the scope of the Policy, and is not subject to review under the Policy.



74. However, in any event, we consider that the Decision was made in accordance with legal and procedural requirements and we do not consider that a different decision would provide an improved outcome.
75. Accordingly we recommend that Council take no further action in relation to the Application and the Decision.
76. Further we recommend that Council inform Mr Santamaria that:
- (a) the Application does not fall within the Council Internal Review of Council Decisions Policy;
  - (b) Council has, in the interests of demonstrating transparency, fairness and accountability, determined that it is appropriate to obtain an independent report in relation to the decision to be undertaken having regard to the matters contained in the Council Internal Review of Council Decisions Policy and Internal Review of Council Decisions Process;
  - (c) the independent report has, in accordance with Council Internal Review of Council Decisions Policy and Internal Review of Council Decisions Process, considered all the information before the original decision maker at the time of the Decision and the additional information submitted by Mr Santamaria, and found that the Decision has been undertaken in a legally and procedurally correct manner, and that a different decision would not provide an improved outcome; and
  - (d) no further action will be taken in relation to the Application or the Decision.
77. This concludes our report.

4 June 2019

A handwritten signature in blue ink, consisting of a stylized 'K' and 'B' followed by a horizontal line.

Kate Brandon  
Partner  
HWL Ebsworth

# APPENDIX 1

## Emma Carnell

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Monday, 18 February 2019 7:50 PM  
**To:** MBX Inspect  
**Subject:** Re: Re-Expiation Notice

To whom it may concern,

I have received your letter that council has made a decision to proceed with the expiation notice. I have been informed that I have a right for a review of that decision from a layperson. I wish to proceed with that right for a review. The basis for the review is such that on one of the reviews was that I had not picked up the dog excrement. No. 1 Mr James Turley did not deny the fact that he witnessed me picking it up. No. 2 he also did not deny that he told me he was going to give me another chance before issuing me a expiation notice. No. 3 Mr Turley used his position as a council inspector to wrongfully execute a expiation notice to settle a minor road rage incident. I also request to be provided to me minutes retaining to the decision of the refusal of the expiation notice. I further state that an inquiry should be made into the conduct of Mr Turley's wrong doing by using his position to settle a personal incident.

Regards,  
Antonio.

---

**From:** MBX Inspect  
**Sent:** Tuesday, 22 January 2019 10:19 AM  
**To:** Antonio Mia  
**Subject:** RE: Re-Expiation Notice

Hi Antonio, I acknowledge receipt of your email, can I please confirm that you are requesting a review of your expiation notice?

Regards,

Sarah

---

**From:** Antonio Mia [mailto:pizza.head@outlook.com]  
**Sent:** Sunday, 20 January 2019 6:57 PM  
**To:** MBX Inspect  
**Subject:** Re-Expiation Notice

To whom it may concern;

As stated on the 12th of December in the letter from the Barossa council to myself, Jamie Turley approached me on Murray street, Tanunda in regards to dog feces that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways. Two or three days after this incident I had given Mr Turley a finger gesture after he failed to give way on Murray street, Tanunda. I put it to Mr Turley that this is a retaliatory gesture, having issued me with this expiation notice after he assured me he was not going to do so. I further note that Mr Turley wrote in his letter that he reviewed this matter and after consideration he chose to issue me with the fine given that the council wrote to me previously about this

issue. But in our conversation on the 12th of December, he mentioned this previous issue and still only gave me a warning. So to write in his letter that under further review of this matter, given that the council had wrote to me, is a untrue statement. I find the explanation in his letter as Mr Turley states that he had reviewed the matter further, to be not truthful and purely retaliatory on his behalf. It is upsetting for me to think that someone in this council could act without candor. I put it to Mr Turley that he witnessed me picking up the dog defecates and furthermore he was aware that he had written to me previously. I also put it to Mr Turley that he did state he was not going to fine me this time, and that it was my last warning and this is purely a retaliation on a private road rage incident.

Kind regards,

Antonio

## Rugiyya Martin

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Sunday, 3 March 2019 7:20 PM  
**To:** Rugiyya Martin  
**Subject:** Re: Request for Review under Section 270 Local Government Act

Thank you for your email.

I would like to reiterate to whomever is reviewing this matter that James, by saying to me if I were to pick up the feces he would not fine me for this incident, had verbally entered into a contract with me regarding this matter. As far as I am aware, he has not denied this. Therefore with me picking up the feces, a fine is unwarranted.

In his letter attached to the expiation notice on the fine, he states "after reviewing this matter, I have decided to fine you because of my previous warning", however at the time of the incident he stated that he had previously written to me, so when he let me off with this warning he had full knowledge of the letter he had previously sent me as it came up during our conversation. It was only after a minor road rage incident involving myself and James, that he decided to use his position as a manner of revenge, which is completely unacceptable for a council inspector to do.

The other thing that is of concern to me is that I am a proprietor of a pizza bar in Tanunda and James and his employer may seek revenge for my complaint, such as sending unwarranted inspectors, after this similar behaviour has been displayed by James. I therefore have no choice but to put the council on notice that any retaliation by any of it's members or staff would be dealt with by the Ethics and Corruption Watchdog.

I have requested the minutes pertaining to how the decision was made to proceed with the fine. Could you please provide these to me?

Regards,  
Antonio Santamaria

---

**From:** Rugiyya Martin  
**Sent:** Thursday, 28 February 2019 4:37 PM  
**To:** 'pizza.head@outlook.com'  
**Cc:** Martin McCarthy; Rebecca Tappert  
**Subject:** Request for Review under Section 270 Local Government Act

Dear Mr Satamaria,  
Please find the attached correspondence and attachments regarding your section 270 internal review application.  
Many thanks.  
Kind regards,  
**Rugiyya Martin**  
Governance Advisor  
T: 08 8563 8408



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

T: 08 8563 8444 | F: 08 8563 8461 | [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) | [Visit us on Facebook](#)

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# APPENDIX 2



30 January 2019



The Barossa Council

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

Dear Mr Santamaria,

**RE: Expiation Notice No.10327**

Thank you for your application requesting a review of Expiation Notice 10327 dated 22 January 2019.

The Review Panel has reviewed your request to have the expiation withdrawn and I advise that the initial decision has been upheld. As such the expiation notice remains payable as previously issued, with a revised due date of **27 February 2019.**

Should you require any further information regarding this matter please do not hesitate to contact the Manager, Regulatory Services at the Nuriootpa office on 8563 8444.

Yours sincerely,

Gary Mavrinac

**Director, Development and Environmental Services**



premium wine food tourism heritage lifestyle community



## Expiation Notice

Expiation of Offences Act 1996  
ABN 47749871215

Notice Number

**10327**

Date of Issue

**30 January 2019**

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

The Offence is expiable by payment to:  
The Barossa Council on or before the pay-by date.

Issuing Officer – B2

It is alleged that you committed the following offence  
according to the Dog & Cat Management Act 1995

<b>OFFENCE</b>	D45A6 - Fail to remove/dispose dog faeces - public place
<b>DATE OF OFFENCE</b>	12-Dec-2018
<b>TIME</b>	08:57:00
<b>LOCATION</b>	Murray Street, TANUNDA
<b>DETAILS</b>	

<b>AMOUNT PAYABLE</b>	\$210.00
<b>EXPIATION FEE</b>	\$210.00
<b>TOTAL</b>	\$210.00
<b>PAY BY DATE</b>	27-February-2019

### PENALTIES FOR LATE OR NON PAYMENT

May Include:

Reminder Notice Fee, Administration Fee if the offence is vehicle related, Expiation enforcement warning notice fee.

If no choice is made, one reminder notice will be issued (a reminder notice fee will apply). After that, the outstanding amount will be referred to the Fines Enforcement and Recovery Officer.

**YOU MUST READ ALL THE INFORMATION ON THE OTHERSIDE OF THIS NOTICE**  
If you take no action on this notice, you may be automatically convicted of the offence



### On-Line Payments

[www.barossa.sa.gov.au](http://www.barossa.sa.gov.au)

Access on-line services and payments to pay via credit or debit card.



### Phone Payment and Enquiries

For telephone payment and enquiries contact our Customer Service Officers on (08) 8563 8444.



### Postal Payments

Please detach and complete the payment advice on the reverse and post it with your cheque or money order payable to:

**The Barossa Council**

PO Box 867, NURIOTPA SA 5355

### PAYMENT IN PERSON

Payments may be made by cash, credit card, EFTPOS or cheque at any of the following council offices:

#### **The Barossa Council Office**

43-51 Tanunda Road, Nuriootpa

#### Branch Offices:

#### **Lyndoch Library**

29 Barossa Valley Way, Lyndoch

#### **Angaston Library**

Angaston Town Hall, Washington Street, Angaston

#### **Mount Pleasant Library**

130 Melrose Street, Mount Pleasant

**DO NOT POST CASH OR SEND PART PAYMENT**



## PLEASE READ ALL THE INFORMATION ON THIS PAGE

### YOUR CHOICES:

You may on or before the due date for payment:

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).  
If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend Court.
- Pay the total amount due for the offence(s) not disputed (including levies and reminder notice fees).
- Enter into a payment arrangement with the Chief Recovery Officer which may include payment of the amount of the fee(s) in instalments, an extension of time in which to pay or other options by agreement with the Chief Recovery Officer. Phone **1800 659 538** or visit [www.fines.sa.gov.au](http://www.fines.sa.gov.au). A fee will apply to enter into an arrangement.
- If you think the offence(s) was trifling – apply in writing to The Barossa Council for a review of the expiation notice.** (For Special meaning of 'trifling' see Section 4(2) of the Expiation of Offences Act 1996).
- If the offence is a parking, traffic, litter or nuisance offence involving a vehicle and you were not the driver at the time of the offence(s) or if you sold the vehicle and transferred ownership before the offence(s) or you were not the principal littering or nuisance offender, submit a statutory declaration providing the full name and address details of the driver/new owner/ principal offender.

If you require further information on the offence(s) or wish to dispute the offence(s) informally please contact the Council immediately at the address set out on the front of this notice.

**If no choice is made for an offence within the expiation period, 1 reminder notice will be sent and a reminder fee will apply. After that, the outstanding amount may be referred to the Chief Recovery Officer who may take enforcement action against you which may involve entering into a payment arrangement or property that you own (including motor vehicles and land) being seized and sold. An additional amount will become payable if enforcement action is taken.**

### ELECTION TO BE PROSECUTED

Expiation Notice No. 10327

#### ELECTION TO BE PROSECUTED

I **Antonio Santamaria..**

of.....

.....Postcode.....

☐ elect to be prosecuted for the offence.

☐ I dispute the offence for the following reasons  
(you do not have to, but may fill this in):

.....  
.....  
.....  
.....  
.....

(If insufficient space please attach further sheets)

- If you were not driving at the time of the offence or were not the principal littering or nuisance offender do not complete this form but instead complete the statutory declaration on the other side of this form.
- You may, before electing to be prosecuted, dispute the offence informally in writing.** (Contact the Council on 85638444 for further information.)

Signed.....

Date.....

### PAYMENT ADVICE

Expiation Notice No. 10327

#### PAYMENT SLIP ONLY

I wish to expiate the offence by payment in full  
(including any reminder notice fee).

Payment by cheque or money order to be address to  
The Barossa Council  
PO Box 867  
Nuriootpa SA 5355

Name **Antonio Santamaria**

Signature .....

Amount Payable: \$210.00

# APPENDIX 3

27 June 2018



The Barossa Council

**COPY**

A Santamaria  
6 Kook Street  
TANUNDA SA 5352

Dear Antonio,

**Alleged report to Council of dog faeces**

Council has received an allegation that on occasion when exercising your dog in public, you have let your dog defecate without picking up and disposing of the litter.

Whilst this matter has not been formally investigated, if it is your practise to clean up after your dog in a public place, then please disregard this letter. However if on occasion you have not cleaned up after your dog, you are requested to do so on all occasions.

As a responsible dog owner, you have an obligation to care for your pets as well as a duty to ensure your dog's activities don't impact on your neighbours or affect the environment.

Under the Dog and Cat Management Act 1995 it is an offence to let your dog defecate in a public place without the immediate removal and lawful disposal of the faeces. Failure to pick up after your pet in public areas can incur on-the-spot fines.

Should you require further information, please contact me on 85638421.

Yours sincerely

John Armstrong  
**General Inspector**  
**Regulatory Services**



# APPENDIX 4



Wednesday 12 Dec. 8.57am

travelling through Main St Tanunda  
Noticed Mr Santamaria walking  
his 2 dogs adjacent road at intersection  
Pulled up in next available parking  
space to monitor. Within 15secs  
one dog defecated. Mr S pulled a  
bag out of his pocket and made  
a motion to pickup but appeared  
not to. He continued walking  
10-15m further on the dog def  
again. He then looked around  
and kept walking. I took  
photo from parked car then  
pulled up on side road ahead.  
I walked across road to introduce  
myself. I recognised him and  
his dogs.

JT: Good Morning Mrs, my name  
is Jamie from The Barossa Council  
I have just observed you not picking  
up after your dog.

MRS: Yeah I normally have bags  
from the Tanunda Dist but don't  
have any. I was going to come back  
and pick up.

JT: I saw you get a plastic bag out  
of your pocket and go to pick it  
up but you didn't.

MRS: Yeah its the wrong sort of bag.

JT: I don't believe you. We have  
written to you about this before  
I then noticed part of a dark grey  
bag sticking out of the pocket/  
of his shorts. It had distinctive  
white markings. I knew it was a  
doggy bag.

JT: You have a dog bag in your  
pocket. I can see it.

MRS: ~~I know you can find me~~  
so

I then asked him to remove  
immediately. We both walked  
30-40m back south and found  
two spots where faeces remained  
confirming my observations.

He then removed both.

MRS: I know you can find me  
so I appreciate the warning.

JT: Consider this the final  
warning. The community despises  
this behaviour.

He acknowledged and thanked  
me before walking off  
Down Bridge St



# APPENDIX 5

9 January 2019

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

**COPY**

Dear Mr Santamaria,

**Re: Failure to immediately remove and dispose of dog faeces in public places**

I refer to our recent conversation on Wednesday 12 December 2018 and also our previous correspondence to you dated 27 June 2018 regarding this matter.

On Wednesday 12 December at 8:57am I personally observed you walking your two dogs along Murray Street in Tanunda. One of your dogs proceeded to defecate on the footpath and you failed to immediately remove the faeces from the ground. You continued walking in a Northerly direction and a short time later this behavior was repeated.

The Barossa Council and the community takes a stern approach regarding the matter. Dog faeces in public areas is a health hazard, a nuisance and detracts significantly from the amenity of the area.

The Dog and Cat Management Act 1995 states:

*Section 45A(6)*

*A person who owns or is responsible for the control of a dog (not being an accredited assistance dog) is guilty of an offence if the dog defecates in a public place and the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner.*

*Maximum penalty: \$1 250.*

*Expiation fee: \$210.*

Following our conversation I have reviewed the matter further. Given that Council wrote to you about the matter previously and this behavior has continued, I have enclosed an expiation notice for the offence of failing to immediately remove and dispose of faeces in a lawful and suitable manner.

Should you require further information regarding this matter please contact me via the Nuriootpa office on 8563 8444.

Yours sincerely,



**Jamie Turley**  
**Manager, Regulatory Services**







*The Barossa Council*

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

## Expiation Notice

Expiation of Offences Act 1996  
ABN 47749871215

Notice Number  
**10327**

Date of Issue  
9 January 2019

**COPY**

It is alleged that you committed the following offence according to the Dog & Cat Management Act 1995

<b>OFFENCE</b>	D45A6 - Fail to remove/dispose dog faeces - public place
<b>DATE OF OFFENCE</b>	12-Dec-2018
<b>TIME</b>	08:57:00
<b>LOCATION</b>	Murray Street, TANUNDA
<b>DETAILS</b>	

The Offence is expiable by payment to:  
The Barossa Council on or before the pay-by date.

Issuing Officer - B2

<b>AMOUNT PAYABLE</b>	\$210.00
<b>EXPIATION FEE</b>	\$210.00
<b>TOTAL</b>	\$210.00
<b>PAY BY DATE</b>	6-February-2019

### PENALTIES FOR LATE OR NON PAYMENT

May Include:

Reminder Notice Fee, Administration Fee if the offence is vehicle related, Expiation enforcement warning notice fee.

If no choice is made, one reminder notice will be issued (a reminder notice fee will apply). After that, the outstanding amount will be referred to the Fines Enforcement and Recovery Officer.

**YOU MUST READ ALL THE INFORMATION ON THE OTHERSIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence**



### On-Line Payments

[www.barossa.sa.gov.au](http://www.barossa.sa.gov.au)

Access on-line services and payments to pay via credit or debit card.



### Phone Payment and Enquiries

For telephone payment and enquiries contact our Customer Service Officers on (08) 8563 8444.



### Postal Payments

Please detach and complete the payment advice on the reverse and post it with your cheque or money order payable to:

**The Barossa Council**  
PO Box 867, NURIOOTPA SA 5355

### PAYMENT IN PERSON

Payments may be made by cash, credit card, EFTPOS or cheque at any of the following council offices:

**The Barossa Council Office**  
43-51 Tanunda Road, Nuriootpa

### Branch Offices:

**Lyndoch Library**  
29 Barossa Valley Way, Lyndoch

**Angaston Library**  
Angaston Town Hall, Washington Street, Angaston

**Mount Pleasant Library**  
130 Melrose Street, Mount Pleasant

**DO NOT POST CASH OR SEND PART PAYMENT**



## PLEASE READ ALL THE INFORMATION ON THIS PAGE

### YOUR CHOICES:

You may on or before the due date for payment:

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).  
If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend Court.
- Pay the total amount due for the offence(s) not disputed (including levies and reminder notice fees).
- Enter into a payment arrangement with the Chief Recovery Officer which may include payment of the amount of the fee(s) in instalments, an extension of time in which to pay or other options by agreement with the Chief Recovery Officer. Phone **1800 659 538** or visit [www.fines.sa.gov.au](http://www.fines.sa.gov.au). A fee will apply to enter into an arrangement.
- **If you think the offence(s) was trifling – apply in writing to The Barossa Council for a review of the expiation notice.** (For Special meaning of 'trifling' see Section 4(2) of the Expiation of Offences Act 1996).
- If the offence is a parking, traffic, litter or nuisance offence involving a vehicle and you were not the driver at the time of the offence(s) or if you sold the vehicle and transferred ownership before the offence(s) or you were not the principal littering or nuisance offender, submit a statutory declaration providing the full name and address details of the driver/new owner/ principal offender.

If you require further information on the offence(s) or wish to dispute the offence(s) informally please contact the Council immediately at the address set out on the front of this notice.

**If no choice is made for an offence within the expiation period, 1 reminder notice will be sent and a reminder fee will apply. After that, the outstanding amount may be referred to the Chief Recovery Officer who may take enforcement action against you which may involve entering into a payment arrangement or property that you own (including motor vehicles and land) being seized and sold. An additional amount will become payable if enforcement action is taken.**

### ELECTION TO BE PROSECUTED

Expiation Notice No. 10327

#### ELECTION TO BE PROSECUTED

I **Antonio Santamaria..**

of.....

.....Postcode.....

☐ elect to be prosecuted for the offence.

☐ I dispute the offence for the following reasons  
(you do not have to, but may fill this in):

.....  
.....  
.....  
.....  
.....

(If insufficient space please attach further sheets)

- If you were not driving at the time of the offence or were not the principal littering or nuisance offender do not complete this form but instead complete the statutory declaration on the other side of this form.
- **You may, before electing to be prosecuted, dispute the offence informally in writing.** (Contact the Council on 85638444 for further information.)

Signed.....

Date.....

### PAYMENT ADVICE

Expiation Notice No. 10327

#### PAYMENT SLIP ONLY

I wish to expiate the offence by payment in full  
(including any reminder notice fee).

Payment by cheque or money order to be address to  
The Barossa Council  
PO Box 867  
Nuriootpa SA 5355

Name **Antonio Santamaria**

Signature .....

Amount Payable: \$210.00

# APPENDIX 6

## Sarah Mercuri

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Sunday, 20 January 2019 6:57 PM  
**To:** MBX Inspect  
**Subject:** Re-Expiation Notice

To whom it may concern;

As stated on the 12th of December in the letter from the Barossa council to myself, Jamie Turley approached me on Murray street, Tanunda in regards to dog feces that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways. Two or three days after this incident I had given Mr Turley a finger gesture after he failed to give way on Murray street, Tanunda. I put it to Mr Turley that this is a retaliatory gesture, having issued me with this expiation notice after he assured me he was not going to do so. I further note that Mr Turley wrote in his letter that he reviewed this matter and after consideration he chose to issue me with the fine given that the council wrote to me previously about this issue. But in our conversation on the 12th of December, he mentioned this previous issue and still only gave me a warning. So to write in his letter that under further review of this matter, given that the council had wrote to me, is a untrue statement. I find the explanation in his letter as Mr Turley states that he had reviewed the matter further, to be not truthful and purely retaliatory on his behalf. It is upsetting for me to think that someone in this council could act without candor. I put it to Mr Turley that he witnessed me picking up the dog defecates and furthermore he was aware that he had written to me previously. I also put it to Mr Turley that he did state he was not going to fine me this time, and that it was my last warning and this is purely a retaliation on a private road rage incident.

Kind regards,  
Antonio

## Sarah Mercuri

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Tuesday, 22 January 2019 10:09 AM  
**To:** MBX Inspect  
**Subject:** RE: Re-Expiation Notice

Yes, I am I should have asked on my email that I am asking for a review. Thanks regards Antonio

On 22/01/2019 9:49 AM, MBX Inspect <MBXInspect@barossa.sa.gov.au> wrote:

Hi Antonio, I acknowledge receipt of your email, can I please confirm that you are requesting a review of your expiation notice?

Regards,

Sarah

**From:** Antonio Mia [mailto:pizza.head@outlook.com]  
**Sent:** Sunday, 20 January 2019 6:57 PM  
**To:** MBX Inspect <MBXInspect@barossa.sa.gov.au>  
**Subject:** Re-Expiation Notice

To whom it may concern;

As stated on the 12th of December in the letter from the Barossa council to myself, Jamie Turley approached me on Murray street, Tanunda in regards to dog feces that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways. Two or three days after this incident I had given Mr Turley a finger gesture after he failed to give way on Murray street, Tanunda. I put it to Mr Turley that this is a retaliatory gesture, having issued me with this expiation notice after he assured me he was not going to do so. I further note that Mr Turley wrote in his letter that he reviewed this matter and after consideration he chose to issue me with the fine given that the council wrote to me previously about this issue. But in our conversation on the 12th of December, he mentioned this previous issue and still only gave me a warning. So to write in his letter that under further review of this matter, given that the council had wrote to me, is a untrue statement. I find the explanation in his letter as Mr Turley states that he had reviewed the matter further, to be not truthful and purely retaliatory on his behalf. It is upsetting for me to think that someone in this council could act without candor. I put it to Mr Turley that

he witnessed me picking up the dog defecates and furthermore he was aware that he had written to me previously. I also put it to Mr Turley that he did state he was not going to fine me this time, and that it was my last warning and this is purely a retaliation on a private road rage incident.

Kind regards,

Antonio





***Internal Review Report***

**The Barossa Council**

**Mr Antonio Santamaria and Expiation Notice No. 10327**

4 June 2019

## Introduction

1. Mr Antonio Santamaria has sought a review pursuant to section 270 of the *Local Government Act 1999* (SA) (**the Act**) in relation to the decision made by the Barossa Council (**Council**) not to withdraw Expiation Notice 10327 (**Expiation Notice**).
2. Mr Santamaria's application for a section 270 review of a Council decision was made by email dated 18 February 2019 (the **Application**). Further particulars as to the reasons for the Application were provided as follows:
  - (a) By email to Council dated 3 March 2019; and
  - (b) By telephone call to HWL Ebsworth Lawyers on 28 March 2019(the **Further Particulars**).

The Application and the Further Particulars are attached at **Appendix 1**.

3. HWL Ebsworth Lawyers has been engaged by Council to provide a report to Council in respect of the Application.

## The Council Decision

4. Mr Santamaria's request for review relates to a decision made by Council not to withdraw the Expiation Notice. Mr Santamaria was notified of the decision by letter dated 30 January 2019 (**Decision**). The letter is attached at **Appendix 2**.

## History

5. A summary of the history of the Decision and the Application is set out below. The below is intended as a non-exhaustive summary of these matters. The correspondence should be referred to for its full terms and effect.
6. On 27 June 2018, Council sent a letter to Mr Santamaria, advising that Council had received an allegation that Mr Santamaria had allowed his dog to defecate in public without picking up and disposing of the litter. A copy of the letter is attached at **Appendix 3**. The letter advised that the matter had not been formally investigated, but noted that:

"[u]nder the *Dog and Cat Management Act 1995* (SA) it is an offence to let your dog defecate in a public place without the immediate removal and lawful disposal of the faeces. Failure to pick up after your pet in public areas can incur on-the-spot fines."
7. On 12 December 2018, at approximately 8.57am, Mr Jamie Turley (Manager, Regulatory Services at Council) observed Mr Santamaria walking his dogs on Main Street, Tanunda. Mr Turley observed Mr Santamaria fail to clean up after his dog. Mr Turley took handwritten notes of the incident which, in summary, record as follows:

- (a) Mr Turley was travelling through Main<sup>1</sup> Street, Tanunda and observed Mr Santamaria walking two dogs.
- (b) Mr Turley pulled up in the next available parking space and parked the vehicle.
- (c) From the parked vehicle, Mr Turley then observed one of Mr Santamaria's dogs defecate. Mr Santamaria pulled a bag out of his pocket and made a motion to pick up the faeces, but appeared not to. Mr Santamaria then continued walking and 10 to 15 metres further the dog defecated again. Mr Santamaria looked around and kept walking.
- (d) Mr Turley then drove further down the street, parked the vehicle on the side road ahead of Mr Santamaria, and walked across the road to introduce himself.
- (e) The following exchange then took place between Mr Turley and Mr Santamaria:

Mr Turley: *"Good Morning Mr Santamaria, my name is Jamie from the Barossa Council I have just observed you not picking up after your dog."*

Mr Santamaria: *"Yeah, I normally have bags from the Tanunda Oval but don't have any. I was going to come back and pick up."*

Mr Turley: *"I saw you get a plastic bag out of your pocket and go to pick it up but you didn't."*

Mr Santamaria: *"Yeah it's the wrong sort of bag."*

Mr Turley: *"I don't believe you. We have written to you about this before."*

- (f) Mr Turley then noticed part of a dark grey bag sticking out of the pocket of Mr Santamaria's shorts. It had distinctive white markings. Mr Turley believed it was a dog bag.
- (g) Mr Turley then said *"You have a dog bag in your pocket. I can see it"* and asked Mr Santamaria to remove the faeces immediately.
- (h) Mr Turley and Mr Santamaria both walked 30 to 40 metres back south and found two spots where faeces remained. Mr Santamaria then removed the faeces.
- (i) Mr Santamaria said: *"I know you can fine me so I appreciate the warning."*
- (j) Mr Turley responded: *"Consider this the final warning. The community despises this behaviour."*
- (k) Mr Santamaria acknowledged and thanked Mr Turley before walking off.

A copy of Mr Turley's notes is attached at **Appendix 4**.

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<sup>1</sup> Mr Turley's handwritten notes record that the incident occurred on Main Street, Tanunda. Mr Turley has since clarified that the incident occurred on Murray Street, the main street of Tanunda.

8. On 9 January 2019, Council wrote to Mr Santamaria enclosing the Expiation Notice and advising that:

"Following our conversation I have reviewed the matter further. Given that Council wrote to you about the matter previously and this behaviour has continued, I have enclosed an expiation notice for the offence of failing to immediately remove and dispose of faeces in a lawful and suitable manner."

A copy of the letter and enclosed Expiation Notice is attached at **Appendix 5**.

9. By emails to Council dated 20 and 22 January 2019, Mr Santamaria requested a review of the Expiation Notice. In his email, Mr Santamaria:

- (a) set out his version of the events on 12 December 2018 as follows:

"Jamie Turley approached me on Murray street, Tanunda in regards to dog feces (sic) that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways."

- (b) alleged that, two or three days after the incident, he was involved in a private road rage incident with Mr Turley on Murray Street, Tanunda, and that Mr Turley's decision to issue an expiation notice was a retaliatory gesture.
- (c) alleged that Mr Turley's explanation for issuing the Expiation Notice was not truthful and that he did not accept that Mr Turley had decided to issue the Expiation Notice upon reviewing the matter further, as when Mr Turley spoke to Mr Santamaria on 12 December 2018 and gave a warning, Mr Turley was aware of the previous incident and that Council had written to Mr Santamaria previously.
- (d) alleged that Mr Turley stated that he was not going to fine him and this was his last warning.

Copies of the emails from Mr Santamaria to Council are attached at **Appendix 6**.

10. Between 23 January 2019 and 30 January 2019, the following employees of Council considered the Expiation Notice in order to provide recommendations as to whether the Expiation Notice should be withdrawn to the Director, Development and Environmental Services, Mr Gary Mavrinac:

- (a) Chris Horsell;
- (b) Karen Watson;
- (c) Michael Clark;

(d) Steven Kaesler;

(e) Eliza Wedge.

(the **Review Panel**)

11. The majority of the Review Panel members recommended that the Expiation Notice not be withdrawn.
12. Mr Santamaria's application for review was then considered by Mr Mavrinac. On 30 January 2019, Mr Mavrinac wrote to Mr Santamaria advising that the Review Panel had reviewed the request to have the Expiation Notice withdrawn and that the Expiation Notice had been upheld. A copy of the letter dated 30 January 2019 is attached at **Appendix 2** and constitutes the Decision.
13. On 18 February 2019 Mr Santamaria sought a review of the Decision, being Mr Mavrinac's decision to uphold the Expiation Notice.

### **Section 270 of the Act and Internal Review Policy**

14. Section 270 of the Act provides that a council must establish procedures for the internal review of a decision of the council. As required by section 270 of the Act, Council has developed and established an internal review procedure. That procedure is set out in documents titled 'Internal Review of Council Decisions Policy' (**the Policy**) and 'Internal Review of Council Decisions Process' (**the Process**).
15. Decisions of Council, employees of Council, and other persons acting on behalf of Council may be subject to review under the Policy.
16. The Process provides that where a decision of Council, an employee of Council or another person acting on behalf of Council is subject to review under the Policy, an internal review must be conducted by the following procedure:
  - (a) The reviewer will consider the merits of all the materials and information that were before the original decision-maker at the time of the decision and any additional relevant information or material provided by the applicant or which has become available during the course of the review (paragraph 4.6.1 of the Process).
  - (b) The reviewer will consider whether the original decision is legally and procedurally correct having regard to the following matters:
    - (i) that the original decision maker had the power to make the decision;
    - (ii) that the original decision maker considered all the matters which were relevant to the making of the decision at the time and did not take into account matters which were not relevant;
    - (iii) that the original decision maker did not exercise a discretion or power in bad faith, for an improper purpose, or while subject to duress or the influence of another person;

- (iv) that the original decision maker had no conflict of interest, bias or perceived bias;
- (v) that the original decision maker ensured that the findings of fact were based on evidence;
- (vi) that the original decision was reasonable; and
- (vii) that the original decision maker considered any relevant legislation, policies or processes

(paragraph 4.6.2 of the Process).

- (c) The reviewer will also consider whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome (paragraph 4.6.2 of the Process).

17. For the purposes of this report, the Decision will be considered in three parts:

- (a) whether the Decision is subject to review under the Policy;
- (b) whether the Decision complies with the procedural requirements as listed at paragraph 16(b) above;
- (c) in light of all relevant material, whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome.

## Statutory Framework

- 18. Under section 45A(6) of the *Dog and Cat Management Act 1995* (SA) (**the D&CM Act**), a person who owns or is responsible for the control of a dog (not being an accredited assistance dog) is guilty of an offence if the dog defecates in a public place and the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner. The offence is an expiable offence, and an expiation fee of \$210 is fixed.
- 19. Under section 5(1) of the *Expiation of Offences Act 1996* (SA) (**the EoO Act**), if an expiation fee is fixed by an Act in relation to an offence, an expiation may be given to a person alleged to have committed the offence and the alleged offence may accordingly be expiated in accordance with the EoO Act.
- 20. A person who has been given an expiation notice may apply, pursuant to section 8A of the EoO Act, for a review of the notice on the ground that an offence to which the notice relates is trifling.
- 21. If a council, following receipt of an application under section 8A of the EoO Act, is satisfied that the offence is trifling, the council must by notice in writing to the alleged offender withdraw the expiation notice under section 8A(5) of the EoO Act.
- 22. In accordance with the special meaning of "trifling" under section 4(2) of the EoO Act, an alleged offence will, for the purposes of the EoO Act, be regarded as trifling if, and only if,

the circumstances surrounding the commission of the offence were such that the alleged offender ought to be excused from being given an expiation notice on the ground that:

- (a) there were compelling humanitarian or safety reasons for the conduct that allegedly constituted the offence; or
- (b) the alleged offender could not, in all the circumstances, reasonably have averted committing the offence; or
- (c) the conduct allegedly constituting the offence was merely a technical, trivial or petty instance of a breach of the relevant enactment.

### **Is the Decision subject to review under the Policy?**

- 23. Not all decisions are subject to a review under the Policy.
- 24. Clause 2.2 of the Policy sets out when decisions are not subject to review under the Policy. In particular, in accordance with Clause 2.2.2 of the Policy, where other legislation governs the review of a specific type of decision, a decision of that type will not be reviewed under the Policy. The Policy cannot override that legislation or operate inconsistently with those legislative processes.
- 25. A review of an expiation notice under the EoO Act is specifically listed in clause 2.2.2 of the Policy as an example of a decision that would not be subject to a review under the Policy. Section 8A of the EoO Act provides a separate process to review an expiation notice, whereby a person who has been given an expiation notice may apply on the grounds that the offence to which the notice relates is trifling.
- 26. Accordingly, we consider that as there is legislation which governs the review of this type of decision, and the Policy cannot override or operate inconsistently with that legislation, the Decision is outside the scope of the Policy and is not subject to review under the Policy.
- 27. However, in light of the complaint made by Mr Santamaria, and in the interests of demonstrating transparency, fairness and accountability, Council has determined that it is appropriate to nonetheless obtain an independent report in relation to the Decision. Accordingly, Council has instructed us to review and address the merits of the Decision having regard to the matters contained in the Policy and Process.

### **Compliance with Procedure**

- 28. As required by the Process, a review of the Decision should ensure that the Decision is legally and procedurally correct, having regard to the factors as summarised at paragraph 16(b)(i) to 16(b)(vii).

*Decision maker had power to make the decision (paragraph 16(b)(i))*

- 29. The Decision was made by the Director, Development and Environmental Services, Mr Mavrinac.
- 30. Pursuant to section 44 of the Act, a council may delegate a power or function vested or conferred under the Act and that delegation may be made to an employee of the council.



31. Pursuant to section 101 of the Act, the chief executive officer may delegate or sub-delegate a power or function vested or conferred in or on the chief executive officer under the Act, including to an employee of the council or employee for the time being occupying a particular office or position.
32. The Council maintains a delegations register which sets out the delegations under section 44 and section 101 of the Act. The following delegation was made:
  - (a) The duty pursuant and subject to Section 8A(5) and (6) of the EoO Act upon being satisfied the offence is trifling to withdraw the expiation notice in respect of the offence by giving written notice to the alleged offender delegated to the Chief Executive Officer and sub delegated to persons including Director, Development and Environmental Services.
33. Accordingly, Mr Mavrinac, as Director Development and Environmental Services, was sub-delegated the authority to make the Decision.
34. The Decision was therefore made within a power properly conferred on the decision maker.

*Relevant Matters Considered (paragraph 16(b)(ii))*

35. Prior to Mr Mavrinac making the Decision, the Review Panel considered the Expiation Notice. The members of the Review Panel were provided with a bundle of materials for this purpose, including the letter from Council to Mr Santamaria of 27 June 2018 (Appendix 3), Mr Turley's handwritten notes (Appendix 4), the original letter to Mr Santamaria from Council issuing the Expiation Notice and a copy of the Expiation Notice (Appendix 5), and the emails from Mr Santamaria to Council dated 20 and 22 January 2019 (Appendix 6).
36. The members of the Review Panel specifically recalled that they had been provided with the following materials by Council:
  - (a) Ms Horsell specifically recalled receiving a copy of the customer request, Mr Turley's handwritten notes, and a chronology.
  - (b) Ms Wedge specifically recalled receiving a copy of the letter to Mr Santamaria, a copy of the Expiation Notice, Mr Turley's handwritten notes, and internal emails and correspondence with Mr Santamaria.
  - (c) Mr Kaesler specifically recalled receiving a package with the full record of relevant communications from Council's customer request system, including trails of emails in full form.
  - (d) Ms Watson specifically recalled receiving a letter to Mr Santamaria, a timeline of events and other correspondence and emails.
  - (e) Mr Clarke specifically recalled receiving Mr Turley's handwritten notes, correspondence from Mr Santamaria's request, and the Expiation Notice.
37. All members of the Review Panel confirmed that they recalled reading and considering all materials that they had been provided, and did not consider any other matters in making a recommendation regarding the Expiation Notice.

38. Each member of the Review Panel completed and signed a response sheet containing their individual recommendation in relation to the Expiation Notice. The response sheets completed by the Review Panel include comments that indicate familiarity with the material provided.
39. Mr Mavrinac recalled that he was provided with the Review Panel recommendations, together with all the materials that the Review Panel had been provided. Further, Mr Mavrinac confirmed it was his usual practice to review all the materials provided to him.
40. Accordingly, based on our review of the decision and the relevant materials, we are satisfied that Mr Mavrinac had regard to all the matters that were relevant to the making of the decision at the time. There has been no suggestion and there is no evidence that the Decision was made by Mr Mavrinac on the basis of irrelevant matters, or that relevant matters were not considered.

*Decision Made In Bad Faith, for Improper Purpose, or while Subject to Duress or Influence (paragraph 16(b)(iii))*

41. There is no suggestion and no evidence that the Decision was made by Mr Mavrinac in bad faith or for an improper purpose, or subject to duress or the influence of another person.
42. There is no suggestion and no evidence that the recommendations were made by the Review Panel in bad faith or for an improper purpose, or subject to duress or the influence of another person.
43. Further, while the members of the Review Panel are provided with the same materials, they each conduct an individual, independent assessment of those materials. Generally, the members of the Review Panel will work in different areas of Council and are actively encouraged to be independent. The members of the Review Panel do not see the decisions of the other members of the Review Panel.
44. Mr Mavrinac read the individual recommendations made by each member of the Review Panel. However, Mr Mavrinac confirmed that, whilst he had regard to those recommendations, he undertook his own review of the relevant materials in making the Decision.

*Findings of Fact Based on Evidence (paragraph 16(b)(v))*

45. Mr Mavrinac and the Review Panel did not personally observe the alleged offending on 12 December 2018.
46. However, the materials provided to Mr Mavrinac and the Review Panel included Mr Turley's detailed handwritten notes. Further, Mr Mavrinac and the Review Panel were provided with Mr Santamaria's account of the incident.
47. As such, we are satisfied that the findings of fact relevant to the decision were based on evidence.

*Procedural Fairness (paragraph 16(b)(iv))*

48. Generally speaking, procedural fairness requires that a person has a fair hearing and that a decision is made in the absence of bias.

49. Mr Santamaria made a number of representations to the Council which were considered by Council. Mr Mavrinac and the members of the Review Panel all confirmed that they took the matters raised by Mr Santamaria into account.
50. There is no evidence or suggestion of any bias towards Mr Santamaria on the part of Mr Mavrinac or the members of the Review Panel.

*Decision Reasonable (paragraph 16(b)(vii))*

51. For the reasons set out below, we are satisfied that the Decision was reasonable.

*Application of Relevant Legislation, Policies or Processes (paragraph 16(b)(vii))*

52. Mr Mavrinac confirmed that in making the Decision, he considered the relevant legislation, including the D&CM Act and the EoO Act. In particular, Mr Mavrinac confirmed that he specifically considered the special meaning of "trifling" under the EoO Act, and was not satisfied that the circumstances surrounding the commission of the offence, and the matters raised by Mr Santamaria, provided grounds to excuse the offence.

**Would a Different Decision Provide an Improved Outcome?**

53. The Process also requires that the reviewer "consider whether a different decision based on the evidence available or new evidence provided or found provides an improved outcome".
54. In summary, the following information and materials are relevant to the Decision and the review:
  - (a) The Application and Further Particulars (Appendix 1);
  - (b) The Decision (Appendix 2);
  - (c) The materials provided to the Review Panel and Mr Mavrinac;
  - (d) *Expiation of Offences Act 1996* (SA);
  - (e) *Dog and Cat Management Act 1995* (SA);
  - (f) Telephone conversations with Mr Turley, Mr Mavrinac and the members of the Review Panel; and
  - (g) Email from Mr Turley to HWL Ebsworth dated 2 May 2019.
55. Where the content of the materials referred to above are not specifically referred to in this report, this does not indicate that the material has not been taken into account in undertaking the review. Each of the materials have been reviewed and considered in full.
56. In his Application, Mr Santamaria raised the following matters:
  - (a) that he was informed by Mr Turley that an expiation notice would not be issued if he returned to the location of the dog faeces and picked it up;

- (b) that he returned to the location of the dog faeces and picked it up and that this was witnessed by Mr Turley;
- (c) that at the time of the incident, Mr Turley was aware that he had previously been issued with a warning by Council; and
- (d) that Mr Turley's decision to issue an expiation notice was motivated by his personal involvement in a road rage incident that occurred two or three days after the incident on 12 December 2018.

57. By email dated 3 March 2019, Mr Santamaria raised the following matters:

"I would like to reiterate to whomever is reviewing this matter that James, by saying to me if I were to pick up the feces (sic) he would not fine me for this incident, had verbally entered into a contract with me regarding this matter. As far as I am aware, he has not denied this. Therefore with me picking up the feces (sic), a fine is unwarranted.

In his letter attached to the expiation notice on the fine, he states "after reviewing this matter, I have decided to fine you because of my previous warning", however at the time of the incident he stated that he had previously written to me, so when he let me off with this warning he had full knowledge of the letter he had previously sent me as it came up during our conversation. It was only after a minor road rage incident involving myself and James, that he decided to use his position as a manner of revenge, which is completely unacceptable for a council inspector to do..."

58. By telephone call to HWL Ebsworth Lawyers on 28 March 2019, Mr Santamaria raised the following matters:

- (a) that Mr Turley had raised with him at the time of the incident on 12 December 2018 that he had previously been given a warning, and as such was aware that he had previously been issued with a warning by Council;
- (b) that Mr Turley told him that he wouldn't fine him if he returned and picked up the dog faeces, so he returned to the site of the dog faeces and removed it;
- (c) that Mr Turley observed him pick up the dog faeces at the time;
- (d) that he said to Mr Turley that he appreciated the warning; and
- (e) that he was subsequently involved in a road rage incident with Mr Turley where both parties gave each other a rude gesture. He recognised Mr Turley's vehicle as it was a white, Hilux type vehicle with a canopy.

59. Mr Santamaria's recollection on 28 March 2019 of the road rage incident differs from the version of events as stated in his email of 20 January 2019, in which he states that only he gave Mr Turley a finger gesture, after Mr Turley failed to give way to him on Murray Street, Tanunda. On 28 March 2019, Mr Santamaria stated that both parties gave each other a rude gesture.

60. We have considered the matters raised by Mr Santamaria in respect of the alleged road rage incident and in respect of the events on 12 December 2018.

*Alleged road rage incident*

61. In respect of Mr Santamaria's allegation that he and Mr Turley were involved in a road rage incident two or three days after the incident on 12 December 2018, we have considered the matters raised by Mr Santamaria and we consider that there is not sufficient evidence to find that Mr Turley was involved in a road rage incident. In particular:
- (a) Mr Santamaria has indicated that he recognised the vehicle as the vehicle driven by Mr Turley and described the vehicle as a white Hilux type vehicle with a canopy.
  - (b) Mr Turley confirmed that he drives a Council issued vehicle meeting this description (a white dual cab Holden Colorado utility vehicle with a canopy).
  - (c) However, Council has five white dual cab Holden Colorado utility vehicles with a canopy in its fleet. There are two in Mr Turley's team, and three based in the maintenance depot at Tanunda.
  - (d) Further, Mr Turley's vehicle is regularly used during the day by other members of his team.
  - (e) There is nothing unique about the white dual cab utility vehicle in Council's fleet, such that it may not have been a Council vehicle.
  - (f) Mr Turley denies being involved in the incident.

*Events on 12 December 2018*

62. In general, we accept the factual matters raised by Mr Santamaria in respect of the events on 12 December 2018 as accurate. We consider that Mr Turley's handwritten notes in relation to the incident on 12 December 2018 are consistent with Mr Santamaria's account. In particular, we draw attention to the following matters:
- (a) There is no dispute that on 12 December 2018, Mr Santamaria was walking his two dogs along Murray Street, Tanunda and was observed by Mr Turley failing to immediately pick up and dispose of dog faeces in contravention of section 46A of the D&CM Act.
  - (b) There is no dispute that Mr Santamaria returned to the location of the dog faeces and removed the faeces. Mr Turley's notes record that he walked with Mr Santamaria 30 to 40 metres to the location of the dog faeces and he observed Mr Santamaria remove the faeces.
  - (c) There is no dispute that Mr Turley gave Mr Santamaria a warning at the time of the offending. Mr Turley's notes indicate he gave a warning to Mr Santamaria. While Mr Turley's notes do not record that a warning was provided prior to Mr Santamaria picking up the faeces, we are satisfied that it is likely that this occurred because Mr Turley's notes record that after Mr Santamaria removed the faeces Mr Santamaria said: "I know you can fine me so I appreciate the warning" and Mr Turley responded: "Consider this the final warning". This exchange suggests that a warning had already been provided by Mr Turley at this time.

- (d) There is no dispute that Mr Turley was aware of the previous warning at the time of the offending. Mr Turley's notes record that he told Mr Santamaria "we have written *to you about this before*", and accordingly was aware at the time of the previous warning issued by Council.

#### *The Decision*

63. Having considered the matters raised by Mr Santamaria:
- (a) We are not satisfied that Mr Turley was motivated by his involvement in an alleged road rage incident in issuing the Expiation Notice.
  - (b) We do not consider that it was inappropriate for Mr Turley to issue the Expiation Notice to Mr Santamaria after giving further thought to the matter. In particular, we note that Mr Santamaria has not disputed that he acted in contravention of section 46A of the D&CM Act.
64. In any event the subject of the Application, the Decision, is the decision of Council not to withdraw the Expiation Notice pursuant to section 8A of the EoO Act. Pursuant to section 8A an expiation notice may be withdrawn on the grounds that the expiation notice is trifling.
65. Having regard to the special meaning of trifling under section 4(2) of the EoO Act, we consider that the circumstances surrounding the commission of the offence, and the matters raised by Mr Santamaria, do not provide grounds to excuse Mr Santamaria from being given the Expiation Notice. In particular:
- (a) There is no evidence of any compelling humanitarian or safety reasons for Mr Santamaria's conduct.
  - (b) There is no evidence that Mr Santamaria in all the circumstances, could not have reasonably averted committing the offence. In particular, Mr Santamaria had appropriate bags to remove the faeces on his person at the time.
  - (c) The conduct constituting the offence was not merely a technical, trivial or petty instance of the breach of section 46A of the D&CM Act. Where a dog defecates in a public place, section 46A requires the person responsible for the dog to remove and lawfully dispose of the excrement *immediately*. Mr Santamaria's conduct is a clear example of a breach of section 46A of the D&CM Act. Further, while there is no dispute that Mr Santamaria subsequently removed the dog excrement, this was not done immediately, but only after walking a further 30 to 40 metres off the road and being asked to remove it by a Council officer.
66. Accordingly, having considered the matters raised by Mr Santamaria, we do not consider that a different decision based on the evidence available or new evidence provided or found provides an improved outcome.

#### **Provision of Provisional Report to Council and Mr Santamaria**

67. In accordance with Council's instructions in relation to our review, we prepared a provisional report with our findings and recommendations in relation to the Decision.

68. In accordance with Council's practice and in the interests of procedural fairness, we provided the provisional report to Council and Mr Santamaria for comment.
69. On 27 May 2019, Mr Santamaria provided the following comments for our consideration:
- (a) That Mr Turley recorded in his notebook that he said to Mr Santamaria that Mr Santamaria should "consider this the final warning" and that:

"it is very clear in any language that this means you have one more chance before further action is taken, which [Mr Turley] has failed to uphold";
  - (b) That Mr Turley is untruthful in his denial of the road rage incident, and that:

"Mr Turley definitely recognised me, as he suggested by way of giving me obscene gestures directly at me. The Council has also put forward about the amount of vehicles that are owned by the Council that are similar to the one I described he was driving. However it is not a coincidence that I recognised the exact vehicle he was driving, as well as Mr Turley himself, not an unfamiliar council employee";
  - (c) That he once tried to meet with Mr Mavrinac and Mr Turley, but they refused to meet with him to discuss the matter.
70. We note that the matters raised by Mr Santamaria as summarised at 69(a) above were also raised by him in his emails of 20 January 2019, 18 February 2019, and 3 March 2019, and in his telephone call to HWL Ebsworth on 28 March 2019. In particular in his email of 3 March 2019, Mr Santamaria states that Mr Turley had "verbally entered into a contract" with him (see paragraph 57 above) in that if Mr Santamaria picked up the faeces, Mr Turley would not issue an expiation notice.
71. For the avoidance of doubt, we are not satisfied that what occurred between Mr Turley and Mr Santamaria constitutes a verbal contract which would prevent Mr Turley from issuing the Expiation Notice to Mr Santamaria. However, we note that in giving Mr Santamaria a direction to pick up the faeces and in issuing the Expiation Notice, Mr Turley was exercising a statutory power pursuant to the D&CM Act and EoO Act. As a person exercising a statutory power, Mr Turley cannot fetter that power by entering into a contract or undertaking which is incompatible with his statutory power. Any such contract, if entered into, would be invalid and unenforceable in accordance with common law.
72. We have taken Mr Santamaria's comments into account and have considered his comments in light of the other matters as summarised in this within report and in accordance with the Process. Having considered those matters, we have not revised the findings made in the provisional report and our conclusions remain as set out in that report.

## **Summary of Review and Recommendations**

73. We consider that the Decision is outside the scope of the Policy, and is not subject to review under the Policy.



74. However, in any event, we consider that the Decision was made in accordance with legal and procedural requirements and we do not consider that a different decision would provide an improved outcome.
75. Accordingly we recommend that Council take no further action in relation to the Application and the Decision.
76. Further we recommend that Council inform Mr Santamaria that:
- (a) the Application does not fall within the Council Internal Review of Council Decisions Policy;
  - (b) Council has, in the interests of demonstrating transparency, fairness and accountability, determined that it is appropriate to obtain an independent report in relation to the decision to be undertaken having regard to the matters contained in the Council Internal Review of Council Decisions Policy and Internal Review of Council Decisions Process;
  - (c) the independent report has, in accordance with Council Internal Review of Council Decisions Policy and Internal Review of Council Decisions Process, considered all the information before the original decision maker at the time of the Decision and the additional information submitted by Mr Santamaria, and found that the Decision has been undertaken in a legally and procedurally correct manner, and that a different decision would not provide an improved outcome; and
  - (d) no further action will be taken in relation to the Application or the Decision.
77. This concludes our report.

4 June 2019

A handwritten signature in blue ink, appearing to be 'KB', with a long horizontal line extending to the right.

Kate Brandon  
Partner  
HWL Ebsworth

# APPENDIX 1

## Emma Carnell

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Monday, 18 February 2019 7:50 PM  
**To:** MBX Inspect  
**Subject:** Re: Re-Expiation Notice

To whom it may concern,

I have received your letter that council has made a decision to proceed with the expiation notice. I have been informed that I have a right for a review of that decision from a layperson. I wish to proceed with that right for a review. The basis for the review is such that on one of the reviews was that I had not picked up the dog excrement. No. 1 Mr James Turley did not deny the fact that he witnessed me picking it up. No. 2 he also did not deny that he told me he was going to give me another chance before issuing me a expiation notice. No. 3 Mr Turley used his position as a council inspector to wrongfully execute a expiation notice to settle a minor road rage incident. I also request to be provided to me minutes retaining to the decision of the refusal of the expiation notice. I further state that an inquiry should be made into the conduct of Mr Turley's wrong doing by using his position to settle a personal incident.

Regards,  
Antonio.

---

**From:** MBX Inspect  
**Sent:** Tuesday, 22 January 2019 10:19 AM  
**To:** Antonio Mia  
**Subject:** RE: Re-Expiation Notice

Hi Antonio, I acknowledge receipt of your email, can I please confirm that you are requesting a review of your expiation notice?

Regards,

Sarah

---

**From:** Antonio Mia [mailto:pizza.head@outlook.com]  
**Sent:** Sunday, 20 January 2019 6:57 PM  
**To:** MBX Inspect  
**Subject:** Re-Expiation Notice

To whom it may concern;

As stated on the 12th of December in the letter from the Barossa council to myself, Jamie Turley approached me on Murray street, Tanunda in regards to dog feces that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways. Two or three days after this incident I had given Mr Turley a finger gesture after he failed to give way on Murray street, Tanunda. I put it to Mr Turley that this is a retaliatory gesture, having issued me with this expiation notice after he assured me he was not going to do so. I further note that Mr Turley wrote in his letter that he reviewed this matter and after consideration he chose to issue me with the fine given that the council wrote to me previously about this

issue. But in our conversation on the 12th of December, he mentioned this previous issue and still only gave me a warning. So to write in his letter that under further review of this matter, given that the council had wrote to me, is a untrue statement. I find the explanation in his letter as Mr Turley states that he had reviewed the matter further, to be not truthful and purely retaliatory on his behalf. It is upsetting for me to think that someone in this council could act without candor. I put it to Mr Turley that he witnessed me picking up the dog defecates and furthermore he was aware that he had written to me previously. I also put it to Mr Turley that he did state he was not going to fine me this time, and that it was my last warning and this is purely a retaliation on a private road rage incident.

Kind regards,

Antonio

## Rugiyya Martin

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Sunday, 3 March 2019 7:20 PM  
**To:** Rugiyya Martin  
**Subject:** Re: Request for Review under Section 270 Local Government Act

Thank you for your email.

I would like to reiterate to whomever is reviewing this matter that James, by saying to me if I were to pick up the feces he would not fine me for this incident, had verbally entered into a contract with me regarding this matter. As far as I am aware, he has not denied this. Therefore with me picking up the feces, a fine is unwarranted.

In his letter attached to the expiation notice on the fine, he states "after reviewing this matter, I have decided to fine you because of my previous warning", however at the time of the incident he stated that he had previously written to me, so when he let me off with this warning he had full knowledge of the letter he had previously sent me as it came up during our conversation. It was only after a minor road rage incident involving myself and James, that he decided to use his position as a manner of revenge, which is completely unacceptable for a council inspector to do.

The other thing that is of concern to me is that I am a proprietor of a pizza bar in Tanunda and James and his employer may seek revenge for my complaint, such as sending unwarranted inspectors, after this similar behaviour has been displayed by James. I therefore have no choice but to put the council on notice that any retaliation by any of it's members or staff would be dealt with by the Ethics and Corruption Watchdog.

I have requested the minutes pertaining to how the decision was made to proceed with the fine. Could you please provide these to me?

Regards,  
Antonio Santamaria

---

**From:** Rugiyya Martin  
**Sent:** Thursday, 28 February 2019 4:37 PM  
**To:** 'pizza.head@outlook.com'  
**Cc:** Martin McCarthy; Rebecca Tappert  
**Subject:** Request for Review under Section 270 Local Government Act

Dear Mr Satamaria,  
Please find the attached correspondence and attachments regarding your section 270 internal review application.  
Many thanks.  
Kind regards,  
**Rugiyya Martin**  
Governance Advisor  
T: 08 8563 8408



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

T: 08 8563 8444 | F: 08 8563 8461 | [www.barossa.sa.gov.au](http://www.barossa.sa.gov.au) | [Visit us on Facebook](#)

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# APPENDIX 2



30 January 2019



The Barossa Council

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

Dear Mr Santamaria,

**RE: Expiation Notice No.10327**

Thank you for your application requesting a review of Expiation Notice 10327 dated 22 January 2019.

The Review Panel has reviewed your request to have the expiation withdrawn and I advise that the initial decision has been upheld. As such the expiation notice remains payable as previously issued, with a revised due date of **27 February 2019.**

Should you require any further information regarding this matter please do not hesitate to contact the Manager, Regulatory Services at the Nuriootpa office on 8563 8444.

Yours sincerely,

Gary Mavrinac

**Director, Development and Environmental Services**



premium wine food tourism heritage lifestyle community



## Expiation Notice

Expiation of Offences Act 1996  
ABN 47749871215

Notice Number

**10327**

Date of Issue

**30 January 2019**

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

The Offence is expiable by payment to:  
The Barossa Council on or before the pay-by date.

Issuing Officer – B2

It is alleged that you committed the following offence  
according to the Dog & Cat Management Act 1995

<b>OFFENCE</b>	D45A6 - Fail to remove/dispose dog faeces - public place
<b>DATE OF OFFENCE</b>	12-Dec-2018
<b>TIME</b>	08:57:00
<b>LOCATION</b>	Murray Street, TANUNDA
<b>DETAILS</b>	

<b>AMOUNT PAYABLE</b>	\$210.00
<b>EXPIATION FEE</b>	\$210.00
<b>TOTAL</b>	\$210.00
<b>PAY BY DATE</b>	27-February-2019

### PENALTIES FOR LATE OR NON PAYMENT

May Include:

Reminder Notice Fee, Administration Fee if the offence is  
vehicle related, Expiation enforcement warning notice  
fee.

If no choice is made, one reminder notice will be issued (a  
reminder notice fee will apply). After that, the outstanding  
amount will be referred to the Fines Enforcement and  
Recovery Officer.

**YOU MUST READ ALL THE INFORMATION ON THE OTHERSIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence**



### On-Line Payments

[www.barossa.sa.gov.au](http://www.barossa.sa.gov.au)

Access on-line services and payments to pay via  
credit or debit card.



### Phone Payment and Enquiries

For telephone payment and enquiries contact our  
Customer Service Officers on (08) 8563 8444.



### Postal Payments

Please detach and complete the payment advice  
on the reverse and post it with your cheque or money  
order payable to:

**The Barossa Council**

PO Box 867, NURIOTPA SA 5355

### PAYMENT IN PERSON

Payments may be made by cash,  
credit card, EFTPOS or cheque at any  
of the following council offices:

#### **The Barossa Council Office**

43-51 Tanunda Road, Nuriootpa

#### Branch Offices:

#### **Lyndoch Library**

29 Barossa Valley Way, Lyndoch

#### **Angaston Library**

Angaston Town Hall, Washington  
Street, Angaston

#### **Mount Pleasant Library**

130 Melrose Street, Mount Pleasant

**DO NOT POST CASH OR SEND PART PAYMENT**



## PLEASE READ ALL THE INFORMATION ON THIS PAGE

### YOUR CHOICES:

You may on or before the due date for payment:

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).  
If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend Court.
- Pay the total amount due for the offence(s) not disputed (including levies and reminder notice fees).
- Enter into a payment arrangement with the Chief Recovery Officer which may include payment of the amount of the fee(s) in instalments, an extension of time in which to pay or other options by agreement with the Chief Recovery Officer. Phone **1800 659 538** or visit [www.fines.sa.gov.au](http://www.fines.sa.gov.au). A fee will apply to enter into an arrangement.
- If you think the offence(s) was trifling – apply in writing to The Barossa Council for a review of the expiation notice.** (For Special meaning of 'trifling' see Section 4(2) of the Expiation of Offences Act 1996).
- If the offence is a parking, traffic, litter or nuisance offence involving a vehicle and you were not the driver at the time of the offence(s) or if you sold the vehicle and transferred ownership before the offence(s) or you were not the principal littering or nuisance offender, submit a statutory declaration providing the full name and address details of the driver/new owner/ principal offender.

If you require further information on the offence(s) or wish to dispute the offence(s) informally please contact the Council immediately at the address set out on the front of this notice.

**If no choice is made for an offence within the expiation period, 1 reminder notice will be sent and a reminder fee will apply. After that, the outstanding amount may be referred to the Chief Recovery Officer who may take enforcement action against you which may involve entering into a payment arrangement or property that you own (including motor vehicles and land) being seized and sold. An additional amount will become payable if enforcement action is taken.**

### ELECTION TO BE PROSECUTED

Expiation Notice No. 10327

#### ELECTION TO BE PROSECUTED

I **Antonio Santamaria..**

of.....

.....Postcode.....

☐ elect to be prosecuted for the offence.

☐ I dispute the offence for the following reasons  
(you do not have to, but may fill this in):

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(If insufficient space please attach further sheets)

- If you were not driving at the time of the offence or were not the principal littering or nuisance offender do not complete this form but instead complete the statutory declaration on the other side of this form.
- You may, before electing to be prosecuted, dispute the offence informally in writing.** (Contact the Council on 85638444 for further information.)

Signed.....

Date.....

### PAYMENT ADVICE

Expiation Notice No. 10327

#### PAYMENT SLIP ONLY

I wish to expiate the offence by payment in full  
(including any reminder notice fee).

Payment by cheque or money order to be address to  
The Barossa Council  
PO Box 867  
Nuriootpa SA 5355

Name **Antonio Santamaria**

Signature .....

Amount Payable: \$210.00

# APPENDIX 3

27 June 2018



The Barossa Council

**COPY**

A Santamaria  
6 Kook Street  
TANUNDA SA 5352

Dear Antonio,

**Alleged report to Council of dog faeces**

Council has received an allegation that on occasion when exercising your dog in public, you have let your dog defecate without picking up and disposing of the litter.

Whilst this matter has not been formally investigated, if it is your practise to clean up after your dog in a public place, then please disregard this letter. However if on occasion you have not cleaned up after your dog, you are requested to do so on all occasions.

As a responsible dog owner, you have an obligation to care for your pets as well as a duty to ensure your dog's activities don't impact on your neighbours or affect the environment.

Under the Dog and Cat Management Act 1995 it is an offence to let your dog defecate in a public place without the immediate removal and lawful disposal of the faeces. Failure to pick up after your pet in public areas can incur on-the-spot fines.

Should you require further information, please contact me on 85638421.

Yours sincerely

John Armstrong  
**General Inspector**  
**Regulatory Services**



# APPENDIX 4



Wednesday 12 Dec. 8.57am

travelling through Main St Tamara  
Noticed Mr Santamaria walking  
his 2 dogs adjacent to the st intersection  
Pulled up in next available parking  
space to monitor. Within 15secs  
one dog defecated. Mr S pulled a  
bag out of his pocket and made  
a motion to pickup but appeared  
not to. He continued walking  
10-15m further on the dog def  
again. He then looked around  
and kept walking. I took  
photo from parked car then  
pulled up on side road ahead.  
I walked across road to introduce  
myself. I recognised him and  
his dogs.

JT: Good Morning Mrs, my name  
is Jamie from The Barossa Council  
I have just observed you not picking  
up after your dog.

MRS: Yeah I normally have bags  
from the Tamunda Dist but don't  
have any. I was going to come back  
and pick up.

JT: I saw you get a plastic bag out  
of your pocket and go to pick it  
up but you didn't.

MRS: Yeah its the wrong sort of bag.

JT: I don't believe you. We have  
written to you about this before  
I then noticed part of a dark grey  
bag sticking out of the pocket/  
of his shorts. It had distinctive  
white markings. I knew it was a  
doggy bag.

JT: You have a dog bag in your  
pocket. I can see it.

MRS: ~~I know you can find me~~  
so

I then asked him to remove  
immediately. We both walked  
30-40m back south and found  
two spots where faeces remained  
confirming my observations.

He then removed both.

MRS: I know you can find me  
so I appreciate the warning.

JT: Consider this the final  
warning. The community despises  
this behaviour.

He acknowledged and thanked  
me before walking off  
Down Bridge St

# APPENDIX 5



9 January 2019

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

**COPY**

Dear Mr Santamaria,

**Re: Failure to immediately remove and dispose of dog faeces in public places**

I refer to our recent conversation on Wednesday 12 December 2018 and also our previous correspondence to you dated 27 June 2018 regarding this matter.

On Wednesday 12 December at 8:57am I personally observed you walking your two dogs along Murray Street in Tanunda. One of your dogs proceeded to defecate on the footpath and you failed to immediately remove the faeces from the ground. You continued walking in a Northerly direction and a short time later this behavior was repeated.

The Barossa Council and the community takes a stern approach regarding the matter. Dog faeces in public areas is a health hazard, a nuisance and detracts significantly from the amenity of the area.

The Dog and Cat Management Act 1995 states:

*Section 45A(6)*

*A person who owns or is responsible for the control of a dog (not being an accredited assistance dog) is guilty of an offence if the dog defecates in a public place and the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner.*


*Maximum penalty: \$1 250.*

*Expiation fee: \$210.*

Following our conversation I have reviewed the matter further. Given that Council wrote to you about the matter previously and this behavior has continued, I have enclosed an expiation notice for the offence of failing to immediately remove and dispose of faeces in a lawful and suitable manner.

Should you require further information regarding this matter please contact me via the Nuriootpa office on 8563 8444.

Yours sincerely,



**Jamie Turley**  
**Manager, Regulatory Services**







*The Barossa Council*

Antonio Santamaria  
6 Kook Street  
TANUNDA SA 5352

## Expiation Notice

Expiation of Offences Act 1996  
ABN 47749871215

Notice Number  
**10327**

Date of Issue  
9 January 2019

**COPY**

It is alleged that you committed the following offence according to the Dog & Cat Management Act 1995

<b>OFFENCE</b>	D45A6 - Fail to remove/dispose dog faeces - public place
<b>DATE OF OFFENCE</b>	12-Dec-2018
<b>TIME</b>	08:57:00
<b>LOCATION</b>	Murray Street, TANUNDA
<b>DETAILS</b>	

The Offence is expiable by payment to:  
The Barossa Council on or before the pay-by date.

Issuing Officer - B2

<b>AMOUNT PAYABLE</b>	\$210.00
<b>EXPIATION FEE</b>	\$210.00
<b>TOTAL</b>	\$210.00
<b>PAY BY DATE</b>	6-February-2019

### PENALTIES FOR LATE OR NON PAYMENT

May Include:

Reminder Notice Fee, Administration Fee if the offence is vehicle related, Expiation enforcement warning notice fee.

If no choice is made, one reminder notice will be issued (a reminder notice fee will apply). After that, the outstanding amount will be referred to the Fines Enforcement and Recovery Officer.

**YOU MUST READ ALL THE INFORMATION ON THE OTHERSIDE OF THIS NOTICE**  
**If you take no action on this notice, you may be automatically convicted of the offence**



### On-Line Payments

[www.barossa.sa.gov.au](http://www.barossa.sa.gov.au)

Access on-line services and payments to pay via credit or debit card.



### Phone Payment and Enquiries

For telephone payment and enquiries contact our Customer Service Officers on (08) 8563 8444.



### Postal Payments

Please detach and complete the payment advice on the reverse and post it with your cheque or money order payable to:

**The Barossa Council**  
PO Box 867, NURIOOTPA SA 5355

### PAYMENT IN PERSON

Payments may be made by cash, credit card, EFTPOS or cheque at any of the following council offices:

**The Barossa Council Office**  
43-51 Tanunda Road, Nuriootpa

### Branch Offices:

**Lyndoch Library**  
29 Barossa Valley Way, Lyndoch

**Angaston Library**  
Angaston Town Hall, Washington Street, Angaston

**Mount Pleasant Library**  
130 Melrose Street, Mount Pleasant

**DO NOT POST CASH OR SEND PART PAYMENT**



## PLEASE READ ALL THE INFORMATION ON THIS PAGE

### YOUR CHOICES:

You may on or before the due date for payment:

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).  
If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend Court.
- Pay the total amount due for the offence(s) not disputed (including levies and reminder notice fees).
- Enter into a payment arrangement with the Chief Recovery Officer which may include payment of the amount of the fee(s) in instalments, an extension of time in which to pay or other options by agreement with the Chief Recovery Officer. Phone **1800 659 538** or visit [www.fines.sa.gov.au](http://www.fines.sa.gov.au). A fee will apply to enter into an arrangement.
- **If you think the offence(s) was trifling – apply in writing to The Barossa Council for a review of the expiation notice.** (For Special meaning of 'trifling' see Section 4(2) of the Expiation of Offences Act 1996).
- If the offence is a parking, traffic, litter or nuisance offence involving a vehicle and you were not the driver at the time of the offence(s) or if you sold the vehicle and transferred ownership before the offence(s) or you were not the principal littering or nuisance offender, submit a statutory declaration providing the full name and address details of the driver/new owner/ principal offender.

If you require further information on the offence(s) or wish to dispute the offence(s) informally please contact the Council immediately at the address set out on the front of this notice.

**If no choice is made for an offence within the expiation period, 1 reminder notice will be sent and a reminder fee will apply. After that, the outstanding amount may be referred to the Chief Recovery Officer who may take enforcement action against you which may involve entering into a payment arrangement or property that you own (including motor vehicles and land) being seized and sold. An additional amount will become payable if enforcement action is taken.**

### ELECTION TO BE PROSECUTED

Expiation Notice No. 10327

#### ELECTION TO BE PROSECUTED

I **Antonio Santamaria..**

of.....

.....Postcode.....

☐ elect to be prosecuted for the offence.

☐ I dispute the offence for the following reasons  
(you do not have to, but may fill this in):

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Nuriootpa SA 5355

Name **Antonio Santamaria**

Signature .....

Amount Payable: \$210.00

# APPENDIX 6

## Sarah Mercuri

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Sunday, 20 January 2019 6:57 PM  
**To:** MBX Inspect  
**Subject:** Re-Expiation Notice

To whom it may concern;

As stated on the 12th of December in the letter from the Barossa council to myself, Jamie Turley approached me on Murray street, Tanunda in regards to dog feces that were not picked up immediately. In my conversation with James, I had told him that I didn't have a bag with me and was going to pick it up on the way back from the Tanunda oval, where I knew there were dog bags. James told me that he didn't believe me, but if I went and picked it up now, he would give me one more chance before issuing me an expiation notice. He followed me to make sure it was picked up and I thanked him for his understanding in this matter. He went on to say that this was my last chance, and that next time he'll issue me with a expiation notice. I went on to thank him, and we parted ways. Two or three days after this incident I had given Mr Turley a finger gesture after he failed to give way on Murray street, Tanunda. I put it to Mr Turley that this is a retaliatory gesture, having issued me with this expiation notice after he assured me he was not going to do so. I further note that Mr Turley wrote in his letter that he reviewed this matter and after consideration he chose to issue me with the fine given that the council wrote to me previously about this issue. But in our conversation on the 12th of December, he mentioned this previous issue and still only gave me a warning. So to write in his letter that under further review of this matter, given that the council had wrote to me, is a untrue statement. I find the explanation in his letter as Mr Turley states that he had reviewed the matter further, to be not truthful and purely retaliatory on his behalf. It is upsetting for me to think that someone in this council could act without candor. I put it to Mr Turley that he witnessed me picking up the dog defecates and furthermore he was aware that he had written to me previously. I also put it to Mr Turley that he did state he was not going to fine me this time, and that it was my last warning and this is purely a retaliation on a private road rage incident.

Kind regards,  
Antonio



## Sarah Mercuri

---

**From:** Antonio Mia <pizza.head@outlook.com>  
**Sent:** Tuesday, 22 January 2019 10:09 AM  
**To:** MBX Inspect  
**Subject:** RE: Re-Expiation Notice

Yes, I am I should have asked on my email that I am asking for a review. Thanks regards Antonio

On 22/01/2019 9:49 AM, MBX Inspect <MBXInspect@barossa.sa.gov.au> wrote:

Hi Antonio, I acknowledge receipt of your email, can I please confirm that you are requesting a review of your expiation notice?

Regards,

Sarah

**From:** Antonio Mia [mailto:pizza.head@outlook.com]  
**Sent:** Sunday, 20 January 2019 6:57 PM  
**To:** MBX Inspect <MBXInspect@barossa.sa.gov.au>  
**Subject:** Re-Expiation Notice

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Kind regards,

Antonio